

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, November 1, 2017; 5:30 PM

City Hall, 226 W. 4th Street, Council Chambers

Revised October 30, 2017

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public hearing concerning the proposed conveyance of vacated Rogalski Drive, Pleasant Street, Ripley Street and three alleyways located in Block 1 and 2 of Noels 2nd Additions to the City of Davenport. St. Ambrose University, Petitioner.
2. Public Hearing for the Ordinance for Case No. REZ17-09: Request of Michael R. Leep, Sr. for the rezoning of 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1 Neighborhood Commercial District to C-2, General Commercial District [8th Ward].
3. Public Hearing for the Ordinance for Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District.

VII. Presentations

VIII. Petitions and Communications from Council Members and the Mayor

IX. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chairman

I. COMMUNITY DEVELOPMENT

1. Third Consideration Ordinance for Case No. ROW17-05: Request of Genesis Health Systems at 3200 West Kimberly Road (corner of Kimberly Rd Elsie Ave) to vacate a portion of a sanitary sewer easement which would be located under the

proposed medical building. Existing facilities located in the area to be vacated will be located adjacent to the proposed building in the remaining portion of the sanitary sewer easement. [2nd Ward]

2. Third Consideration: Ordinance for Case LL17-01 being the Local Landmark Designation of the John F. Kelly Company Wholesale Groceries Building located at 225 East 2nd Street. The purpose of the Designation is to recognize the John F. Kelly Company Wholesale Groceries Building historic significance to the City of Davenport (Y&J properties LLC, petitioner) [Ward 3].
3. Second Consideration: Ordinance for Case No. SNC17-02 being the request of the City of Davenport (Public Works Department) to change the name of a former segment of Veterans Memorial Parkway located west of Utica Ridge Road abutting Walsh Pointe Third Addition to East 67th Court. [6th Ward].
4. Second Consideration: Ordinance for Case No. SNC17-01 being the Request of the City of Davenport (Public Works Department) to change the name of a segment of Forest Grove Drive east of Utica Ridge Road to Forest Grove Court. [6th Ward].
5. First Consideration: Ordinance for Case No. REZ17-09: Request of Michael R. Leep, Sr. for the proposed rezoning of 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District [8th Ward].
6. First Consideration: Ordinance for Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District [Ward 8]
7. Resolution approving a 6-month moratorium on changes in business licenses in the Rockingham Road Corridor between Division and S. Concord Streets where the new license represents a substantial change from the previous use (City of Davenport, Petitioner) [Wards 1, 3, 4]
8. Resolution authorizing the conveyance of portions of vacated Rogalski Drive, Pleasant Street, Ripley Street and three alleyways located in Block 1 and 2 of Noels 2nd Addition to the City of Davenport. St. Ambrose University, Petitioner.

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Mike Matson, Chairman; Maria Dickmann, Vice Chairman

III. PUBLIC SAFETY

1. Third Consideration: Ordinance amending Schedule I of Chapter 10.96 entitled "Snow Routes" by adding and deleting various streets. [Wards 5 & 6]
2. Third Consideration: Ordinance amending Schedule V of Chapter 10.96 entitled "Four-Way Stop Intersections" by adding Utica Ridge Road at Veterans Memorial Parkway/Forest Grove Drive. [Ward 6]
3. Second Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding Wilkes Avenue along the east side from 16th Street south to

the alley. [Ward 4]

4. Second Consideration: Ordinance amending Schedule XIV of Chapter 10.96 entitled "Intersection Traffic Signals" by adding Elmore Avenue at Veterans Memorial Parkway. [Ward 6]
5. Second Consideration: Ordinance amending Chapter 9.40 entitled "Projectiles and Toy Pistols" by renaming the Chapter "Projectiles, Toy Pistols, and Fireworks" and adding a new section 9.40.030 to allow for the legal use of consumer grade fireworks on specified dates and times. AMENDED AT COMMITTEE OF THE WHOLE
6. Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

J & M Displays, Fireworks for the Village of East Davenport Christmas Walk, Saturday, December 2, 2017, 6:00 PM to 10:00 PM; Closure Location: Lower Lindsay Park [Ward 5]

7. Motion approving beer and liquor license applications.

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

Ward 8

Casey's General Store #2168 (Casey's Marketing Company) - 1691 W 53rd St. - License Upgrade - License Type: E Liquor

200' notifications mailed October 26,

2017

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

Ward 1

Davenport Elks Lodge #298 (Benevolent and Protective Order of Elks #298) - 4400 W Central Park Ave. - License Type: C Liquor

Ward 2

Probstei Bar & Grill (Probstei Bar and Grill Inc.) - 6315 W Kimberly Rd. - License Type: C Liquor

Ward 3

Carriage Haus (Carriage Haus, Inc.) - 312 W 3rd St. - Outdoor Area - License Type: C Liquor

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

Falbo Bros. Pizzeria (BMG Pizza LLC) - 131 W 2nd St., Suite 100 - License Type: C Liquor

Hotel Blackhawk (Innkeeper Hospitality Services, LLC) - 200 E 3rd St. - License Type: B Liquor

Me & Billy (Collins Maus LLC) - 200 W 3rd St. - Outdoor Area - License Type: C Liquor

Ward 4

Cozy Mart, Inc. (Cozy Mart, Inc.) - 2920 W Locust St. - License Type: E Liquor

Firehouse Bar & Grill (Firehouse Bar & Grill, Inc.) - 2006 Hickory Grove Rd. - Outdoor Area - License Type: C Liquor

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

Stoeger's Bar & Grill (Stoeger's, Inc.) - 1520 Washington St. - License Type: C Liquor

Ward 5

Bleyart's Tap (Bleyart's Tap, Inc.) - 2218 E 11th St. - Outdoor Area - License Type: C Liquor

Ward 6

Bandana's Bar-B-Q (Bandana's Missouri, LLC) - 4706 Utica Ridge Rd. - Outdoor Area - License Type: B Beer

Barrel House Three LLC (Barrel House Three LLC) - 5141 Utica Ridge Rd. - Outdoor Area - License Type: C Liquor

The Grape Life (The Grape Life Wine Store & Lounge, LLC) - 3402 Elmore Ave. - License Type: C Liquor / B Wine

Noodles & Company (IWI Ventures, LLC) - 5345 Elmore Ave. - Outdoor Area - License Type: Beer / Wine

Wise Guys Pizza & More (Wise Guys Pizza & More Inc.) - 2408 E 53rd St. - License Type: Beer / Wine

Ward 7

Chuck E. Cheese's #957 (CEC Entertainment, Inc.) - 903 E Kimberly Rd. - Adding B Wine Privilege - License Type: B Beer

Columbus Club (Columbus Club of Davenport) - 1111 W 35th St. - License Type: C Liquor

The Gallery (Nelson Securities, Inc.) - 3727 Esplanade Ave. - Outdoor Area - License Type: C Liquor

Ganzo's (Ganzo's LTD.) - 3923 N Marquette St. - Outdoor Area - License Type: C Liquor

Happy Joe's Pizza & Ice Cream Parlor (Happy Joe's Pizza & Ice Cream Parlor Inc.) -
201 W 50th St. - License Type: Beer / Wine

Kwik Star #291 (Kwik Trip, Inc.) - 1225 E Kimberly Rd. - License Type: C Beer

Tantra Asian Bistro (Zhangs Trading Inc.) - 589 E 53rd St. - Outdoor Area - License Type: C Liquor

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Ray Ambrose, Chairman; Rick Dunn, Vice Chairman

V. PUBLIC WORKS

1. Resolution to hold a public meeting to convey parcels R0429-03, R0429-03A and R029-02A to the property owner of 3115 Daisy Ave. [Ward 1]
2. Resolution awarding a contract for the Riverfront Infrastructure Demolition to Hawkeye Paving Corporation of Bettendorf, IA in the amount of \$118,553 budgeted in CIP #68004. [Ward 3]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Kerri Tompkins, Chairman

VII. FINANCE

1. Resolution adopting the FY 2019 Budget Policies. [All Wards]
2. Resolution adopting an updated Financial Reserves Policy. [All Wards]
3. Resolution approving a 28E Intergovernmental Agreement between the City of Davenport and the Davenport Community School District for the purpose of providing two additional sworn school resource officers at Davenport schools. [All Wards]
4. Resolution approving South East Little League (SELL) to construct a new building in Prairie Heights Park for equipment storage. [Ward 8]
5. Resolution approving the purchase of five truck chassis with trades from Truck Country of Iowa of Davenport, IA at the price of \$329,225.00 and authorizing Mayor Frank Klipsch to sign and manage any related agreements. CIP #24010 [All Wards]

6. Resolution approving the purchase of five truck bodies from Tri-State Truck Equipment of Dubuque, IA at the price of \$334,340.00 and authorizing Mayor Frank Klipsch to sign and manage any related agreements. CIP #24010 [All Wards]
7. Motion directing the City Administrator to amend the FY 2018 Budget by \$5,608,000 for the purposes of establishing the Special Public Safety Fund to fund four additional sworn police officers through a 28E Intergovernmental Agreement with the Davenport Community School District, replacing a fire engine for the Fire Department, and constructing interchange tracks and a line exchange at the City's transload facility. [All Wards]
8. Motion setting a public hearing for November 15, 2017 at 5:30 p.m. in the Council Chambers for the purpose of amending the North Urban Renewal Area and Plan. [Wards 2, 6, 7, & 8]
9. Motion awarding the purchase of two high-top, one-ton vans to Reynolds Motor Company of Moline, IL in the amount of \$72,198.32. [All Wards]
10. Motion awarding the purchase of three follow spotlights to Taza Supplies, LLC of Naperville, IL. in the amount of \$49,932.79. CIP #69013 [Ward 3]

VIII. Motion recommending discussion or consent for Finance items

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

1. Integrated Data Products, Inc. - OnBase E-Plan Review Labor - Amount: \$10,000
2. Outdoor Recreation, Inc. - Parks equipment to match current equipment - Amount: \$11,330
3. Environmental Management Services - Asbestos removal at AW Cottage #11 - Amount: \$12,622
4. RDG Planning & Design - Davenport-Go Transportation Planning - Amount: \$16,500
5. Railpros Field Services - Short line rail work at Transload Facility - Amount: \$22,000
6. Precision Builders - Goose Hollow soil and top seeding - Amount: \$31,620
7. Estes Co. - Central Fire Station streetscaping - Amount: \$33,620
8. Ed Feld Equipment Co. - Breathing air compressor - Amount: \$39,285

XI. Other Ordinances, Resolutions and Motions

XII. Public with Business

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

XIII. Reports of City Officials

XIV. Adjourn

City of Davenport

Agenda Group: Committee of the Whole
Department: Legal
Contact Info: 7735
Wards: 4 and 5

Action / Date
COW11/1/2017

Subject:

Public hearing concerning the proposed conveyance of vacated Rogalski Drive, Pleasant Street, Ripley Street and three alleyways located in Block 1 and 2 of Noels 2nd Additions to the City of Davenport. St. Ambrose University, Petitioner.

Recommendation:

Hold the public hearing

Relationship to Goals:

Revitalize Neighborhoods and corridors.

Background:

St. Ambrose requested that the city vacate portions of Rogalski Drive, Pleasant Street and Ripley Street as well as three alleyways all located within the boundaries of its campus. The city vacated those rights-of-ways in 2017-359. St. Ambrose would now like to acquire them from the city which requires a public hearing.

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Warner, Tom	Approved	10/25/2017 - 4:33 PM
Finance Committee	Admin, Default	Approved	10/25/2017 - 4:38 PM
City Clerk	Admin, Default	Approved	10/25/2017 - 4:38 PM

City of Davenport

Agenda Group: Committee of the Whole
Department: Community Development Committee
Contact Info: Matt Flynn, 888-2286
Wards: 8th

Action / Date
CD11/1/2017

Subject:

Public Hearing for the Ordinance for Case No. REZ17-09: Request of Michael R. Leep, Sr. for the rezoning of 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1 Neighborhood Commercial District to C-2, General Commercial District [8th Ward].

Recommendation:

Staff concurs with the recommendation of the Plan and Zoning Commission to accept the listed findings and recommend approval of the request with the conditions outlined on the attached draft ordinance.

The vote by the Plan and Zoning Commission was unanimous in favor.

The protest rate is 1.4%.

Relationship to Goals:

Welcome Investment.

Background:

Approval of the request would facilitate the construction of a multi-brand automobile dealership at this location. Additional development meeting the proposed conditions would also be permitted following affirmative action by the Council.

See attachments for the Staff Report, proposed ordinance and additional information.

ATTACHMENTS:

Type	Description
▣ Ordinance	Proposed Ordinance
▣ Backup Material	Staff Report plus attachments

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berger, Bruce	Approved	10/26/2017 - 10:39 AM
City Clerk	Admin, Default	Approved	10/26/2017 - 11:02 AM

ORDINANCE NO.

Ordinance for Case No. REZ17-09: Request of Michael R. Leep, Sr. to rezone 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District [8th Ward].

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned from C-1 Neighborhood Commercial District to C-2 General Commercial District:

The Legal Description for this property is as follows:

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows:

Commencing at the West Quarter corner of said Section 7; Thence North 87° 38' 05" East along the North line of the Southwest Quarter of said Section 7, a distance of 982.30 feet; Thence South 02° 21' 52" East, a distance of 45.00 feet to the South right of way line of 53rd Street and the POINT OF BEGINNING of the tract of land hereinafter described; Thence continuing South 02° 21' 52" East, a distance of 616.77 feet to the North line of Stone Gate East Addition; Thence South 87° 38' 58" West along said North line, a distance of 954.78 feet to the East right of way line of Eastern Avenue; Thence North 01° 42' 59" West along said East right of way line, a distance of 596.79 feet; Thence 31.19 feet along a 20.00 feet radius curve, concave Southeasterly, with a central angle of 89° 21' 03" and a 28.12 feet chord bearing North 42° 57' 33" East to the South right of way line of 53rd Street; Thence North 87° 38' 05" East, along said South right of way line, a distance of 928.03 feet to the Point of Beginning, containing 13.465 acres, or 586,530 square feet, more or less. Subject to easements and restrictions of record.

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

Findings:

1. The rezoning is consistent with the Comprehensive Plan Future Land Use, which designates the property as "CC" – Commercial Corridor.
2. The revised conditions will mitigate negative impacts that might be generated through the development of this site as an automobile dealership.

Conditions:

1. The conditions adopted by Ordinance 99-568 are rescinded.
2. That development complies with the provisions of Chapter 17.41, entitled "HCOD" Highway Corridor Overlay District.
3. Property owner shall dedicate right-of-way necessary for the widening and intersection improvements for East 53rd Street, at no cost to the City.
4. Design of the traffic improvements listed below shall be determined and approved by the City Traffic Engineer, supported by data revealed as part of the developer's funded traffic study and unless deferred constructed prior to the issuance of any certificates of occupancy for the property. If the City and developer determine that cost savings and ease of administration allow, access improvements for 53rd street may be deferred and completed as part of the 53rd Street widening project. Any deferral shall not be deemed a waiver of developer's responsibility to dedicate ground for the widening, or to construct or fund the traffic improvements required herein, but developer shall be expected to construct or pay for the impacts caused by its development only once.
 - a. A full access curb cut shall be permitted at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 25% up to \$40,000 for the cost of signalization at the Spring Street/East 53rd Street intersection.
 - b. A right-in/right-out driveway shall be permitted no closer than three hundred (300) feet of the Eastern Avenue/East 53rd Street intersection. Acceleration/deceleration lanes shall be constructed at the sole expense of the property owner.
 - c. A full access curb cut shall be permitted at the Eastern Avenue/East 52nd Street intersection. Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at this location.
 - d. It is acknowledged that future widening of East 53rd Street may warrant reconsideration of the degree of access control to this property.
5. That a fifty (50) foot landscape buffer (Class G, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.
6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.
7. Routine use of PA systems outside of buildings on the property shall not be permitted.

8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.
9. The following uses shall not be closer than three hundred (300) feet from the south property line:
 - a. Automobile and service and oil change facilities not part of an automobile dealership.
 - b. Any use utilizing drive-through window(s)

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank J. Klipsch
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____



PLAN AND ZONING COMMISSION

Meeting Date: October 17, 2017
Request: Proposed rezoning of 13.465, more or less, of property at the southeast corner of Eastern Avenue and East 53rd Street from C-1 Neighborhood Commercial District to C-2 General Commercial District
Case No.: REZ17-09
Applicant: Michael R. Leep, Sr.
Contact: Matthew G. Flynn, AICP
Senior Planning Manager
mflynn@ci.davenport.ia.us
563-888-2286

Recommendation:

Staff recommends the Commission accept the findings and forward Case No. REZ17-09 to the City Council for approval, along with the listed conditions.

Introduction:

This property is proposed to be developed as a car dealership/showroom including car wash.

Background:

This property was rezoned to C-1 in 1999. C-1 does not allow car dealerships, thus, a rezoning to C-2 has been applied for. Several conditions to this rezoning were also adopted. See attached Ordinance 99-568 for specifics.

Comprehensive Plan: The Property is within the current Urban Service Boundary (USB).

Davenport+2035 designates this property as Commercial Corridor. *Commercial Corridor (CC) – Well-established corridors located along high-volume major streets dominated by retail and office uses that serve the greater community. Development is generally newer and redevelopment is not anticipated within the 20 year planning horizon. Improvements should focus on façade and site improvements, including pedestrian circulation systems and consolidated/updated signage.*

Technical Review:

Being in the urban service area, urban services are readily available to the site. Fire station No. 7 is less than one mile from the property.

53rd Street is slated for improvements and widening in FY19-20. This may have some impact on development and operations on this property during construction.

Public Input:

Signs have been posted on the property. A public meeting was held on September 26, 2017. Approximately 25 people attended.

36 notices to property owners have been mailed out.

To date two protests have been registered which constitutes 1.4% of the notice area.

Discussion:

Staff has suggested to the petitioner a zoning classification of PDD, Planned Development, may assist in addressing site plan concerns for the property. The applicant has indicated that finalizing a site plan will not be possible due to specific needs of multiple car dealerships looking at this property.

Conditions placed on the property in 1999 specifically called for no automobile dealerships on the property. It can be argued that improved operations and lighting technology can mitigate the concerns expressed in 1999. Further, the decision for Smart Toyota to locate immediately west of the property has changed the anticipated character of this stretch of East 53rd Street.

Comments expressed at the neighborhood meeting centered on lighting, noise, and the existing tree line along the south property line.

Lighting. The proposed condition stipulates that lighting not exceed 25 feet in height (same as Toyota), be LED Dark Sky fixtures and be shielded from residential property.

Noise. Conditions include prohibition of the use of PA systems requiring the car wash to be set back 125 feet and oriented away from residential.

Existing Tree Line. It can't be determined where the existing trees lie nor their species and health. Therefore, no conditions address the existing trees.

Staff has also discussed traffic access and control as well as stormwater management for the site.

Traffic Access and Control. Analysis of crash data reveals a number of accidents in the vicinity, including a fatal incident in 2013. Staff believes that the westernmost drive on 53rd street is too close to the intersection to be a full access. A right-in/right-out is recommended.

Additional turn and decal lanes, as well as a part of the signalization cost at Spring Street should be the responsibility of the property owner.

Stormwater Management.

Effectively managing stormwater is, (as always) a concern. The property drains to both the east and west. Shared detention is being studied for easterly flow stormwater. Flow to the west needs to be limited to not exacerbate the erosion issues that have occurred downstream.XXX

Conclusion: Staff believes through revisions to the existing conditions placed on this property in 1999, the negative impacts can be effectively managed. It can be assumed that a recommendation for approval (if that is the conclusion) will include a number of conditions designed to minimize impacts to the neighborhood to the south.

Staff Recommendation:

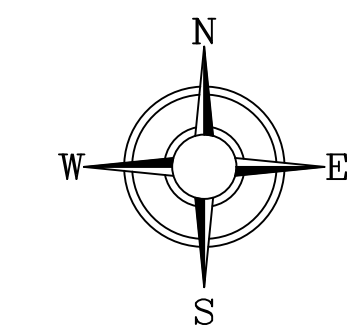
Findings:

1. The rezoning is consistent with the Comprehensive Plan Future Land Use, which designates the property as “CC” – Commercial Corridor.
2. The revised conditions will mitigate negative impacts that might be generated through the development of this site as an automobile dealership.

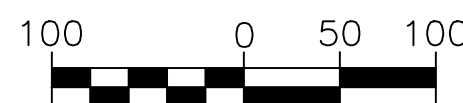
Conditions:

1. The conditions adopted by Ordinance 99-568 are rescinded.
2. That development complies with the provisions of Chapter 17.41, entitled “HCOD” Highway Corridor Overlay District.
3. Property owner shall dedicate right-of-way necessary for the widening and intersection improvements for East 53rd Street, at no cost to the City.
4. Design of the traffic improvements listed below shall be determined and approved by the City Traffic Engineer, supported by data revealed as part of the developer's funded traffic study.
 - a. A full access curb cut shall be permitted at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 25% up to \$40,000 for the cost of signalization at the Spring Street/East 53rd Street intersection.
 - b. A right-in/right-out driveway shall be permitted no closer than three hundred (300) feet of the Eastern Avenue/East 53rd Street intersection. Acceleration/deceleration lanes shall be constructed at the sole expense of the property owner.
 - c. A full access curb cut shall be permitted at the Eastern Avenue/East 52nd Street intersection. Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at this location.
 - d. It is acknowledged that future widening of East 53rd Street may warrant reconsideration of the degree of access control to this property.
5. That a fifty (50) foot landscape buffer (Class G, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.
6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.
7. Routine use of PA systems outside of buildings on the property shall not be permitted.
8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.
9. The following uses shall not be closer than three hundred (300) feet from the south property line:
 - a. Automobile and service and oil change facilities not part of an automobile dealership.
 - b. Any use utilizing drive-through window(s)

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



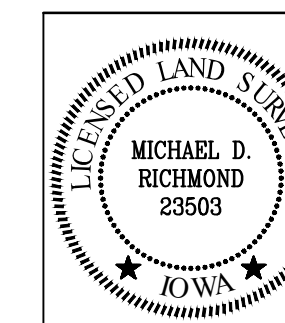
GRAPHIC SCALE



(IN FEET)
1" = 100' (24x36)

LEGEND:

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



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2017
Pages or sheets covered by this seal: 1

REZ17-09: SPEER - LEEP Rezoning C-1 to C-2
SURROUNDING ZONING



0 162.5 325 650 975 1,300 Feet
1 inch = 733 feet





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

Property Address* Vacant Land - Parcel No.'s N0709-01A and N0709-01B

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

Applicant (Primary Contact)**

Name: Michael R. Leep, Sr.
Company:
Address: 5201 N. Grape Road
City/State/Zip: Mishawaka, IN 46545
Phone: 574-272-2015
Email: mikelleepsr@GurleyLeep.com

Owner (if different from Applicant)

Name: Shella M. Speer Living Trust
Company:
Address: 2231 E. 45th Street
City/State/Zip: Davenport, IA 52807
Phone: 563-359-3646
Email: reclosers1@gmail.com

Engineer (if applicable)

Name: Jason Holdorf
Company: Missman, Inc.
Address: 1717 State Street, Ste. 201
City/State/Zip: Bettendorf, IA 52722
Phone: 563-340-9885
Email: jasonh@missman.com

Architect (if applicable)

Name: Renee Kobayashi
Company: Forum Architects, LLC
Address: 122 S. Michigan St., Ste. 200
City/State/Zip: South Bend, IN 46601
Phone: 574-233-2119
Email: rkobayashi@forumarchitectsllc.com

Attorney (if applicable)

Name: Thomas J. Pastrnak/Gregory S. Jaeger
Company: Pastrnak Law Firm, P.C.
Address: 313 W. 3rd Street
City/State/Zip: Davenport, IA 52801
Phone: 563-323-7737
Email: tpastrnak@pastrnak.com/gjaeger@pastrnak.com

Application Form Type:

Plan and Zoning Commission

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

Zoning Board of Adjustment

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

Design Review Board

- Certificate of Design Approval ☒
Demolition Request in the Downtown ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Floodplain Development ☐
Cell Tower Co-Location ☐
Identification Signs ☐
Site Plan ☐

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

Request:

Existing Zoning: C-1 Neighborhood Shopping District, subject to conditions and use restrictions based on Ordinance #99-568
Proposed Zoning Map Amendment: C-2 to permit the development of a car dealership with automobile showroom to allow the sale and service (including car wash as part of such service) of new (i.e., Porsche, VW, Audi, Mercedes) and used vehicles
Total Land Area: 13.435 Acres ☒
Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No

Submittal Requirements:

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
Zoning Map Amendment is less than 1 acre - \$400.
Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
\$5.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:

- (1) Application:
 - Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
 - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Public Notice for the Plan and Zoning Commission public hearing:
 - After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
 - The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
 - Planning staff will send a public hearing notice to surrounding property owners.
- (3) Plan and Zoning Commission's consideration of the request:
 - Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
 - The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (4) City Council's consideration of the request:
 - Planning staff will send a public hearing notice to surrounding property owners.
 - The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: Thomas J. Pastrnak/Gregory S. Jager as atty for Applicant

Date: 9-8-17

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: _____

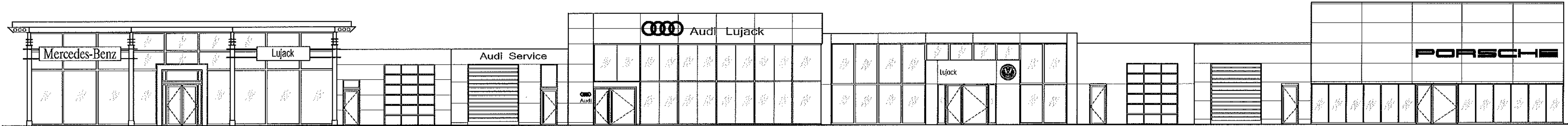
Planning staff

Date: Date of the Public Hearing:

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



CONCEPTUAL SITE PLAN



BUILDING SECTION PROFILE

RECORDED OF DEEDS
SCOTT COUNTY, IOWA

ORDINANCE for the rezoning of 19.32 acres, more or less, of real property located east of Eastern Avenue and south of 53rd Street from "R-4 PUD" Planned Unit Development and "R-5M PUD" Planned Unit Development and "C-O" Office Shop District to "C-1" Neighborhood Shopping District to allow commercial development. Sheila Speer, petitioner.

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 "R-4 PUD" and "R-5M PUD" Planned Unit Development and "C-O" Office Shop District to "C-1" Neighborhood Shopping District - Sheila Speer, petitioner. The property has the following legal description:

Part of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M. being more particularly described as follows:

The North One-Half of the Northwest Quarter of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M. excepting therefrom the public rights-of-way for Eastern Avenue and 53rd Street as they currently exist. Tract contains 19.32 acres, more or less.

The rezoning is to allow commercial development. The rezoning is subject to the following special conditions:

1. that development comply with the provisions of Chapters 17.41 and 17.56 of the 1995 Davenport Municipal Code entitled "HCOD" Highway Corridor Overlay District and "Site Plans" respectively;
2. that access to the subject property be located no closer to the intersection of 53rd Street and Eastern Avenue than 300 feet and that all access locations be approved by the City Traffic Engineer;
3. that left turn lanes be developed for the major access locations at the petitioner's sole expense and that these lanes be installed prior to the start of construction for any part of the property and that these lanes be constructed to City specifications;
4. that right turn deceleration lanes also be installed for each access location at the petitioner's sole expense and that these lanes be installed prior to the start of construction for any part of the property and that these lanes be developed to City specifications;
5. that a stormwater management plan for the subject property be at full projected development be submitted to and approved by the Engineering Division of the Public Works Department prior to commencing any grading activity;
6. that the City receive a copy of the petitioner's NPDES General Permit No. 2 prior to commencing any grading activity;
7. that should the City's Traffic Engineer determine that additional traffic improvements will be necessary due to this development, the cost of the improvements shall be the responsibility of the petitioner whose project made them necessary;
8. that the required landscaped buffer along the southern boundary of the subject property, adjoining the Eastern Avenue Partners property, be at least fifty (50) feet in width and include a six-foot

wooden privacy fence when adjoining residential uses to the south;
and

9. that the uses permitted to be developed or established on the subject property shall be those listed within the C-1 zoning classification, with the exclusion of:

- a. automobile service and oil change operations;
- b. public garage or sales or service operations for automobiles;
- c. automobile wash operations;
- d. movie theaters;
- e. laundromats;
- f. any "adult businesses" as defined in Chapter 17.47; and
- g. storage garages.

In addition, convenience stores and restaurants with drive-up window service shall be permitted only within the area within 300 feet of both Eastern Avenue and East 53rd Street.

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 December 1, 1999

Second Consideration December 15, 1999

Approved December 15, 1999

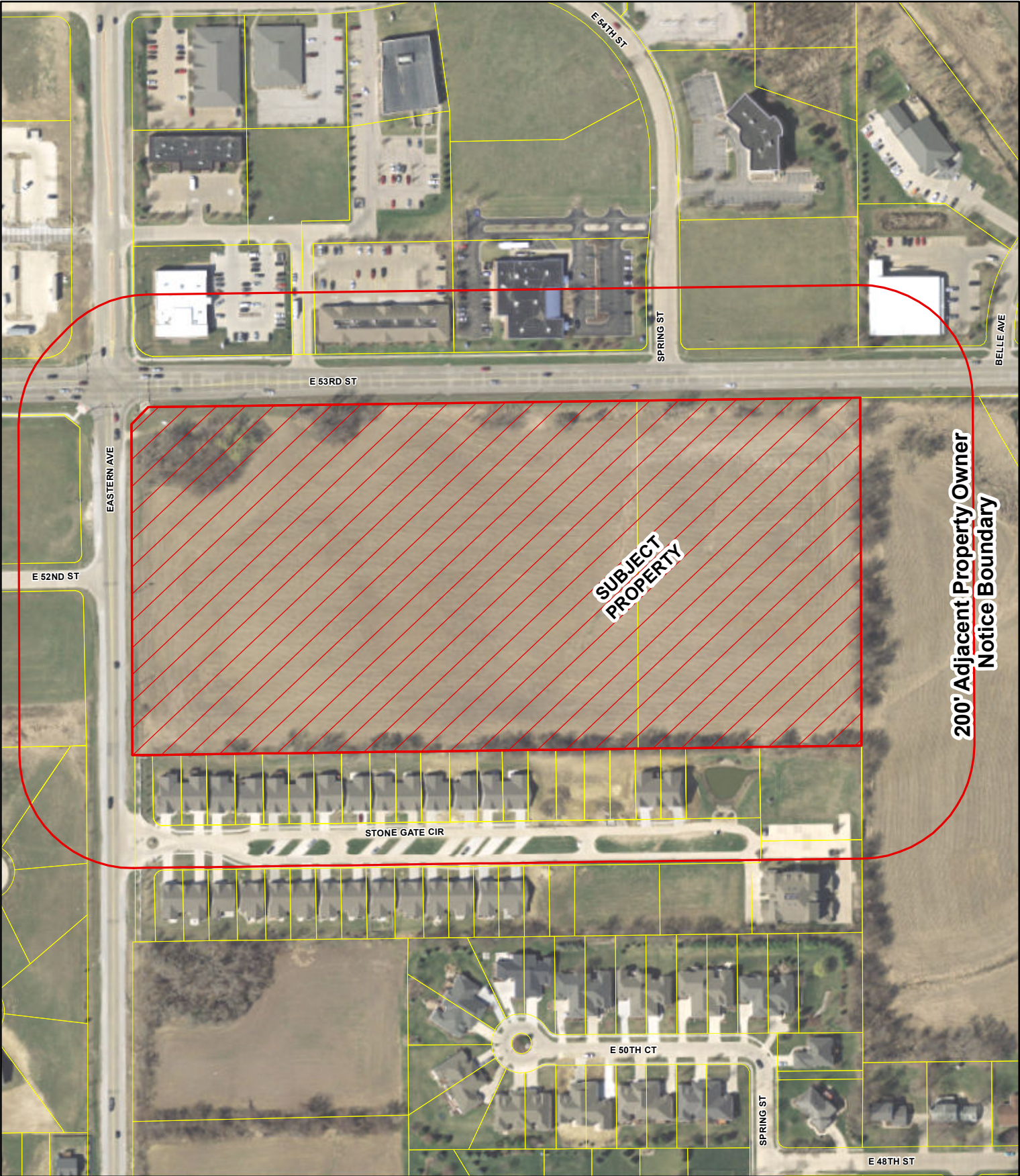
Phillip C. Yerington
Phillip C. Yerington
Mayor

Attest:

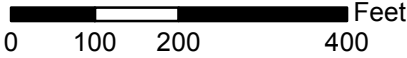
Jackie E. Ragsdale
Jackie E. Ragsdale CMC
Deputy City Clerk

Published in the Quad-City Times on December 28, 1999

**Plan & Zoning Commission: Adjacent Property Owner Notice Area
Request for a Zoning Map Amendment (Rezoning)**



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





City of Davenport

226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7711 TDD: 563-326-6145
www.cityofdavenportiowa.com

PUBLIC HEARING NOTICE

September 22, 2017

Dear Property Owner:

The Davenport Plan and Zoning Commission will conduct a public hearing for a proposed rezoning from C-1, Neighborhood Commercial District to C-2, General Commercial District for the property located at the southeast corner of 53rd Street and Eastern Avenue. The developer, Michael R. Leep, Sr. proposes to construct an automobile dealership on the property. (see attached map).

The Plan and Zoning Commission public hearing will be held:

Tuesday, October 3, 2017, 5:00 p.m.
City Council Chambers, City Hall
226 West 4th Street

You are welcome to attend and provide comments. As a property owner within 200 feet of the subject property, you have the opportunity to protest the action. Fill out and return to our office the form at the bottom of the page if you choose to do so.

If you cannot attend this meeting and have questions or concerns, feel free to contact me directly using the contact information below.

Sincerely,

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport
matt.flynn@ci.davenport.ia.us
563-888-2286

I, the undersigned, PROTEST /DO NOT PROTEST (circle one) the proposed rezoning of the southeast corner of E 53rd Street and Eastern Ave. by Michael R. Leep, Sr.
(Case No. REZ17-09)

Signature _____

Date _____

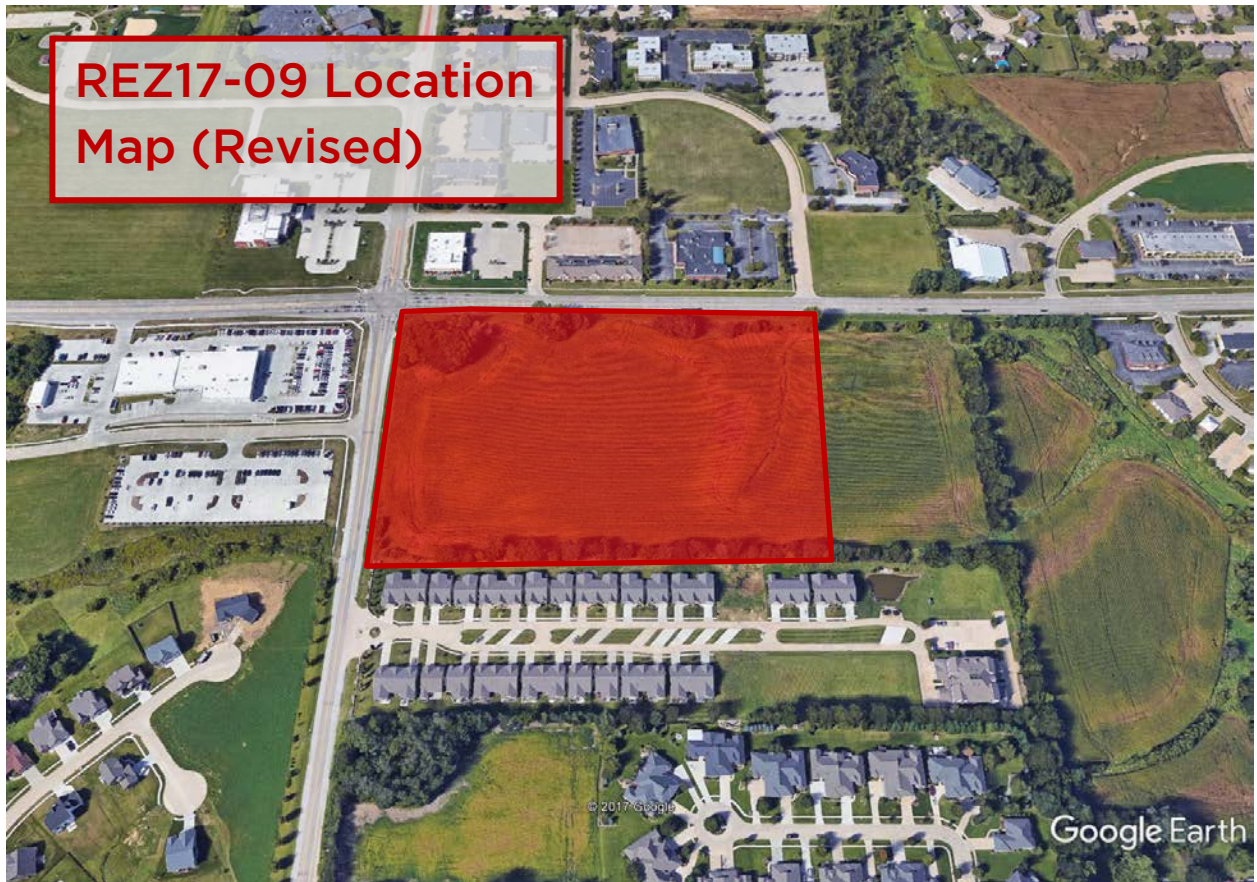
Address: _____

Phone/email: _____



Working Together To Serve You

**REZ17-09 Location
Map (Revised)**



**REZ17-09 Future
Land Use Map
(Revised)**

CC

RG

Google Earth

REZ17-09 Leep Rezoning Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
N0733-04A	6261.65876	0.7%		0.0%	1716 STONE GATE CR	BILLY & CAROLYN HOLCOMB	1716 STONE GATE CR	DAVENPORT 52807
N0733-19A	5670.68267	0.6%		0.0%	1820 STONE GATE CR	ROBERT & DELORES LAMBERT	1820 STONE GATE CR	DAVENPORT 52807
N0733-03A	6284.74688	0.7%		0.0%	1710 STONE GATE CR	1710 STONE GATE CIRCLE SPECIAL PURPOSE TRUST	9380 GULF SHORE DR UNIT 30	NAPELS FL 34108
Y0717-11A	30559.4713	3.4%		0.0%	1702 E 53RD ST	53RD & EASTERN PROPERTIES LLC	1805 STATE ST STE 101	BETTENDORF IA 52722
N0733-17A	5711.32998	0.6%		0.0%	1812 STONE GATE CIR	ANNE E PEACOCK	1812 STONE GATE CIR	DAVENPORT IA 52807
N0733-07A	6229.3879	0.7%	Yes	0.7%	1730 STONE GATE CR	BONNIE L ANDERSON LIVING TRUST	1730 STONE GATE CR	DAVENPORT 52807
Y0717-09A	2224.02651	0.3%		0.0%		C & L PLAZA LLC	2223 KIMBERLY RD	BETTENDORF IA 52722
N0733-15A	6277.63392	0.7%		0.0%	1800 STONE GATE CR	CHARLA A GORDON	1800 STONE GATE CR	DAVENPORT 52807
N0733-08A	6282.50853	0.7%		0.0%	1736 STONE GATE CR	CHARLES N TONEY	1736 STONE GATE CR	DAVENPORT 52807
N0733-13A	5610.83295	0.6%		0.0%	1760 STONE GATE CR	CHESTER & NANCY BRENTISE	1760 STONE GATE CR	DAVENPORT 52807
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N0710-05E	154876.521	17.5%		0.0%		ED SPEER CONSTRUCTION INC	C/O KATHLEEN WEYERS	GRIMES IA 50111
Y0717-04B	27088.0613	3.1%		0.0%	1850 E 53RD ST	HAWKEYE REAL ESTATE INVESTMENT	913 22ND AVE	CORALVILLE IA 52241
Y0719-01H	14178.2053	1.6%		0.0%	2160 E 53RD ST	JCO PROPERTIES INC & KRE LLC	16010 CANYON RUN	FORT WAYNE IN 46845
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P1212-10A	31971.1904	3.6%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWKA IN 46546
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N0733-18A	5626.85518	0.6%		0.0%	1814 STONE GATE CIR	LIVING TRUST KULCSAR	1814 STONE GATE CIR	DAVENPORT 52807
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X1223-01	1182.59557	0.1%		0.0%	5350 EASTERN AV	OGS LLC	5350 EASTERN AVE	DAVENPORT IA 52807
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N0733-00B	16465.957	1.9%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	2660 E 53RD ST STE 7	DAVENPORT IA 52807
N0733-00A	86698.4084	9.8%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	PO BOX 1010	MOLINE IL 61266-1010
N0733-16A	6277.70065	0.7%		0.0%	1806 STONE GATE CR	STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
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N0733-12A	6239.21237	0.7%		0.0%	1756 STONE GATE CR	TRACEY RAASCH	1756 STONE GATE CR	DAVENPORT IA 52807

PARCELS 640,117.3
ROW 245,828.8

Alderman: McGivern

TOTAL
NOTICE AREA 885,946.0
PROTEST RATE 1.4%

Protests: 2

Properties: 36

PUBLIC HEARING NOTICE

October 19, 2017

Dear Property Owner:

The Davenport Plan and Zoning Commission will conduct a public hearing for a proposed rezoning from C-1, Neighborhood Commercial District to C-2, General Commercial District for the property located at the southeast corner of 53rd Street and Eastern Avenue. The developer, Michael R. Leep, Sr. proposes to construct an automobile dealership on the property. (see attached map).

The Committee of the Whole public hearing will be held:

**Wednesday, November 1, 2017, 5:30 p.m.
City Council Chambers, City Hall
226 West 4th Street**

The Davenport Plan and Zoning Commission recommended approval of the proposed rezoning at its October 17, 2017 meeting.

You are welcome to attend and provide comments. As a property owner within 200 feet of the subject property, you have the opportunity to protest the action. Fill out the form at the bottom of the page and return to our office if you choose to do so.

If you cannot attend this meeting and have questions or concerns, feel free to contact me directly using the contact information below.

Sincerely,

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport
matt.flynn@ci.davenport.ia.us
563-888-2286

I, the undersigned, PROTEST /DO NOT PROTEST (circle one) the proposed rezoning of the southeast corner of E 53rd Street and Eastern Ave. by Michael R. Leep, Sr.
(Case No. REZ17-09)

Signature

Date

Address: _____

Phone/email: _____

Meeting Date: 10-17-17

Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED				
Name:	Roll Call	REZ17-09 Michael Leep SE Cor 53rd & Eastern	REZ17-10 Women in Spirtual Hope Ministries 5210 N Division St				
Connell	P	Y	Y				
Hepner	P	Y	N				
Inghram	P						
Kelling	P	Y	N				
Lammers	P	Y	N				
Maness	P	Y	Y				
Martinez	EX						
Medd	P	Y	Y				
Quinn	P	Y	Y				
Reinartz	P	Y	Y				
Tallman	P	ABSTAIN	Y				
		8-YES 0-NO 1-ABSTAIN	6-YES 3-NO 0-ABSTAIN				

REZ17-09 Leep Rezoning Protest List

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PARCELS 640,117.3 72.3%
ROW 245,828.8 27.7%

Alderman: McGivern

TOTAL
NOTICE AREA 885,946.0 100% **1.4% PROTEST RATE**

Protests: 2

Properties: 36

Friday, October 20, 2017

To: Accounting/Public Notices

Re: Public Notice

Please publish the following Committee of the Whole public hearing notice in the October 25, 2017 edition of the Quad City Times.

The PO number for this notice is 1806078.

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

NOTICE
PUBLIC HEARING
WEDNESDAY, NOVEMBER 1, 2017, 5:30 PM
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA

There is on file the following petitions:

Case No. REZ17-09: Request of Michael R Leep, Sr. for the rezoning of 13.465 acres of property located south of 53rd Street and east of Eastern Avenue from "C-1" Neighborhood Shopping District to "C-2" General Commercial District to allow the development of a car dealership showroom, with sales and service. [8th Ward]

The Legal Description for this property is as follows:

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows: Commencing at the West Quarter corner of said Section 7; Thence North 87° 38' 05" East along the North line of the Southwest Quarter of said Section 7, a distance of 982.30 feet; Thence South 02° 21' 52" East, a distance of 45.00 feet to the South right of way line of 53rd Street and the POINT OF BEGINNING of the tract of land hereinafter described; Thence continuing South 02° 21' 52" East, a distance of 616.77 feet to the North line of Stone Gate East Addition; Thence South 87° 38' 58" West along said North line, a distance of 954.78 feet to the East right of way line of Eastern Avenue; Thence North 01° 42' 59" West along said East right of way line, a distance of 596.79 feet; Thence 31.19 feet along a 20.00 feet radius curve, concave Southeasterly, with a central angle of 89° 21' 03" and a 28.12 feet chord bearing North 42° 57' 33" East to the South right of way line of 53rd Street; Thence North 87° 38' 05" East, along said South right of way line, a distance of 928.03 feet to the Point of Beginning, containing 13.465 acres, or 586,530 square feet, more or less. Subject to easements and restrictions of record.

The City Plan and Zoning Commission forwarded Case No. ROW17-09 to the City Council with a recommendation for approval.

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District. [8th Ward]

The property has the following legal description: Part of the Northeast Quarter of the Southwest Quarter of Section 10, Township 78 North, Range 3 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows: Lot 2 of the Replat of Part of Lot 44, Green Acres First Annex to Davenport, Iowa. The property contains 7,847 square feet, more or less.

The City Plan and Zoning Commission forwards Case No. ROW17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Public hearing(s) on the above matter(s) are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, November 1, 2017 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No 1806078.

Department of Community Planning & Economic Development
E-MAIL: planning@ci.davenport.ia.us PHONE: 563-326-7765

City of Davenport

Agenda Group: Committee of the Whole
Department: Community Planning & Economic Development
Contact Info: Ryan Rusnak (563) 888-2022
rrusnak@ci.davenport.ia.us
Wards: 8th

Action / Date
COW11/1/2017

Subject:

Public Hearing for the Ordinance for Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District.

Recommendation:

The Plan and Zoning Commission accepted the listed findings and forwards Case REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District (please note that the petitioner amended the request to "R-5M" on 10/26/2017, which makes this condition unnecessary);
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

The Plan and Zoning Commission vote was 6-yes and 3-no.

Relationship to Goals:

Urban revitalization.

Background:

The petitioner has indicated that the residence will be used a boardinghouse or rooming house.

"Boardinghouse" or "rooming house" is defined as follows: Boardinghouse" or rooming house means a building where, for compensation, lodging, or lodging and meals are provided for three but no more than twenty persons, not open to transient guests, in contradistinction to hotels open to transients. Three lodging rooms, accommodating not more than two persons per room, shall be equivalent to one apartment when determining lot area requirements.

The petitioner amended the request to the "R-5M" Medium Density Dwelling District because it would authorize the proposed use.

One formal objection within the 200 foot notification radius has been received. The protest rate is 2.2%

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	10-18-2017 Plan and Zoning Commission Letter 10-17-2017 Plan and Zoning Commission Vote

- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material

Results
 Plan and Zoning Commission Final Staff Report
 Public Hearing Notice
 Protest List
 Rezoning Agreement
 Amend Request to R-5M

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	10/26/2017 - 10:37 AM
Community Development Committee	Berger, Bruce	Approved	10/26/2017 - 10:38 AM
City Clerk	Admin, Default	Approved	10/26/2017 - 11:01 AM

ORDINANCE NO.

ORDINANCE for Case No. ROW17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District. [8th Ward]

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

Section 1. The following described property in Scott County, Iowa real estate is hereby rezoned from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District:

Part of the Northeast Quarter of the Southwest Quarter of Section 10, Township 78 North, Range 3 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows:

Lot 2 of the Replat of Part of Lot 44, Green Acres First Annex to Davenport, Iowa. The property contains 7,847 square feet, more or less.

Section 2. The following conditions are hereby imposed upon said rezoning:

1. That the residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking;
and
2. That a six foot high stockade fence be installed enclosing the rear yard of the property.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

October 18, 2017

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

At its regular meeting of October 17, 2017, the City Plan and Zoning Commission considered Case No. REZ17-10 being the request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from “R-4” Moderate Density Dwelling District to “C-O” Office-Shop District.

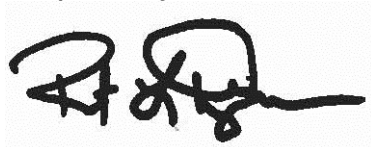
Findings:

- The abutting property to the north introduced a higher intensity land use to the west side of North Division Street; and
- A higher intensity residential zoning classification would be compatible with the Comprehensive Plan RG designation.

The City Plan and Zoning Commission accepted the listed conditions and forwards Case No. F17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to “R-5M” Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

Meeting Date: 10-17-17

Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED				
Name:	Roll Call	REZ17-09 Michael Leep SE Cor 53rd & Eastern	REZ17-10 Women in Spirtual Hope Ministries 5210 N Division St				
Connell	P	Y	Y				
Hepner	P	Y	N				
Inghram	P						
Kelling	P	Y	N				
Lammers	P	Y	N				
Maness	P	Y	Y				
Martinez	EX						
Medd	P	Y	Y				
Quinn	P	Y	Y				
Reinartz	P	Y	Y				
Tallman	P	ABSTAIN	Y				
		8-YES 0-NO 1-ABSTAIN	6-YES 3-NO 0-ABSTAIN				



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

Meeting Date: October 17, 2017
Request: "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District.
Location: 5210 North Division Street
Case No.: REZ17-10
Applicant: Women in Spiritual Hope Ministries, Inc.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Introduction:

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District.

AREA CHARACTERISTICS:

Zoning Map



 Subject Property



Land Use Map



 Subject Property



Background:**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

The proposed use would comply with the Davenport 2035 proposed land use section.

Technical Review:

Streets. The property has direct access to North Division Street.

Storm Water. No exterior improvements are proposed. Therefore, there should be no impact on storm water.

Sanitary Sewer. There should be no impact on sanitary sewer.

Other Utilities. There are no other utilities in the area.

Emergency Services. There should be no change in emergency services. The Fire Department indicated that a fire suppression system may be necessary depending on the occupancy.

Parks/Open Space. There is no impact on existing or proposed greenspaces.

Public Input:

Public hearing notices were sent to property owners within 200 feet of the request. Staff has received one letter of objection (5130 North Division Street – three houses south of the subject property) . The petitioner held a neighborhood meeting on September 28, 2017. Two surrounding property owners attended. One neighbor appeared to be supportive of the request, but asked that a stockade fence be installed around the property. The other neighbor opposed the request. At the October 3, 2017 Plan and Zoning Commission public hearing two neighbors spoke in opposition of the request.

Discussion:

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District. The petitioner has indicated that the residence will be used as a boardinghouse or rooming house. "Boardinghouse" or "rooming house" is defined as follows:

Boardinghouse" or rooming house means a building where, for compensation, lodging, or lodging and meals are provided for three but no more than twenty persons, not open to transient guests, in contradistinction to hotels open to transients. Three lodging rooms, accommodating not more than two persons per room, shall be equivalent to one apartment when determining lot area requirements.

The "C-O" Office-Shop District would allow the proposed use. Other zoning classifications which would allow the proposed use include "R-6M" High Density Dwelling District and "R-5M" Medium Density Dwelling District.

Staff researched the zoning and permit history of the subject property. The Zoning Board of Adjustment granted a Special Use Permit to allow the construction of a two-family dwelling on February 19, 1980. It appears that the house was constructed as such, but was later converted to a single-family residence. Based on the description by the petitioner, it appears that the home is configured as a two-family dwelling (i.e., two kitchens and two separate living areas), but may not meet building code requirements to be designated a two-family dwelling. For example, the building may not contain the required fire material separation. At any rate, the property would be permitted to be converted to a two-family dwelling without any special approvals. If the building were a two-family dwelling, up to five unrelated persons could live in each unit.

The petitioner has stated that the intended use of the property is a "...faith-based transitional boarding home for women coming out of incarceration." Through correspondence, the petitioner indicated that length of stay is expected to be one year, residents will be 18 years of age or older, will include residents from Illinois and Iowa and residences would not be placed there by the courts or a social agency. Therefore, the proposed use would not be considered a correctional placement residence, which would require the "PID" Planned Institutional District.

Correctional placement residence" means a residential facility occupied by three or more persons who have been convicted of public offenses and who have been released to such facility during any period of probation; work release while serving a sentence in a correctional institution; or assignment to the judicial district department of correctional services after receiving a deferred sentence.

The Davenport Civil Rights Director has provided the following information regarding the proposed use of the property:

Though criminal history itself is not a protected class, it is often used as a proxy for race (due to the racial disproportionality in incarceration rates) and so those claims can be filed as race claims because the practice would disproportionately impact minorities. Also, consideration of people's status as current/former alcoholics or past history of drug use would be a viable disability claim. Likewise, consideration of the neighbor's fears of these things would likely violate the Fair Housing Act.

It is staff's opinion that the request should only be considered based on the compatibility of the proposed zoning classification. The abutting property to the north was rezoned from "R-4" Moderated Density Dwelling District" to "C-O" Office Shop District in 1996 (ORD. 96-414) to allow a dental or professional office. The Plan and Zoning Commission recommended denial of the request. The staff report to the City Council read in part:

The property is designated for low density residential development in the comprehensive plan. The rezoning would introduce commercial zoning to the area west of Division street, an area which is current solidly development with residential uses. The "C-3" Planned Commercial area it proposed to buffer remains undeveloped, and the proposed use may be too intense for the property.

Considering the abutting property is zoned "C-O" Office Shop District, it is staff's opinion that a zoning classification more intense than "R-4" Moderate Density Dwelling District would be compatible with the area. However, considering that the property is designated Residential General on the Future Land Use Map, a higher intensity zoning should be limited to a residential zoning classification.

The property would meet required parking for roominghouse or boardinghouse, which is one parking space for each sleeping room, which accommodates not more than two persons. Currently, there are two parking spaces within the attached garage and three parking spaces on the driveway, which would allow up to five rooms to be occupied.

Staff Recommendation

Findings:

- The abutting property to the north introduced a higher intensity land use to the west side of North Division Street; and
- A higher intensity residential zoning classification would be compatible with the Comprehensive Plan RG designation.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Prepared by:



Ryan Rusnak, AICP
Planner III

REZONING REQUEST NO. _____
OFFICE OF PLANNING AND LAND USE
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT
CITY OF DAVENPORT

City Hall * Second floor
Phone: (563) 326-7765
Fax: (563) 328-6714
planning@ci.davenport.ia.us

Legal Description: Lot 2 in the Replat of Part of Lot 44, Green Acres First Annex to the City of Davenport,
Scott County, Iowa.

ADDRESS OF PROPERTY: 5210 Division Street **EXISTING ZONING:** R-4
REQUESTED ZONING: C-O
TOTAL AREA: .18 acres

PETITIONER: **Name:** Women in Spiritual Hope Ministries, Inc. (WISH Ministries)
Address: 8 Aspen Drive, Blue Grass, Iowa 52726
Phone: 563-650-2510 **FAX:** _____
Mobile Phone: _____ **Email:** _____
Interest in land: _____ **title holder** Purchaser **other ****
**** if petitioner is other than title holder, documentation will be required to show control of
property – accepted offer to purchase, offer, option, etc.**

TITLE HOLDER: **Name:** Joan Burche and Maura Burche
Address: 5210 Division Street
Phone: _____ **FAX:** _____
Mobile Phone: _____ **Email:** _____

CONTACT PERSON: **Name:** Brett R. Marshall
Address: 220 N. Main Street, Suite 220, Davenport, IA 52801
Phone: 563-324-3246 **FAX:** 563-324-1616
Mobile Phone: _____ **Email:** bmarshall@l-wlaw.com

EXPLANATION OF REZONING (for Public Hearing Notice) WISH Ministries has entered into a purchase
agreement with the title holder to purchase the property for the purpose of establishing a faith-based transitional boarding
home for women coming out of incarceration.

Does the property contain a drainageway or floodplain area: Yes X **No**

Signature of Petitioner: Brett R Marshall **Date:** 9-11-2017

Rezoning Fee Schedule:

Land Area	Fee
Less than 1 acre (< 1 acre)	\$400
One acre to less than ten acres ($\geq$ acre < 10 acres)	\$750 plus \$25/acre *
Ten acres or more (≥ 10 acres)	\$1,000 plus \$25/acre*

* plus \$10.00 per sign; 1 or more signs required depending upon the size of the subject property

Honorable Mayor and City Council
City Hall
Davenport, Iowa 52801-1308

Honorable Mayor and City Council:

The undersigned, hereby petitions your honorable body to amend the Zoning Ordinance of 1981 of the City of Davenport, Iowa by changing the zoning classification

from R-4 Moderate Density Dwelling District

to C-O Office Shop District

for the following legally described real property:

Lot 2 in the Replat of Part of Lot 44, Green Acres First Annex to the City of Davenport, Scott County, Iowa
(common address of 5210 Division Street, Davenport, Iowa 52801)
(Parcel No. M0135-41)

Respectfully submitted,

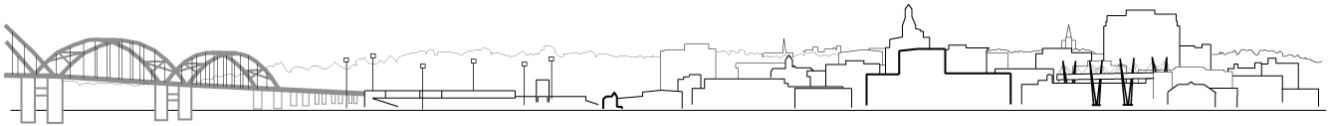
Women in Spiritual Hope Ministries, Inc.



Brett R. Marshall, its Attorney

Date: September 11, 2017

**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 10/3/2017
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning before the Plan and Zoning Commission
Case #: REZ17-10

To: All property owners within 200 feet of the subject property located at **5210 North Division Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for the proposed rezoning. The purpose of the rezoning to allow property to be utilized as a faith based boardinghouse or rooming house.

Request Description

Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from “R-4” Moderate Density Dwelling District to “C-O” Office-Shop District

What are the Next Steps after the Public Hearing?

The 10/3/2017 public hearing is the first step in the review/approval process. The Plan and Zoning will meet on 10/17/2017 to vote (provide its recommendation) on the request. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

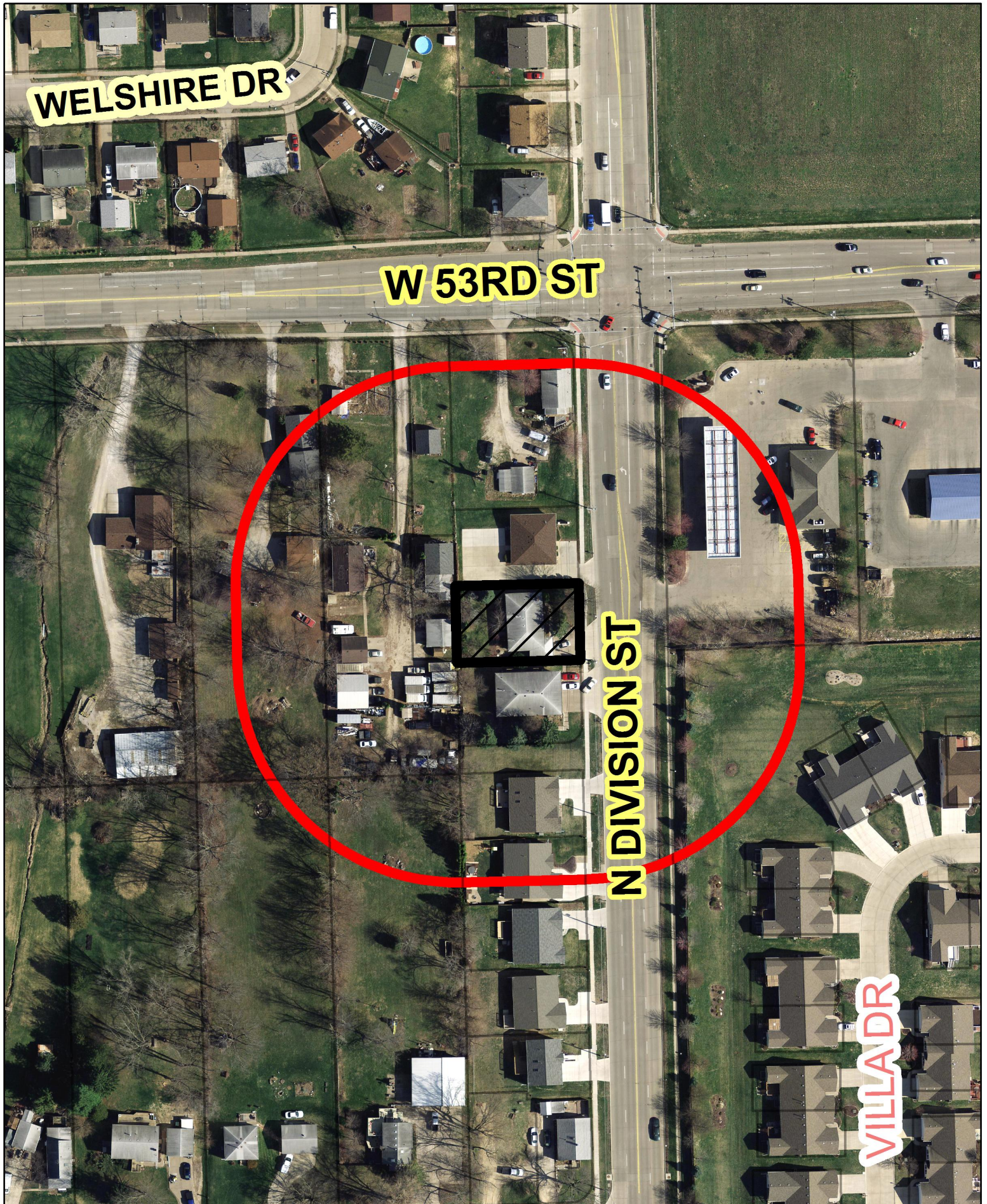
Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

If you have any questions on this request, or if ADA/special accommodations are needed, please contact Ryan Rusnak, AICP, the case planner assigned to this project at rrusnak@ci.davenport.ia.us or 563-888-2022.

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.



-  Subject Property
-  200 Foot Notification Radius



FID	Parcel	Property Address	Deed Name	Deed Address	Deed Zip Code
			REDEVELOPMENT SERVICES COMPANY LC		
1	M1035-01B	1703 W 53RD ST	JESSE HAMMES	2711 SYCAMORE TR	BETTENDORF IA 52722
2	M1035-01B	1703 W 53RD ST	CURRENT RESIDENT	1703 W 53RD ST	DAVENPORT IA 52806
			SIDNEY FOLLAND		
3	M1035-02A	1715 W 53RD ST	SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
			REDEVELOPMENT SERVICES COMPANY LC		
4	M1035-03A	1721 W 53RD ST	JESSE HAMMES	2711 SYCAMORE TR	BETTENDORF IA 52722
5	M1035-03A	1721 W 53RD ST	CURRENT RESIDENT	1721 W 53RD ST	DAVENPORT IA 52806
			SIDNEY FOLLAND		
6	M1035-04	1717 W 53RD ST	SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
			MITCHELL SCHABILION		
7	M1035-05A	1719 W 53RD ST	SHELLY SCHABILION	14120 275TH ST	LONG GROVE IA 52756-8765
8	M1035-05A	1719 W 53RD ST	CURRENT RESIDENT	1719 W 53RD ST	DAVENPORT IA 52806
			ANDREW SMITH		
9	M1035-05C	5130 N DIVISION ST	CYNTHIA SMITH	5130 N DIVISION ST	DAVENPORT IA 52806-3643
10	M1035-06A	1727 W 53RD ST	BONNIE LEACH	1727 W 53RD ST	DAVENPORT IA 52806
			CORY BENNETT		
11	M1035-06C	5134 N DIVISION ST	KIMBERLY BENNETT	5134 N DIVISION ST	DAVENPORT IA 52806
			FRANK MOSES		
12	M1035-23	1734 W 51ST ST	SHELI MOSES	1734 W 51ST ST	DAVENPORT IA 52806
			LORAS HAKANSON		
13	M1035-24	1720 W 51ST ST	JENNIFER HAKANSON	6012 UTICA RIDGE RD	DAVENPORT IA 52807
14	M1035-24	1720 W 51ST ST	CURRENT RESIDENT	1720 W 51ST ST	DAVENPORT IA 52806
			STEVEN GRANT HARTMAN		
15	M1035-40	1710 W 52ND ST	JUDITH HAZEL HARTMAN	1710 W 52ND ST	DAVENPORT IA 52806
			IOAN BURCHE		
16	M1035-41	5210 N DIVISION ST	MAURA BURCHE	5210 N DIVISION ST	DAVENPORT IA 52806
17	M1035-42	5214 N DIVISION ST	BEN FROESCHLE LLC	5214 N DIVISION ST	DAVENPORT IA 52806
18	M1037-01	1691 W 53RD ST	CASEY'S MARKETING COMPANY	P O BOX 3001	ANKENY IA 50021
19	KERRY TOMPKINS	8TH WARD			
20	JASON GORDON	AT LARGE			
21	KYLE GRIPP	AT LARGE			
22	ROBERT INGHAM	P&Z CHAIRPERSON			

Rusnak, Ryan

From: andy . <ymeyus@hotmail.com>
Sent: Monday, October 02, 2017 10:00 PM
To: Planning Division – CPED
Subject: Comments for CASE # REZ17-10

I would like to comment at this meeting. Here is a basic plan to comment and could or might change in variance to the content.

I am a homeowner at 5130 N Division St and I would like to comment on my disagreement on the rezoning of this property. The property I bought is of a newer plan and it is residential and rezoning the property at 5210 will bring unwanted person in this area. A boarding house or rooming house invite drug users, criminals, and more then likely troubles from previous relationships. I have 4 year old granddaughter that we have custody of and she rides and walks up past this house and this will not allow her the freedom to do this without worrying about what kind of place this is. Religious or not it is a cover for bad people unneeded in an area that is growing and residential. What guarantees can they give us homer owners that not such person or persons will be dwelling here. This side of the street is NOT an Office-Shop district. The house in question is NOT an Office-Shop district either. This certainly is not a place for homeless people and surely should not be allowed to become one.

Sincerely,

Andrew L Smith
Owner of 5130 N Division St Davenport Ia 52806

Sent from [Mail](#) for Windows 10



Women In Spiritual Hope...417 E. 12th Street...Davenport, IA 52803

Redevelopment Services Company LC
Jesse Hammes
2711 Sycamore TR
Bettendorf, IA 52722

Re: Rezoning of 5210 N. Division Street

Dear Neighbors:

Women in Spiritual Hope (WISH) Ministries, Inc. has entered into an agreement with the property owner to purchase the property located at 5210 N. Division Street, Davenport, Iowa 52801. We plan to use the property as a faith-based transitional boarding home for women coming out of incarceration. We have filed applications with the City of Davenport to rezone the property from R-4 to C-O zoning. As property owner within 200 feet of the property and under the requirements of the City of Davenport, you are notified of a neighborhood information and comment meeting to be held as follows:

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
September 28, 2017	6:30 p.m.	Davenport Public Library Fairmount Branch, Brooke Room 3000 N. Fairmount Street Davenport, IA 52804

The purpose of this meeting is for the property owner and neighboring residents to share ideas, offer suggestions and air concerns in advance of the formal public hearing on the proposed rezoning. We look forward to your attendance.

Very truly yours,

WISH Ministries, Inc.

Rusnak, Ryan

From: Marshall, Brett <BMarshall@L-WLAW.com>
Sent: Thursday, September 21, 2017 12:38 PM
To: Rusnak, Ryan
Subject: RE: 5210 N Division Street

Ryan,

Here are the answers:

What is the length of stay for the residents?

Expected to be a 1 year program.

What are the ages of the residents?

18 and above.

Is any type of care, treatment, assistance, rehabilitation, or staff supervision being provided?

There will be a house mother supervising at all times. In addition to the WISH program, residents will also participate in community programs that have already been established.

Where do the residents come from, are they placed by the courts or a social agency?

Iowa and Illinois. They will not be placed by the courts or a social agency. Participation in the program is voluntary.

Brett

From: Rusnak, Ryan [<mailto:rrusnak@ci.davenport.ia.us>]
Sent: Wednesday, September 20, 2017 2:03 PM
To: Marshall, Brett <BMarshall@L-WLAW.com>
Subject: FW: 5210 N Division Street

Brett,

Can you shed light on these questions?

Ryan Rusnak, AICP
Planner III
City of Davenport
Community Planning and
Economic Development Department
226 West 4th Street
Davenport, Iowa 52801
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

From: Hayman, Michael
Sent: Wednesday, September 20, 2017 2:02 PM
To: Rusnak, Ryan
Cc: McGee, Mike
Subject: RE: 5210 N Division Street

Ryan,
Could I get more info on this "boarding" house? I agree with McGee's comments if in fact it is a true boarding house.
What is the length of stay for the residents?
What are the ages of the residents?
Is any type of care, treatment, assistance, rehabilitation, or staff supervision being provided?
Where do the residents come from, are they placed by the courts or a social agency?
Thanks,
Mike

Mike Hayman
Fire Marshal
Davenport Fire Department
331 Scott St.
Davenport, Iowa 52801
563-326-7910
f513@ci.davenport.ia.us

From: Rusnak, Ryan
Sent: Thursday, September 14, 2017 4:58 PM
To: Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Gleason, Nicole; Glessner, Antonio ; Hayman, Michael; Heyer, Brian; Hock, Scott; Hocker, Ron; Jacobsen, Henry; Johnson, Christopher T.; Johnson, Joy ; Jones, Todd; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Leabhart, Tom; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, Kathy; Peterson, Zach; Ralfs, Jacob; Rusnak, Ryan; Schadt, Brian; Scheible, Kurt; Schnauber, Eric; Sim, Nicholas; Statz, Gary; Tate, Art; Wahlheim, Derek; Wille, Wayne
Subject: 5210 N Division Street

Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District.

Convert single-family house to a boardinghouse (2 people per room). Not proposing any physical improvements to the house.

Please provide review comments, if any, by Wednesday September 27, 2017.

Ryan Rusnak, AICP

Planner III
City of Davenport
Community Planning and
Economic Development Department
226 West 4th Street
Davenport, Iowa 52801
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

TO BE PUBLISHED IN ONE ISSUE (February 9, 1980)

ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING NOTICE
DAVENPORT, IOWA

A public hearing will be held on February 19, 1980 at 4:00 p.m. at the Davenport Art Gallery, 1737 West 12th Street, Davenport, to hear the following appeals:

Robert and Carolyn Speece, 324 S. Fairmont St. to renew their Home Occupation Permit to operate a Handcraft Shop in their home. The subject property is zoned "R-3D" Single and Two Family District.

Mr. & Mrs. George Hassler, 3810 Fair Ave., to renew their Home Occupation Permit to give swimming lessons at their home. The subject property is zoned "R-3D" Single and Two Family District.

Mr. & Mrs. Clarence Lemmon, 562 31st Ave., Moline, IL., requesting to permit the establishment of the two family use at 717 Grand Court. The subject property is zoned "R-4D" Single and Two Family District.

Petition of Swab Advertising System, Inc., to allow Poster Panel Advertising Display to encroach into the required front yard a distance 23 feet at 1202 E. 53rd St. The subject property is zoned "M-1" Light Industrial District.

Petition of John Burche, 1804 W. 49th St., to permit the establishment of the two family use on lots 1, 2, and 3 of the replat of Part of Lot 44, Green Acres 1st Annex. The subject properties are zoned "R-4D" Single and Two Family District.

CLIFFORD BOURDEAU
DIRECTOR OF BLDG. INSP.
CITY HALL (326-7744)

PLEASE TYPE ABBREVIATIONS AS SHOWN ABOVE.

Send Notice of Public To:

Building Inspections Department
City Hall
226 West Fourth Street
Davenport, Iowa 52801

ZONING BOARD OF ADJUSTMENT
STAFF RECOMMENDATIONS
AND ANALYSIS

REQUEST: Request of John Burche 1804 W. 49th Street to permit the establishment of two family uses on Lots 1, 2, & 3 of the Replat of part of Lot 44 of Green Acres 1st Annex.

BACKGROUND: The subject property is zoned "R-4D" as is all of the abutting property. Mr. Burche took out a building permit on 8/29/78 to construct a single family home on Lot 3 of the above named subdivision. The house was constructed with two kitchens 2 bathrooms and entrances. The unit was not constructed as indicated in the plans as these facilities were to have access (a door) between them. During construction the door was omitted which made the unit into a duplex which is not permitted on the lot because it was not designated as such on the final subdivision plat. Mr. Burche then appealed to the Zoning Board of Adjustment to allow duplexes on all the lots in the subdivision. The case was held on December 4, 1978 and the petition denied in February of 1979. Mr. Burche then petitioned the Plan Commission and City Council to change the

HARDSHIP VARIANCE REQUIREMENTS: SECTION 414.12 OF THE CODE OF IOWA AND SECTION 42-120(4) (see attache sheet) OF THE DAVENPORT CITY CODE PROVIDE THAT THE BOARD OF ADJUSTMENT MAY GRANT A VARIANCE TO THE TERMS OF THE CITY'S ZONING ORDINANCE WHERE OWING TO SPECIAL CONDITIONS, A LITERAL ENFORCEMENT OF THE PROVISION OF THE ORDINANCE WOULD RESULT IN UNNECESSARY HARDSHIP. SUCH VARIANCES MUST NOT BE CONTRARY TO THE PUBLIC INTEREST OR TO THE SPIRIT OF THE ORDINANCE.

FINDINGS:

PROVISION 1. THE PROPERTY IN QUESTION CANNOT YIELD A REASONABLE RETURN IF PERMITTED TO BE USED ONLY UNDER THE CONDITIONS ALLOWED BY THE REGULATIONS IN THE ZONE. The subject property can support single family use economically. There are several ongoing developments on Division Street with single family frontage on Division. There are no special or extraordinary development expenses, which were not the developer's choice, which affect the property. It is economically feasible to develop the three lots for single family purposes. In fact, Mr. Burche stated his intention was to build single family structures.

PROVISION 2. THE PLIGHT OF THE OWNER IS DUE TO UNIQUE CIRCUMSTANCES, WHICH CIRCUMSTANCES DO NOT APPLY TO OTHER ADJOINING OR NEARBY PROPERTY. The only unique circumstances involve the petitioner's desire to circumvent the development ordinances of the City of Davenport. The property is essentially the same as numerous other frontages on Division St, which are developing and have developed as single family in recent years. The lots have no unusual topographical or physical features which make them unsuitable for single family development.

PROVISION 3. THE VARIATION, IF GRANTED, WILL NOT ALTER THE ASSENTIAL CHARACTER OF THE LOCALITY. The immediate area surrounding the subject property is single family. The introduction of an increase in density and renters rather than owner occupants could have a destabilizing effect on the area. To allow duplexes to be established here would effectively double the density on the property which would significantly alter the character of the locality.

PROVISION 4. THE VARIATION WILL NOT IMPAIR THE ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY OWNERS. The variation will not significantly impact an adequate supply of light and air.

PROVISION 5. THE VARIATION WILL NOT UNREASONABLY INCREASE CONGESTION IN PUBLIC STREETS. The properties front on Division Street. By doubling density, the number of accesses to Division Street would be increased thereby causing additional conflicts with traffic. The prime example of why this should not happen are located on Division Street to the north of 53rd Street. As traffic volumes increase, this will become an increasing dangerous situation. Such situations contributed to the change in the Ordinance.

PROVISION 6. THE VARIATION WILL NOT INCREASE THE DANGER OF FIRE OR ENDANGER THE PUBLIC SAFETY. The development will not increase the danger of fire, but could affect the public safety as discussed in point 5, above.

PROVISION 7. THE VARIATION WILL NOT UNREASONABLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA. It is difficult to say how the development might affect property values. It would probably not be significant unless it destabilized the neighborhood as discussed in Point 5.

PROVISION 8. THE VARIATION WILL NOT IN ANY OTHER RESPECT IMPAIR THE PUBLIC HEALTH, COMFORT, MORALS, OR WELFARE OF THE INHABITANTS OF THE CITY. The aspect would not be further compromised than already discussed except that the process which has been followed by Mr. Burche is of questionable moral value to the community. If you can get what you want by openly misleading public officials the example set certainly is in conflict with the conscience of a civilization founded on laws and trust.

DISCUSSION: The petition fails to qualify as a hardship on points 1, 2, 3, and 5. There is no hardship which was not created by the petitioner.

RECOMMENDATION: The Staff recommends that the petition be denied.

BACKGROUND: (continued) Zoning Ordinance to permit him to build duplexes on the three lots. The Plan Commission reviewed the request and found that such a change would have a substantial change in development densities and development patterns city-wide which would not be acceptable. The City Council denied Mr. Burch's request on 11/3/79. Recently Mr. Burche appealed the Zoning Board's decision to District Court, indicating that the decision was made by applying the provision of the ordinance as they relate to duplexes rather than hardship criteria. The case is being returned to the Board so that a determination of hardship can be made.

The subject property is in an area which was platted in the county prior to the availability of sewers. The development contains large lots some of which have been split into multiple lots since the extension of sewer. The subject property was one of these instances. The Zoning ordinance allows the platting of 20% of all lots in an "R-4D" and "R-3D" zone, subject to some limitations, as two family lots to be designated as two family lots. This subdivision was too small to allow the designation of any such lots.

Mr. Burche has since constructed buildings on Lots 2 and 3 and is appealing on the basis of hardship to allow him to occupy these buildings as duplexes plus construct an additional duplex on Lot 1. A review of the file indicates his first structure was to be a house for his family. There is no explanation as to why the second duplex was built in violation of the zoning ordinance.

Kurt

ZONING BOARD OF ADJUSTMENT
MINUTES
February 19, 1980

The meeting was called to order at 4:00 p.m. by Al Zimmerman, Chairman of the Board. Other members present were Louis Soenke, Joe Tomlinson, Ira Kiser and Ed Waite. Staff members present were Kurt Stevens, Cliff Bourdeau and Scott Hartsook. Public hearings were held on the following matters:

Robert and Carolyn Speece, 324 S. Fairmont Street, requested permission to renew their Home Occupation Permit to operate a Handcraft Shop in their home. The subject property is zoned "R-3D" Single and Two Family Dwelling district.

The Staff report stated that all of the provisions of the ordinance have been complied with during the past year and no problems are anticipated in the future, therefore, the City Staff recommended approval of the renewal of the permit for one year.

Approximately five neighbors were present objecting to the renewal. Among these neighbors were Mrs. H. Wood Miller, Elmer Enheilder of 426 S. Fairmont, and Dennis Clark of 416 S. Fairmont Street. They stated that they did not want any commercial business in the area since it is an old historic neighborhood. They also didn't want the traffic and the noise.

Based upon the findings contained in the staff report, Mr. Kiser made a motion which was seconded by Mr. Tomlinson to approve the renewal of the permit for one year. The motion carried unanimously.

Mr. and Mrs. George Hassler, 3810 Fair Avenue, requested renewal of their Home Occupation permit to give swimming lessons at their home. The subject property is zoned "R-3D" Single and Two Family Dwelling District.

The staff report stated that all of the provisions of the ordinance have been complied with during the past year and no problems are anticipated in the future, therefore, the City Staff recommended approval of the renewal of the permit for one year.

No one being present objecting to the granting of the renewal of the permit, a motion was made by Mr. Soenke which was seconded by Mr. Kiser to approve the renewal of the permit for one year. The motion carried unanimously.

Mr. & Mrs. Clarence Lemmon, 362 31st Avenue, Moline, Illinois requested permission to permit the establishment of the two family use at 717 Grant Court as provided in Section 42-120(2)(h) of the Davenport City Code.

Zoning Board of Adjustment
Minutes
February 19, 1980

The Building Department reported that 46 notices were sent out to property owners within the area and two objections were received. The City Staff reported that the request be approved with the condition that the majority of the green open space on the buildable portion of the lot be maintained and that a total of four parking spaces be provided for the two family use.

Dave Lemmon, son of Mr. & Mrs. Lemmon was present to answer any questions of the board. He stated that his parents want to move here from Texas but cannot afford to live here alone. They would convert the home to a two family dwelling for approximately two years, then convert it back. He also stated that two additional parking spaces would be provided.

No one being present objecting to the granting of the special use permit, a motion was made by Mr. Tomlinson and seconded by Mr. Kiser to approve the permit subject to the conditions that the Lemmons must meet all of the building codes, provide adequate greenspace, provide two additional parking spaces, and provide fire exits.

Schwab Advertising System, Inc. requested a permit to allow Poster Panel Advertising Display to encroach into the required front yard a distance of 23 feet at 1202 East 53rd Street. The subject property is zoned "M-1" Light Industrial District.

The Building Department reported that nine notices were sent out to surrounding property owners and four objections were received. The City Staff report recommended that the petition be denied since no hardship exists.

Richard Schwab of Schwab advertising was present to answer any questions of the board. He stated that the 12' x 25' sign already exists and that he made a mistake in placing the sign in the wrong place because there weren't any other buildings in the area and they are located in a valley which creates a hardship to them since the sign cannot be clearly viewed from the street.

Dave Williams, owner of an abutting lot in Phoenix Center, was present objecting to the granting of the variance. He stated that he was involved in the resale of the Phoenix Center lots and that the size and placement of the sign would hurt the property values of the lots. Mr. Williams is the owner of a lot which adjoins the sign by approximately 10 feet.

Based on the facts contained in the staff report, Mr. Kiser made a motion which was seconded by Mr. Soenke to deny the appeal. Mr. Zimmerman being the only board member voting in favor of the appeal, the petition was denied.

Zoning Board of Adjustment
Minutes
February 19, 1980

John Burche, 1804 West 49th Street requested permission to permit the establishment of the two family use on lots 1, 2, and 3 of the replat of part of Lot 44, Green Acres 1st Annex. The property is zoned "R-4D" Single and Two Family dwelling district.

The Building Department reported that 16 notices were sent to surrounding property owners and that three objections were received. The City Staff reported that the petition fails to qualify as a hardship and should therefore be denied.

Attorney Ned Wehr was present to represent Mr. & Mrs. John Burche who were also present at the public hearing. Attorney Wehr stated that the duplex was originally being built to provide living quarters for his daughter who decided to go to college instead of living in the duplex. There are atleast 20 duplexes in the area and Mr. Burche bought the lots for business purposes. The lots are located near 53rd and Division Streets and both of these streets are being widened in the future. This would take care of any extra traffic the duplexes would create and they shouldn't cause any land value problems. He stated that the ordinance creates a hardship on Mr. & Mrs. Burche since it states that only 20% of the total number of lots in a subdivision can be duplexes. A hardship is created simply because Mr. Burche cannot provide for the 20% rule because of the size of his lots.

Mr. Burche stated that if the lots were just down the street further, he would be able to provide for the 20% rule since the houses are closer together.

Mr. Zimmerman stated that the ordinance seems to create a hardship on the Burche family and for this reason he feels that the variance should be granted.

No objectors being present at the public hearing, a motion was made by Mr. Waite which was seconded by Mr. Kiser to grant permission to build duplexes on lots 2 and 3, and a single family dwelling on lot one. Mr. Tomlinson being the only board member voting against the granting of the variance, the petition was approved.

Clifford Bourdeau, Sec.

Friday, October 20, 2017

To: Accounting/Public Notices

Re: Public Notice

Please publish the following Committee of the Whole public hearing notice in the October 25, 2017 edition of the Quad City Times.

The PO number for this notice is 1806078.

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

NOTICE
PUBLIC HEARING
WEDNESDAY, NOVEMBER 1, 2017, 5:30 PM
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA

There is on file the following petition:

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District. [8th Ward]

The property has the following legal description: Part of the Northeast Quarter of the Southwest Quarter of Section 10, Township 78 North, Range 3 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows: Lot 2 of the Replat of Part of Lot 44, Green Acres First Annex to Davenport, Iowa. The property contains 7,847 square feet, more or less.

The City Plan and Zoning Commission forwards Case No. ROW17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Public hearing(s) on the above matter(s) are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, November 1, 2017 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No 1806078.

Department of Community Planning & Economic Development
E-MAIL: planning@ci.davenport.ia.us PHONE: 563-326-7765

REZ17-10 Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
M1035-01B	14697.44	7.4%		0.0%	1703 W 53RD ST	REDEVELOPMENT SERVICES COMPANY LC JESSE HAMMES	2711 SYCAMORE TR	BETTENDORF IA 52722
M1035-02A	5641.76	2.8%		0.0%	1715 W 53RD ST	SIDNEY FOLLAND SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
M1035-03A	9034.46	4.6%		0.0%	1721 W 53RD ST	REDEVELOPMENT SERVICES COMPANY LC JESSE HAMMES	HAMMES JESSE	BETTENDORF IA 52722
M1035-04	4495.12	2.3%		0.0%	1717 W 53RD ST	SIDNEY FOLLAND SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
M1035-05C	4422.62	2.2%	YES	2.2%	5130 N DIVISION ST	ANDREW SMITH CYNTHIA SMITH	5130 N DIVISION ST	DAVENPORT IA 52806-3643
M1035-06A	21769.11	11.0%		0.0%	1727 W 53RD ST	BONNIE L LEACH	1727 W 53RD ST	DAVENPORT IA 52806
M1035-06C	6727.06	3.4%		0.0%	5134 N DIVISION ST	CORY BENNETT KIMBERLY BENNETT	5134 N DIVISION ST	DAVENPORT IA 52806
M1035-23	1694.92	0.9%		0.0%	1734 W 51ST ST	FRANK MOSES SHELI MOSES	1734 W 51ST ST	DAVENPORT IA 52806
M1035-24	10281.16	5.2%		0.0%	1720 W 51ST ST	LORAS HAKANSON JENNIFER HAKANSON	6012 UTICA RIDGE RD	DAVENPORT IA 52807
M1035-40	8432.75	4.2%		0.0%	1710 W 52ND ST	STEVEN GRANT HARTMAN JUDITH HAZEL HARTMAN	1710 W 52ND ST	DAVENPORT IA 52806
M1035-42	7840	3.9%		0.0%	5214 N DIVISION ST	BEN FROESCHLE LLC	5214 N DIVISION ST	DAVENPORT IA 52806
M1037-01	23357.38	11.8%		0.0%	1691 W 53RD ST	CASEY'S MARKETING COMPANY	P O BOX 3001	ANKENY IA 50021
M1037-GF6	16713.41	8.4%		0.0%		VILLAS AT GARNER FARMS		
M1035-05A	23866.85	12.0%		0.0%	1719 W 53RD ST	MITCHELL SCHABILION SHELLY SCHABILION	14120 275TH ST	LONG GROVE IA 52756-8765
PARCELS	158,974.0	80.1%						
ROW	39,564.8	19.9%						
TOTAL NOTICE AREA	198,538.9	100%	2.2 %	PROTEST RATE	Protests: 1	Properties: 14		

October 25, 2017

Honorable Mayor and City Council
City Hall
Davenport, Iowa 52801

Honorable Mayor and City Council:

The undersigned, Lynn Johnson, Executive Director of Women In Spiritual Hope Ministries, Inc., as petitioner for the rezoning case *REZ17-10* does hereby agree and accept the following recommended conditions for approval by the City Plan and Zoning Commission to the City Council:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

This agreement is pursuant to Chapter 414.5, of the Code of Iowa.

WOMEN IN SPIRITUAL HOPE MINISTRIES, INC.

By:


Lynn Johnson, Executive Director

Rusnak, Ryan

From: Marshall, Brett <BMarshall@L-WLAW.com>
Sent: Wednesday, October 25, 2017 12:57 PM
To: Rusnak, Ryan
Subject: RE: REZ17-10

Ryan,

We hereby amend our rezoning application and request that the property be rezoned to "R-5M" Medium Density Dwelling District. I will forward the agreement and acceptance of the conditions when signed. Thanks.

Brett

From: Rusnak, Ryan [<mailto:rrusnak@ci.davenport.ia.us>]
Sent: Tuesday, October 24, 2017 9:55 AM
To: Marshall, Brett <BMarshall@L-WLAW.com>
Subject: REZ17-10

Brett,

Please call me when you get a chance.

Ryan Rusnak, AICP
Planner III
City of Davenport
Community Planning and
Economic Development Department
226 West 4th Street
Davenport, Iowa 52801
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 326-2286

Wards: 2nd

Action / Date

10/4/2017

Subject:

Third Consideration Ordinance for Case No. ROW17-05: Request of Genesis Health Systems at 3200 West Kimberly Road (corner of Kimberly Rd Elsie Ave) to vacate a portion of a sanitary sewer easement which would be located under the proposed medical building. Existing facilities located in the area to be vacated will be located adjacent to the proposed building in the remaining portion of the sanitary sewer easement. [2nd Ward]

Recommendation:

Findings:

The proposed right of way vacation would not impact adjacent property owners. The City Plan and Zoning Commission accepted the findings and forwards Case No. ROW17-05 to the City Council for approval subject to the following conditions:

1. An excavation permit is to be acquired for the sewer work, inspection by Public Works is necessary.
2. The new manhole is to be constructed a minimum of 20' clear of the building, it is currently shown at 10'.
3. The City Sewer Division is to be contacted for first rights to the old manhole frame and cover.
4. The contractor, while removing the existing manhole and sewer, is responsible for verification that there are no existing connections which may need relocation.

Relationship to Goals:

Grow Tax Base

Background:

Genesis Health System is petitioning to vacate sanitary sewer easement/right-of-way to facilitate a medical building which will be built over the vacated easement. The cost of relocating the infrastructure is the responsibility of Genesis Health System.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Background - ROW 17-05 Genesis
▣ Exhibit	Ordinance ROW 17-05 Genesis

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	9/28/2017 - 3:34 PM

Name:	Roll Call	APPROVED	APPROVED						
		ROW17-05 Genesis Health Systems Easement	F17-17 Richard Pierce 2nd Subd						
Connell	P	Y	Y						
Hepner	P	Y	Y						
Inghram	P								
Kelling	P	Y	Y						
Lammers	EX								
Maness	EX								
Martinez	A								
Medd	P	Y	Y						
Quinn	EX								
Reinartz	P	Y	Y						
Tallman	P	Y	Y						
		6-YES 0-NO 0-ABSTAIN	6-YES 0-NO 0-ABSTAIN						

September 20, 2017

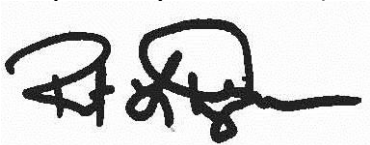
Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

At its regular meeting of September 19, 2017, the City Plan and Zoning Commission considered Case No. ROW17-05 being the request of Genesis Health Systems at 3200 West Kimberly Road (corner of Kimberly Rd Elsie Ave) to vacate a portion of a sanitary sewer easement which would be located under the proposed medical building. Existing facilities located in the area to be vacated will be located adjacent to the proposed building in the remaining portion of the sanitary sewer easement.

The City Plan and Zoning Commission forwards Case No. ROW17-05 to the City Council with a recommendation for approval subject to the following condition:

1. An excavation permit is to be acquired for the sewer work, inspection by Public Works is necessary.
2. The new manhole is to be constructed a minimum of 20' clear of the building, it is currently shown at 10'.
3. The City Sewer Division is to be contacted for first rights to the old manhole frame and cover.
4. The contractor, while removing the existing manhole and sewer, is responsible for verification that there are no existing connections which may need relocation.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission



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

Meeting Date: September 19, 2017
Request: Sanitary Sewer Easement/Right-of-way vacation (abandonment)
Location: 3200 W Kimberly Rd
Case No.: ROW17-05
Applicant: Genesis Health System

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings and forward Case ROW17-05 to the City Council with a recommendation for approval subject to the listed conditions.

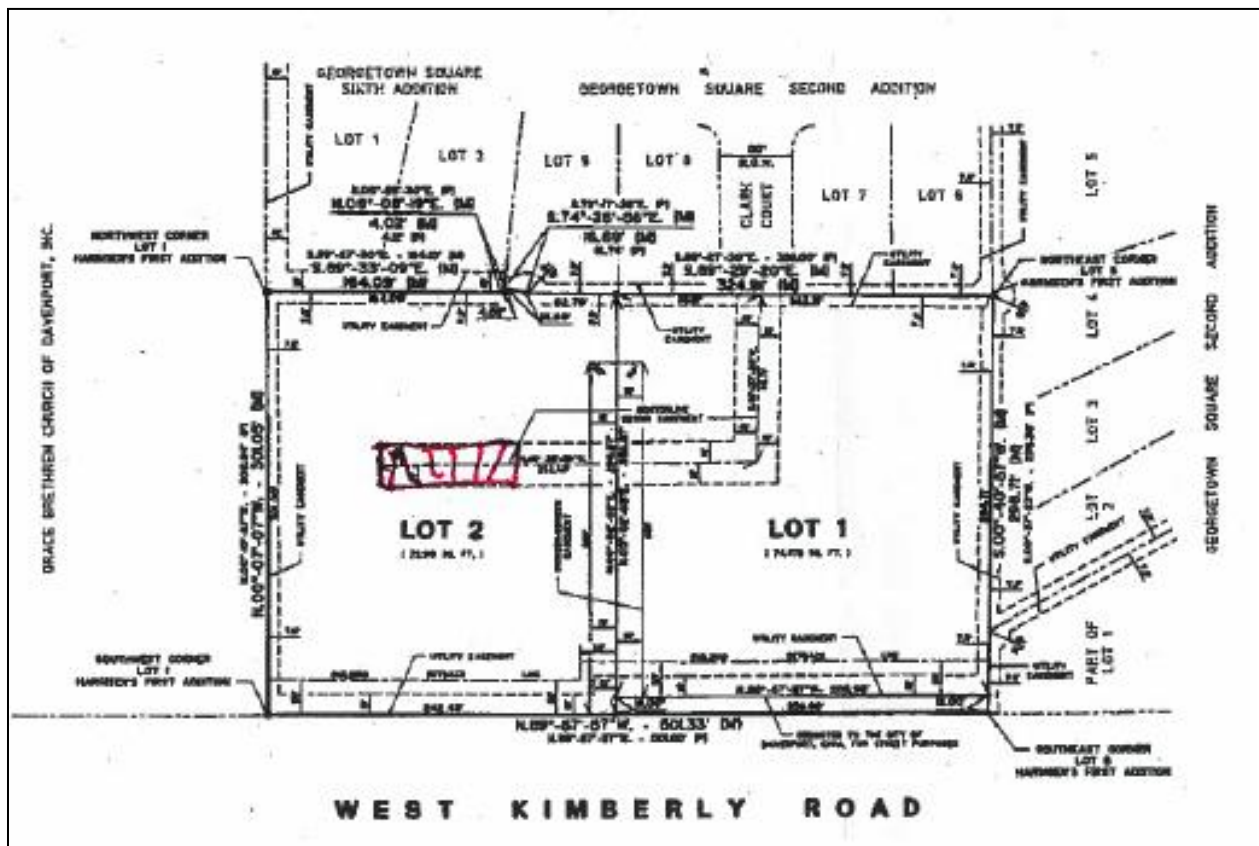
Description:

Case No. ROW17-05: Request of Genesis Health Systems at 3200 West Kimberly Road (corner of Kimberly Rd Elsie Ave) to vacate a portion of a sanitary sewer easement which would be located under the proposed medical building. Existing facilities located in the area to be vacated will be located adjacent to the proposed building in the remaining portion of the sanitary sewer easement.

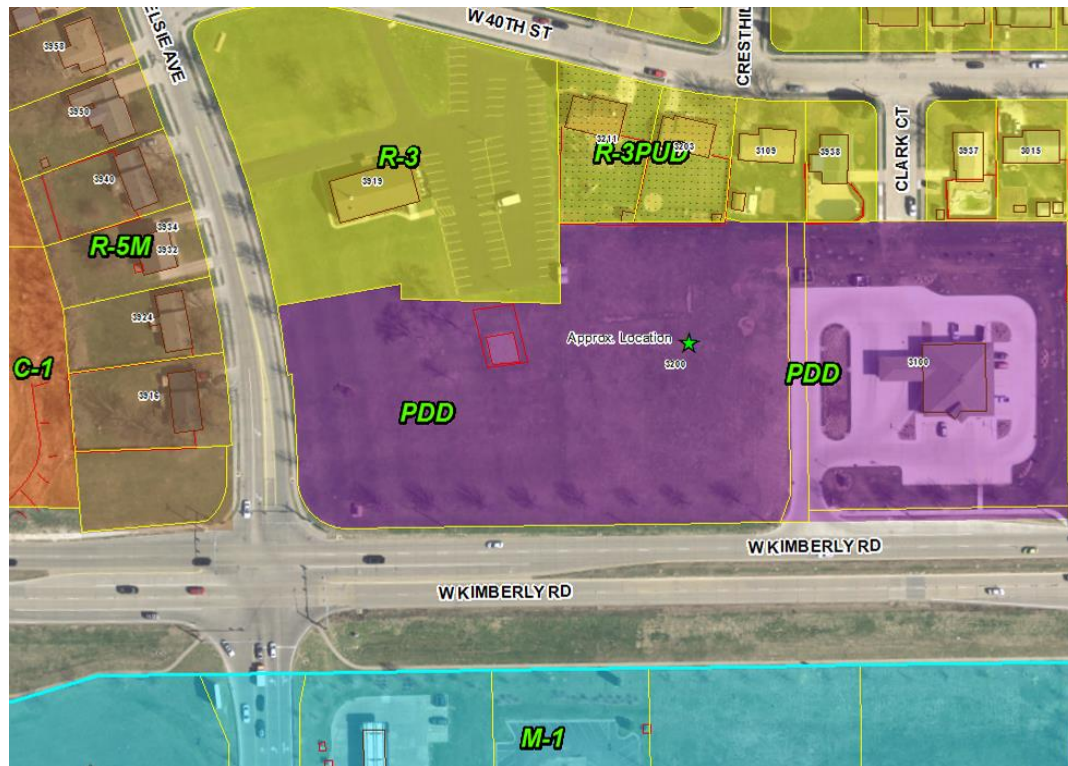
Background:

LOCATION:





Zoning:



"PDD" Planned Development District, "R-3" Moderate Density Dwelling District, "C-2" General Commercial District, "M-1" Light Industrial District

Comprehensive Plan:



Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Technical Review:

Comments from Engineering are as follows:

1. An excavation permit is to be acquired for the sewer work, inspection by Public Works is necessary.
2. The new manhole is to be constructed a minimum of 20' clear of the building, it is currently shown at 10'.
3. The City Sewer Division is to be contacted for first rights to the old manhole frame and cover.
4. While removing the existing manhole and sewer the contractor is responsible for verification that there are no existing connections which may need relocation.

Public Input:

Notices have been sent to properties within 200 feet of the proposed easement/right-of-way vacation. None have been returned at the time this report was written.

Discussion:

Genesis Health System is petitioning to vacate sanitary sewer easement/right-of-way to facilitate a medical building which will be built over the vacated easement.

Staff Recommendation

Findings:

1. The proposed right of way vacation would not impact adjacent property owners.

Staff recommends the City Plan and Zoning Commission forward Case No. ROW17-05 to the City Council with a recommendation for approval subject to the following conditions:

1. An excavation permit is to be acquired for the sewer work, inspection by Public Works is necessary.
2. The new manhole is to be constructed a minimum of 20' clear of the building, it is currently shown at 10'.
3. The City Sewer Division is to be contacted for first rights to the old manhole frame and cover.
4. While removing the existing manhole and sewer the contractor is responsible for verification that there are no existing connections which may need relocation.

Prepared by:

A handwritten signature in black ink that reads "Scott Koops". The signature is written in a cursive, flowing style.

Scott Koops, AICP, Planner II

**CITY OF DAVENPORT
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
REQUEST FOR PUBLIC RIGHT-OF-WAY VACATION**

PETITIONER: Name: Genesis Health System
Address: 1227 E. Rusholme Street, Davenport, IA 52803
Phone: 563-421-2791 FAX: 563-421-2795
Mobile Phone: _____ Email: sharpm@genesishhealth.com
Interest in land: X title holder _____ other**
** if petitioner is other than title holder (i.e., lessee), documentation will be required to show prior approval for site development plans by owner.

CONTACT PERSON: Name: Brett R. Marshall
Address: 220 N. Main Street, Ste. 600, Davenport, IA 52801
Phone: 563-324-3246 FAX: 563-324-1616
Mobile Phone: _____ Email: bmarshall@l-wlaw.com

LOCATION (DESCRIPTIVE): A portion of sanitary sewer easement located on Lot 1, Genesis West Kimberly Medical Office Building 1st Addition.

LEGAL DESCRIPTION: See attached legal description.

AREA: (in square feet) 2,460, more or less

REASON FOR REQUEST: As a condition to approval of the site plan, the City has requested that the portion of the sanitary sewer easement within the proposed building footprint be vacated. This application is to comply with this condition.

*(The applicant MUST be as detailed and specific as possible in completing this section. Complete and descriptive information is vital to the timely submission of the petitioner's request. Incomplete applications may delay the application process.)

SIGNATURE OF PETITIONER:  DATE: 8/14/2017
Brett R. Marshall

PROCESSING FEE: \$400.00 DATE PAID: _____

August 4, 2017
VMCE #15289

LEGAL DESCRIPTION
SANITARY SEWER EASEMENT TO BE ABANDONED
GENESIS WEST KIMBERLY MEDICAL OFFICE BUILDING FIRST ADDITION
DAVENPORT, IOWA

Part of Lot 1 of Genesis West Kimberly Medical Office Building First Addition to the City of Davenport, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northeast corner of said Lot 1; thence South $02^{\circ}-16'-24''$ East 103.99 feet along the east line of said Lot 1; thence South $88^{\circ}-02'-10''$ West 66.11 feet to the POINT OF BEGINNING of the easement tract to be abandoned:

thence continuing South $88^{\circ}-02'-10''$ West 82.00 feet along the north line to the west end of the platted easement;

thence South $01^{\circ}-57'-50''$ East 30.00 feet along the west line to the south line of the platted easement;

thence North $88^{\circ}-02'-10''$ East 82.00 feet along the south line of the platted easement;

thence North $01^{\circ}-57'-50''$ West 30.00 feet to the point of beginning.

Containing 2,460 square feet, more or less.

**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 9/5/2017
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a right-of-way abandonment request before the Plan and Zoning Commission
Case #: ROW17-05

To: All property owners within 200 feet of the subject property located at: **3200 West Kimberly Rd.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a easement/right-of-way abandonment request. The purpose of the easement abandonment request is to remove portions of public right-of-way from public use.

Request Description

Case No. ROW17-05: Request of Genesis Health Systems at 3200 West Kimberly Road (corner of Kimberly Rd Elsie Ave) to vacate a portion of a sanitary sewer easement which would be located under the proposed medical building. Existing facilities located in the area to be vacated will be located adjacent to the proposed building in the remaining portion of the sanitary sewer easement.

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?

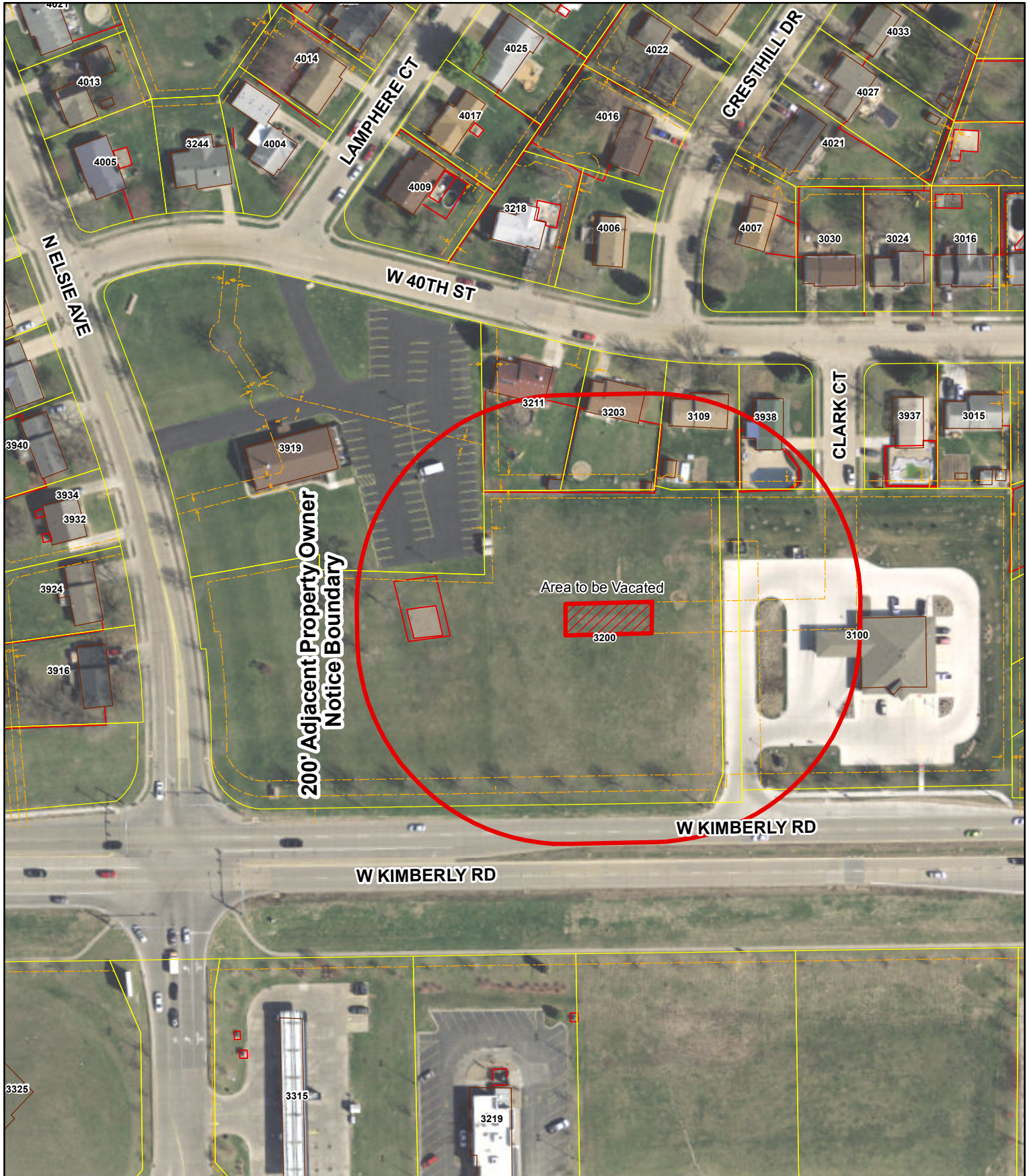
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one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

Do You Have Any Questions?

If you have any questions on this request, or if ADA/special accommodations are needed, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701.

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.

Plan & Zoning Commission: Adjacent Property Owner Notice Area Request for a Easement/Right-of-Way Vacation



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

0 25 50 100 150 200 Feet



ORDINANCE NO.

Ordinance for Case No. ROW17-05: Request of Genesis Health Systems at 3200 West Kimberly Road (corner of Kimberly Rd Elsie Ave) to vacate a portion of a sanitary sewer easement which would be located under the proposed medical building. Existing facilities located in the area to be vacated will be located adjacent to the proposed building in the remaining portion of the sanitary sewer easement. [2nd Ward]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby vacated. The property has the following legal description:

Part of Lot 1 of Genesis West Kimberly Medical Office Building First Addition to the City of Iowa, being more particularly described as follows:

Commencing, as a point of reference , at the northeast corner of said Lot 1;
thence South 02°-16'- 24" East 103.99 feet along the east line of said Lot 1; thence South 88° 02'-10" West 66.11 feet to the POINT OF BEGINNING of the easement tract to be abandoned:

thence continuing South 88°-02'-10" West 82.00 feet along the north line to the west end of the platted easement;

thence South 01°-57'-50" East 30.00 feet along the west line to the south line of the platted easement;

thence North 88°-02'-10" East 82.00 feet along the south line of the platted easement;

thence North 01°-57'-50" West 30.00 feet to the point of beginning.

Containing 2,460 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.

First Consideration _____

Second Consideration _____

Approved _____

Frank J. Klipsch
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Ryan Rusnak (563) 888-2022
rrusnak@ci.davenport.ia.us
Wards: 3rd

Action / Date
CD10/4/2017

Subject:

Third Consideration: Ordinance for Case LL17-01 being the Local Landmark Designation of the John F. Kelly Company Wholesale Groceries Building located at 225 East 2nd Street. The purpose of the Designation is to recognize the John F. Kelly Company Wholesale Groceries Building historic significance to the City of Davenport (Y&J properties LLC, petitioner) [Ward 3].

Recommendation:

The Historic Preservation Commission forwards Case LL17-01 to the City Council with a recommendation for approval without any special conditions.

The Commission vote for approval was 4-yes and 0-no.

Please refer to the Commission's September 13, 2017 letter.

Relationship to Goals:

Urban revitalization.

Background:

John F. Kelly Company Wholesale Groceries Building was constructed in 1910. The building appears to be an early component of what would become a very substantial presence of wholesale food warehouses in this part of the City. The construction of this building and others in the area marked a transition of the area from the era of "Bucktown", a rough and tumble location of saloons, to a substantive commercial/wholesale district.

The Historic Preservation Commission agrees articulated that the property achieves consistency with Section 17.23.060B.1, which reads "It is associated with events or persons that have made a significant contribution to the broad patterns of the history of the city, county, state and/or the nation."

ATTACHMENTS:

Type	Description
▣ Ordinance	LL17-01 - Ordinance
▣ Backup Material	LL17-01 - Historic Preservation Commission Letter - 9-13-2017
▣ Backup Material	LL17-01 - Application

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development Community Development	Berger, Bruce	Approved	9/27/2017 - 1:03 PM

Committee
City Clerk

Berger, Bruce
Admin, Default

Approved
Approved

9/27/2017 - 1:03 PM
9/27/2017 - 2:48 PM

ORDINANCE NO. 2017-

AN ORDINANCE for Case LL17-01 being the Local Landmark Designation of the John F. Kelly Company Wholesale Groceries Building located at 225 East 2nd Street, pursuant to the provisions of Chapter 17.23 of the Municipal code of Davenport, Iowa. The purpose of Designation is to recognize the John F. Kelly Company Wholesale Groceries Building historic significance to the City of Davenport (Y & J properties LLC, petitioner) [Ward 3].

WHEREAS, the City of Davenport is one of the oldest Cities in Iowa, and contains many structures of architectural importance; and

WHEREAS, the Local Landmark designation will help document and recognize the individual historical and architectural significance of the property.

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 designated a Local Landmark. The property has the following legal description:

Part of the Northwest Quarter of Section 36, Township 78 North, Range 3 East of the 5th P.M. being more particularly described as follows:

Block 62, Lot 6 LeClaire's 2nd Addition.

Said property contains .22 acres, more or less.

The Historic Preservation forwards Case LL17-01 to the City Council with a recommendation for approval without any special 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 _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____



City of Davenport
Historic Preservation Commission

Community Planning & Economic Development Department
226 West 4th Street
Davenport, Iowa 52801

September 13, 2017

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

At its regular meeting of September 12, 2017, the Historic Preservation considered Case No. LL17-01 being the Local Landmark Designation of the John F. Kelly Company Wholesale Groceries Building located at 225 East 2nd Street.

The Historic Preservation Commission forwards Case LL17-01 to the City Council with a recommendation for approval without any special conditions.

Respectfully submitted,

A handwritten signature in blue ink, reading "John L. Frueh". The signature is written in a cursive, flowing style.

John L. Frueh, Chairperson
Historic Preservation Commission



"INDIVIDUAL PROPERTY" NOMINATION

for the

DAVENPORT REGISTER OF HISTORIC PROPERTIES

**Historic Preservation Commission
City of Davenport, Iowa**

Please Provide the following information: (Please type or print)

Address of the Property: 225 E. Second St., Davenport, IA 52801-1619

Legal Description of the Property: Subdivision Name: LeClaire's 3rd

Block: 62 Lot: 8

Historic Name (or proposed historic name): John F. Kelly Company Wholesale Groceries Building

Date listed on *National Register of Historic Places* (if applicable): N/A

(If listed, NRHP Site No. #82-10)

NRHP Historic District (if applicable): _____

Who is the PETITIONER for Nomination: Owner(s) of Record: X HPC: _____ (check one)

Owner(s) of Record: Y & J Properties LLC

Owner(s) Address: (Name) Y & J Properties LLC

(Street) 3213 40th St.

(City, State & ZIP) Moline, IL 61265-5919

Owner(s) Telecommunications: Work: 563-424-1310 Home: _____ Mobile: _____

Fax: _____ Email: manisha@yash.com

Current Use of the Property: Art Galleries/Vacant

Original Function of the Property: Wholesale Grocery Distribution

The Petitioner shall submit the following information:

- (1) Four 4" X 6" photographs showing all elevations (These will become part of the Commission's permanent file and cannot be returned.) See attached Continuation Sheet
- (2) Any historical photographs, if available. (Clear photocopies of the photographs are acceptable at the time of application as long as petitioner brings reprints and/or slides of historical photographs to the meeting for HPC review. These will be returned after consideration of the nomination is complete.) Included within 2016 Site Inventory
- (3) Physical Description of the Property: Included within 2016 Site Inventory (Applicant may use as many continuation sheets as necessary)

Date of Construction: 1910_____ Architectural Style: Commercial Vernacular with Colonial Revival elements

Building Materials: Foundation: Concrete Block Walls: Brick

Roof: Synthetic Rubber membrane Other: _____

Distinctive Features: The building is a simple rectilinear brick veneer structure with an interior built for service. Its most distinctive interior features are its massive timber posts attached to joists by steel brackets, exposed rafters and original hardwood floors. These elements are present throughout the building.

Alterations: A number of windows have been replaced. On the first floor at the primary north façade and the street side east elevation, original sets of large wooden double hung windows are intact. There have been alterations to the interior layout.

- (4) A narrative describing why the property satisfies the "Designation Criteria" listed in Section 17.23.060(2) of the 1990 Municipal Code. Please describe both the property's present and historic physical appearance as it relates to the definitions of Architectural and Historical significance in contained in Section 17.23.030¹.

The John F. Kelly Company Wholesale Groceries Building satisfies Section 17.23.060(2) based upon its commercial historical associations (Criterion A) with the wholesale grocery business. Its period of significance of 1910-1948 and is based upon its role as a grocery warehouse, dating from its original construction. Significant dates are 1910, the year of construction, and 1948 when it was converted to retail use.

An extensive site inventory on the John F. Kelly Building was completed in 2016 for the building's current owners and that document is attached. Below are some excerpts as well as additional information about the Kelly family.

John F. Kelly was the President of the Kelly Wholesale Grocery firm and a second generation grocer. The Kelly family's participation in the grocery business began with John Kelly's father Walter, a native of Ireland who immigrated to America in 1835 and arrived in Davenport in 1841. Kelly worked for various firms before entering into several partnerships beginning in 1852 that culminated in 1881 in a partnership with son William. The Kelly family, including John F., operated grocery-related firms at various addresses along 1st and 2nd near Iowa and Brady Streets. In 1884, Walter retired, selling out to his son John F. Kelly.

This building appears to be an early component of what would become a very substantial presence of wholesale food warehouses in this part of the city. This commercial niche is representative of the commercial and industrial diversification that was forced upon the city following the demise of river-based lumber and wood fabrication, ca. 1905-10. A number of later examples of grocery and food processing warehouses and firms are found in the nearby Crescent Warehouse Historic District that is just a few blocks to the north.
(https://en.wikipedia.org/wiki/Crescent_Warehouse_Historic_District).

The construction of the Kelly Building and other nearby commercial structures along 2nd Street marks a transition of the area from the era of "Bucktown," a rough-and-tumble location of saloons and bars, to a substantive commercial/wholesale district. In fact, in Sharon E. Woods' 2005 book *The Freedom of the Streets*, the author claims that, after 1893, Davenport city fathers, in an attempt to regulate prostitution, encouraged the concentration of brothels in the areas along 2nd, 3rd, and 4th Streets around Iowa, Pershing (then Rock Island) and Iowa Streets.

And, in an October 25, 1923 article, the *Davenport Democrat-Leader*, looked back at the bad old days of Bucktown, when it was the:

"...Gay White Way or Primrose Path which stretched along the thorofare (sic) a generation ago, making the district known from coast to coast as "Bucktown."

It was a district where the noises of revelry could be heard all night long, and until the early morning hours, where there was never a lock and key to the saloons, where the tinkle of pianos and the drum of jazz orchestras was heard nightly to the accompaniment of tinkling wine glasses and rattling beer mugs.

Here it was that the mad crowd of revelers gathered nightly and poured out a stream of gold for its entertainment. In these days rich Chicagoans, students from Iowa City and rich young bloods from Davenport mingled in the throng of pleasure seekers and cabaret dance halls, saloon, gambling hall and resorts of worse repute flourished. With all the revelry the district was in many ways law abiding as far as the major crimes go, and there were not the sudden deaths or crime of violence that one would have expected from a district of the kind.

Property values in those days were extremely high and enormous rentals were secured from the denizens of the underworld who leased the property along East Second Street. Then came the clean-up, the eventual wiping out of the saloon and the district for a time became almost It was not long, however, before enterprising businessmen realized the great possibilities of the main east and west artery between Iowa and Illinois, of the connecting link between Davenport and her sister cities on the other side of the river. Retail business began to settle down there. Then came the auto and the street soon blossomed out into an auto row. Now the oil stations and auto supply and accessory houses have added their business to the collective regeneration of the old thoroughfare and it is one of the busiest streets in Davenport day or night."

The article goes on to underscore the importance of East 2nd Street as a gateway to the city from the east and the Iowa exit point of people traveling toward Illinois since the Government Bridge provided the only vehicular river crossing point in the city and would continue to do so until the opening of the first span of the Iowa-Illinois Memorial Bridge (I-74 Bridge) in 1935.

In 1895, the bridge had been rebuilt as a double decker span carrying both rail and road traffic. Transportation was enhanced by the turn-of-the-century construction of an elevated rail bed and a rail yard, making the eastern side of Davenport's downtown an attractive area for factories and warehouses like the Kelly Building.

Future Use: After decades as a location for wholesale and retail establishments, the building was converted by MidCoast Fine Arts to Bucktown Center for the Arts which opened in 2005 and housed galleries, artist studios and labs and condominiums. MidCoast sold the building in 2016. The new owners will continue to operate the first floor as public space. The upper floors will become market rate apartments.

The "Designation Criteria" are defined in the 1990 Municipal Code as follows:

Designation Criteria: Section 17.23.060(2). The Commission shall, after such investigation as it deems necessary, make a recommendation to the City Council as to whether a nominated structure or district qualifies for the Local Register. To qualify, a property must satisfy one or more of the following criteria:

- (A) It is associated with events or persons that have made a significant contribution to the broad patterns of history of the city, county, state and/or nation; and/or
- (B) It embodies the distinctive characteristics of an architectural style valuable for the study of a type, period or method of construction; and/or
- (C) It represents the work of a master builder, craftsman, architect, engineer or landscape architect or possesses high artistic values.

- (5) A list of major bibliographical references.

See bibliography in attached Site Inventory, plus:

Svendsen, Marlys, "Crescent Warehouse Historic District." National Register of Historic Places Registration Form. October, 2003.

Woods, Sharon E. *The Freedom of the Streets: Work, Citizenship and Sexuality in a Gilded Age City*. University of North Carolina Press. 2005

"Walter Kelly." *Davenport, Scott County, Iowa Biographical History and Portrait Gallery of Scott County*. American Biographical Publishing Co. 1895.

"I, petitioner for the nomination of the aforementioned property to the Davenport Register of Historic Properties, do hereby state that all the information contained herein is, to the best of my knowledge, accurate and that there are no negligent or fraudulent misrepresentations of fact. I also understand that fraudulent misrepresentations of fact contained in this nomination form shall be sufficient cause to immediately nullify the nomination process.



Owner(s) of Record or Authorized Agent

07/26/17

Date

¹ Definitions of Architectural and Historical significance can be found in Sections 17.23.030(3) and 17.23.030(19) respectively.

Please return the completed application to the:

Historic Preservation Commission
Community & Economic Development Department
226 W. 4th Street
Davenport, Iowa 52801

Direct your questions to the Commission Secretary at 326-7765.

Your Nomination for Designation will be considered by the Historic Preservation Commission at its public meeting scheduled for:

month day year

All Historic Preservation Commission Public Meetings are held in the City Council Chambers at City Hall on the 2nd Tuesday of every month at 4:30 p.m. unless otherwise notified.

Staff will keep the original signed nomination form and will return to the petitioner a photocopy of the application with staff comments.

PLEASE NOTE: The owner(s) of record, or an agent acting on their behalf (petitioner), should plan to attend the Commission meeting in person. It is important for someone to be present to respond to the Commission's inquiries and comments. If no one is present, the nomination process may be delayed indefinitely.

For Staff Only:

Received by: _____

Commission Secretary or Designee

Date

Is application complete? Yes No

If not, explain: _____

Historic Preservation Commission
City of Davenport, Iowa
Nomination for the Davenport Register of Historic Properties

Continuation Sheet:



Photo #1
The John F. Kelly Building
August 27, 2016
Looking S, North Façade. Original windows at the first floor.

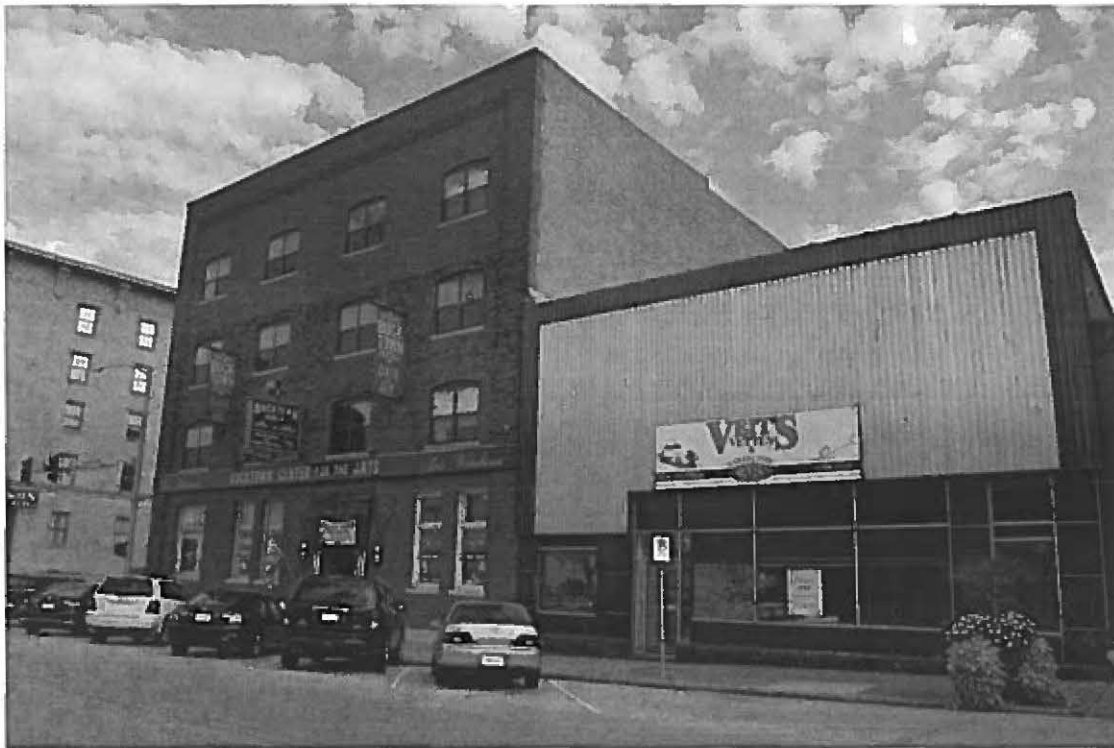


Photo # 2
The John F. Kelly Building
August 26, 2016
Looking SE, N façade and W elevation.



Photo #3
The John F. Kelly Building
Looking W, E elevation.



Photo #4
John F. Kelly Building
August 26, 2016
Looking NE, S elevation and side of W elevation

State Inventory Number: 82-05320 ☐ New ☒ Supplemental
9-Digit SHPD Review and Compliance (R&C) Number: _____ ☐ Non-Extant Year: _____

IOWA SITE INVENTORY FORM

Read the **Iowa Site Inventory Form Instructions** carefully, to ensure accuracy and completeness before completing this form. The instructions are available at <http://www.iowahistory.org/historic-preservation/statewide-inventory-and-collections/iowa-site-inventory-form.html>.

Basic Information

Historic Building Name: John F. Kelly Company Wholesale Groceries Building
Other Names: _____
Street Address: 225 East Second Street
City: Davenport ☐ Vicinity County: Scott State: IA ZIP: 52801-1619

LEGAL DESCRIPTION

Rural

Township Name: _____
Township No.: _____
Range No.: _____
Section: _____
Quarter: _____ of _____

Urban

Subdivision: LeClaire's 3rd
Block(s): 62
Lot(s): 6

Classification

A. PROPERTY CATEGORY:

- ☐ Building(s)
☐ District
☐ Site
☐ Structure
☐ Object

B. NUMBER OF RESOURCES (WITHIN PROPERTY):

If eligible property, enter number of:

Contributing		Noncontributing
<u>1</u>	Buildings	<u>0</u>
_____	Sites	_____
_____	Structures	_____
_____	Objects	_____
<u>1</u>	Total	<u>0</u>

If non-eligible property, enter number of:

_____	Buildings
_____	Sites
_____	Structures
_____	Objects
_____	Total

C. STATUS OF PROPERTIES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES ☐ Listed ☐ De-listed ☐ NHL ☐ NPS DOE

D. FOR PROPERTIES WITHIN A HISTORIC DISTRICT

- ☐ Property contributes to a National Register or local certified historic district.
☐ Property contributes to a **potential** historic district, based on professional historic/architectural survey and evaluation.
☐ Property does not contribute to the historic district in which it is located.

Historic District Name: _____ Historic District Site Number: _____

E. NAME OF RELATED PROJECT REPORT OR MULTIPLE PROPERTY STUDY (if applicable)

MPD Title: _____ Historical Architectural Database No. _____

Address: 225 East Second Street

City: Davenport

County: Scott

Site Number: _____

District Number: _____

Function or Use

Enter categories (codes **and** terms) from the Iowa Site Inventory Form Instructions

A. HISTORIC FUNCTIONS

02-Commerce/Trade/02H-Warehouse

B. CURRENT FUNCTIONS

02-Commerce/Trade/02E-Specialty Store

01-Domestic/01B-Multiple Dwelling

Description

A. ARCHITECTURAL CLASSIFICATION

01-No Style

B. MATERIALS

Foundation (visible exterior): 10-concrete

Walls (visible exterior): 03-brick

Roof: 15-Synthetics/15C01-rubber membrane (EPDM)

Other: _____

C. NARRATIVE DESCRIPTION ☒ See continuation sheets which must be completed.

Statement of Significance

A. APPLICABLE NATIONAL REGISTER OF HISTORIC PLACES CRITERIA (mark your opinion of eligibility after applying relevant National Register criteria)

Criterion A: Property is associated with significant events.

☒ Yes ☐ No ☐ More research recommended

Criterion B: Property is associated with the lives of significant persons.

☐ Yes ☐ No ☒ More research recommended

Criterion C: Property has distinctive architectural characteristics.

☐ Yes ☐ No ☒ More research recommended

Criterion D: Property yields significant information in archaeology/history.

☐ Yes ☐ No ☒ More research recommended

B. SPECIAL CRITERIA CONSIDERATIONS (mark any special considerations; leave blank if none)

☐ A. Owned by a religious institution or used for religious purposes.

☐ E. A reconstructed building, object, or structure.

☐ B. Removed from its original location.

☐ F. A commemorative property.

☐ C. A birthplace or grave.

☐ G. Property less than 50 years of age or achieved significance within the past 50 years.

☐ D. A cemetery

C. AREAS OF SIGNIFICANCE (enter categories from instructions)

Commerce

D. PERIOD(S) OF SIGNIFICANCE

1910-1948

E. SIGNIFICANT DATES

Construction Date: 1910

Other Dates (including renovations): 1948

F. SIGNIFICANT PERSON (complete if Criterion B is marked above)

G. CULTURAL AFFILIATION (complete if Criterion D is marked above)

H. ARCHITECT/BUILDER

Architect: Spink, C. R.

Builder/Contractor: Phillips, Harry W.

I. NARRATIVE STATEMENT OF SIGNIFICANCE ☒ See continuation sheets which must be completed.

Address: 225 East Second Street
City: Davenport County: Scott
Site Number: _____ District Number: _____

Bibliography

☒ See continuation sheets for the list research sources used in preparing this form.

Geographic Data

OPTIONAL UTM REFERENCES

☐ See continuation sheet for additional UTM or comments

	Zone	Easting	Northing	NAD
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

Form Preparation

Name and Title: James E. Jacobsen Date: November 14, 2016
Organization/Firm: _____
Street Address: _____
City: Des Moines State: IA ZIP: 50312
Email: hp@raccoon.com Telephone: 515-274-3625

Additional Documentation

A. FOR ALL PROPERTIES, ATTACH THE FOLLOWING, AS SPECIFIED IN THE IOWA SITE INVENTORY FORM INSTRUCTIONS

1. Map of property's location within the community.
2. Glossy color 4x6 photos labeled on back with property/building name, address, date taken, view shown, and unique photo number.
3. Photo key showing each photo number on a map and/or floor plan, using arrows next to each photo number to indicate the location and directional view of each photograph.
4. Site plan of buildings/structures on site, identifying boundaries, public roads, and building/structure footprints.

B. FOR ALL STATE HISTORIC TAX CREDIT PART 1 APPLICATIONS, HISTORIC DISTRICTS AND FARMSTEADS, AND BARNs

See lists of special requirements and attachments in the Iowa Site Inventory Form Instructions.

State Historic Preservation Office (SHPO) Use Only

The SHPO has reviewed the Site Inventory and concurs with above survey opinion on National Register eligibility:

- ☐ Yes ☐ No ☐ More research recommended
☐ This is a locally designated property or part of a locally designated district.

Comments:

SHPO Authorized Signature: _____ Date: _____

IOWA SITE INVENTORY FORM – CONTINUATION SHEET

Name of Property: John F. Kelly Company Wholesale Groceries Building
Address: 225 East Second Street
City: Davenport County: Scott

Site Number: _____

Related District Number: _____

Refer to continuation page.

Continuation Pages, John F. Kelly Company Wholesale Groceries Building, 225 East Second Street, Davenport, Scott County, Iowa

The Kelly warehouse is a very substantial four-story brick building that orients on its longer axis fronting north on to East Second Street. It is on the northeast corner of its block and has a primary (north) facade and a secondary (east) facade. There is a raised concrete basement level. The building is fully fenestrated on its principal fronts as well as its rear wall. The east wall parapet line steps down in three stages, the first of which terminates with the substantial in-wall chimney. The building has no attributable style. A feature of its front entry is its off-center location east of center. Facade windows are paired 1/1 light sets while all other original windows, above the ground level were single 1/1 light openings. The roof drains via a rear gutter/downspout system.

This building is located near the east end of Davenport's downtown proper, an area built up with mostly lower-level commercial buildings, but also with a number of substantial warehouses. There are several blocks west of the north end of the 1896 Government Bridge, a Quad-City landmark structure. The downtown occupies a low terrace that fronts south onto the Mississippi River. Davenport is the county seat of Scott County and the county is located on the south end of the east central "bulge" that serves to define the state map's footprint.

Exterior Description:

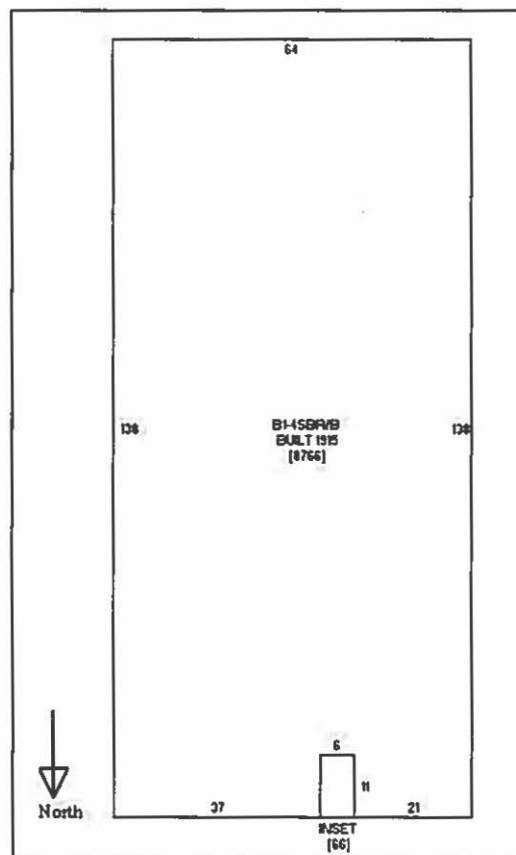


Figure 1: Basic building footprint (Scott County Assessor, 2016)

The building is load-bearing and its very substantial walls step down as the live load diminishes vertically. Like many area warehouses, the building facades are veneered with Purington Paver brick, a hard fired wider brick that is difficult to cut and otherwise lay up. While sandblasting has altered the original darker hues of the brick, the walls remain a mottled brown in their color range. On the ground levels rowlock courses of paver block indicate double layers in addition to the sub brick. Sub walls are of brick construction. The

paver veneer is laid in running bond with successive courses being centered above the lower vertical joints of the preceding one. The foundation walls as noted are an exposed concrete, the absence of a stone veneer reflecting the utilitarian nature of the building design. The internal structural system consists of three evenly spaced rows of square cut columns, 11 columns to a row, which makes for four bays running east and west, and a dozen north and south. These too step down in their size at each floor level. First floor columns measure nine inches square while the uppermost third floor ones are seven and a half inches square. Successive columns rest directly on those below it. The metal beam supports are of interest because they are composite assemblages, being at least theoretically adjustable due to the use of through-bolts and nuts from side to side. In theory the same cap could have been used regardless of the scale of columns by adjusting the bolt length. However in this instance considerable shimming or trimming was used to fit the caps and columns. The building interior is wood framed with wood floors (see alterations). The basement has concrete floors but these are ad hoc in nature.

The primary facade design consists of a single recessed unadorned wall plane that is set back within a three-sided pilaster/parapet frame. The parapet steps out using corbelled brick but is otherwise unadorned. Windows are evenly spaced across each floor level (which is to say the spaces between each other is broad and consistent). Semi-circular window arches consist of triple rowlock brick rows with stone or concrete sills. Windows on this front are paired 1/1 openings. The fact that the fourth floor exterior brickwork has been differentially tuck pointed and more severely sandblasted makes it read as an added feature. The contrast is heightened because all of the lower level brick work has a gray mortar color, while the fourth floor tuck pointing was with white mortar. Ground level office and storefront uses necessitated elongated windows. These have transoms, are paired on either side of the entrance and a broader corner window, and have a split transom that replicates the paired window sets. The entrance is offset into the second bay east. It has a recessed entry stair and a faux Colonial Revival wooden frame consisting of columns and a straight arch. Signage, in the form of a projecting wooden square-cut cornice and a centered projecting sign (also in Colonial Revival style) are the only other distinguishing main facade features. The recessed entry has a wooden ceiling with molding, a patterned projecting brick that apparently supported the original inset door frame. A Colonial Revival style trimmed raised window on the west entry wall is a later modification. A stepped or pedimented stone arch above the doorway is of interest.

The darker facade brickwork wraps around the north edge of the west sidewall by one wall thickness. Otherwise the west wall is faced with a common blonde colored brick. It is unfenestrated save for a centered second floor connecting fire door that linked it with a now lost neighboring two-story building and one added window set cut into the south end of the fourth floor.

The eastern secondary facade on the ground level continues the pattern of larger office windows across the north half of the frontage. As is the case on the main facade, the east corner window is squared with split transom while the other four 1/1 elongated windows with transoms are loosely paired. Basement windows are paired within the structural bay cadence but is the case elsewhere all of these openings have been infilled with concrete. Four door openings across the middle of this frontage have been bricked in or reduced in height. From north to south these include a full-height (relative to the adjacent office windows) single door entry with transom, completely bricked shut; an elevated shipping door with triple-rowlock semi-circular arch left in place along with a broad concrete sill (the gas service is now below this opening); a matching elevated shipping door, with the same concrete sill but a straight soldier brick arch set below a stone sill (the base for a transom opening now bricked in but obscured by signage), this is now an at-grade single door entry; a third shipping door matching the others but infilled more recently with a recessed concrete wall infill, and with the transom light also bricked in. Finally a fourth identical raised shipping door remains in service at the south end. It retains a wooden bumper, one steel corner guard, twin steel arch supports, and the paving stone veneer is wrapped around and through it on both sides. It remains in use but never had a transom.

The rear wall uses the same paver veneer but the upper three stories were tuck pointed with white mortar and the visual contrast is notable. On this frontage the paver veneer is keyed into the walls with rowlock

courses in contrast to the facade veneer. Historically this was a railroad siding frontage with a loading dock and two shipping doors without transoms and a ramp and a concrete stoop emulate the lost dock. Both openings survive but the east corner one has been downsized to a single door entry with sidelights. The fenestration on this front consisted of four 1/1 lights with triple rowlock brick semi-circular arches, these being centered within each bay frontage and vertically aligned. These openings survive on the second floor (the east two being obscured by signage) but have been enlarged on the upper floors.

Setting:

The building being on a corner necessarily is fronted to the north and south with sidewalks and the paved street and gutter with no landscaping. An alley runs south of the building and a single-story building adjoins the west wall from front to back.

Interior Description:

Basement:

The basement is high-ceilinged and is largely open-planned as are the upper levels. A range of partition walls separate the center portion of the east side wall into a range of rooms that contained coal, mechanicals, a vault and shops/storage. Walls are of concrete construction and it is important to note that the columns at this level are of paver block construction in lieu of wood. The square columns have concrete caps. The chimney is composed of brick pavers. The floors are concrete, the exception being at the base of the removed freight elevator.

General Upper Level Comments:

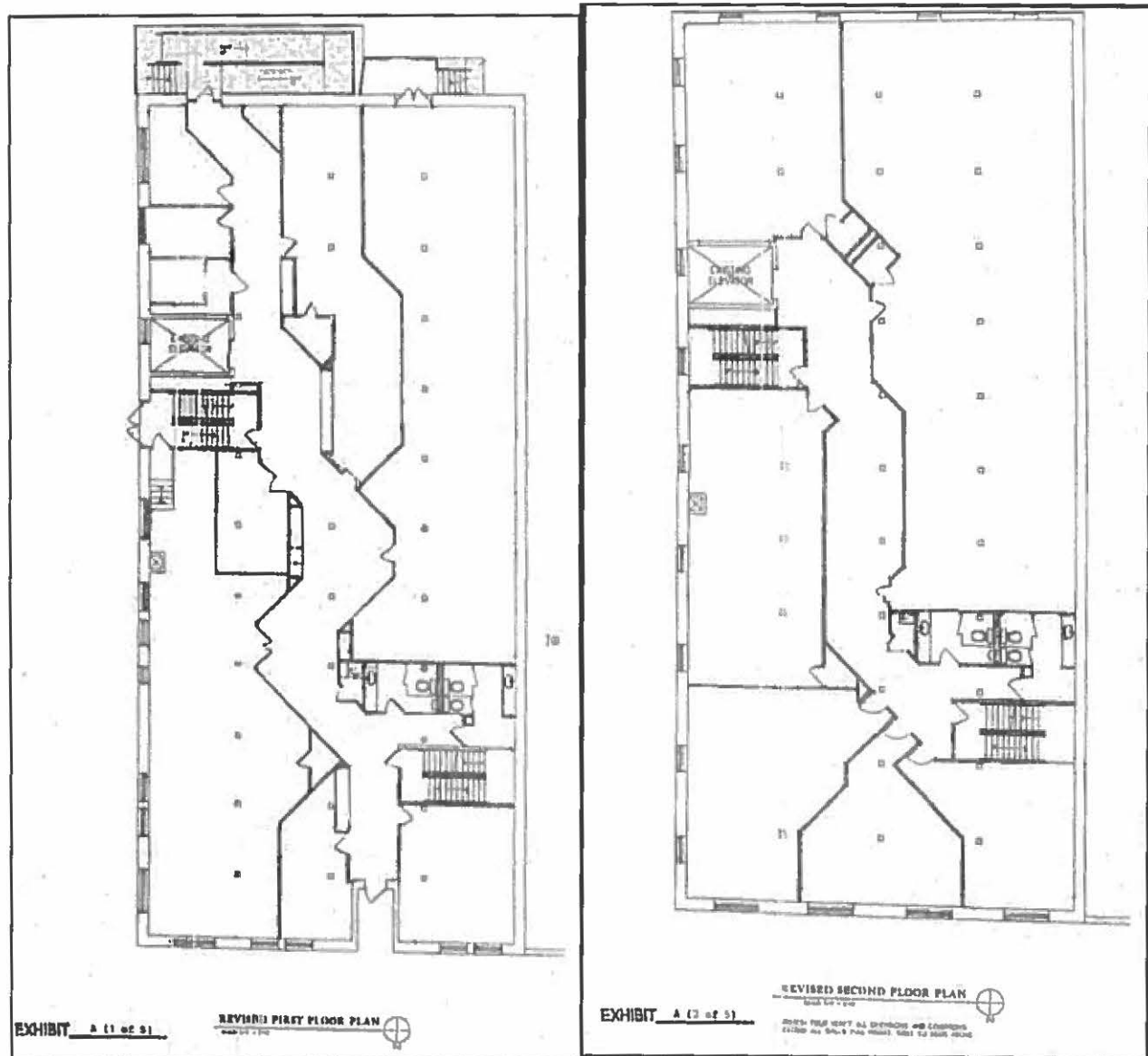
The four upper floors are identical in their general layouts, with a zig-zagging hall layout that angles from the southeast corner to the northwest corner. There are two enclosed stairways both of recent vintage, located in the latter corner and to the north of the elevator on the south end of the east wall. Interior perimeter walls are brick-faced and show few signs that they were ever finished (exceptions being the office areas on the ground floor and some later-date upper level retail areas. Ceiling joists are exposed as are wooden floors. One of the noteworthy aspects of the Bucktown rehabilitation was the full exposure of the wood columns and beams. These are usually buried within walls. Apart from the framing, very little original trim and no original elevator, vault, or stairway components or trim work survive. Circular unpainted ducts deliver heat and fresh air on all levels. The chimney has stove holes on many floors indicating that stove heat supplemented the central heating plant at times.

First Floor:

The office area of the original and early companies occupied the northeast quadrant of this plan and lath marks on the ceiling joints indicate a plastered ceiling now removed. Concrete floors denote the location of the vault and the front part of this level was also partitioned off for retail use throughout its history. Some removed partition walls have left their ghosts in the flooring although the current maple floors date from its first real retail conversion in the early 1950s. Similarly the ceiling joists show marks of lost lathe and plaster. The northernmost sealed in shipping door on the east side wall is infilled with paving block on the inside and regular brick on the outside, an indication that the latter was added to make the infill flush with the outside wall at a later date. The sealed in pedestrian door in the same wall, originally egressed the office area. The office area walls remained plastered.

As Figure 2 shows the ground floor is divided into four major and two lesser (southeast corner) tenant spaces. Note how the structural columns remain exposed throughout this and all other floor plans. A rougher wooden floor is located in the southwest quadrant of the plan. There are some replaced flooring sections across

the east central part of the plan. A mount for a rolling fire door survives on the south wall alongside the existing overhead door in the southwest corner. The west interior brick wall is painted gray. Each floor has a janitor's closet located immediately east of the bathrooms. The plan shows the rear entry ramp, the two rear entrances, the elevator and staircase and the second northeast corner staircase. A half-flight of stairs descends to the east entry to the north of the east stair system. The concrete floor in center of this larger room marks the location of a basement vault.



Figures 2-3: as-built floor plans, first (left) and second (right) floors (Property Abstract, 2005)

Second Floor:

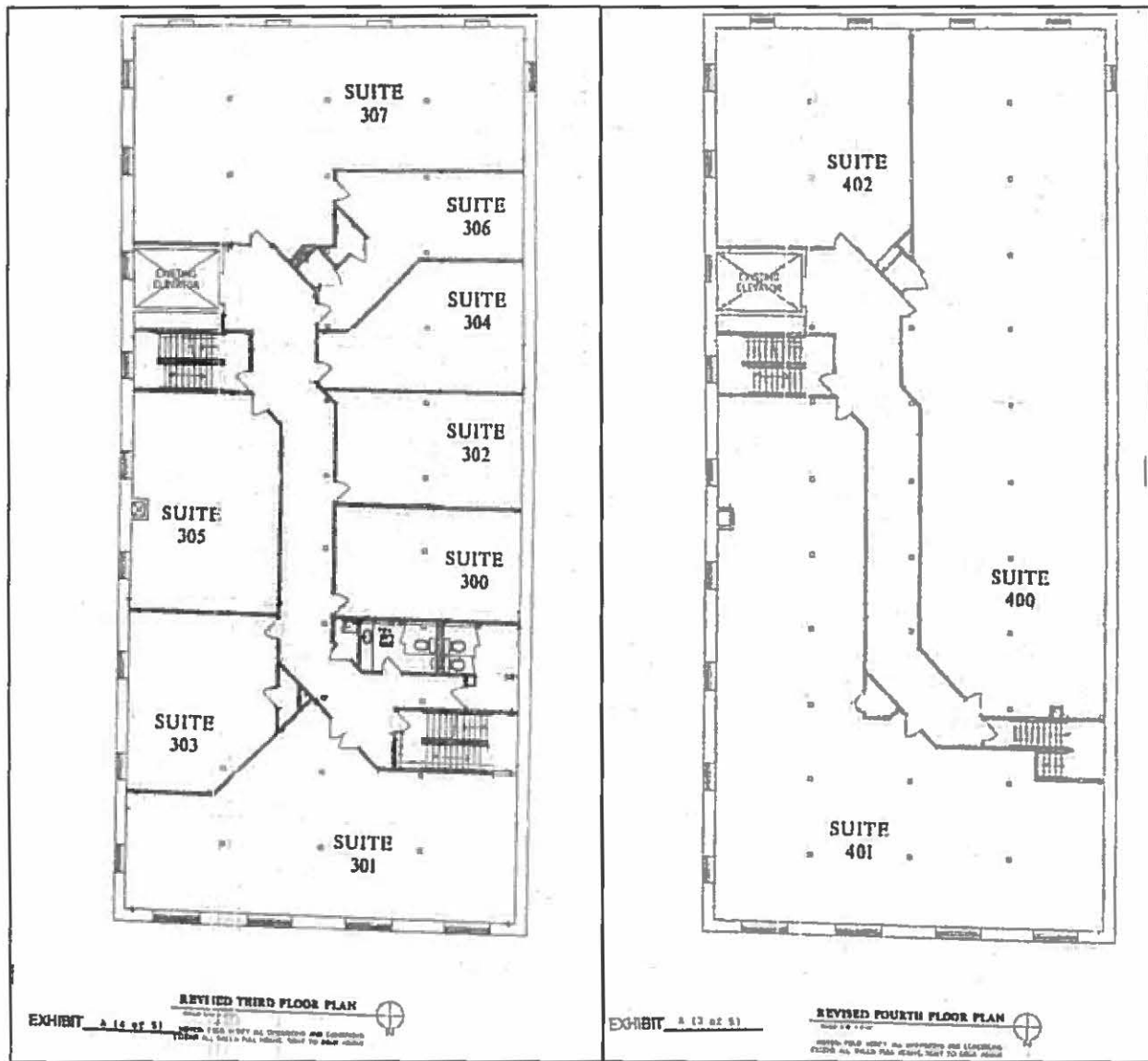
This level has six medium to large suites, and the same bathroom, hall, stairs and elevator features as the lower three floors.

Third Floor:

This level has seven small to medium suites and the southeast part of the plan is the lower level of a two-story condominium. A metal spiral stairs links the two levels and there is a substantial light well.

Fourth Floor:

This level has the simplest layout with two larger suites and the upper level of the condominium. Angled heavy timber columns or braces denote the location of the removed freight elevator located in the second bay from the west wall and the fourth one from the south wall. These braces supported the elevator penthouse.



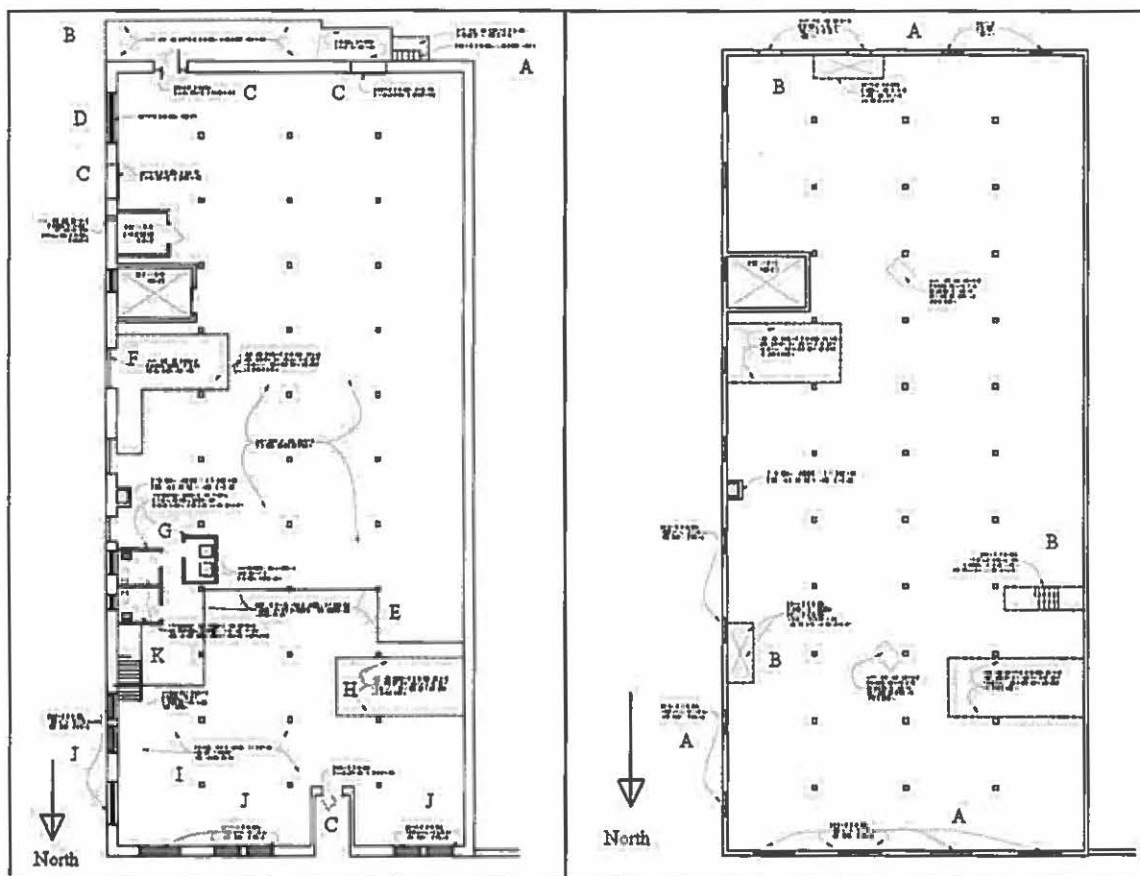
Figures 4-5: as-built floor plans, third (left) and fourth (right) floors (Property Abstract, 2005)

Alterations:

The extensive building permit record that is associated with this building illustrate a continuous history of alteration within the building as well as on the east and south ground levels. The comprehensive work undertaken in 2005 eliminated all pre-existing stairwells, the freight elevator and any and all interior partition walls. On the first floor the southeast corner door and frame were replaced and the southwest exterior roll-up shipping door was replaced. The front door and frame were replaced and two new stairwells were cut through. The present bathrooms and of course the new partitions and halls also date to this period. There are notes relative to retaining a metal ceiling located in the northeast quadrant of the plan but this component is not extant today. What basically was left were the wood floors, interior structural system, the exposed joists including a whitewash coating in the southwest quadrant of the first floor and the ground level front office windows and

frames. The columns were not cleaned although some tenants did paint the column capitals differentially and apply a wash to some columns and beams. The basement was left pretty much unchanged with regard to partition walls along the east wall. All windows apart from the office windows were replaced and openings were enlarged on south wall of the upper two floors.

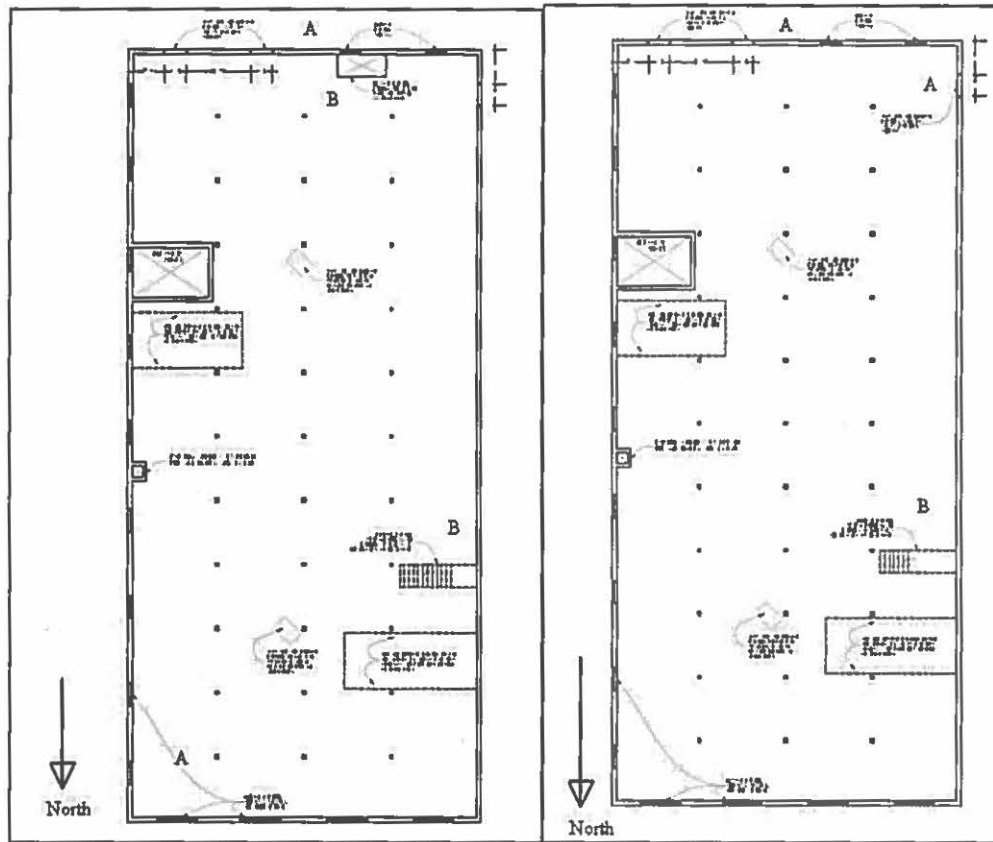
The original freight elevator is not referenced by the 2005 plans and must have been removed prior to the transformation of the building for retail use in 1948 when the first elevator reference is made.



Figures 6-7: 2005 as built (first floor left, second right)

The 2005 as built basement plan showed no changes or existing partition walls. No major changes were observed apart from presumed mechanical updates. The 2005 first floor changes were (A) removal of southwest exterior stairs; (B) removal of southeast corner sidewalk; (C) replacement of door and door frames at four locations; (D) window removal; (E) line of existing metal ceiling (north from this line) see I; (F) cutting in new east side stairway; (G) completely remove furnaces, enclosure and bathrooms; (H) construct new west stairway; (I) retain metal ceiling (apparently not done or removed later); (J) replace facade office windows (not done) and (K) remove northeast corner stairs. The stair construction and removals necessarily carried up through the entire plan save for a rear stair set that started on the second floor.

The 2005 second floor changes were (A) window replacement and (B) stairway removal and infill (three points).



Figures 8-9: 2005 as built (third floor left, fourth right)

The 2005 third floor changes were (A) window replacement and (B) stairway removal and infill (three points). Fourth floor 2005 changes are coded in the same manner, with the cutting of a new window at the south end of the west wall.

Add.	Date	Owner	Contractor	Description	Comment
227	10-20-32	John F. Kelly Co.	H. Vogel Roofing	Roof, \$300	
229	1-17-38	Union Savings Bank		12 foot high partitions and plaster, \$600	
227	2-24-38	Western Grocery	Kennedy Insulation	Install cold storage, partitions and insulate, 90 feet by 14 feet by 10 feet	
227	12-18-39	Same	Roy Larsen	70 feet by 15 feet roof display sign	
227	10-9-40	Union Receiver	Walter Johnson	Cut new east wall door to enter who. from street, with arch in place of ??? to fill in with wood over door	
227	2-20-43	Western Grocery	Brookfield Pest Control	Fumigate 3rd-4th floors with gas	
225	9-27-43	1st Trust & Savings	Vogel Roofing	Reroof 58 squares, \$420	
227	2-1-45	H. Tenenbom	Roy Hanson	Remove stairs bet.	

Add.	Date	Owner	Contractor	Description	Comment
				1st and 2nd in front of who. replace at rear of building	
227	1-11-46	Abe Tenenbom	Larson Co.	Repairs east fire escape, rebuild bottom so as to not be again damaged by trucks, \$200	
227	12-28-48	H. Tenenbom	A. J. Evans Co.	\$12,000-remodel who. for retail first floor, drop ceiling 61 feet by 102 feet area, suspended ceiling with joists, sheet rock and nuwood, 61 feet partition across rear and around elevator shaft, metal lath and plaster both sides no opening store to elevator, partition for new toilet	
227	1-12-49	H. Tenenbom	Layson Co.	250 gallon oil steam boiler and tank	
227	2-14-49	Robert Hall Clothing	Roy Hanson	Neon sign	
227	4-4-49	A. & M. Tenenbom	Philips Roofing	Storage house roof, 87.5 squares, \$975	
225	8-9-50	Tenenbom Inc.	Deanery Const.	Repair loading dock decking, \$175	
229	2-5-53	H. Tenenbom		Sheet rock second floor for paint spray room, 8 feet by 10 feet, \$125	
225	5-25-53	H. Tenenbom	Sorento Peters Co	2nd floor toilet partition, not to ceiling	gone
225	1-2-57	Ryman Furniture	Boy Hansen Co	Neon sign	
225	2-1-57	Same	Same	Plastic ilum. sign	
227	2-6-59	L. Pessa, A. Kinter	Herrington Roofing	Remove old asphalt roof, 80 squares, \$1,800	
225	4-2-59	Mark Elliott Realty	Same	10' stud partition rear first floor adj. to elevator, \$30	
225	4-17-59	Robinson Wholesale	Same	5 painted signs flat, 2 east, 3 north	

Add.	Date	Owner	Contractor	Description	Comment
225	1-3-60	Alex Cantor	Fred Peterson Co.	Close inside of basement elevator opening, \$500	
225	8-28-63	Lou Siegel Furn.	Park Advertising	Double-faced sign	
225	2-29-64	Same	Henry Erps	First, second floor stair enclosures, \$450	
225	11-24-64	Same	Freeman Htg.	Gas air conditioning	
225	10-12-65	Same	Same	Replace controls after flooding	
225	6-27-67	Same	Rogers Door Co.	6 feet by 8.6 feet overhead steel door, \$160	
225	6-27-67	Same	Ryan & Asso.	Gas-hot water	
225	10-2-67	Same	B&N Gen. Cont.	Repair cellar floor, \$200	
225	3-22-68	Same	Park Advertising	Plastic illum. sign	
225	12-5-68	Same	People's Heating	Gas heat, \$400	
225	6-17-69	Same	Same	Air conditioning, \$3,000	
225	11-18-69	Same	Same	Gas heating	
228?	4-28-71	Same		Replace heating, air conditioning	
225	10-9-71	Same	Bert Lafferty	Close and tuck point exterior, \$10,300	
225	1-27-72	Same	Blitz Impvt. Co.	Minor roof repairs	
225	1-25-75	Same	Advance Sign	Electric sign	
225	10-30-75	Same	R. L. Felt Co.	Elevator pit to foundation edge	
225	12-2-75	Same	Same	Concrete block elevator enclosure, pit, four floors 14 feet by 12 feet by 56 feet, \$15,700	
225	8-13-76	Same	Peoples Htg.	New air conditioning install	
227	6-17-80	??? Industries	Advance Sign	2 40 feet by 9 inch signs	

Integrity Analysis:

The building overall retains a good degree of historical integrity. The two key focal points or concerns are the differential fourth story exterior tuckpointing and the overall loss of all interior historical features. The first is mitigated by the probability that the visual impact of the tuckpointing can be mitigated by repointing, the latter point is mitigated by the retention of interior floors, open ceilings and structural components. The building otherwise retains a sufficient level of physical integrity and meets the seven measures of same sufficiently to be eligible for individual nomination to the National Register of Historic Places.

The location measure is met given that the building has not been moved and occupies its historical parcel.

The integrity of setting is well met by the survival of the commercial streetscape that largely consists of warehouses and automotive related buildings, the proximity of the Mississippi River and the Government rail/vehicular bridge and Lock and Dam #15. The latter features interpret the vulnerability to flooding, the role of this part of the downtown as an emerging point of entry to the city proper and the related commercial evolution of this part of the downtown to take advantage of that locational advantage.

The integrity of materials is met by virtue of the preservation of the core structure (raised concrete foundation, brick curtain walls, ornamental stone, main entry), cladding materials (brick, stone) and interior structural system and wood floors.

Integrity of workmanship is particularly well expressed in the foundation and brickwork and the structural system. Vitrified brick is difficult to work with, being resistant to mortar and frightful to cut. The cast iron column caps used inside had to be fitted by trimming the columns and this work is readily visible.

Integrity of feeling is particularly strong given that a considerably altered building interior retains its ability to present its original appearance. Inside the high ceilings, entrance and open vestibule, reflect the majesty of the original grocery display room.

Finally integrity of association is strongly retained. Any person directly associated historically with this building would have no difficulty finding and recognizing it.

Future Building Plans:

The building will be redeveloped for retail and residential use but without a condominium ownership structure. The rehabilitation plans envision the addition of windows on the West elevation starting 38' back on from the facade. The interior hall layout will be retained, with minor wall changes going on inside the existing units. Ceiling heights will remain open except for perhaps the bedrooms on floors 2 and 3. The bedroom ceilings need to be sheet rocked for noise reduction. The bathrooms will have dropped ceilings. All others will be open.

Historical Significance Evaluation:

The John F. Kelly Company Wholesale Groceries Building is individually eligible for listing in the National Register of Historic Places. Its significance, on the local level, is based upon its commercial historical associations (Criterion A), with a period of significance of 1910-1948. The period of significance is based upon its role as a grocery warehouse, dating from its original construction. Significant dates are 1910, the year of construction, and 1948 when it was converted to retail use.

This building appears to be an early component of what would become a very substantial presence of wholesale food warehouses in this part of the city. This commercial niche is representative of the commercial and industrial diversification that was forced upon the city following the demise of river-based lumber and wood fabrication, ca. 1905-10. A number of later examples of grocery and food processing warehouses and firms are found in the nearby Crescent Warehouse Historic District that is just a few blocks to the north (https://en.wikipedia.org/wiki/Crescent_Warehouse_Historic_District).

A Criterion C argument is not offered at this time despite the fact that this building is a large and prominently located warehouse building and one that is constructed using a fairly uncommon brick type. While the building retains its historic storefront and its interior support system and sense of scale, the loss of stairs, freight elevator and all historic interior offices or other rooms reduces its ability to reflect its design as it relates to wholesale grocery sales and storage. Nothing distinctive is otherwise found regarding its design.

This property was documented and evaluated by historical consultant Alexa McDowell (AKAY Consulting) in 2004 and was recommended as being so eligible under the same historical justification (without specific reference to the warehousing role or establishing a period of significance).

Bucktown Neighborhood Context:

This part of town was known as "Bucktown" a wilding place where all desires that were prohibited elsewhere, were to be fulfilled. The district encompassed six blocks located between Front to East Third, and Perry to the Arsenal Bridge. The 1892 Sanborn Map identifies eleven saloons in operation along the two-block length of East Second Street as of that time. This corner location was fully involved in the liquor and related trade. The lot was divided into two halves in 1842 but was in unified ownership as part of the William G. Jones estate when its owner died in 1884. Sanborn maps show a residence and a saloon on the lot. The property abstract first documents a pre-existing link to the liquor trade in 1903 when James A. "Brick" Munro (1862-1940) obtained an eight year plus lease that included his payment of the annual Mulct Tax. Munro was known as the "King of Bucktown" and operated "Brick's Pavilion and Summer Garden" aka "Brick's Dime-a-dance Saloon." Munro was an entrepreneur, providing rubber-wheeled carriage service to all arriving boats and trains and the joint inventor of a successful pressure pump that produced compressed air. He was also a walking contradiction, both his own bouncer and one who prohibited prostitutes from his operation. He was also generous to a fault and gave away a personal fortune to those in need and worthy local causes. He first hired Al Jolson as a singing waiter. His first court test dated to late 1903 and by 1908 Munro was partnered with Bernhard D. Connelly when the pair was hauled to county district court and an injunction was issued against their livelihood of choice. The good times finally ended in 1909 for Munro and for Bucktown with statewide prohibition in 1916 (*History of Davenport and Scott County*, 1910, p. 735; *Davenport Daily Leader*, November 11, 25, 1903; Turner, pp. 90-92; *Quad City Times*, January 24, 2006; <https://www.facebook.com/Donna.Lee.Bucktownsaga>; <https://bucktownmadame.blogspot.com>).

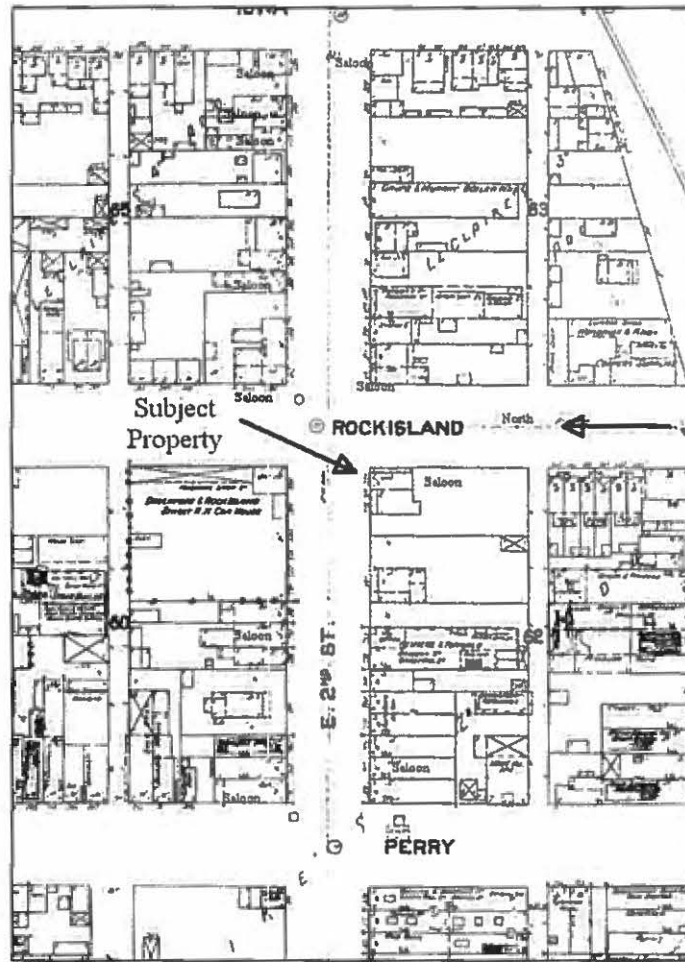


Figure 10: 1892 Sanborn Map annotated with saloon locations



Figure 11: Detail Davenport, Iowa 1888 bird's eye view, Bucktown area showing bridge and future building site (<https://www.loc.gov/item/75693231>)

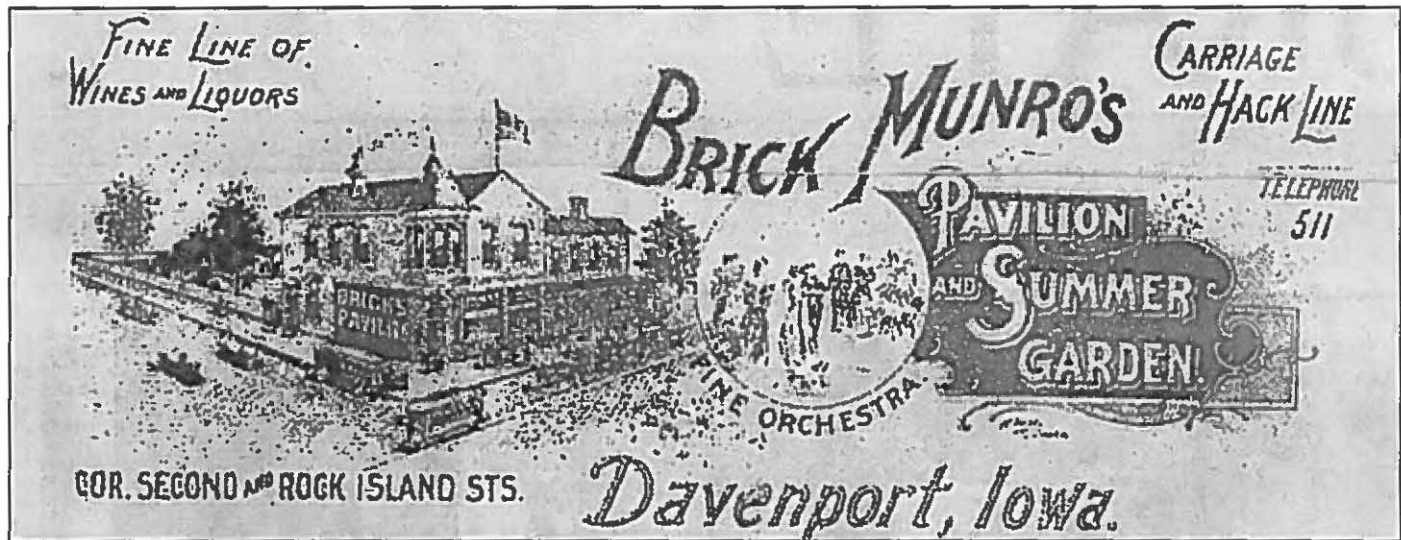


Figure 12: Brick's pavilion (<https://www.facebook.com/Donna.Lee.Bucktownsaga>)

The John F. Kelly Company, Wholesale Grocers:

Walter Kelly (1814-1893) was an Irish emigrant who came to America in 1835, reaching Davenport six years later. In 1852 a series of business partnerships began. In 1884 son John F. Kelly (1846-1925) purchased his father's interest (Walter Kelly and Son) and the namesake company was organized as a wholesale grocery, being located at 102 Front Street, immediately south of the subject property location. Kelly partnered with his brother William F. Kelly. John Kelly retired in 1904. By the time the subject building was erected brother William was president (listed as such through 1934), while John's sons Richard (vice president) and Arthur (secretary) filled the other top managerial positions. (*Biographical History and Portrait Gallery of Scott County, Iowa*, pp. 90-92; *Davenport Times*, February 14, 1925).

Building Construction:

The development that spurred a transformation of the diminished Bucktown was the laying of a railroad spur across the east end of Block 65 in early 1909. A Mrs. Beauchnite was holding out for a \$500 payment for a key easement for the right-of-way. C. H. Klinze was ready to build a warehouse on the same side of East Second on the same block, but the rail access was a deal-maker. The *Times* noted "the new warehouse will be another valuable addition to the line of warehouse buildings being erected on East Second." The subject property abstract noted the contribution of the south ten feet of the lot for the rail line effective January 18, 1909 (*Davenport Times*, March 25, 1909; Property abstract).

After Munro's routing the lot had passed to the Rock Island Brewing Corporation on June 29, 1909 and banker Frederick H. Bartemeyer (1846-1928) became its owner on September 30, 1909. The John F. Kelly Company was awarded a 25-year lease of the planned building on December 1, 1909 at an annual cost of \$5,400. It had the option to purchase lot and building for \$40,000 after December 1, 1914. Thus the new building was constructed on leased land. The corporate link was through Bartemeyer who served as company treasurer as of 1910. The first public announcement relative to the planned warehouse dated to December 2 when the newspaper article caption stated "A. A. Arnould to Build Warehouse." Arnould was a noted local contractor but it is curious that the Kelly Company was buried in the lead. Previous announcements doubtless appeared as this was the contract awarding notice. Work on a five-story building was to begin immediately despite the season and it was noted that the building exterior would be veneered using vitrified brick. The building would contain all modern improvements including steam heat and it was added that "arrangements have been made whereby the warehouse will have direct railroad connections." Regarding the interior layout, the same source continued "On the ground floor will be located the general office, a private office, showrooms

for samples and a shipping department. The upper floors will be used for store room purposes"(Davenport *Democrat and Leader*, December 2, 1909).



Figure 13: Postcard view looking southwest, ca.1910
(Collection of Doug Smith, *A Brief History of Bucktown*)

No further mention is then found until February 2, 1910 when contractor Harry W. Phillips took out the actual building permit for the building with an estimated construction cost of \$24,000. The *Improvement Bulletin*, issued a week later, corroborated the change in contractors and the total cost. Apparently the building had been scaled down by a story (unless the initial report counted the elevated basement as a story). Phillips (1866-?) had served as an alderman and city mayor previously and his arc had collided with James Munro in the battle of the saloons when Phillips shut down all city saloons at midnight, and then permanently refusing to re-license those caught in violation. He was promptly defeated for re-election and his gains were lost but there is irony in the fact that he would be the contractor who would replace Munro's symbolic dance hall on the subject site. Phillips was a prominent city leader, serving as alderman, 1900-02, mayor 1903-05 and as Commissioner of Public Works, 1918-30 (<http://www.davenportlibrary.com/genealogy-and-history/local-history-info/history-faq/davenport-mayors>: *Annual Reports of the City Officers of The City of Davenport For The Year Ending March Thirty First Nineteen Hundred Nineteen*; *Davenport Times*, February 18, 1910; *The Improvement Bulletin*, Volume 40, February 12, 1910, p. 26; *Oxford Mirror*, December 29, 1904; 1920 Census; 1930 Federal Census; *Davenport Daily Leader*, August 15, 1900; <http://www.celticcousins.net/scott/1924homeedition.htm>).

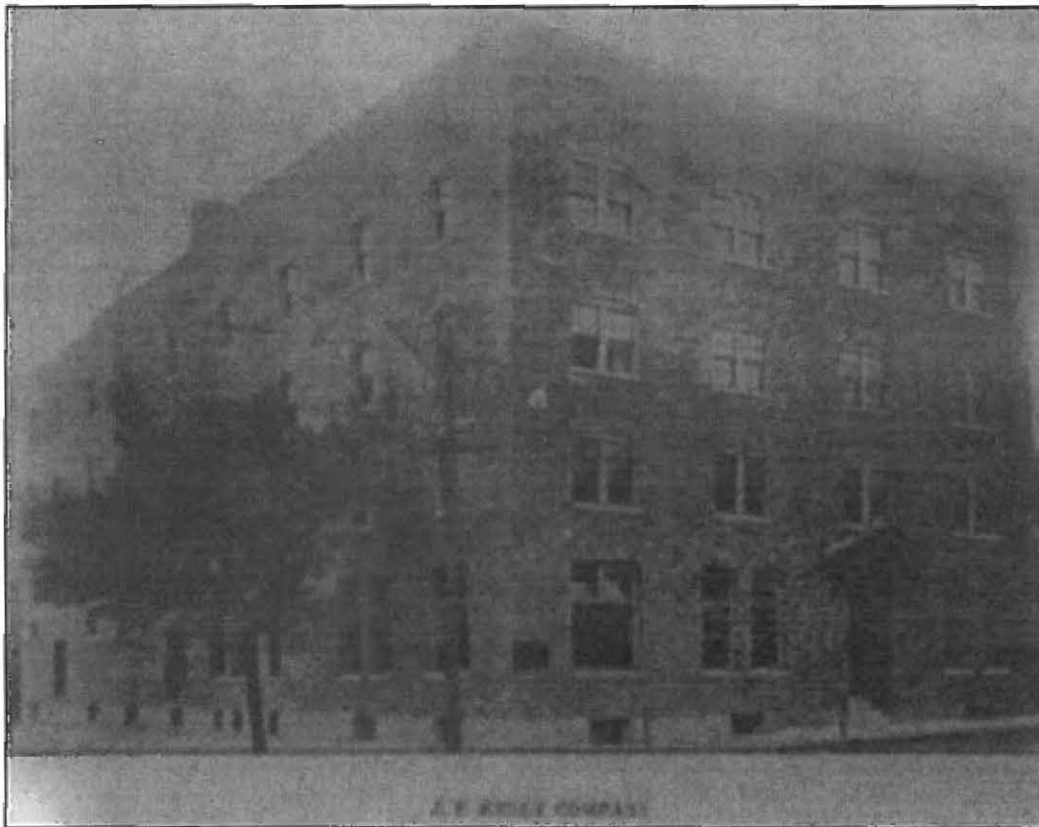


Figure 14: The completed building, looking southwest
(Davenport *Daily Times*, October 3, December 30, 1910)

The 1910 construction season in Davenport was notable for its scale, its early start, and its early conclusion. In February Mayor George W. Scott predicted that "Many contractors will doubtless start work as soon as the weather becomes moderated to a sufficient degree." By that time permits valued at over \$400,000 were already on record and this amount included the subject building which was specifically referenced by local newspapers. The month of March was the warmest recorded so work started well ahead of the usual April beginning point. By mid-year the permit total was \$1,106,000. The 1909 total at that same point was just \$247,000. Building halted abruptly in late November (Davenport *Democrat and Leader*, February 21, 25, April 2, May 1, 11, 17, July 1, November 22, 1910).

At this point no additional building progress reports have been found although as noted the new building was placed in service in time to be included in the 1910 city directory. An early October progress edition in the *Times* made up for this deficiency of detail by virtue of publishing a photo of the finished building (Figure 14), along with this descriptive account:

J. F. Kelly Company Warehouse

Among the handsome new warehouse buildings of Davenport erected this year, is the four-story structure of the J. F. Kelly company on the southwest corner of Second and Rock Island streets. It has 64 feet frontage on Second Street and extends back 138 feet, or practically to the alley, where there is a sidetrack, providing excellent shipping facilities. The general appearance of the building is pleasing, as it is constructed of dark bricks.

The four floors and basement give ample space for the business of the company. The front part of the first floor is used for office purposes. There is a spacious general office, as well as a private office, a fire-proof vault, and toilet rooms. The shipping room is directly back of the general offices. These are all located on the east side of the main entrance on Second Street. On

the west side and in front, is a splendid display room, with show cases extending around the walls.

Near the rear of the building is a freight elevator measuring eight by eight feet. There are many other conveniences throughout. The foundation is of concrete while the walls are of brick, and the interior is of mill construction. There is a steam heating plant in the basement.

The building was designed by C. R. Spink, architect and the general contract for the construction was in the hands of Harry Phillips, while the J. J. Ryan company had the heating contract, and Harry Sonntag & Sons did the plumbing work.

The same photo appeared in an end of year progress summary. The October 3 date indicates that the building was finished and occupied prior to that date. Phillips and architect Spink are further documented at the end of this section (*Davenport Times*, October 3, 1910).

THE DAVENPORT DEMOCRAT AND LEADER, DAVENPORT, IOWA, MARCH 17, 1949



ROBERT HALL CLOTHES OPENS IN DAVENPORT at 225 East Second Street, Thursday, March 24th

PREVIEW SHOPPING DAYS FROM NOW UNTIL MARCH 24th AVOID THE CROWDS--SHOP THIS WEEK!

For -- Thursday, March 24th is the big day when Robert Hall Clothes opens officially. In the meantime, from now until March 24th, the Robert Hall store is open for preview shopping. A small deposit reserves your choice.

Preview Specials for Women

LADIES' SPRING DRESSING SUITS	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
DRESSING SUITS COATS AND TRIMMED	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
COATS COATS OF WOOL, SILK & TRIMMED	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
COATS OF WOOL, SILK & TRIMMED	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
COATS OF WOOL, SILK & TRIMMED	\$12.95 - \$19.95
Make to suit for \$10 to \$15	

Preview Specials for Men

BOYS' SPRING DRESSING SUITS	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
BOYS' SPRING DRESSING SUITS	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
BOYS' SPRING DRESSING SUITS	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
BOYS' SPRING DRESSING SUITS	\$12.95 - \$19.95
Make to suit for \$10 to \$15	

Preview Specials for Boys & Girls

BOYS' SPRING DRESSING SUITS	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
BOYS' SPRING DRESSING SUITS	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
BOYS' SPRING DRESSING SUITS	\$12.95 - \$19.95
Make to suit for \$10 to \$15	
BOYS' SPRING DRESSING SUITS	\$12.95 - \$19.95
Make to suit for \$10 to \$15	

WHY YOU SAVE AT ROBERT HALL

- ✓ About half price savings
- ✓ Selections are out of the top
- ✓ You get the most value of
- ✓ when you compare these with
- ✓ other stores in the city
- ✓ You can't find better values
- ✓ anywhere in the city
- ✓ You can't find better values
- ✓ anywhere in the city

ROBERT HALL clothes

Figure 15: (Davenport Democrat and Leader, March 17, 1949)

The Kelly Company developed a broad market area that covered eastern Iowa and western Illinois. It failed ca.1932 due to as yet undetermined reasons. One complication was embezzlement on the part of its cashier Albert M. Lamp, who was indicted by a county grand jury and committed suicide in late 1933 (*Waterloo Daily Courier*, September 25, 1933). The building stood empty for at least two years before the Motor Freight Terminal and the Iowa-Nebraska Transportation Company (aka the Redman Freight Lines) briefly used it in 1936-37, with Robert Herman as manager. The Tri-City Equipment Company, a dealer in restaurant supplies with Ernest E. Swain as manager followed in 1938. Western Grocer with Leslie E. Steel then occupied the building and made some modifications. This company established substantial branch warehouses elsewhere in the state, notably occupying the Bishop's Block in Dubuque. It built a modern one story warehouse at 1607 Front Street in 1947-48 and left the building.

Robert Hall Clothes Inc. came next. Hailed as one of the nation's fastest growing retail clothing chains, this firm sold clothing only with no accessories and chose lower rent locations more distant from the emerging malls and other competitors. It produced all of its men's clothing and much of its women's clothing. The low rent angle included a distain for fancy display windows which explains why the storefront in this building could meet its needs without alteration. N. H. Rosenthal was the first manager as of the late March 1949 grand opening. He was succeeded by T. Hank Moore in mid-July of that year. The firm remained into 1955 (Davenport *Democrat and Leader*, February 11, March 17, 22, July 14, 1949).

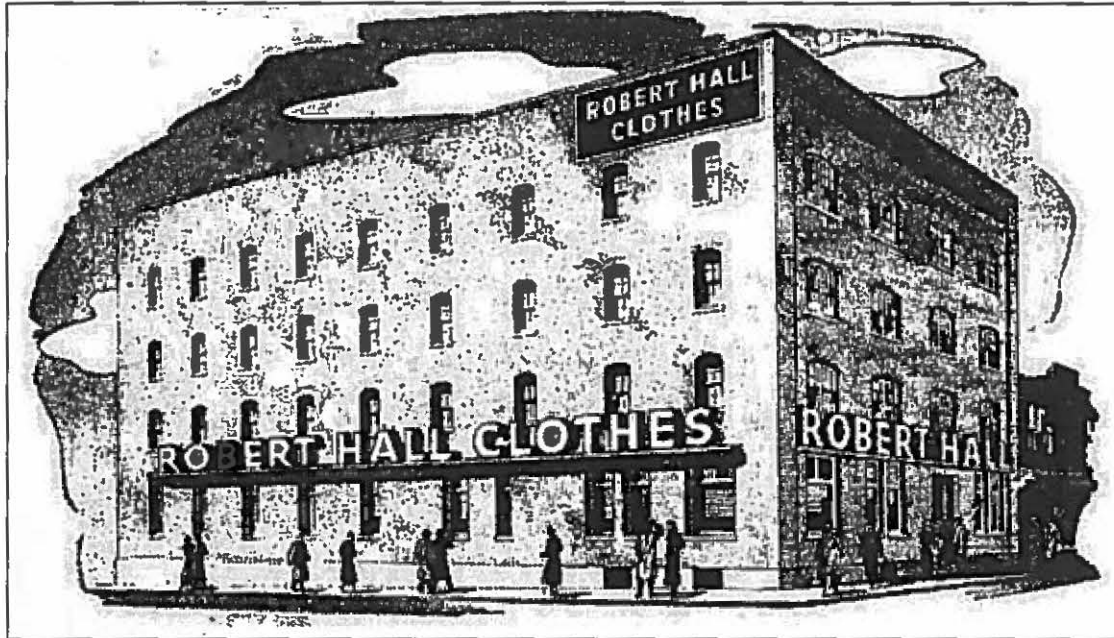


Figure 16: The building remodeled for retail use, looking southwest
(Davenport *Democrat and Leader*, March 17, 1949)

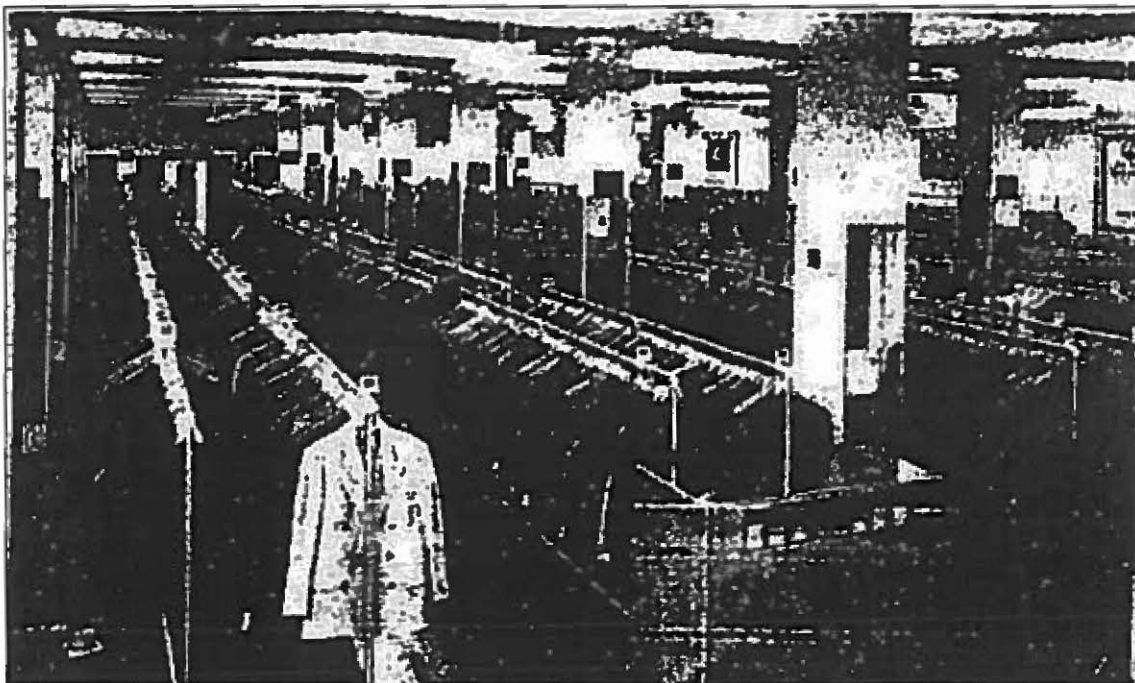


Figure 17: Interior Robert Hall Clothes Inc. grand opening, first floor
(Davenport *Democrat and Leader*, March 22, 1949)



Figure 18: Western Grocers/Jack Sprat Foods, ca.1945, looking west on East 2nd Street
(Davenport Public Library, Photo 000487)



Figure 19: 1993 view looking north from over the Mississippi River, subject building visible at the upper left
(qctimes.com/weather/historic-q-c-flood-photos/collection_832f074-abbb-57fc-b65e-0f01f0856690.html#12)

Architect and Builder:

Charles Raymond Spink, architect:

Charles Raymond Spink (1869-1952) was yet another Iowa architect who early gravitated to California where he would spend the majority of his working career. His designs evolved rapidly from the Classical

Revival standard to the Modern. He graduated from the University of Illinois in 1901 and almost immediately found a Chicago position with the architects Raeder and Coffman. His tenure there was brief and an early 1902 report had him relocating to Marshalltown to take over the business of architect Frank Cucker, but that didn't last long either. By mid-1902 he was working independently in Davenport and secured the contract for the Union Electric Telephone and Telegraph Building located at 1602 Harrison Street (National Register of Historic Places, 1983). That building has a brick foundation but its raised foundation echoes the concrete foundation of the subject building. (The Improvement Bulletin, Vo. 25, May 3, 1902, p. 13).



Figure 20: Union Electric Telephone and Telegraph Building, 1602 Harrison Street, Davenport, looking northwest (Google Earth, 2016)

Five years.

CONTRACT LET FOR NEW EXCHANGE BUILDING

Will be Erected by Phillips and Vol-
quardsen.

Yesterday at the office of Architect Splak in the McManus building the contract was let for the erection of the Davenport exchange building of the Union Electric and Telegraph company. The bidding was very close, but the contract went to the firm of Phillips & Volquardsen, whose figures were in the neighborhood of \$12,500. The building will be erected on the northwest corner of Sixth and Harrison streets, and will be two stories and basement in height. The frontage on Harrison street will be 55 feet and the depth 12 feet.

The building will be on the Corinthian order with four massive pillars of that design on the front. The material used will be St. Louis pressed brick, gray in color. On the basement floor will be installed the heating apparatus and the storage rooms. On the first floor will be the apparatus room, the public room, the general manager's office, for the Davenport exchange is to be the headquarters for the business in the tri-city, and the general manager's private office.

The operating room will be on the second floor, as will be the office rooms and the waiting room. The building will be equipped with electric lights and gas and will be heated by steam. A push button system will connect the manager's office with every other room in the building. Work on the building is to begin at once.

Figure 21: Contract let for the Union Electric Telephone and Telegraph Building (Davenport Daily Republican, August 6, 1902)

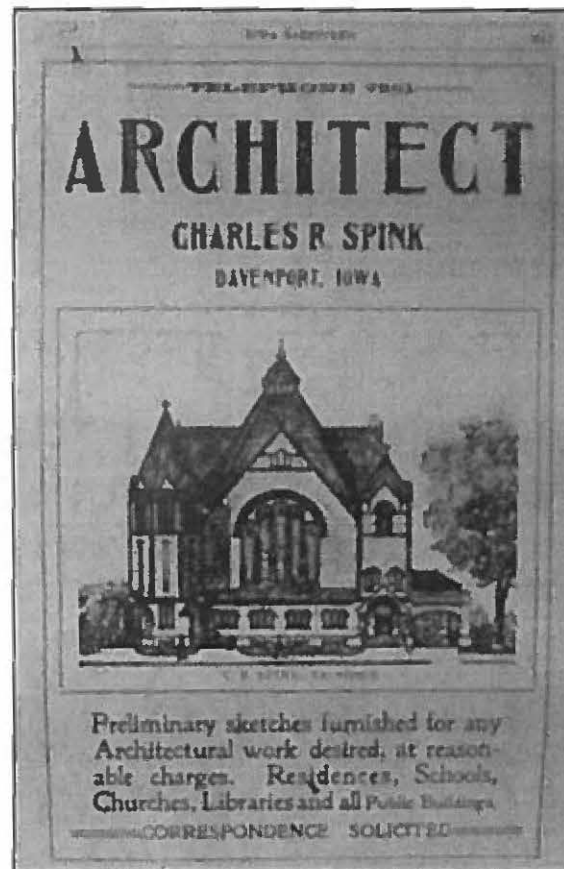


Figure 22: 1903 advertisement depicting a church plan (1903 Iowa State Gazeteer)¹



Figure 23: Advertisement 1903 (Davenport *Daily Republican*, March 15, 1903)

The next known commission was the Bettendorf Washington School, 533 16th Street. An \$8,500 design by Spink in 1909, it too featured a raised brick foundation. This National Register listed building (listed May 23, 1984) is non-extant (https://en.wikipedia.org/wiki/Bettendorf-Washington_School).

He designed a boat house in 1908 for the Davenport Boat Club and his design for the subject building is the only other specific design work yet found (Architects Files, Iowa Historic Preservation Office).

Spink was living in Hollywood by 1917 where he designed several downtown commercial buildings none of which appear to have survived. In 1926 he patented a truss (*American Architect and Architecture*, Vol. 3, January 17, 1917; freepatentsonline.com/1744342.pdf).

¹ This is certainly a church design that was described in his BS thesis project for the University of Illinois (babel.hathitrust.org/cgi/pt?id=uiuo.ark:/13960/t8kd41x6b;view=1up;seq=3 (accessed November 14, 2016))



Figure 24: The Otto J. Kurz House, 1038 Nordica Drive, Mount Washington, California, 1937
(https://www.flickr.com/photos/michael_locke/14286552749)

The Kurz House (Figure 24) is a tantalizing late career Art Deco example of the architect's work. A post by Michael Locke states that Spink "for a time was associated with one of the leading architects of San Francisco; he also designed the Bittendorf [sic] House in Davenport, Iowa, and important example of the California Mission style." No sources are offered for these statements and the Bettendorf House, 1821 Sunset Drive in Bettendorf, Iowa (1914-15) was designed by Arthur Ebeling (https://www.flickr.com/photos/michael_locke/14286552749).

Harry W. Phillips, Contractor:

Phillips (1866-1940+) appears in the 1910 federal census in Davenport without a listed profession, this being the selfsame year he built the Kelly building. He was in court that year seeking \$1,621 from the LeClaire King Company presumably a completed commission (310 E. 4th Street) (*Davenport Democrat and Leader*, March 25, 1910).



Figure 25: 211 E. Rusholme Street (Google Earth, 2016)

Other 1910 projects included a two-story brick factory building for the Deluxe Textile Company in Rockingham, valued at \$7,500; a two-story residence for G. Cardinal at 211 E. Rusholme Street, valued at \$3,300 and the remodeling of an ice house (\$3,000) (Davenport *Daily Times*, December 30, 1910)

Phillips was still working and earning a good income as an insurance broker at age 74 in Davenport as of the 1940 census.

Bibliography:

Special thanks are extended to Karen O'Connor, Jessica Mirasol, Special Collections, Davenport Public Library; and Alexa McDowell, AKAY Consulting who first documented the subject property, and Marion Meginnis for research and participation in the building walk-through.

Biographical History and Portrait Gallery of Scott County. Chicago, New York: American Biographical Publishing Company, 1895

Davenport City Directories

Davenport Building Permits (Special Collections, Davenport Public Library)

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History of Scott County, Iowa. Chicago: Interstate Publishing Company, 1882

Iowa Geographic Map Server, 2016

McDowell, Alexa. "Iowa Site Inventory Form, J. F. Kelly Company Warehouse, 225 E. 2nd Street, #82-05320"

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Richardson-Sloane Photo Collection, Davenport Public Library Special Collections

Sanborn Maps, Davenport, Iowa

Shank, Wesley I. Iowa's Historic Architects: A Biographical Dictionary. Iowa City: University of Iowa Press, 1999

Who's Who in Iowa 1940. Des Moines; The Iowa Press Association, 1940

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Iowa Geographic Map Server, 2016: <http://ortho.gis.iastate.edu/>

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Davenport Public Library: 1965flood.blogs.davenportlibrary.com/sc/wwp-content/uploads/2015/04/dpl215-07.1965Flood.608-609.jpg (accessed April 25, 2016)

Wikipedia: https://en.wikipedia.org/wiki/Bettendorf-Washington_School (accessed April 25, 2016)

Library of Congress: *Davenport, Iowa 1888 bird's eye view* by Henry Wellege, Milwaukee: American Publishing Company, 1888 (<https://www.loc.gov/item/75693231>) (accessed April 25, 2016)

Quad Cities Times: qctimes.com/weather/historic-q-c-flood-photos/collection_832f074-abbb-57fc-b65e-0f01f0856690.html#12 (accessed April 25, 2016)

Wikipedia: https://en.wikipedia.org/wiki/Union_Electric_Telephone_%26_Telegraph (accessed November 14, 2016)

Wikipedia: https://en.wikipedia.org/wiki/Crescent_Warehouse_Historic_District (accessed November 14, 2016)

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Flicker: https://www.flickr.com/photos/michael_locke/14286552749 (accessed November 14, 2016)

Celtic Cousins; <http://www.celticcousins.net/scott/1924homeedition.htm> (accessed November 14, 2016)

Maps:



Figure 26: Scott County Assessor's Map showing parcel (2016-annotated)



Figure 27: Building location within Davenport context (Google Earth, 2016, annotated)

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 888-2286
Wards: 6th

Action / Date
10/18/2017

Subject:

Second Consideration: Ordinance for Case No. SNC17-02 being the request of the City of Davenport (Public Works Department) to change the name of a former segment of Veterans Memorial Parkway located west of Utica Ridge Road abutting Walsh Pointe Third Addition to East 67th Court. [6th Ward].

Recommendation:

Findings:

The new alignment of Veterans Memorial Parkway adjacent to Utica Ridge Road requires the name change.

The name change to East 67th Court is the least disruptive change.

The Plan and Zoning Commission accepted the findings and forwards Case No. SNC17-02 to the City Council for approval.

The Commission vote was 0-yes, 0-no with 0-abstention

Relationship to Goals:

Long Range Infrastructure

Background:

The alignment of Veterans Memorial Parkway (VMP) was established in 2015 though discussion goes back to at least 2006 when three alignments were first proposed and discussed at public meetings. The Veterans Memorial Parkway (VMP) name was established in 2009 when 65th/67th Street from Brady Street to Utica Ridge Road was renamed. With the new alignment for VMP this segment will be renamed to East 67th Court. A section of pavement will be removed adjacent to the new alignment (pavement) of VMP.

No properties are addressed from this segment of roadway.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	SNC17-02 ord only
▣ Backup Material	SNC17-02 background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	10/11/2017 - 4:48 PM
Community Development Committee	Berger, Bruce	Approved	10/11/2017 - 4:48 PM

City Clerk

Admin, Default

Approved

10/11/2017 - 4:50 PM

ORDINANCE NO.

ORDINANCE for Case No. SNC17-02 being the request of the City of Davenport (Public Works Department) to change the name of a segment of Veterans Memorial Parkway located west of Utica Ridge Road abutting Walsh Pointe Third Addition to East 67th Court. [6th Ward].

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned. The property has the following legal description:

Part of the Southwest Quarter of Section 04 and the Southeast Quarter of Section 05 both in Township 78 North Range 4 East of the 5th P.M. being a portion of Veterans Memorial Parkway being more particularly described as follows:

That portion of the public right of way known as Veterans Memorial Parkway abutting to the north of Walsh Pointe Third Addition to the City of Davenport, located west of Utica Ridge Road and extending 1,990 feet westerly, more or less, to the west line of Parcel No. Y0533-34A.

The Plan and Zoning Commission accepted the findings and forwards Case No. SNC17-02 to the City Council for approval.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

October 04, 2017

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

Honorable Mayor and City Council:

At its regular meeting of October 04, 2017, the City Plan and Zoning Commission considered Case No. SNC17-02: Request of the City of Davenport (Public Works Department) to change the name of a segment of Veterans Memorial Parkway (old 67th Street) located between the new Veterans Memorial Parkway and Utica Ridge Road back to East 67th Court.

Findings:

- The new alignment of Veterans Memorial Parkway adjacent to Utica Ridge Road requires the name change.
- The name change to East 67th Court is the least disruptive change.

The City Plan and Zoning Commission accepted the findings and forwards Case No. SNC17-02 to the City Council for approval.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission



City Plan & Zoning Commission Voting Record

Meeting Date: 10-03-18

Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED	APPROVED	APPROVED	APPROVED
Name:	Roll Call	REZ17-05 Hirsch 5135 Marquette St	ROW17-06 City of Davenport Dugan Court	SNC17-01 Forest Grove Dr to Ct	SNC17-01 VMP to E 67th Ct	F17-18 Landon Prairie
Connell	P	Y	Y	Y	Y	Y
Hepner	P	Y	Y	Y	Y	Y
Inghram	P					
Kelling	P	N	Y	Y	Y	Y
Lammers	P	N	Y	Y	Y	Y
Maness	P	Y	Y	Y	Y	Y
Martinez	P	Y	Y	Y	Y	Y
Medd	P	Y	Y	Y	Y	Y
Quinn	P	Y	Y	Y	Y	Y
Reinartz	P	N	Y	Y	Y	Y
Tallman	EX					
		6-YES 3-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN



City of Davenport
Community Planning & Economic Development Department
PUBLIC HEARING REPORT

Meeting Date: October 03, 2017
Request: Street Name Change – to East 67th Court
Location: West of Utica Ridge Rd
Case No.: SNC17-02
Applicant: City of Davenport – Public Works Department

Recommendation:

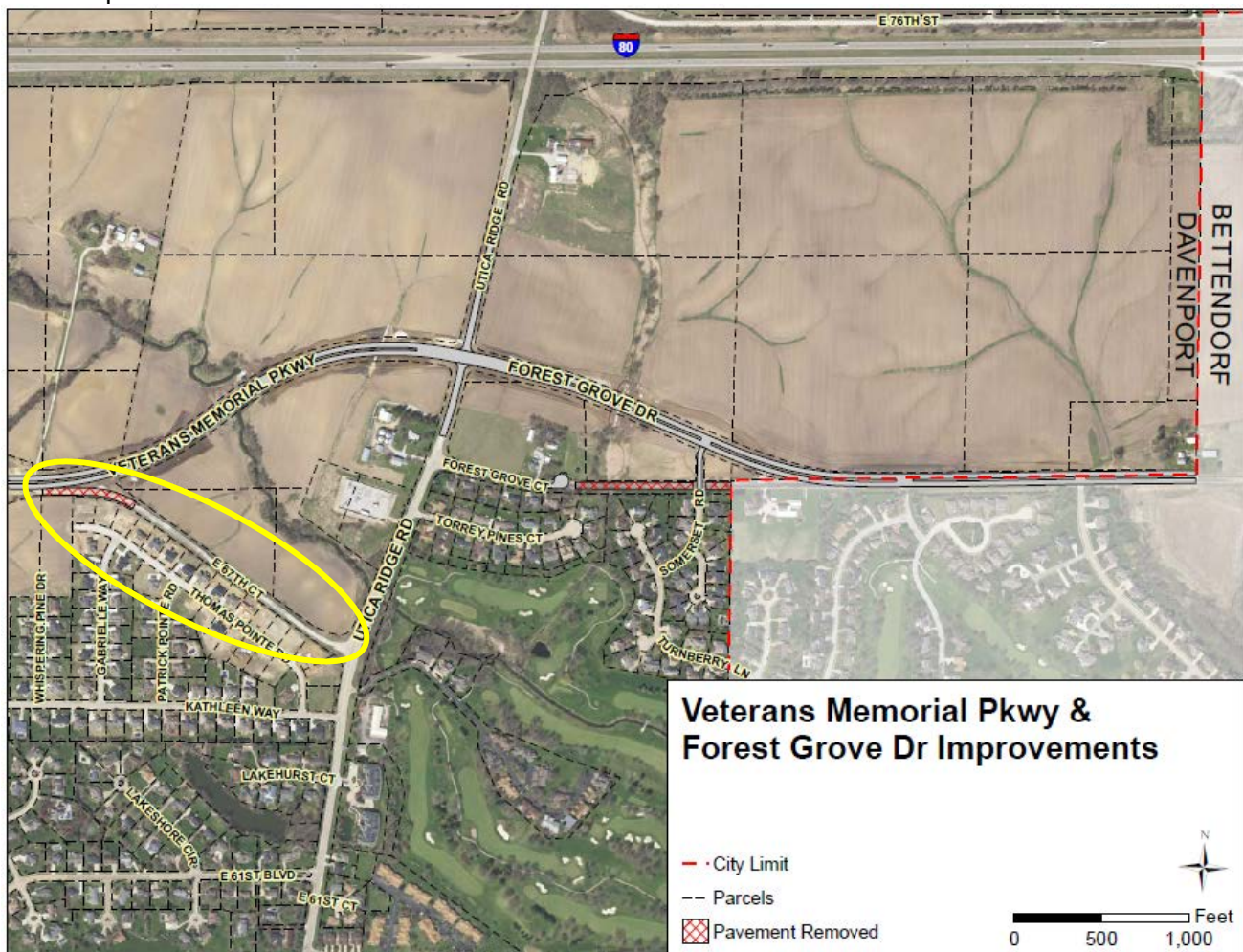
Staff recommend the Plan and Zoning Commission forward Case No. SNC17-02 to the City Council for approval.

Introduction:

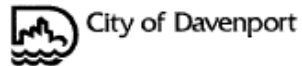
Request of the City of Davenport – Public Works Department to change the name of a portion of Veterans Memorial Parkway (old alignment) west of Utica Ridge Road abutting Walsh Pointe Third Addition to East 67th Court.

AREA CHARACTERISTICS:

Aerial Map



Background:



August 28, 2017

Plan and Zoning Commission
City Hall
Davenport, IA 52801

Plan and Zoning Commission:

With the extension of Veteran's Memorial Parkway, a new alignment of Forest Grove Drive was made and the current street was dead-ended with a cul-de-sac. The alignment of VMP/67th St. was also changed and the current 1,500 foot section that connected to Utica Ridge Road was dead-ended. To address the new VMP alignment and avoid confusion with previous sections, Public Works recommends the following:

- 1) The section of old Veteran's Memorial Parkway that dead-ends approximately 1,500 feet west of Utica Ridge be renamed to East 67th Court.
- 2) The newly built section of street that extends from Utica Ridge and connects to Bettendorf's Forest Grove Drive be named Forest Grove Drive.
- 3) The section of street from Utica Ridge running east, ending in a cul-de-sac, that was named Forrest Grove Drive/Forest Grove Drive/Forest Grove Road be renamed Forest Grove Court – to indicate the new terminus.



A map is attached that lays out the proposed changes.

A notice was sent to the seven (7) property owners currently living on Forest Grove Road/Forest Grove Drive/Forrest Grove Drive with one objection to the name change, stating the difficulty of changing legal paperwork and confusion that may result.

The current name of Forest Grove Drive is actually platted two different ways – Forest Grove Drive and Forrest Grove Drive and the original resolution states the name as Forest Grove Road. Changing it to Forest Grove Court will remedy the current confusion.

Please schedule the necessary action for the renaming of the three street sections.

Sincerely,

A handwritten signature in black ink that reads "Nicole Gleason".

Nicole Gleason,
Public Works Director

Public Input:

The public hearing is scheduled for Tuesday, September 19th and notices have been sent to the 20 owners of property within 200 feet of the portion of street subject to the change in name. One phone call has been received asking what is being proposed for the road.

Discussion:

The alignment of Veterans Memorial Parkway (VMP) was established in 2015 though discussion goes back to at least 2006 when three alignments first proposed and discussed at public meetings. The Veterans Memorial Parkway (VMP) name was established in 2009 when 65th/67th Street from Brady Street to Utica Ridge Road was renamed. With the new alignment for VMP this segment will be renamed to East 67th Court. A section of pavement will be removed adjacent to the new alignment (pavement) of VMP.

No properties are addressed from this segment of roadway.

The adjacent owner to the north raised a question regarding maintenance of this segment of roadway. It does appear to provide access to the farm field southwesterly of Crow Creek.

Staff Recommendation

Findings:

- The new alignment of Veterans Memorial Parkway adjacent to Utica Ridge Road requires the name change.
- The name change to East 67th Court is the least disruptive change.

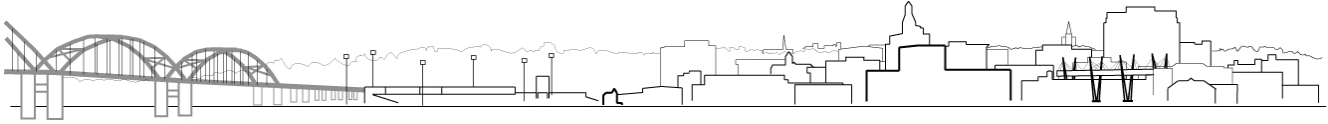
Staff recommend the Plan and Zoning Commission forward Case No. SNC17-02 to the City Council for approval.

Prepared by:

Wayne Wille, CFM – Planner II
Community Planning Division



**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 9/19/2017
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a street name change before the Plan and Zoning Commission
Case #: SNC 17-02

To: All property owners within 200 feet of the subject property located at: **Veterans Memorial Parkway between Utica Ridge Road and the new Veterans Memorial Parkway.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a street name change. The purpose of the street name change is to change the name of a street.

Request Description

SNC17-02: Request of the City of Davenport (Public Works Department) to change the name of a segment of Veterans Memorial Parkway (old 67th Street) located between the new Veterans Memorial Parkway and Utica Ridge Road back to East 67th Court.

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.

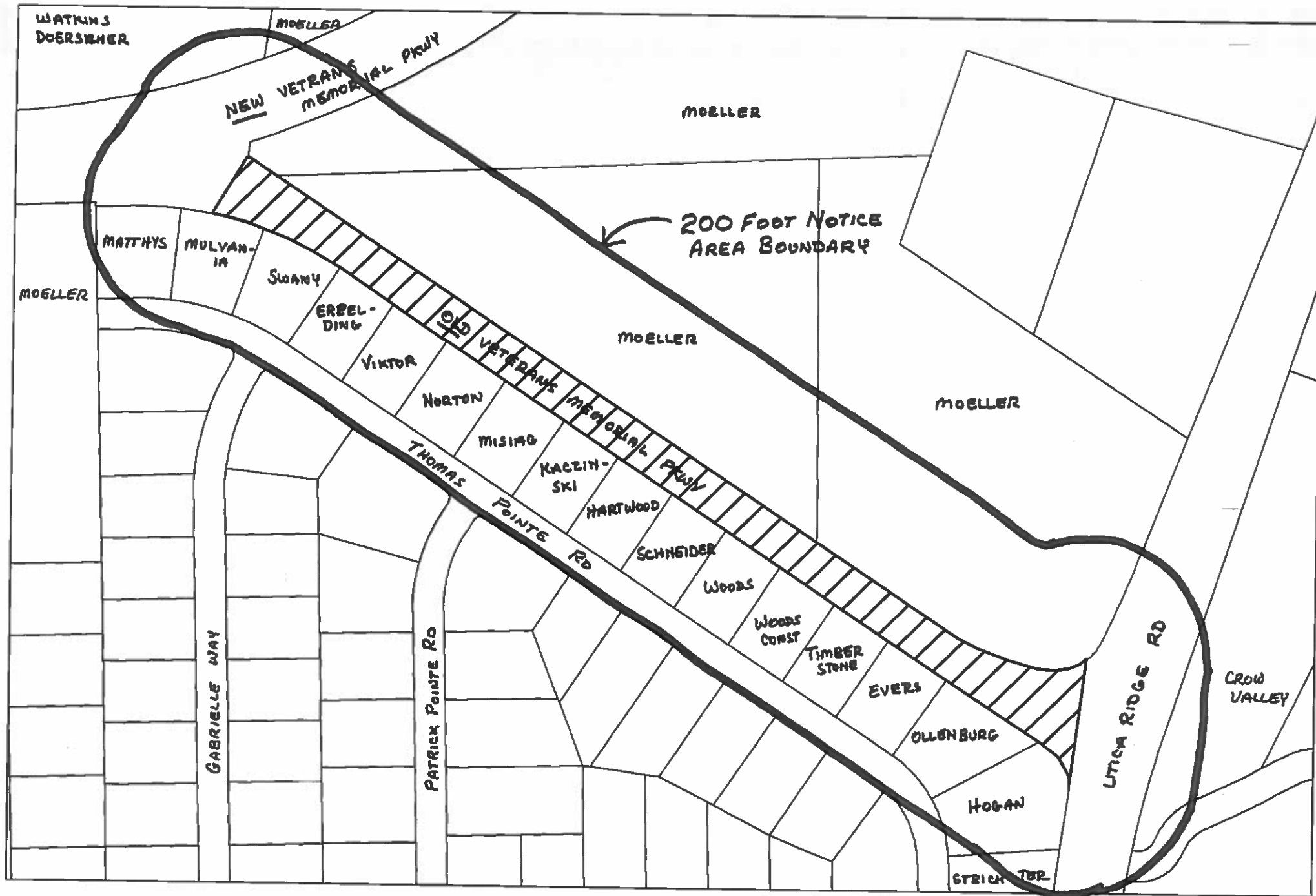
Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

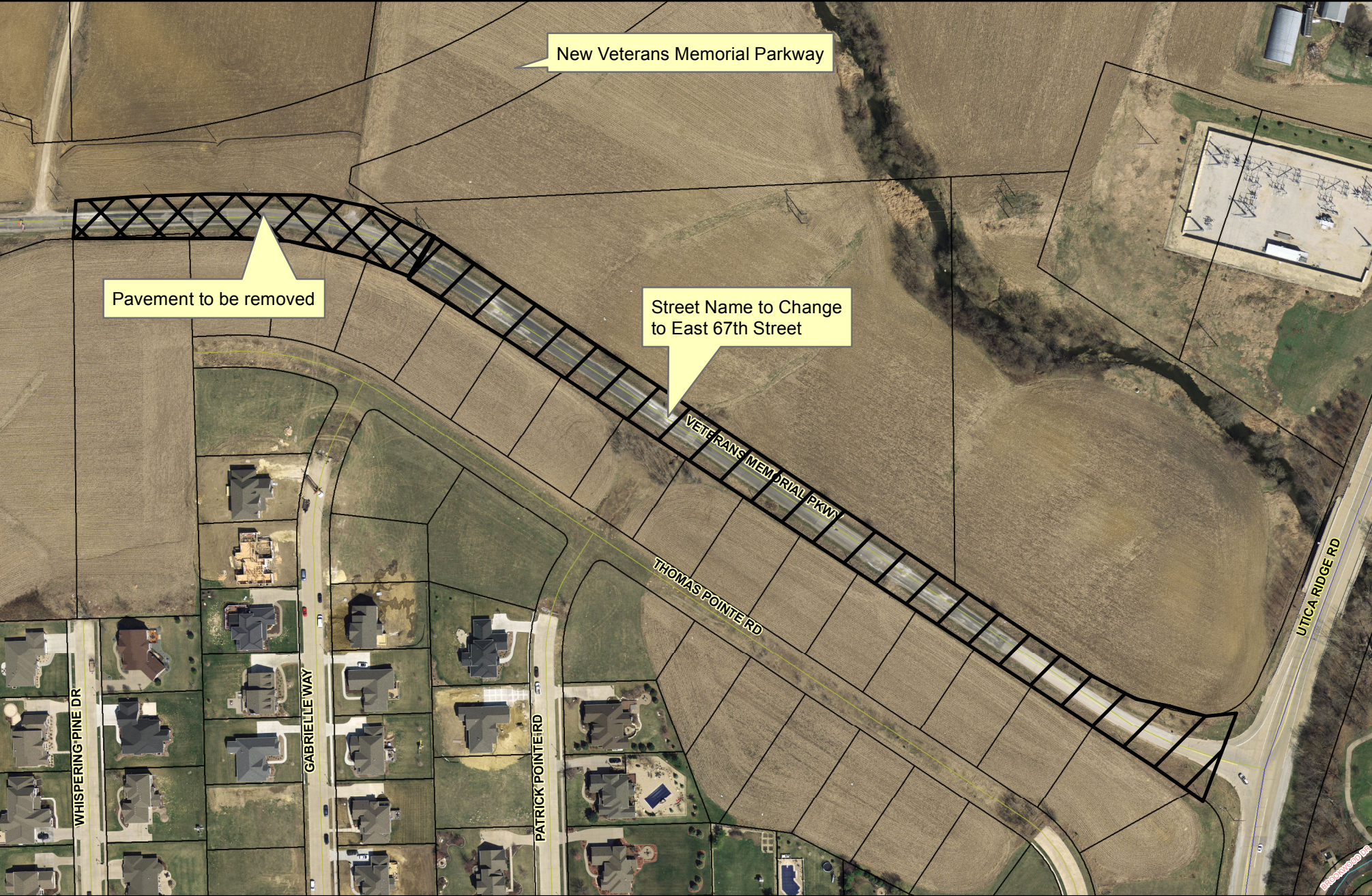
If you have any questions on this request, or if ADA/special accommodations are needed, please contact Wayne Wille, CFM, the case planner assigned to this project at wtw@ci.davenport.ia.us or 563-326-6172.

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.



0 100 200 400 Feet





New Veterans Memorial Parkway

Pavement to be removed

Street Name to Change
to East 67th Street

VETERANS MEMORIAL PKWY

THOMAS POINTE RD

WHISPERING PINE DR

GABRIELLE WAY

PATRICK POINTE RD

UTICA RIDGE RD



Owner		Adress	C-S-Z
Karen J Watkins	Alane Watkins	2844 - 365th Ave	Comanche IA 52730
Kevin Watkins	Merle E Doersher Revocable Trust	2844 - 365th Ave	Comanche IA 52730
Glen A Moeller	Kathleen A Moeller	28140 - 162nd Ave	Long Grove IA 52756
Crow Valley Golf Club		4315 E 60th St	Davenport IA 52807-9735
Brian P Strichter	Heather M Strichter	4040 Kathleen Way	Davenport IA 52807
Mathew Hogan	Nannah Hogan	320 E 29th St Apt A2	Davenport IA 52803
Steven J Ollenburg	LeeAnn M Ollenburg	4032 Thomas Pointe Rd	Davenport IA 52807
Karen L Evers Trust		4028 Thomas Pointe Rd	Davenport IA 52807
Timber Stone Inc		17128 Rte 5 & 92	East Moline IL 61244
Woods Construction & Development Inc		4016 Thomas Pointe Rd	Davenport IA 52807
Seth Woods		4016 Thomas Pointe Rd	Davenport IA 52807
Gordon Schneider	Julie A Schneider	4012 Thomas Pointe Rd	Davenport IA 52807
Hardtwood Properties LLC		PO Box 181	Bettendorf IA 52722
Jeff Kaczinski	Hayne Kaczinski	4004 Thomas Pointe Rd	Davenport IA 52807
Joshua Misiag	Ashlee Misiag	4000 Thomas Pointe Rd	Davenport IA 52807
Norton Living Trust		3936 Thomas Pointe Rd	Davenport IA 52807
Brook J Viktor	Shawna S Viktor	3924 Thomas Pointe Rd	Davenport IA 52807
Andrew R Erpelding	Tara L Erpelding	3912 Thomas Pointe Rd	Davenport IA 52807
Swany Development LLC		4555 Utica Ridge Rd	Bettendorf IA 52722
Barry A Mulvania	Genni M Mulvania	3838 Thomas Pointe Rd	Davenport IA 52807
David A Matthys	Kelly R Matthys	3826 Thomas Pointe Rd	Davenport IA 52807
Ald Meeker			

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 888-2286
Wards: 6th

Action / Date
10/18/2017

Subject:

Second Consideration: Ordinance for Case No. SNC17-01 being the Request of the City of Davenport (Public Works Department) to change the name of a segment of Forest Grove Drive east of Utica Ridge Road to Forest Grove Court. [6th Ward].

Recommendation:

Findings:

The new alignment of Veterans Memorial Parkway and Forest Grove Drive adjacent to Utica Ridge Road requires the name change.

The name change to Court is the least disruptive change.

The Plan and Zoning Commission accepted the findings and forwards Case No. SNC17-01 to the City Council for approval.

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

Relationship to Goals:

Long Range Infrastructure

Background:

The alignment of Veterans Memorial Parkway was established in 2015 though discussion goes back to at least 2006 when three alignments were first proposed and discussed at public meetings. According to the Public Works Department, the current Forest Grove Drive has three different names: Forest Grove Drive, Forrest Grove Drive and Forest Grove Road.

- The original resolution states the name as "Forest Grove Road".
- The Commission's letter dated 10-13-1976 conditioned the approval of the plat on the name being "Forest Grove Drive"; and
- The adopted plat has the name listed as "Forrest Grove Drive".

The alignment of Veterans Memorial Parkway (VMP) creates a new intersection with Utica Ridge Road north of the old Forest Grove Drive/Forrest Grove Drive/Forest Grove Road intersection. East of Utica Ridge Road this new roadway, aligning with VMP, will be called Forest Grove Drive which will continue easterly and reconnect with the existing Forest Grove Drive in Bettendorf. The old Forest Grove Drive/Forrest Grove Drive/Forest Grove Road will terminate in a cul-de-sac and be named Forest Grove Court. This should resolve the three different name/spelling issue of this segment of roadway.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
□ Resolution Letter	SNC17-01 ordinance only

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	10/11/2017 - 12:21 PM
Community Development Committee	Berger, Bruce	Approved	10/11/2017 - 12:21 PM
City Clerk	Admin, Default	Approved	10/11/2017 - 12:39 PM

ORDINANCE NO.

ORDINANCE for Case No. SNC17-01 being the request of the City of Davenport (Public Works Department) to change the name of a segment of Forest Grove Drive east of Utica Ridge Road to Forest Grove Court. [6th Ward]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned. The property has the following legal description:

Part of the West One-Half of Section 04 Township 78 North Range 4 East of the 5th P.M. being Forest Grove Drive being more particularly described as follows:

That portion of the public right of way known as Forest Grove Drive abutting to the north of Fry's First Addition and Crow Valley View 7th, 8th and 9th Additions to the City of Davenport, located east of Utica Ridge Road and extending 1,698 feet easterly, more or less, to the east line of Crow Valley View 9th Addition

The Plan and Zoning Commission accepted the findings and forwards Case No. REZ17-06 to the City Council for approval.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

October 04, 2017

Honorable Mayor and City Council
City Hall
Davenport Iowa 52801

Honorable Mayor and City Council:

At its regular meeting of October 03, 2017, the City Plan and Zoning Commission considered Case No. SNC17-01 being the request of the City of Davenport (Public Works Department) to change the name of a segment of Forest Grove Drive east of Utica Ridge Road to Forest Grove Court.

Findings:

- The new alignment of Veterans Memorial Parkway and Forest Grove Drive adjacent to Utica Ridge Road requires the name change.
- The name change to Court is the least disruptive change.

The City Plan and Zoning Commission accepted the findings and forwards Case No. SNC17-01 to the City Council for approval.

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

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission



City Plan & Zoning Commission Voting Record

Meeting Date: 10-03-18

Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED	APPROVED	APPROVED	APPROVED
Name:	Roll Call	REZ17-05 Hirsch 5135 Marquette St	ROW17-06 City of Davenport Dugan Court	SNC17-01 Forest Grove Dr to Ct	SNC17-01 VMP to E 67th Ct	F17-18 Landon Prairie
Connell	P	Y	Y	Y	Y	Y
Hepner	P	Y	Y	Y	Y	Y
Inghram	P					
Kelling	P	N	Y	Y	Y	Y
Lammers	P	N	Y	Y	Y	Y
Maness	P	Y	Y	Y	Y	Y
Martinez	P	Y	Y	Y	Y	Y
Medd	P	Y	Y	Y	Y	Y
Quinn	P	Y	Y	Y	Y	Y
Reinartz	P	N	Y	Y	Y	Y
Tallman	EX					
		6-YES 3-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN



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

Meeting Date: October 03, 2017
Request: Street Name Change – to Forest Grove Ct
Location: East of Utica Ridge Rd
Case No.: SNC17-01
Applicant: City of Davenport – Public Works Department

Recommendation:

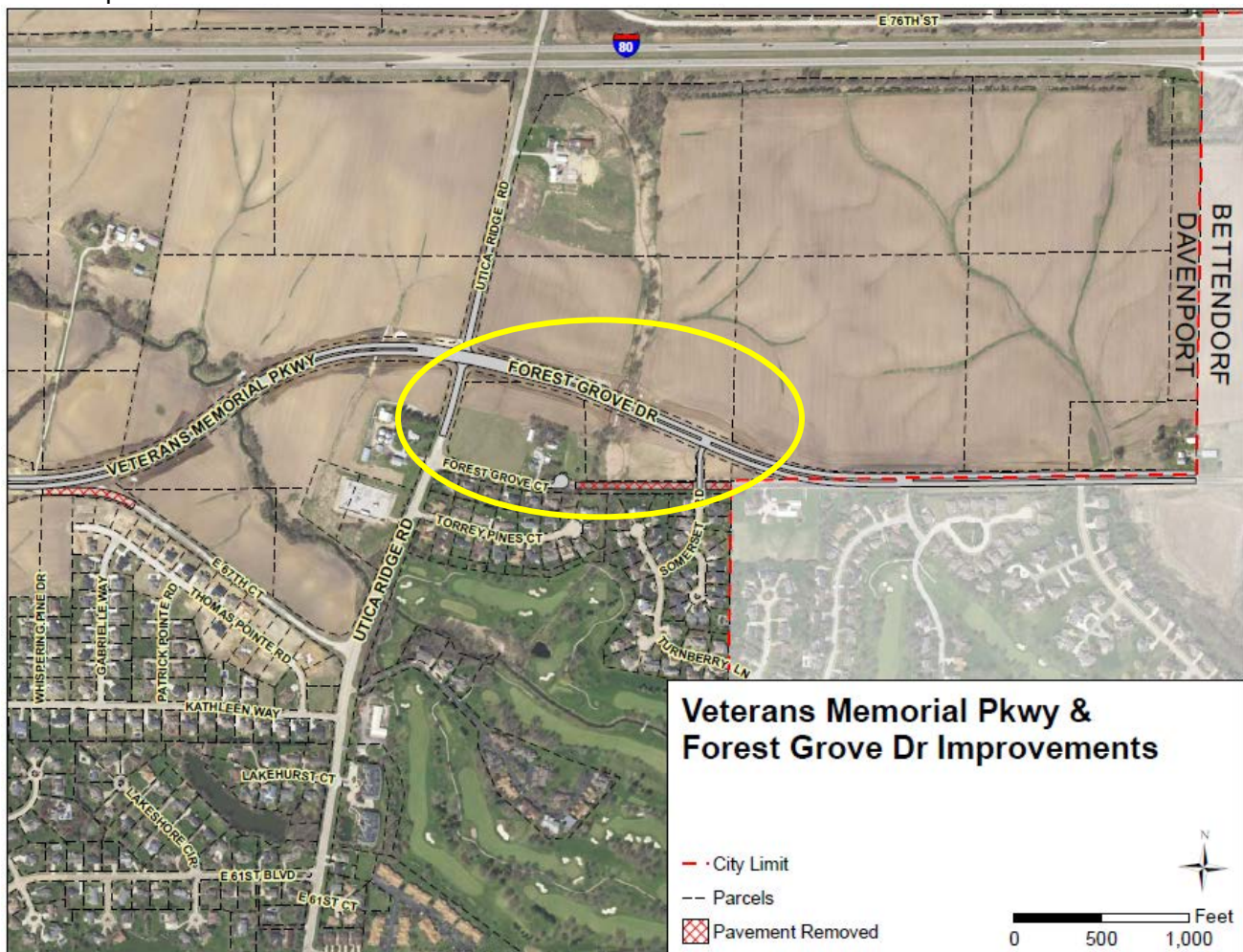
Staff recommends the Plan and Zoning Commission forward Case No. SNC17-01 to the City Council for approval.

Introduction:

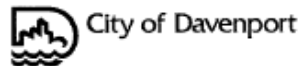
Request of the City of Davenport – Public Works Department to change the name of a portion of Forest Grove Drive/Forrest Grove Drive/Forest Grove Rd extending approximately 750 feet east from Utica Ridge Road.

AREA CHARACTERISTICS:

Aerial Map



Background:



August 28, 2017

Plan and Zoning Commission
City Hall
Davenport, IA 52801

Plan and Zoning Commission:

With the extension of Veteran's Memorial Parkway, a new alignment of Forest Grove Drive was made and the current street was dead-ended with a cul-de-sac. The alignment of VMP/67th St. was also changed and the current 1,500 foot section that connected to Utica Ridge Road was dead-ended. To address the new VMP alignment and avoid confusion with previous sections, Public Works recommends the following:

- 1) The section of old Veteran's Memorial Parkway that dead-ends approximately 1,500 feet west of Utica Ridge be renamed to East 67th Court.
- 2) The newly built section of street that extends from Utica Ridge and connects to Bettendorf's Forest Grove Drive be named Forest Grove Drive.
- 3) The section of street from Utica Ridge running east, ending in a cul-de-sac, that was named Forrest Grove Drive/Forest Grove Drive/Forest Grove Road be renamed Forest Grove Court – to indicate the new terminus.



A map is attached that lays out the proposed changes.

A notice was sent to the seven (7) property owners currently living on Forest Grove Road/Forest Grove Drive/Forrest Grove Drive with one objection to the name change, stating the difficulty of changing legal paperwork and confusion that may result.

The current name of Forest Grove Drive is actually platted two different ways – Forest Grove Drive and Forrest Grove Drive and the original resolution states the name as Forest Grove Road. Changing it to Forest Grove Court will remedy the current confusion.

Please schedule the necessary action for the renaming of the three street sections.

Sincerely,

A handwritten signature in black ink that reads 'Nicole Gleason'.

Nicole Gleason,
Public Works Director

Public Input:

The public hearing is scheduled for Tuesday, September 19th and notices have been sent to the 19 owners of property within 200 feet of the portion of street subject to the change in name. The Public Works Department has previously sent a notice to the seven (7) owners addressed along this segment of Forest Grove Drive. According to the Public Works Department one owner did not want

to go through the process of address change on all the documents and records. One notice received had several alternative names based on her family's history in the area.

Discussion:

The alignment of Veterans Memorial Parkway was established in 2015 though discussion goes back to at least 2006 when three alignments first proposed and discussed at public meetings. According to the Public Works Department, the current Forest Grove Drive has three different names: Forest Grove Drive, Forrest Grove Drive and Forest Grove Road.

- The original resolution states the name as "Forest Grove Road".
- The Commission's letter dated 10-13-1976 conditioned the approval of the plat on the name being "Forest Grove Drive"; and
- The adopted plat has the name listed as "Forrest Grove Drive".

The alignment of Veterans Memorial Parkway (VMP) creates a new intersection with Utica Ridge Road north of the old Forest Grove Drive/Forrest Grove Drive/Forest Grove Road intersection. East of Utica Ridge Road this new roadway, aligning with VMP, will be called Forest Grove Drive which will continue easterly and reconnect with the existing Forest Grove Drive in Bettendorf. The old Forest Grove Drive/Forrest Grove Drive/Forest Grove Road will terminate in a cul-de-sac and be named Forest Grove Court. This should resolve the three different name/spelling issue of this segment of roadway.

Staff Recommendation

Findings:

- The new alignment of Veterans Memorial Parkway and Forest Grove Drive adjacent to Utica Ridge Road requires the name change.
- The name change to Court is the least disruptive change.

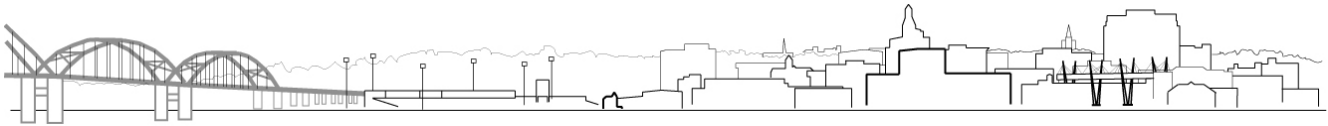
Staff recommends the Plan and Zoning Commission forward Case No. SNC17-01 to the City Council for approval.

Prepared by:

Wayne Wille, CFM – Planner II
Community Planning Division



**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 9/19/2017
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a street name change before the Plan and Zoning Commission
Case #: SNC17-01

To: All property owners within 200 feet of the subject property located at: **Forest Grove Drive between 4705 to 4905 Forest Grove Drive.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a street name change. The purpose of the street name change is to change the name of a street.

Request Description

SNC17-01: Request of the City of Davenport (Public Works Department) to change the name of a segment of Forest Grove Drive east of Utica Ridge Road to Forest Grove Court.

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.

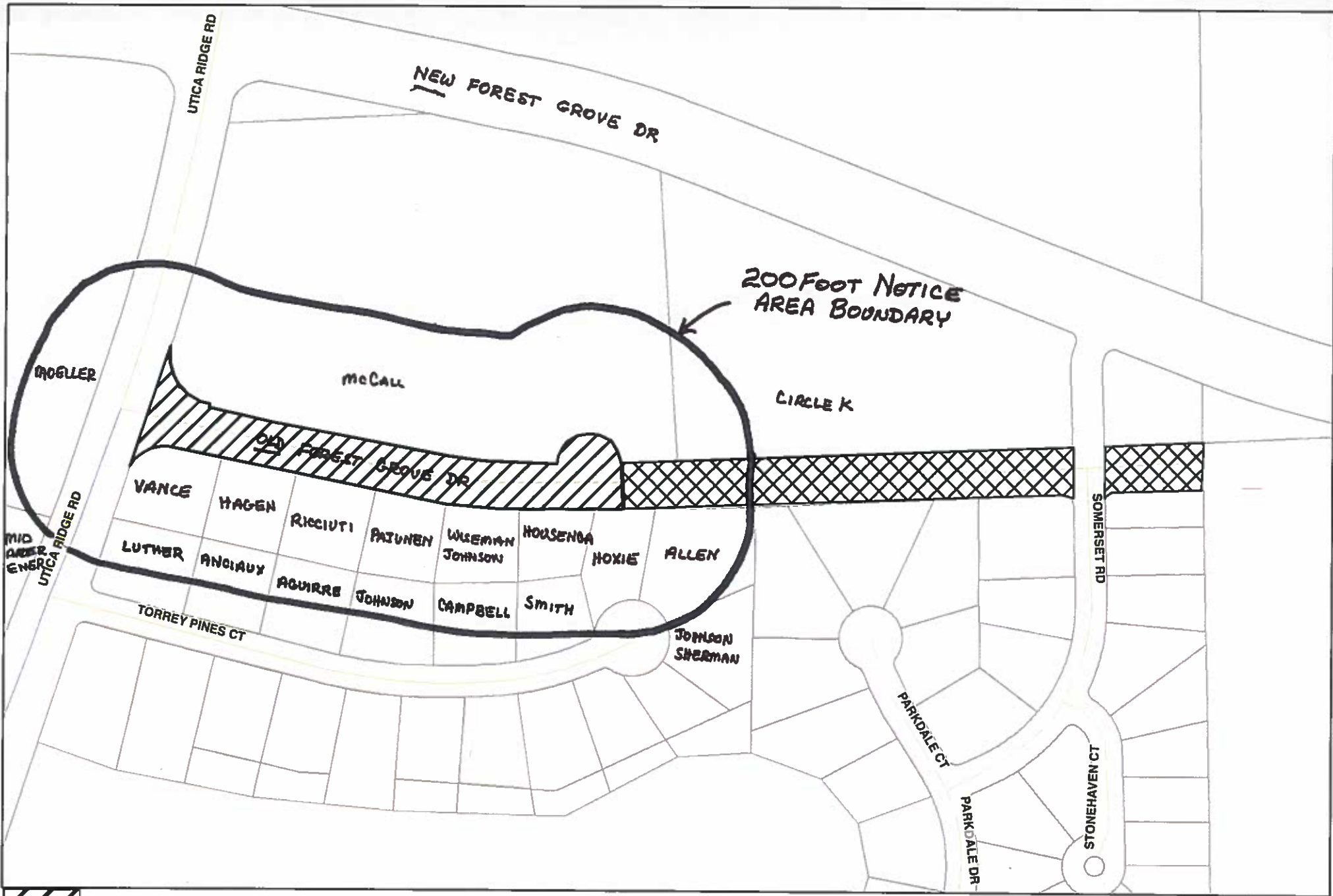
Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

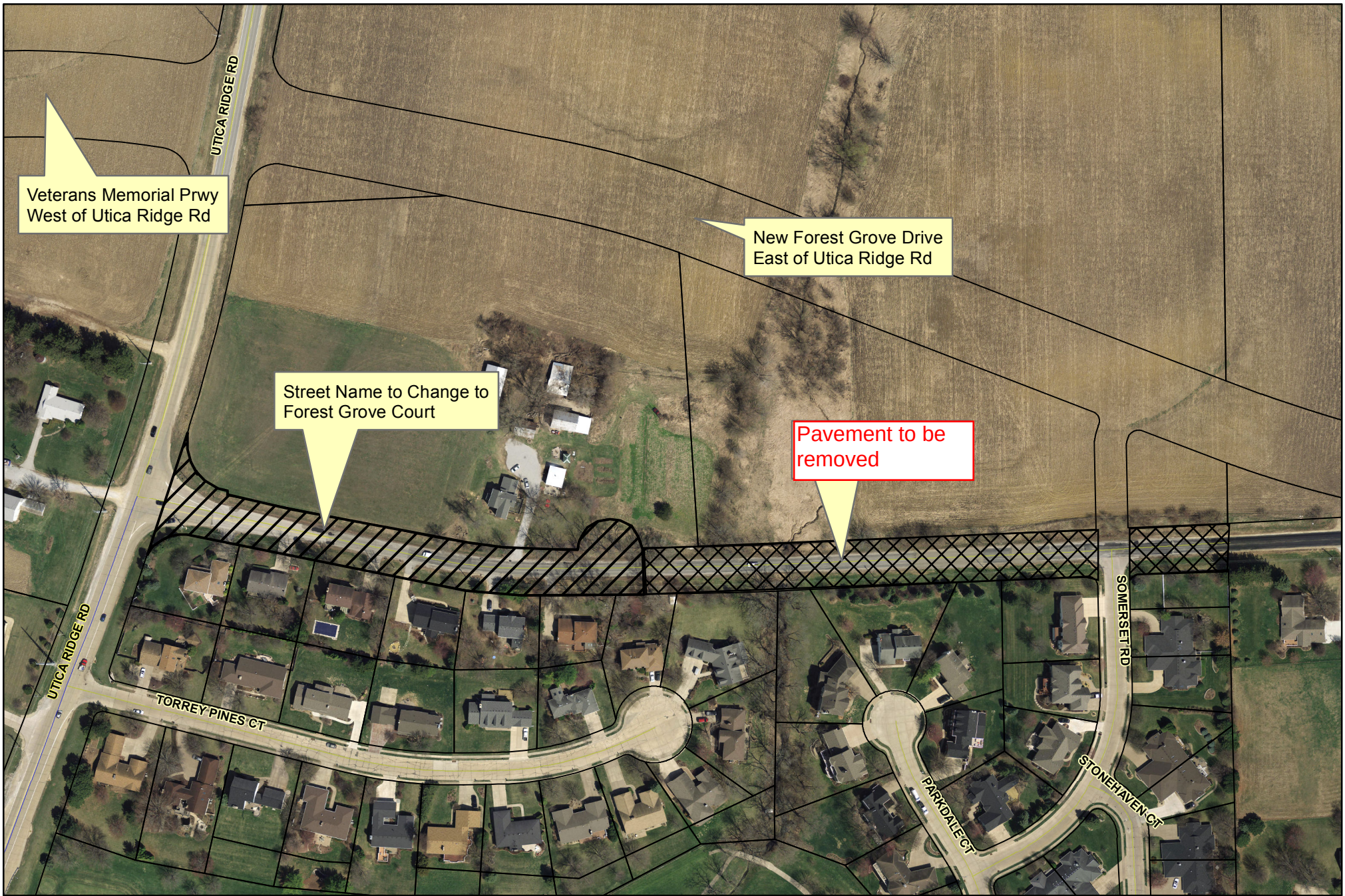
If you have any questions on this request, or if ADA/special accommodations are needed, please contact Wayne Wille, CFM, the case planner assigned to this project at wtw@ci.davenport.ia.us or 563-326-6172.

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.



-  STREET NAME CHANGE
-  STREET VACATION (ABANDONMENT)



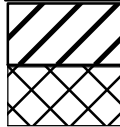


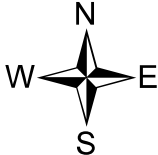
Veterans Memorial Prwy
West of Utica Ridge Rd

New Forest Grove Drive
East of Utica Ridge Rd

Street Name to Change to
Forest Grove Court

Pavement to be
removed

-  STREET NAME CHANGE
-  STREET VACATION (ABANDONMENT)



Owner		Address	CSZ
Glen Moeller	Kathleen Moeller	28140 - 162nd Ave	Long Grove IA 52756
MidAmerican Energy		666 Grand Ave - PO Box 657	Des Moines IA 50303-657
Virginia McCall Trust		4820 Forest Grove Dr	Davenport IA 52807
Circle K Properties LLC		4820 Forest Grove Dr	Davenport IA 52807
Michael J Vance	Jessica J Vance	4705 Forest Grove Dr	Davenport IA 52807
George L Hagen	Gwendolyn A Hagen	4714 Forest Grove Dr	Davenport IA 52807
Paul J Ricciutti	Erin Ricciutti	4803 Forest Grove Dr	Davenport IA 52807
William J Pajunen	Melissa K Pajunen	4815 Forest Grove Dr	Davenport IA 52807
Kimberly S Wiseman	Mark Johnson	4825 Forest Grove Dr	Davenport IA 52807
Nathan J Housenga		4905 Forest Grove Dr	Davenport IA 52807
Horton M Hoxie Jr	Loretta K Hoxie	4928 Torrey Pines Ct	Davenport IA 52807
Drew P Allen	Ellen C Allen	4932 Torrey Pines Ct	Davenport IA 52807
Elisabeth A Johnson	Ricky J Sherman	4931 Torrey Pines Ct	Davenport IA 52807
Dennis J Smith	Marlene J Smith	4916 Torrey Pines Ct	Davenport IA 52807
James R Campbell		4904 Torrey Pines Ct	Davenport IA 52807
Kurt Johnson	Sue Johnson	4820 Torrey Pines Ct	Davenport IA 52807
Hartman Aguirre	Amber Aguirre	4806 Torrey Pines Ct	Davenport IA 52807
Susan C Anciaux	Christine M Anciaux	4722 Torrey Pines Ct	Davenport IA 52807
Lance B Luther II		4708 Torrey Pines Ct	Davenport IA 52807
Ald Meeker		226 W 4th St	Davenport IA 52801

From: mcatty@aol.com
To: [Planning Division – CPED](#)
Subject: From Virginia McCall, 4820 Forest Grove Drive, Davenport, Iowa. Re: Name change for Forest Grove.
Date: Friday, September 15, 2017 2:35:36 PM

September 15, 2017

To Whom It May Concern:

Re: SNC17-01. Name change of a segment of Forest Grove Drive east of Utica Ridge Road to Forest Grove Court.

Since this segment of the street is no longer connected to Forest Grove Drive, the namesake of the Forest Grove School, we are hoping you will consider a new name that is unique to this location.

The following are some suggestions my family and I would like to submit for your consideration for your hearing at 5 pm on September 19th.

1. **Circle K Court.** The family farms, which sold land for the portion of the new Veteran's Memorial Parkway between Utica Ridge and the Schulensen farm, were all originally part of the family farm known as Circle K Ranch located at 7443 Utica Ridge. Hence, Circle K Court would be a tribute to our family's Century Farm.
2. **Green Meadow Circle.** Green Meadow Farm is the name of my acreage at 4820 Forest Grove Drive. The name was derived from my mother's maiden name, Wiese. In German, Wiese means meadow. The farm has remained in the family of Wiese descendants for more than 100 years.
3. **Tiger Lily Lane.** This name refers to the abundance of tiger lilies which once grew wild in the ditches when it was a country road.
4. **Farmhouse Circle.** Relating to the century-old farmhouse still standing on the land which was sold for the court.
5. **Bumblebee Court and Hummingbird Hill:** Names my 6 year old granddaughter submitted because of all the many bees and hummingbirds in this location.
6. **Monarch Pass.** This name is derived from the monarchs passing over this location on their migration route each year. Should you be fortunate enough to time a visit when they are about to land, it is quite a sight. Literally, clouds of butterflies swarm over the trees and land in the twinkling of an eye. Even approaching a tree, it would be very difficult to see them because they truly look just like another leaf as they rest for their early morning flight at dawn.

Thank you for your time and we trust a decision will be made to change the name of this new street to a name that reflects the history of the property acquired for this new city project.

Sincerely,

Virginia McCall
4820 Forest Grove Drive
Davenport, IA 52807
Cell: 563-320-0556

From: mcatty@aol.com
To: [Planning Division – CPED](#)
Subject: #2 from Virginia McCall and the name change for Forest Grove.
Date: Friday, September 15, 2017 3:06:32 PM

I should have further explained the meaning of the name of our Century Farm, Circle K Ranch, at 7443 Utica Ridge Road.

Our mother's maiden name was Wiese, but our father's last name was Kuehl. Dad had always hoped to own a ranch out west one day and why he named their farm Circle **K** (for Kuehl) Ranch.

Thanks.

Virginia McCall
4820 Forest Grove Drive
Davenport, IA

City of Davenport

Agenda Group: Community Development
Department: Community Development Committee
Contact Info: Matt Flynn, 888-2286
Wards: 8th

Action / Date
CD11/1/2017

Subject:

First Consideration: Ordinance for Case No. REZ17-09: Request of Michael R. Leep, Sr. for the proposed rezoning of 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District [8th Ward].

Recommendation:

Staff concurs with the recommendation of the Plan and Zoning Commission to accept the listed findings and recommend approval of the request with the conditions outlined on the attached draft ordinance.

The vote by the Plan and Zoning Commission was unanimous in favor.

Relationship to Goals:

Welcome Investment.

Background:

Approval of the request would facilitate the construction of a multi-brand automobile dealership at this location. Additional development meeting the proposed conditions would also be permitted following affirmative action by the Council.

See attachments for the Staff Report, proposed ordinance and additional information.

ATTACHMENTS:

Type	Description
▣ Ordinance	Proposed Ordinance
▣ Ordinance	Staff Report and Attachments

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berger, Bruce	Approved	10/26/2017 - 10:34 AM
City Clerk	Admin, Default	Approved	10/26/2017 - 11:00 AM

ORDINANCE NO.

Ordinance for Case No. REZ17-09: Request of Michael R. Leep, Sr. to rezone 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District [8th Ward].

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned from C-1 Neighborhood Commercial District to C-2 General Commercial District:

The Legal Description for this property is as follows:

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows:

Commencing at the West Quarter corner of said Section 7; Thence North 87° 38' 05" East along the North line of the Southwest Quarter of said Section 7, a distance of 982.30 feet; Thence South 02° 21' 52" East, a distance of 45.00 feet to the South right of way line of 53rd Street and the POINT OF BEGINNING of the tract of land hereinafter described; Thence continuing South 02° 21' 52" East, a distance of 616.77 feet to the North line of Stone Gate East Addition; Thence South 87° 38' 58" West along said North line, a distance of 954.78 feet to the East right of way line of Eastern Avenue; Thence North 01° 42' 59" West along said East right of way line, a distance of 596.79 feet; Thence 31.19 feet along a 20.00 feet radius curve, concave Southeasterly, with a central angle of 89° 21' 03" and a 28.12 feet chord bearing North 42° 57' 33" East to the South right of way line of 53rd Street; Thence North 87° 38' 05" East, along said South right of way line, a distance of 928.03 feet to the Point of Beginning, containing 13.465 acres, or 586,530 square feet, more or less. Subject to easements and restrictions of record.

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

Findings:

1. The rezoning is consistent with the Comprehensive Plan Future Land Use, which designates the property as "CC" – Commercial Corridor.
2. The revised conditions will mitigate negative impacts that might be generated through the development of this site as an automobile dealership.

Conditions:

1. The conditions adopted by Ordinance 99-568 are rescinded.
2. That development complies with the provisions of Chapter 17.41, entitled "HCOD" Highway Corridor Overlay District.
3. Property owner shall dedicate right-of-way necessary for the widening and intersection improvements for East 53rd Street, at no cost to the City.
4. Design of the traffic improvements listed below shall be determined and approved by the City Traffic Engineer, supported by data revealed as part of the developer's funded traffic study and unless deferred constructed prior to the issuance of any certificates of occupancy for the property. If the City and developer determine that cost savings and ease of administration allow, access improvements for 53rd street may be deferred and completed as part of the 53rd Street widening project. Any deferral shall not be deemed a waiver of developer's responsibility to dedicate ground for the widening, or to construct or fund the traffic improvements required herein, but developer shall be expected to construct or pay for the impacts caused by its development only once.
 - a. A full access curb cut shall be permitted at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 25% up to \$40,000 for the cost of signalization at the Spring Street/East 53rd Street intersection.
 - b. A right-in/right-out driveway shall be permitted no closer than three hundred (300) feet of the Eastern Avenue/East 53rd Street intersection. Acceleration/deceleration lanes shall be constructed at the sole expense of the property owner.
 - c. A full access curb cut shall be permitted at the Eastern Avenue/East 52nd Street intersection. Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at this location.
 - d. It is acknowledged that future widening of East 53rd Street may warrant reconsideration of the degree of access control to this property.
5. That a fifty (50) foot landscape buffer (Class G, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.
6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.
7. Routine use of PA systems outside of buildings on the property shall not be permitted.

8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.
9. The following uses shall not be closer than three hundred (300) feet from the south property line:
 - a. Automobile and service and oil change facilities not part of an automobile dealership.
 - b. Any use utilizing drive-through window(s)

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank J. Klipsch
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____



PLAN AND ZONING COMMISSION

Meeting Date: October 17, 2017
Request: Proposed rezoning of 13.465, more or less, of property at the southeast corner of Eastern Avenue and East 53rd Street from C-1 Neighborhood Commercial District to C-2 General Commercial District
Case No.: REZ17-09
Applicant: Michael R. Leep, Sr.
Contact: Matthew G. Flynn, AICP
Senior Planning Manager
mflynn@ci.davenport.ia.us
563-888-2286

Recommendation:

Staff recommends the Commission accept the findings and forward Case No. REZ17-09 to the City Council for approval, along with the listed conditions.

Introduction:

This property is proposed to be developed as a car dealership/showroom including car wash.

Background:

This property was rezoned to C-1 in 1999. C-1 does not allow car dealerships, thus, a rezoning to C-2 has been applied for. Several conditions to this rezoning were also adopted. See attached Ordinance 99-568 for specifics.

Comprehensive Plan: The Property is within the current Urban Service Boundary (USB).

Davenport+2035 designates this property as Commercial Corridor. *Commercial Corridor (CC) – Well-established corridors located along high-volume major streets dominated by retail and office uses that serve the greater community. Development is generally newer and redevelopment is not anticipated within the 20 year planning horizon. Improvements should focus on façade and site improvements, including pedestrian circulation systems and consolidated/updated signage.*

Technical Review:

Being in the urban service area, urban services are readily available to the site. Fire station No. 7 is less than one mile from the property.

53rd Street is slated for improvements and widening in FY19-20. This may have some impact on development and operations on this property during construction.

Public Input:

Signs have been posted on the property. A public meeting was held on September 26, 2017. Approximately 25 people attended.

36 notices to property owners have been mailed out.

To date two protests have been registered which constitutes 1.4% of the notice area.

Discussion:

Staff has suggested to the petitioner a zoning classification of PDD, Planned Development, may assist in addressing site plan concerns for the property. The applicant has indicated that finalizing a site plan will not be possible due to specific needs of multiple car dealerships looking at this property.

Conditions placed on the property in 1999 specifically called for no automobile dealerships on the property. It can be argued that improved operations and lighting technology can mitigate the concerns expressed in 1999. Further, the decision for Smart Toyota to locate immediately west of the property has changed the anticipated character of this stretch of East 53rd Street.

Comments expressed at the neighborhood meeting centered on lighting, noise, and the existing tree line along the south property line.

Lighting. The proposed condition stipulates that lighting not exceed 25 feet in height (same as Toyota), be LED Dark Sky fixtures and be shielded from residential property.

Noise. Conditions include prohibition of the use of PA systems requiring the car wash to be set back 125 feet and oriented away from residential.

Existing Tree Line. It can't be determined where the existing trees lie nor their species and health. Therefore, no conditions address the existing trees.

Staff has also discussed traffic access and control as well as stormwater management for the site.

Traffic Access and Control. Analysis of crash data reveals a number of accidents in the vicinity, including a fatal incident in 2013. Staff believes that the westernmost drive on 53rd street is too close to the intersection to be a full access. A right-in/right-out is recommended.

Additional turn and decal lanes, as well as a part of the signalization cost at Spring Street should be the responsibility of the property owner.

Stormwater Management.

Effectively managing stormwater is, (as always) a concern. The property drains to both the east and west. Shared detention is being studied for easterly flow stormwater. Flow to the west needs to be limited to not exacerbate the erosion issues that have occurred downstream.XXX

Conclusion: Staff believes through revisions to the existing conditions placed on this property in 1999, the negative impacts can be effectively managed. It can be assumed that a recommendation for approval (if that is the conclusion) will include a number of conditions designed to minimize impacts to the neighborhood to the south.

Staff Recommendation:

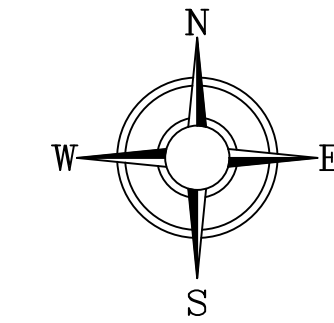
Findings:

1. The rezoning is consistent with the Comprehensive Plan Future Land Use, which designates the property as “CC” – Commercial Corridor.
2. The revised conditions will mitigate negative impacts that might be generated through the development of this site as an automobile dealership.

Conditions:

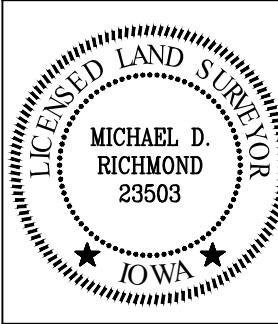
1. The conditions adopted by Ordinance 99-568 are rescinded.
2. That development complies with the provisions of Chapter 17.41, entitled “HCOD” Highway Corridor Overlay District.
3. Property owner shall dedicate right-of-way necessary for the widening and intersection improvements for East 53rd Street, at no cost to the City.
4. Design of the traffic improvements listed below shall be determined and approved by the City Traffic Engineer, supported by data revealed as part of the developer's funded traffic study.
 - a. A full access curb cut shall be permitted at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 25% up to \$40,000 for the cost of signalization at the Spring Street/East 53rd Street intersection.
 - b. A right-in/right-out driveway shall be permitted no closer than three hundred (300) feet of the Eastern Avenue/East 53rd Street intersection. Acceleration/deceleration lanes shall be constructed at the sole expense of the property owner.
 - c. A full access curb cut shall be permitted at the Eastern Avenue/East 52nd Street intersection. Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at this location.
 - d. It is acknowledged that future widening of East 53rd Street may warrant reconsideration of the degree of access control to this property.
5. That a fifty (50) foot landscape buffer (Class G, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.
6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.
7. Routine use of PA systems outside of buildings on the property shall not be permitted.
8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.
9. The following uses shall not be closer than three hundred (300) feet from the south property line:
 - a. Automobile and service and oil change facilities not part of an automobile dealership.
 - b. Any use utilizing drive-through window(s)

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



(IN FEET)
1" = 100' (24x36)

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



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2017
Pages or sheets covered by this seal: 1

REZ17-09: SPEER - LEEP Rezoning C-1 to C-2
SURROUNDING ZONING



0 162.5 325 650 975 1,300 Feet
1 inch = 733 feet





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

Property Address* Vacant Land - Parcel No.'s N0709-01A and N0709-01B

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

Applicant (Primary Contact)**

Name: Michael R. Leep, Sr.
Company:
Address: 5201 N. Grape Road
City/State/Zip: Mishawaka, IN 46545
Phone: 574-272-2015
Email: mikeleepsr@GurleyLeep.com

Owner (if different from Applicant)

Name: Shella M. Speer Living Trust
Company:
Address: 2231 E. 45th Street
City/State/Zip: Davenport, IA 52807
Phone: 563-359-3646
Email: reclosers1@gmail.com

Engineer (if applicable)

Name: Jason Holdorf
Company: Missman, Inc.
Address: 1717 State Street, Ste. 201
City/State/Zip: Bettendorf, IA 52722
Phone: 563-340-9885
Email: jasonh@missman.com

Architect (if applicable)

Name: Renee Kobayashi
Company: Forum Architects, LLC
Address: 122 S. Michigan St., Ste. 200
City/State/Zip: South Bend, IN 46601
Phone: 574-233-2119
Email: rkobayashi@forumarchitectsllc.com

Attorney (if applicable)

Name: Thomas J. Pastrnak/Gregory S. Jaeger
Company: Pastrnak Law Firm, P.C.
Address: 313 W. 3rd Street
City/State/Zip: Davenport, IA 52801
Phone: 563-323-7737
Email: tpastrnak@pastrnak.com/gjaeger@pastrnak.com

Application Form Type:

Plan and Zoning Commission

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

Zoning Board of Adjustment

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

Design Review Board

- Certificate of Design Approval ☒
Demolition Request in the Downtown ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Floodplain Development ☐
Cell Tower Co-Location ☐
Identification Signs ☐
Site Plan ☐

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

Request:

Existing Zoning: C-1 Neighborhood Shopping District, subject to conditions and use restrictions based on Ordinance #99-568
Proposed Zoning Map Amendment: C-2 to permit the development of a car dealership with automobile showroom to allow the sale and service (including car wash as part of such service) of new (i.e., Porsche, VW, Audi, Mercedes) and used vehicles
Total Land Area: 13.435 Acres ☒
Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No

Submittal Requirements:

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
Zoning Map Amendment is less than 1 acre - \$400.
Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
\$5.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:

- (1) Application:
 - Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
 - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Public Notice for the Plan and Zoning Commission public hearing:
 - After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
 - The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
 - Planning staff will send a public hearing notice to surrounding property owners.
- (3) Plan and Zoning Commission's consideration of the request:
 - Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
 - The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (4) City Council's consideration of the request:
 - Planning staff will send a public hearing notice to surrounding property owners.
 - The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: Thomas J. Pastrnak/Gregory S. Jager as atty for Applicant

Date: 9-8-17

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by: _____

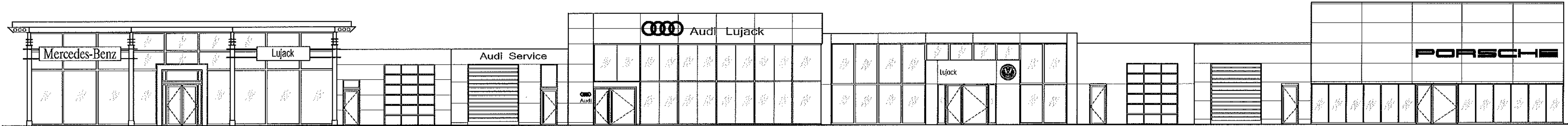
Planning staff

Date: Date of the Public Hearing:

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



CONCEPTUAL SITE PLAN



BUILDING SECTION PROFILE

RECORDED OF DEEDS
SCOTT COUNTY, IOWA

ORDINANCE for the rezoning of 19.32 acres, more or less, of real property located east of Eastern Avenue and south of 53rd Street from "R-4 PUD" Planned Unit Development and "R-5M PUD" Planned Unit Development and "C-O" Office Shop District to "C-1" Neighborhood Shopping District to allow commercial development. Sheila Speer, petitioner.

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 "R-4 PUD" and "R-5M PUD" Planned Unit Development and "C-O" Office Shop District to "C-1" Neighborhood Shopping District - Sheila Speer, petitioner. The property has the following legal description:

Part of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M. being more particularly described as follows:

The North One-Half of the Northwest Quarter of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M. excepting therefrom the public rights-of-way for Eastern Avenue and 53rd Street as they currently exist. Tract contains 19.32 acres, more or less.

The rezoning is to allow commercial development. The rezoning is subject to the following special conditions:

1. that development comply with the provisions of Chapters 17.41 and 17.56 of the 1995 Davenport Municipal Code entitled "HCOD" Highway Corridor Overlay District and "Site Plans" respectively;
2. that access to the subject property be located no closer to the intersection of 53rd Street and Eastern Avenue than 300 feet and that all access locations be approved by the City Traffic Engineer;
3. that left turn lanes be developed for the major access locations at the petitioner's sole expense and that these lanes be installed prior to the start of construction for any part of the property and that these lanes be constructed to City specifications;
4. that right turn deceleration lanes also be installed for each access location at the petitioner's sole expense and that these lanes be installed prior to the start of construction for any part of the property and that these lanes be developed to City specifications;
5. that a stormwater management plan for the subject property be at full projected development be submitted to and approved by the Engineering Division of the Public Works Department prior to commencing any grading activity;
6. that the City receive a copy of the petitioner's NPDES General Permit No. 2 prior to commencing any grading activity;
7. that should the City's Traffic Engineer determine that additional traffic improvements will be necessary due to this development, the cost of the improvements shall be the responsibility of the petitioner whose project made them necessary;
8. that the required landscaped buffer along the southern boundary of the subject property, adjoining the Eastern Avenue Partners property, be at least fifty (50) feet in width and include a six-foot

wooden privacy fence when adjoining residential uses to the south;
and

9. that the uses permitted to be developed or established on the subject property shall be those listed within the C-1 zoning classification, with the exclusion of:

- a. automobile service and oil change operations;
- b. public garage or sales or service operations for automobiles;
- c. automobile wash operations;
- d. movie theaters;
- e. laundromats;
- f. any "adult businesses" as defined in Chapter 17.47; and
- g. storage garages.

In addition, convenience stores and restaurants with drive-up window service shall be permitted only within the area within 300 feet of both Eastern Avenue and East 53rd Street.

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 December 1, 1999

Second Consideration December 15, 1999

Approved December 15, 1999

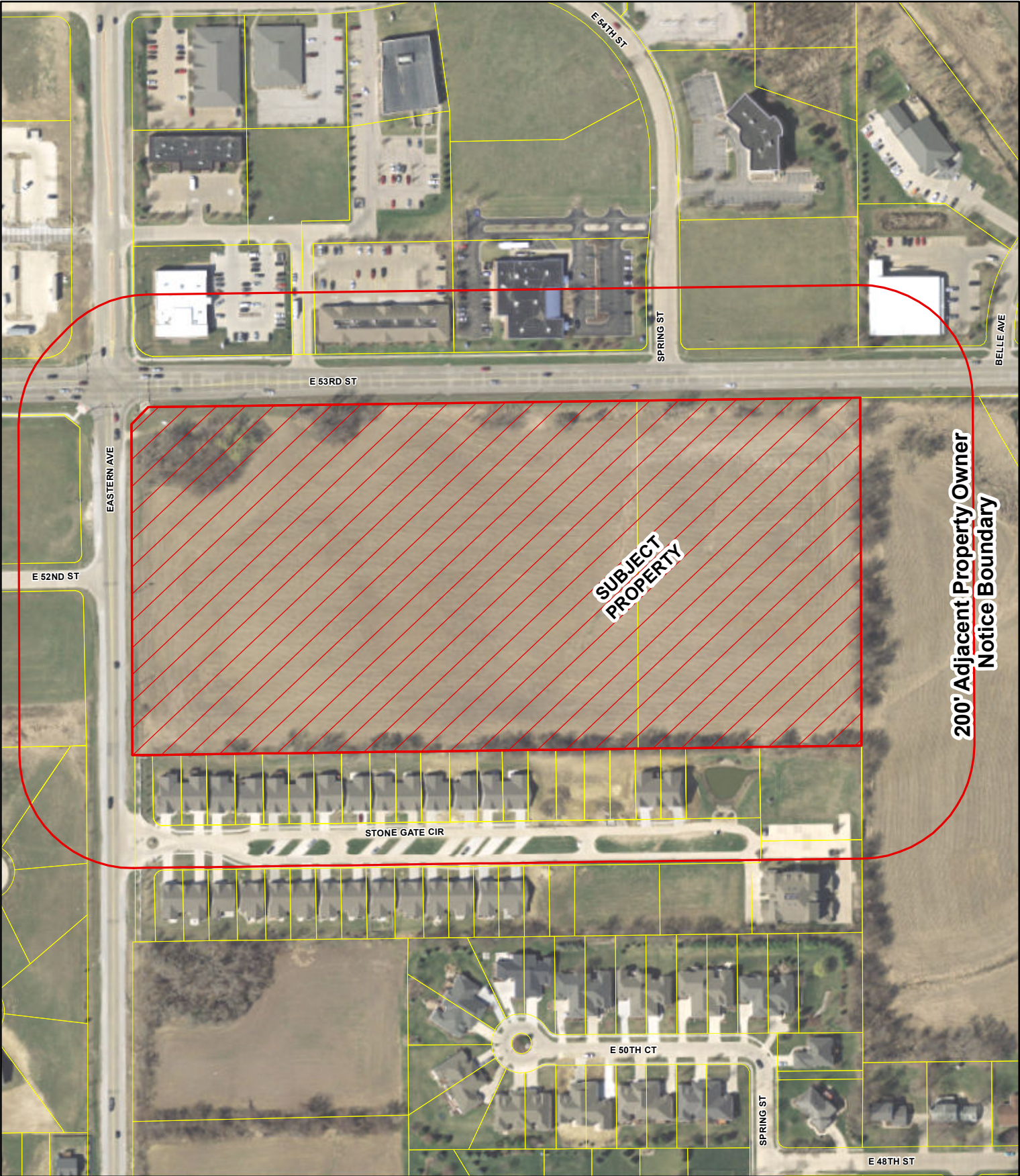
Phillip C. Yerington
Phillip C. Yerington
Mayor

Attest:

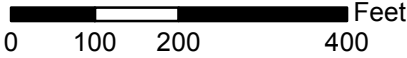
Jackie E. Ragsdale
Jackie E. Ragsdale CMC
Deputy City Clerk

Published in the Quad-City Times on December 28, 1999

**Plan & Zoning Commission: Adjacent Property Owner Notice Area
Request for a Zoning Map Amendment (Rezoning)**



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





City of Davenport

226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7711 TDD: 563-326-6145
www.cityofdavenportiowa.com

PUBLIC HEARING NOTICE

September 22, 2017

Dear Property Owner:

The Davenport Plan and Zoning Commission will conduct a public hearing for a proposed rezoning from C-1, Neighborhood Commercial District to C-2, General Commercial District for the property located at the southeast corner of 53rd Street and Eastern Avenue. The developer, Michael R. Leep, Sr. proposes to construct an automobile dealership on the property. (see attached map).

The Plan and Zoning Commission public hearing will be held:

Tuesday, October 3, 2017, 5:00 p.m.
City Council Chambers, City Hall
226 West 4th Street

You are welcome to attend and provide comments. As a property owner within 200 feet of the subject property, you have the opportunity to protest the action. Fill out and return to our office the form at the bottom of the page if you choose to do so.

If you cannot attend this meeting and have questions or concerns, feel free to contact me directly using the contact information below.

Sincerely,

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport
matt.flynn@ci.davenport.ia.us
563-888-2286

I, the undersigned, **PROTEST /DO NOT PROTEST** (circle one) the proposed rezoning of the southeast corner of E 53rd Street and Eastern Ave. by Michael R. Leep, Sr.
(Case No. REZ17-09)

Signature _____

Date _____

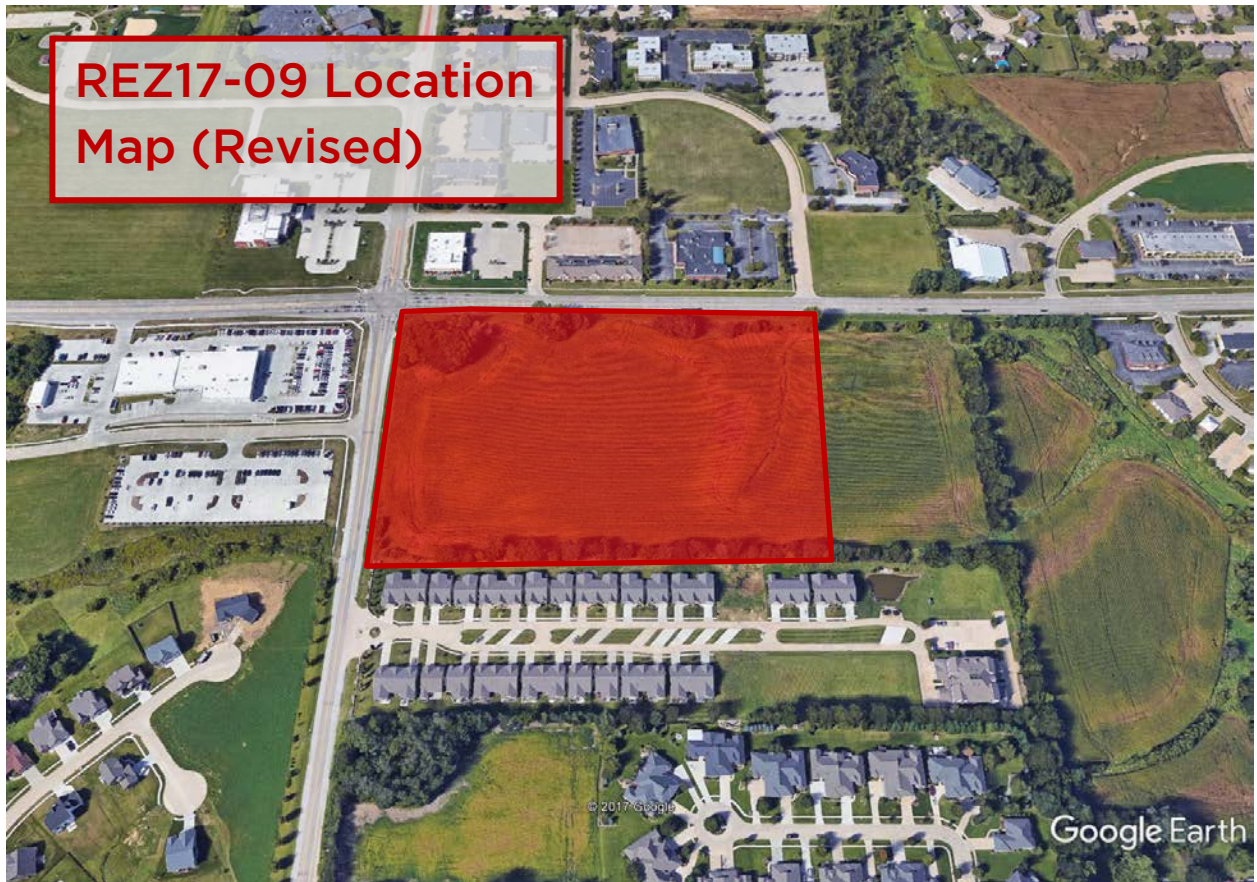
Address: _____

Phone/email: _____



Working Together To Serve You

**REZ17-09 Location
Map (Revised)**



**REZ17-09 Future
Land Use Map
(Revised)**

CC

RG

Google Earth

REZ17-09 Leep Rezoning Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
N0733-04A	6261.65876	0.7%		0.0%	1716 STONE GATE CR	BILLY & CAROLYN HOLCOMB	1716 STONE GATE CR	DAVENPORT 52807
N0733-19A	5670.68267	0.6%		0.0%	1820 STONE GATE CR	ROBERT & DELORES LAMBERT	1820 STONE GATE CR	DAVENPORT 52807
N0733-03A	6284.74688	0.7%		0.0%	1710 STONE GATE CR	1710 STONE GATE CIRCLE SPECIAL PURPOSE TRUST	9380 GULF SHORE DR UNIT 30	NAPELS FL 34108
Y0717-11A	30559.4713	3.4%		0.0%	1702 E 53RD ST	53RD & EASTERN PROPERTIES LLC	1805 STATE ST STE 101	BETTENDORF IA 52722
N0733-17A	5711.32998	0.6%		0.0%	1812 STONE GATE CIR	ANNE E PEACOCK	1812 STONE GATE CIR	DAVENPORT IA 52807
N0733-07A	6229.3879	0.7%	Yes	0.7%	1730 STONE GATE CR	BONNIE L ANDERSON LIVING TRUST	1730 STONE GATE CR	DAVENPORT 52807
Y0717-09A	2224.02651	0.3%		0.0%		C & L PLAZA LLC	2223 KIMBERLY RD	BETTENDORF IA 52722
N0733-15A	6277.63392	0.7%		0.0%	1800 STONE GATE CR	CHARLA A GORDON	1800 STONE GATE CR	DAVENPORT 52807
N0733-08A	6282.50853	0.7%		0.0%	1736 STONE GATE CR	CHARLES N TONEY	1736 STONE GATE CR	DAVENPORT 52807
N0733-13A	5610.83295	0.6%		0.0%	1760 STONE GATE CR	CHESTER & NANCY BRENTISE	1760 STONE GATE CR	DAVENPORT 52807
Y0717-08A	2200.12055	0.2%		0.0%		DAVENPORT HEALTHCARE INVESTORS LLC	3601 MINNESOTA DR	MINNEAPOLIS MN 55435
N0710-05E	154876.521	17.5%		0.0%		ED SPEER CONSTRUCTION INC	C/O KATHLEEN WEYERS	GRIMES IA 50111
Y0717-04B	27088.0613	3.1%		0.0%	1850 E 53RD ST	HAWKEYE REAL ESTATE INVESTMENT	913 22ND AVE	CORALVILLE IA 52241
Y0719-01H	14178.2053	1.6%		0.0%	2160 E 53RD ST	JCO PROPERTIES INC & KRE LLC	16010 CANYON RUN	FORT WAYNE IN 46845
N0733-05A	5638.78203	0.6%		0.0%	1722 STONE GATE CR	JERRY & SANDRA PASKVAN	1722 STONE GATE CR	DAVENPORT 52807
N0733-10A	5611.24849	0.6%		0.0%	1744 STONE GATE CR	JIM & MICHELLE DAVIS	1744 STONE GATE CR	DAVENPORT 52807
N0733-02B	5675.60077	0.6%		0.0%	1704 STONE GATE CR	JOHN & MARY JO YATES	1704 STONE GATE CR	DAVENPORT 52807
P1213-02D	5105.50161	0.6%		0.0%	5020 LEPRECHAUN DR	JOSEPH & CRYSTAL WINSTON	5020 LEPRECHAUN DR	DAVENPORT IA 52807
P1212-01	28256.5092	3.2%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWAKA IN 46546
P1212-10A	31971.1904	3.6%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWKA IN 46546
Y0717-07	34626.8194	3.9%		0.0%		KWIK TRIP INC	1626 OAK ST	LACROSSE WI 54602
N0733-18A	5626.85518	0.6%		0.0%	1814 STONE GATE CIR	LIVING TRUST KULCSAR	1814 STONE GATE CIR	DAVENPORT 52807
N0733-11A	6303.75715	0.7%		0.0%	1750 STONE GATE CR	MARILYN STEFFEN & HARRY LONGLEY LIVING TRUST	1750 STONE GATE CR	DAVENPORT 52807
N0733-01B	6225.06101	0.7%	YES	0.7%	1702 STONE GATE CR	KEVIN & MARY RICKETTS	1702 STONE GATE CR	DAVENPORT IA 52807
P1213-01D	12494.9336	1.4%		0.0%	5017 LEPRECHAUN DR	O'BROS LLC	3885 ELMORE AVE	DAVENPORT IA 52807
X1223-01	1182.59557	0.1%		0.0%	5350 EASTERN AV	OGS LLC	5350 EASTERN AVE	DAVENPORT IA 52807
Y0717-03B	37635.3315	4.2%		0.0%	1970 E 53RD ST	RADIOLOGY GROUP REAL ESTATE L	1970 E 53RD ST	DAVENPORT IA 52807
N0733-09A	5694.92817	0.6%		0.0%	1742 STONE GATE CR	RICHARD & ANN LAUSEN	1742 STONE GATE CR	DAVENPORT IA 52807
N0733-14A	5644.67905	0.6%		0.0%	1762 STONE GATE CR	RICHARD & SANDRA ROSS	1762 STONE GATE CR	DAVENPORT 52807
N0733-06A	5674.75894	0.6%		0.0%	1724 STONE GATE CR	RITA WALLJASPER & DOLORES MOORE TRUST	1724 STONE GATE CR	DAVENPORT IA 52807
N0733-20A	5598.19629	0.6%		0.0%	1822 STONE GATE CR	STEVEN & MARY ANN HAMANN	1822 STONE GATE CR	DAVENPORT 52807
N0733-00B	16465.957	1.9%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	2660 E 53RD ST STE 7	DAVENPORT IA 52807
N0733-00A	86698.4084	9.8%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	PO BOX 1010	MOLINE IL 61266-1010
N0733-16A	6277.70065	0.7%		0.0%	1806 STONE GATE CR	STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-21A	36014.07	4.1%		0.0%		STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-12A	6239.21237	0.7%		0.0%	1756 STONE GATE CR	TRACEY RAASCH	1756 STONE GATE CR	DAVENPORT IA 52807

PARCELS 640,117.3
ROW 245,828.8

Alderman: McGivern

TOTAL
NOTICE AREA 885,946.0
PROTEST RATE 1.4%

Protests: 2

Properties: 36

PUBLIC HEARING NOTICE

October 19, 2017

Dear Property Owner:

The Davenport Plan and Zoning Commission will conduct a public hearing for a proposed rezoning from C-1, Neighborhood Commercial District to C-2, General Commercial District for the property located at the southeast corner of 53rd Street and Eastern Avenue. The developer, Michael R. Leep, Sr. proposes to construct an automobile dealership on the property. (see attached map).

The Committee of the Whole public hearing will be held:

**Wednesday, November 1, 2017, 5:30 p.m.
City Council Chambers, City Hall
226 West 4th Street**

The Davenport Plan and Zoning Commission recommended approval of the proposed rezoning at its October 17, 2017 meeting.

You are welcome to attend and provide comments. As a property owner within 200 feet of the subject property, you have the opportunity to protest the action. Fill out the form at the bottom of the page and return to our office if you choose to do so.

If you cannot attend this meeting and have questions or concerns, feel free to contact me directly using the contact information below.

Sincerely,

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport
matt.flynn@ci.davenport.ia.us
563-888-2286

I, the undersigned, PROTEST /DO NOT PROTEST (circle one) the proposed rezoning of the southeast corner of E 53rd Street and Eastern Ave. by Michael R. Leep, Sr.
(Case No. REZ17-09)

Signature

Date

Address: _____

Phone/email: _____

Meeting Date: 10-17-17

Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED				
Name:	Roll Call	REZ17-09 Michael Leep SE Cor 53rd & Eastern	REZ17-10 Women in Spirtual Hope Ministries 5210 N Division St				
Connell	P	Y	Y				
Hepner	P	Y	N				
Inghram	P						
Kelling	P	Y	N				
Lammers	P	Y	N				
Maness	P	Y	Y				
Martinez	EX						
Medd	P	Y	Y				
Quinn	P	Y	Y				
Reinartz	P	Y	Y				
Tallman	P	ABSTAIN	Y				
		8-YES 0-NO 1-ABSTAIN	6-YES 3-NO 0-ABSTAIN				

REZ17-09 Leep Rezoning Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
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N0733-19A	5670.68267	0.6%		0.0%	1820 STONE GATE CR	ROBERT & DELORES LAMBERT	1820 STONE GATE CR	DAVENPORT 52807
N0733-03A	6284.74688	0.7%		0.0%	1710 STONE GATE CR	1710 STONE GATE CIRCLE SPECIAL PURPOSE TRUST	9380 GULF SHORE DR UNIT 30	NAPELS FL 34108
Y0717-11A	30559.4713	3.4%		0.0%	1702 E 53RD ST	53RD & EASTERN PROPERTIES LLC	1805 STATE ST STE 101	BETTENDORF IA 52722
N0733-17A	5711.32998	0.6%		0.0%	1812 STONE GATE CIR	ANNE E PEACOCK	1812 STONE GATE CIR	DAVENPORT IA 52807
N0733-07A	6229.3879	0.7%	Yes	0.7%	1730 STONE GATE CR	BONNIE L ANDERSON LIVING TRUST	1730 STONE GATE CR	DAVENPORT 52807
Y0717-09A	2224.02651	0.3%		0.0%		C & L PLAZA LLC	2223 KIMBERLY RD	BETTENDORF IA 52722
N0733-15A	6277.63392	0.7%		0.0%	1800 STONE GATE CR	CHARLA A GORDON	1800 STONE GATE CR	DAVENPORT 52807
N0733-08A	6282.50853	0.7%		0.0%	1736 STONE GATE CR	CHARLES N TONEY	1736 STONE GATE CR	DAVENPORT 52807
N0733-13A	5610.83295	0.6%		0.0%	1760 STONE GATE CR	CHESTER & NANCY BRENTISE	1760 STONE GATE CR	DAVENPORT 52807
Y0717-08A	2200.12055	0.2%		0.0%		DAVENPORT HEALTHCARE INVESTORS LLC	3601 MINNESOTA DR	MINNEAPOLIS MN 55435
N0710-05E	154876.521	17.5%		0.0%		ED SPEER CONSTRUCTION INC	C/O KATHLEEN WEYERS	GRIMES IA 50111
Y0717-04B	27088.0613	3.1%		0.0%	1850 E 53RD ST	HAWKEYE REAL ESTATE INVESTMENT	913 22ND AVE	CORALVILLE IA 52241
Y0719-01H	14178.2053	1.6%		0.0%	2160 E 53RD ST	JCO PROPERTIES INC & KRE LLC	16010 CANYON RUN	FORT WAYNE IN 46845
N0733-05A	5638.78203	0.6%		0.0%	1722 STONE GATE CR	JERRY & SANDRA PASKVAN	1722 STONE GATE CR	DAVENPORT 52807
N0733-10A	5611.24849	0.6%		0.0%	1744 STONE GATE CR	JIM & MICHELLE DAVIS	1744 STONE GATE CR	DAVENPORT 52807
N0733-02B	5675.60077	0.6%		0.0%	1704 STONE GATE CR	JOHN & MARY JO YATES	1704 STONE GATE CR	DAVENPORT 52807
P1213-02D	5105.50161	0.6%		0.0%	5020 LEPRECHAUN DR	JOSEPH & CRYSTAL WINSTON	5020 LEPRECHAUN DR	DAVENPORT IA 52807
P1212-01	28256.5092	3.2%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWAKA IN 46546
P1212-10A	31971.1904	3.6%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWKA IN 46546
Y0717-07	34626.8194	3.9%		0.0%		KWIK TRIP INC	1626 OAK ST	LACROSSE WI 54602
N0733-18A	5626.85518	0.6%		0.0%	1814 STONE GATE CIR	LIVING TRUST KULCSAR	1814 STONE GATE CIR	DAVENPORT 52807
N0733-11A	6303.75715	0.7%		0.0%	1750 STONE GATE CR	MARILYN STEFFEN & HARRY LONGLEY LIVING TRUST	1750 STONE GATE CR	DAVENPORT 52807
N0733-01B	6225.06101	0.7%	YES	0.7%	1702 STONE GATE CR	KEVIN & MARY RICKETTS	1702 STONE GATE CR	DAVENPORT IA 52807
P1213-01D	12494.9336	1.4%		0.0%	5017 LEPRECHAUN DR	O'BROS LLC	3885 ELMORE AVE	DAVENPORT IA 52807
X1223-01	1182.59557	0.1%		0.0%	5350 EASTERN AV	OGS LLC	5350 EASTERN AVE	DAVENPORT IA 52807
Y0717-03B	37635.3315	4.2%		0.0%	1970 E 53RD ST	RADIOLOGY GROUP REAL ESTATE L	1970 E 53RD ST	DAVENPORT IA 52807
N0733-09A	5694.92817	0.6%		0.0%	1742 STONE GATE CR	RICHARD & ANN LAUSEN	1742 STONE GATE CR	DAVENPORT IA 52807
N0733-14A	5644.67905	0.6%		0.0%	1762 STONE GATE CR	RICHARD & SANDRA ROSS	1762 STONE GATE CR	DAVENPORT 52807
N0733-06A	5674.75894	0.6%		0.0%	1724 STONE GATE CR	RITA WALLJASPER & DOLORES MOORE TRUST	1724 STONE GATE CR	DAVENPORT IA 52807
N0733-20A	5598.19629	0.6%		0.0%	1822 STONE GATE CR	STEVEN & MARY ANN HAMANN	1822 STONE GATE CR	DAVENPORT 52807
N0733-00B	16465.957	1.9%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	2660 E 53RD ST STE 7	DAVENPORT IA 52807
N0733-00A	86698.4084	9.8%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	PO BOX 1010	MOLINE IL 61266-1010
N0733-16A	6277.70065	0.7%		0.0%	1806 STONE GATE CR	STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-21A	36014.07	4.1%		0.0%		STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-12A	6239.21237	0.7%		0.0%	1756 STONE GATE CR	TRACEY RAASCH	1756 STONE GATE CR	DAVENPORT IA 52807

PARCELS 640,117.3
ROW 245,828.8

Alderman: McGivern

TOTAL
NOTICE AREA 885,946.0
PROTEST RATE 1.4%

Protests: 2

Properties: 36

Friday, October 20, 2017

To: Accounting/Public Notices

Re: Public Notice

Please publish the following Committee of the Whole public hearing notice in the October 25, 2017 edition of the Quad City Times.

The PO number for this notice is 1806078.

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

NOTICE
PUBLIC HEARING
WEDNESDAY, NOVEMBER 1, 2017, 5:30 PM
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA

There is on file the following petitions:

Case No. REZ17-09: Request of Michael R Leep, Sr. for the rezoning of 13.465 acres of property located south of 53rd Street and east of Eastern Avenue from "C-1" Neighborhood Shopping District to "C-2" General Commercial District to allow the development of a car dealership showroom, with sales and service. [8th Ward]

The Legal Description for this property is as follows:

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows: Commencing at the West Quarter corner of said Section 7; Thence North 87° 38' 05" East along the North line of the Southwest Quarter of said Section 7, a distance of 982.30 feet; Thence South 02° 21' 52" East, a distance of 45.00 feet to the South right of way line of 53rd Street and the POINT OF BEGINNING of the tract of land hereinafter described; Thence continuing South 02° 21' 52" East, a distance of 616.77 feet to the North line of Stone Gate East Addition; Thence South 87° 38' 58" West along said North line, a distance of 954.78 feet to the East right of way line of Eastern Avenue; Thence North 01° 42' 59" West along said East right of way line, a distance of 596.79 feet; Thence 31.19 feet along a 20.00 feet radius curve, concave Southeasterly, with a central angle of 89° 21' 03" and a 28.12 feet chord bearing North 42° 57' 33" East to the South right of way line of 53rd Street; Thence North 87° 38' 05" East, along said South right of way line, a distance of 928.03 feet to the Point of Beginning, containing 13.465 acres, or 586,530 square feet, more or less. Subject to easements and restrictions of record.

The City Plan and Zoning Commission forwarded Case No. ROW17-09 to the City Council with a recommendation for approval.

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District. [8th Ward]

The property has the following legal description: Part of the Northeast Quarter of the Southwest Quarter of Section 10, Township 78 North, Range 3 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows: Lot 2 of the Replat of Part of Lot 44, Green Acres First Annex to Davenport, Iowa. The property contains 7,847 square feet, more or less.

The City Plan and Zoning Commission forwards Case No. ROW17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Public hearing(s) on the above matter(s) are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, November 1, 2017 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No 1806078.

Department of Community Planning & Economic Development
E-MAIL: planning@ci.davenport.ia.us PHONE: 563-326-7765

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Ryan Rusnak (563) 888-2022
rrusnak@ci.davenport.ia.us
Wards: 8th

Action / Date
CD11/1/2017

Subject:

First Consideration: Ordinance for Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District [Ward 8]

Recommendation:

The Plan and Zoning Commission accepted the listed findings and forwards Case REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District (please note that the petitioner amended the request to "R-5M" on 10/26/2017, which makes this condition unnecessary);
2. That the residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

The Plan and Zoning Commission vote was 6-yes and 3-no.

Relationship to Goals:
Urban revitalization.

Background:

The petitioner has indicated that the residence will be used a boardinghouse or rooming house.

"Boardinghouse" or "rooming house" is defined as follows: Boardinghouse" or rooming house means a building where, for compensation, lodging, or lodging and meals are provided for three but no more than twenty persons, not open to transient guests, in contradistinction to hotels open to transients. Three lodging rooms, accommodating not more than two persons per room, shall be equivalent to one apartment when determining lot area requirements.

The petitioner amended the request to the "R-5M" Medium Density Dwelling District because it would authorize the proposed use.

One formal objection within the 200 foot notification radius has been received. The protest rate is 2.2%

ATTACHMENTS:

Type	Description
☐ Ordinance	Ordinance

▣ Backup Material	10-18-2017 Plan and Zoning Commission Letter
▣ Backup Material	10-17-2017 Plan and Zoning Commission Vote Results
▣ Backup Material	Plan and Zoning Commission Final Staff Report
▣ Backup Material	Protest List
▣ Backup Material	Rezoning Agreement
▣ Backup Material	Amend Request to R-5M

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	10/26/2017 - 10:35 AM
Community Development Committee	Berger, Bruce	Approved	10/26/2017 - 10:36 AM
City Clerk	Admin, Default	Approved	10/26/2017 - 11:01 AM

ORDINANCE NO.

ORDINANCE for Case No. ROW17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,847 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District. [8th Ward]

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

Section 1. The following described property in Scott County, Iowa real estate is hereby rezoned from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District:

Part of the Northeast Quarter of the Southwest Quarter of Section 10, Township 78 North, Range 3 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows:

Lot 2 of the Replat of Part of Lot 44, Green Acres First Annex to Davenport, Iowa. The property contains 7,847 square feet, more or less.

Section 2. The following conditions are hereby imposed upon said rezoning:

1. That the residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking;
and
2. That a six foot high stockade fence be installed enclosing the rear yard of the property.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

October 18, 2017

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

At its regular meeting of October 17, 2017, the City Plan and Zoning Commission considered Case No. REZ17-10 being the request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from “R-4” Moderate Density Dwelling District to “C-O” Office-Shop District.

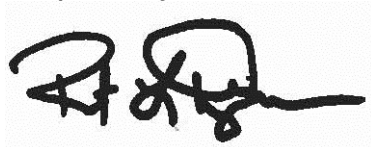
Findings:

- The abutting property to the north introduced a higher intensity land use to the west side of North Division Street; and
- A higher intensity residential zoning classification would be compatible with the Comprehensive Plan RG designation.

The City Plan and Zoning Commission accepted the listed conditions and forwards Case No. F17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to “R-5M” Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

Meeting Date: 10-17-17

Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED				
Name:	Roll Call	REZ17-09 Michael Leep SE Cor 53rd & Eastern	REZ17-10 Women in Spirtual Hope Ministries 5210 N Division St				
Connell	P	Y	Y				
Hepner	P	Y	N				
Inghram	P						
Kelling	P	Y	N				
Lammers	P	Y	N				
Maness	P	Y	Y				
Martinez	EX						
Medd	P	Y	Y				
Quinn	P	Y	Y				
Reinartz	P	Y	Y				
Tallman	P	ABSTAIN	Y				
		8-YES 0-NO 1-ABSTAIN	6-YES 3-NO 0-ABSTAIN				



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

Meeting Date: October 17, 2017
Request: "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District.
Location: 5210 North Division Street
Case No.: REZ17-10
Applicant: Women in Spiritual Hope Ministries, Inc.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Introduction:

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District.

AREA CHARACTERISTICS:

Zoning Map



 Subject Property

Land Use Map



 Subject Property

Background:**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.

The proposed use would comply with the Davenport 2035 proposed land use section.

Technical Review:

Streets. The property has direct access to North Division Street.

Storm Water. No exterior improvements are proposed. Therefore, there should be no impact on storm water.

Sanitary Sewer. There should be no impact on sanitary sewer.

Other Utilities. There are no other utilities in the area.

Emergency Services. There should be no change in emergency services. The Fire Department indicated that a fire suppression system may be necessary depending on the occupancy.

Parks/Open Space. There is no impact on existing or proposed greenspaces.

Public Input:

Public hearing notices were sent to property owners within 200 feet of the request. Staff has received one letter of objection (5130 North Division Street – three houses south of the subject property) . The petitioner held a neighborhood meeting on September 28, 2017. Two surrounding property owners attended. One neighbor appeared to be supportive of the request, but asked that a stockade fence be installed around the property. The other neighbor opposed the request. At the October 3, 2017 Plan and Zoning Commission public hearing two neighbors spoke in opposition of the request.

Discussion:

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District. The petitioner has indicated that the residence will be used as a boardinghouse or rooming house. "Boardinghouse" or "rooming house" is defined as follows:

Boardinghouse" or rooming house means a building where, for compensation, lodging, or lodging and meals are provided for three but no more than twenty persons, not open to transient guests, in contradistinction to hotels open to transients. Three lodging rooms, accommodating not more than two persons per room, shall be equivalent to one apartment when determining lot area requirements.

The "C-O" Office-Shop District would allow the proposed use. Other zoning classifications which would allow the proposed use include "R-6M" High Density Dwelling District and "R-5M" Medium Density Dwelling District.

Staff researched the zoning and permit history of the subject property. The Zoning Board of Adjustment granted a Special Use Permit to allow the construction of a two-family dwelling on February 19, 1980. It appears that the house was constructed as such, but was later converted to a single-family residence. Based on the description by the petitioner, it appears that the home is configured as a two-family dwelling (i.e., two kitchens and two separate living areas), but may not meet building code requirements to be designated a two-family dwelling. For example, the building may not contain the required fire material separation. At any rate, the property would be permitted to be converted to a two-family dwelling without any special approvals. If the building were a two-family dwelling, up to five unrelated persons could live in each unit.

The petitioner has stated that the intended use of the property is a "...faith-based transitional boarding home for women coming out of incarceration." Through correspondence, the petitioner indicated that length of stay is expected to be one year, residents will be 18 years of age or older, will include residents from Illinois and Iowa and residences would not be placed there by the courts or a social agency. Therefore, the proposed use would not be considered a correctional placement residence, which would require the "PID" Planned Institutional District.

Correctional placement residence" means a residential facility occupied by three or more persons who have been convicted of public offenses and who have been released to such facility during any period of probation; work release while serving a sentence in a correctional institution; or assignment to the judicial district department of correctional services after receiving a deferred sentence.

The Davenport Civil Rights Director has provided the following information regarding the proposed use of the property:

Though criminal history itself is not a protected class, it is often used as a proxy for race (due to the racial disproportionality in incarceration rates) and so those claims can be filed as race claims because the practice would disproportionately impact minorities. Also, consideration of people's status as current/former alcoholics or past history of drug use would be a viable disability claim. Likewise, consideration of the neighbor's fears of these things would likely violate the Fair Housing Act.

It is staff's opinion that the request should only be considered based on the compatibility of the proposed zoning classification. The abutting property to the north was rezoned from "R-4" Moderated Density Dwelling District" to "C-O" Office Shop District in 1996 (ORD. 96-414) to allow a dental or professional office. The Plan and Zoning Commission recommended denial of the request. The staff report to the City Council read in part:

The property is designated for low density residential development in the comprehensive plan. The rezoning would introduce commercial zoning to the area west of Division street, an area which is current solidly development with residential uses. The "C-3" Planned Commercial area it proposed to buffer remains undeveloped, and the proposed use may be too intense for the property.

Considering the abutting property is zoned "C-O" Office Shop District, it is staff's opinion that a zoning classification more intense than "R-4" Moderate Density Dwelling District would be compatible with the area. However, considering that the property is designated Residential General on the Future Land Use Map, a higher intensity zoning should be limited to a residential zoning classification.

The property would meet required parking for roominghouse or boardinghouse, which is one parking space for each sleeping room, which accommodates not more than two persons. Currently, there are two parking spaces within the attached garage and three parking spaces on the driveway, which would allow up to five rooms to be occupied.

Staff Recommendation

Findings:

- The abutting property to the north introduced a higher intensity land use to the west side of North Division Street; and
- A higher intensity residential zoning classification would be compatible with the Comprehensive Plan RG designation.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Prepared by:



Ryan Rusnak, AICP
Planner III

REZONING REQUEST NO. _____
OFFICE OF PLANNING AND LAND USE
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT
CITY OF DAVENPORT

City Hall * Second floor
Phone: (563) 326-7765
Fax: (563) 328-6714
planning@ci.davenport.ia.us

Legal Description: Lot 2 in the Replat of Part of Lot 44, Green Acres First Annex to the City of Davenport,
Scott County, Iowa.

ADDRESS OF PROPERTY: 5210 Division Street **EXISTING ZONING:** R-4
REQUESTED ZONING: C-O
TOTAL AREA: .18 acres

PETITIONER: **Name:** Women in Spiritual Hope Ministries, Inc. (WISH Ministries)
Address: 8 Aspen Drive, Blue Grass, Iowa 52726
Phone: 563-650-2510 **FAX:** _____
Mobile Phone: _____ **Email:** _____
Interest in land: _____ **title holder** Purchaser **other ****
**** if petitioner is other than title holder, documentation will be required to show control of
property – accepted offer to purchase, offer, option, etc.**

TITLE HOLDER: **Name:** Joan Burche and Maura Burche
Address: 5210 Division Street
Phone: _____ **FAX:** _____
Mobile Phone: _____ **Email:** _____

CONTACT PERSON: **Name:** Brett R. Marshall
Address: 220 N. Main Street, Suite 220, Davenport, IA 52801
Phone: 563-324-3246 **FAX:** 563-324-1616
Mobile Phone: _____ **Email:** bmarshall@l-wlaw.com

EXPLANATION OF REZONING (for Public Hearing Notice) WISH Ministries has entered into a purchase
agreement with the title holder to purchase the property for the purpose of establishing a faith-based transitional boarding
home for women coming out of incarceration.

Does the property contain a drainageway or floodplain area: Yes X **No**

Signature of Petitioner: Brett R Marshall **Date:** 9-11-2017

Rezoning Fee Schedule:

Land Area	Fee
Less than 1 acre (< 1 acre)	\$400
One acre to less than ten acres ($\geq$ acre < 10 acres)	\$750 plus \$25/acre *
Ten acres or more (≥ 10 acres)	\$1,000 plus \$25/acre*

* plus \$10.00 per sign; 1 or more signs required depending upon the size of the subject property

Honorable Mayor and City Council
City Hall
Davenport, Iowa 52801-1308

Honorable Mayor and City Council:

The undersigned, hereby petitions your honorable body to amend the Zoning Ordinance of 1981 of the City of Davenport, Iowa by changing the zoning classification

from R-4 Moderate Density Dwelling District

to C-O Office Shop District

for the following legally described real property:

Lot 2 in the Replat of Part of Lot 44, Green Acres First Annex to the City of Davenport, Scott County, Iowa
(common address of 5210 Division Street, Davenport, Iowa 52801)
(Parcel No. M0135-41)

Respectfully submitted,

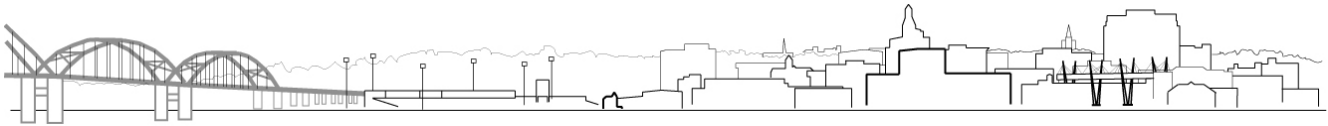
Women in Spiritual Hope Ministries, Inc.

A handwritten signature in blue ink that reads "Brett R. Marshall". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brett R. Marshall, its Attorney

Date: September 11, 2017

**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 10/3/2017
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning before the Plan and Zoning Commission
Case #: REZ17-10

To: All property owners within 200 feet of the subject property located at **5210 North Division Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for the proposed rezoning. The purpose of the rezoning to allow property to be utilized as a faith based boardinghouse or rooming house.

Request Description

Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from “R-4” Moderate Density Dwelling District to “C-O” Office-Shop District

What are the Next Steps after the Public Hearing?

The 10/3/2017 public hearing is the first step in the review/approval process. The Plan and Zoning will meet on 10/17/2017 to vote (provide its recommendation) on the request. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

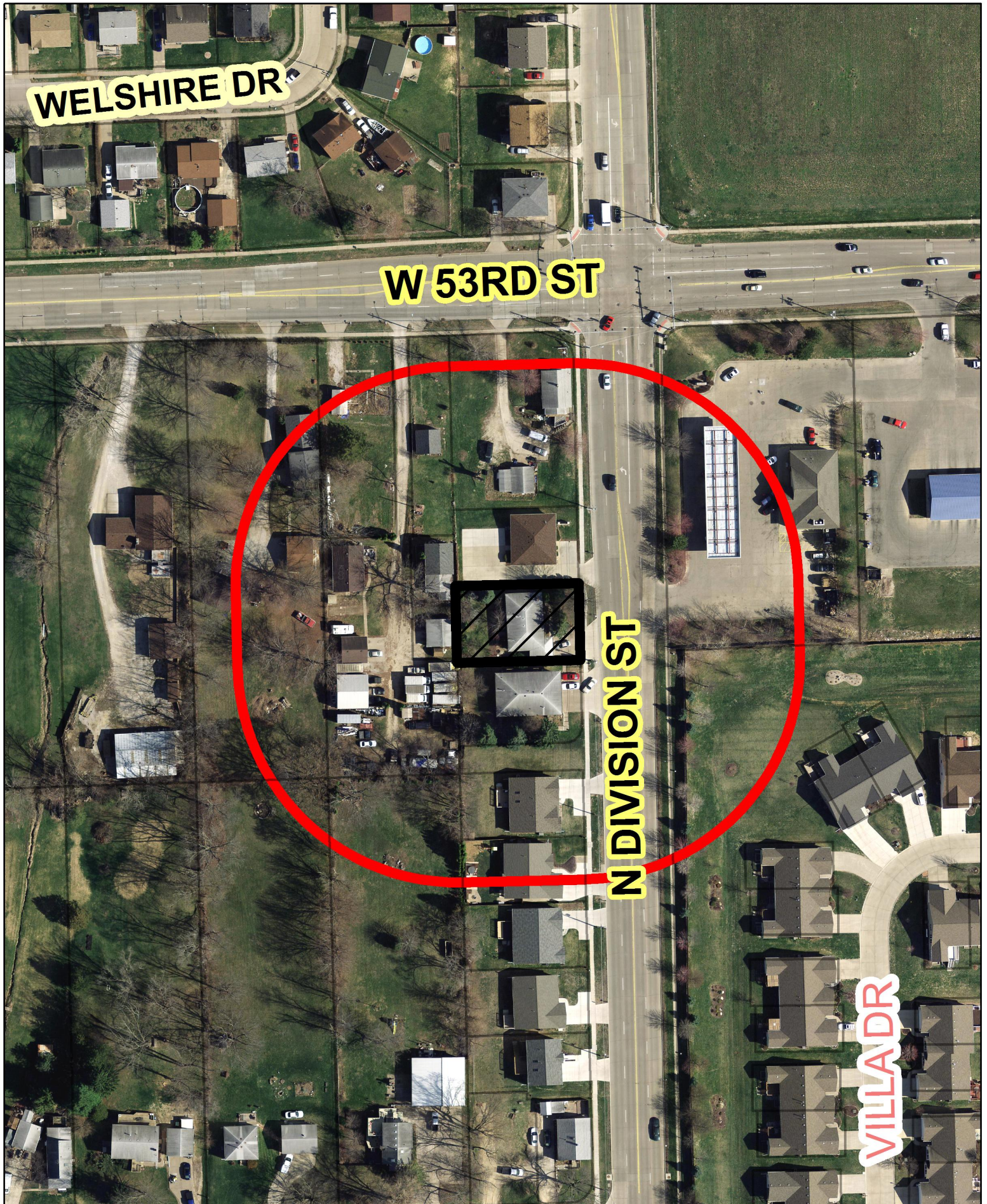
Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

If you have any questions on this request, or if ADA/special accommodations are needed, please contact Ryan Rusnak, AICP, the case planner assigned to this project at rrusnak@ci.davenport.ia.us or 563-888-2022.

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.



-  Subject Property
-  200 Foot Notification Radius



FID	Parcel	Property Address	Deed Name	Deed Address	Deed Zip Code
			REDEVELOPMENT SERVICES COMPANY LC		
1	M1035-01B	1703 W 53RD ST	JESSE HAMMES	2711 SYCAMORE TR	BETTENDORF IA 52722
2	M1035-01B	1703 W 53RD ST	CURRENT RESIDENT	1703 W 53RD ST	DAVENPORT IA 52806
			SIDNEY FOLLAND		
3	M1035-02A	1715 W 53RD ST	SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
			REDEVELOPMENT SERVICES COMPANY LC		
4	M1035-03A	1721 W 53RD ST	JESSE HAMMES	2711 SYCAMORE TR	BETTENDORF IA 52722
5	M1035-03A	1721 W 53RD ST	CURRENT RESIDENT	1721 W 53RD ST	DAVENPORT IA 52806
			SIDNEY FOLLAND		
6	M1035-04	1717 W 53RD ST	SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
			MITCHELL SCHABILION		
7	M1035-05A	1719 W 53RD ST	SHELLY SCHABILION	14120 275TH ST	LONG GROVE IA 52756-8765
8	M1035-05A	1719 W 53RD ST	CURRENT RESIDENT	1719 W 53RD ST	DAVENPORT IA 52806
			ANDREW SMITH		
9	M1035-05C	5130 N DIVISION ST	CYNTHIA SMITH	5130 N DIVISION ST	DAVENPORT IA 52806-3643
10	M1035-06A	1727 W 53RD ST	BONNIE LEACH	1727 W 53RD ST	DAVENPORT IA 52806
			CORY BENNETT		
11	M1035-06C	5134 N DIVISION ST	KIMBERLY BENNETT	5134 N DIVISION ST	DAVENPORT IA 52806
			FRANK MOSES		
12	M1035-23	1734 W 51ST ST	SHELI MOSES	1734 W 51ST ST	DAVENPORT IA 52806
			LORAS HAKANSON		
13	M1035-24	1720 W 51ST ST	JENNIFER HAKANSON	6012 UTICA RIDGE RD	DAVENPORT IA 52807
14	M1035-24	1720 W 51ST ST	CURRENT RESIDENT	1720 W 51ST ST	DAVENPORT IA 52806
			STEVEN GRANT HARTMAN		
15	M1035-40	1710 W 52ND ST	JUDITH HAZEL HARTMAN	1710 W 52ND ST	DAVENPORT IA 52806
			IOAN BURCHE		
16	M1035-41	5210 N DIVISION ST	MAURA BURCHE	5210 N DIVISION ST	DAVENPORT IA 52806
17	M1035-42	5214 N DIVISION ST	BEN FROESCHLE LLC	5214 N DIVISION ST	DAVENPORT IA 52806
18	M1037-01	1691 W 53RD ST	CASEY'S MARKETING COMPANY	P O BOX 3001	ANKENY IA 50021
19	KERRY TOMPKINS	8TH WARD			
20	JASON GORDON	AT LARGE			
21	KYLE GRIPP	AT LARGE			
22	ROBERT INGRAM	P&Z CHAIRPERSON			

Rusnak, Ryan

From: andy . <ymeyus@hotmail.com>
Sent: Monday, October 02, 2017 10:00 PM
To: Planning Division – CPED
Subject: Comments for CASE # REZ17-10

I would like to comment at this meeting. Here is a basic plan to comment and could or might change in variance to the content.

I am a homeowner at 5130 N Division St and I would like to comment on my disagreement on the rezoning of this property. The property I bought is of a newer plan and it is residential and rezoning the property at 5210 will bring unwanted person in this area. A boarding house or rooming house invite drug users, criminals, and more then likely troubles from previous relationships. I have 4 year old granddaughter that we have custody of and she rides and walks up past this house and this will not allow her the freedom to do this without worrying about what kind of place this is. Religious or not it is a cover for bad people unneeded in an area that is growing and residential. What guarantees can they give us homer owners that not such person or persons will be dwelling here. This side of the street is NOT an Office-Shop district. The house in question is NOT an Office-Shop district either. This certainly is not a place for homeless people and surely should not be allowed to become one.

Sincerely,

Andrew L Smith
Owner of 5130 N Division St Davenport Ia 52806

Sent from [Mail](#) for Windows 10



Women In Spiritual Hope...417 E. 12th Street...Davenport, IA 52803

Redevelopment Services Company LC
Jesse Hammes
2711 Sycamore TR
Bettendorf, IA 52722

Re: Rezoning of 5210 N. Division Street

Dear Neighbors:

Women in Spiritual Hope (WISH) Ministries, Inc. has entered into an agreement with the property owner to purchase the property located at 5210 N. Division Street, Davenport, Iowa 52801. We plan to use the property as a faith-based transitional boarding home for women coming out of incarceration. We have filed applications with the City of Davenport to rezone the property from R-4 to C-O zoning. As property owner within 200 feet of the property and under the requirements of the City of Davenport, you are notified of a neighborhood information and comment meeting to be held as follows:

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
September 28, 2017	6:30 p.m.	Davenport Public Library Fairmount Branch, Brooke Room 3000 N. Fairmount Street Davenport, IA 52804

The purpose of this meeting is for the property owner and neighboring residents to share ideas, offer suggestions and air concerns in advance of the formal public hearing on the proposed rezoning. We look forward to your attendance.

Very truly yours,

WISH Ministries, Inc.

Rusnak, Ryan

From: Marshall, Brett <BMarshall@L-WLAW.com>
Sent: Thursday, September 21, 2017 12:38 PM
To: Rusnak, Ryan
Subject: RE: 5210 N Division Street

Ryan,

Here are the answers:

What is the length of stay for the residents?

Expected to be a 1 year program.

What are the ages of the residents?

18 and above.

Is any type of care, treatment, assistance, rehabilitation, or staff supervision being provided?

There will be a house mother supervising at all times. In addition to the WISH program, residents will also participate in community programs that have already been established.

Where do the residents come from, are they placed by the courts or a social agency?

Iowa and Illinois. They will not be placed by the courts or a social agency. Participation in the program is voluntary.

Brett

From: Rusnak, Ryan [<mailto:rrusnak@ci.davenport.ia.us>]
Sent: Wednesday, September 20, 2017 2:03 PM
To: Marshall, Brett <BMarshall@L-WLAW.com>
Subject: FW: 5210 N Division Street

Brett,

Can you shed light on these questions?

Ryan Rusnak, AICP
Planner III
City of Davenport
Community Planning and
Economic Development Department
226 West 4th Street
Davenport, Iowa 52801
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

From: Hayman, Michael
Sent: Wednesday, September 20, 2017 2:02 PM
To: Rusnak, Ryan
Cc: McGee, Mike
Subject: RE: 5210 N Division Street

Ryan,
Could I get more info on this “boarding” house? I agree with McGee’s comments if in fact it is a true boarding house.
What is the length of stay for the residents?
What are the ages of the residents?
Is any type of care, treatment, assistance, rehabilitation, or staff supervision being provided?
Where do the residents come from, are they placed by the courts or a social agency?
Thanks,
Mike

Mike Hayman
Fire Marshal
Davenport Fire Department
331 Scott St.
Davenport, Iowa 52801
563-326-7910
f513@ci.davenport.ia.us

From: Rusnak, Ryan
Sent: Thursday, September 14, 2017 4:58 PM
To: Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Gleason, Nicole; Glessner, Antonio ; Hayman, Michael; Heyer, Brian; Hock, Scott; Hocker, Ron; Jacobsen, Henry; Johnson, Christopher T.; Johnson, Joy ; Jones, Todd; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Leabhart, Tom; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, Kathy; Peterson, Zach; Ralfs, Jacob; Rusnak, Ryan; Schadt, Brian; Scheible, Kurt; Schnauber, Eric; Sim, Nicholas; Statz, Gary; Tate, Art; Wahlheim, Derek; Wille, Wayne
Subject: 5210 N Division Street

Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from “R-4” Moderate Density Dwelling District to “C-O” Office-Shop District.

Convert single-family house to a boardinghouse (2 people per room). Not proposing any physical improvements to the house.

Please provide review comments, if any, by Wednesday September 27, 2017.

Ryan Rusnak, AICP

Planner III
City of Davenport
Community Planning and
Economic Development Department
226 West 4th Street
Davenport, Iowa 52801
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

TO BE PUBLISHED IN ONE ISSUE (February 9, 1980)

ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING NOTICE
DAVENPORT, IOWA

A public hearing will be held on February 19, 1980 at 4:00 p.m. at the Davenport Art Gallery, 1737 West 12th Street, Davenport, to hear the following appeals:

Robert and Carolyn Speece, 324 S. Fairmont St. to renew their Home Occupation Permit to operate a Handcraft Shop in their home. The subject property is zoned "R-3D" Single and Two Family District.

Mr. & Mrs. George Hassler, 3810 Fair Ave., to renew their Home Occupation Permit to give swimming lessons at their home. The subject property is zoned "R-3D" Single and Two Family District.

Mr. & Mrs. Clarence Lemmon, 562 31st Ave., Moline, IL., requesting to permit the establishment of the two family use at 717 Grand Court. The subject property is zoned "R-4D" Single and Two Family District.

Petition of Swab Advertising System, Inc., to allow Poster Panel Advertising Display to encroach into the required front yard a distance 23 feet at 1202 E. 53rd St. The subject property is zoned "M-1" Light Industrial District.

Petition of John Burche, 1804 W. 49th St., to permit the establishment of the two family use on lots 1, 2, and 3 of the replat of Part of Lot 44, Green Acres 1st Annex. The subject properties are zoned "R-4D" Single and Two Family District.

CLIFFORD BOURDEAU
DIRECTOR OF BLDG. INSP.
CITY HALL (326-7744)

PLEASE TYPE ABBREVIATIONS AS SHOWN ABOVE.

Send Notice of Public To:

Building Inspections Department
City Hall
226 West Fourth Street
Davenport, Iowa 52801

ZONING BOARD OF ADJUSTMENT
STAFF RECOMMENDATIONS
AND ANALYSIS

REQUEST: Request of John Burche 1804 W. 49th Street to permit the establishment of two family uses on Lots 1, 2, & 3 of the Replat of part of Lot 44 of Green Acres 1st Annex.

BACKGROUND: The subject property is zoned "R-4D" as is all of the abutting property. Mr. Burche took out a building permit on 8/29/78 to construct a single family home on Lot 3 of the above named subdivision. The house was constructed with two kitchens 2 bathrooms and entrances. The unit was not constructed as indicated in the plans as these facilities were to have access (a door) between them. During construction the door was omitted which made the unit into a duplex which is not permitted on the lot because it was not designated as such on the final subdivision plat. Mr. Burche then appealed to the Zoning Board of Adjustment to allow duplexes on all the lots in the subdivision. The case was held on December 4, 1978 and the petition denied in February of 1979. Mr. Burche then petitioned the Plan Commission and City Council to change the

HARDSHIP VARIANCE REQUIREMENTS: SECTION 414.12 OF THE CODE OF IOWA AND SECTION 42-120(4) (see attache sheet) OF THE DAVENPORT CITY CODE PROVIDE THAT THE BOARD OF ADJUSTMENT MAY GRANT A VARIANCE TO THE TERMS OF THE CITY'S ZONING ORDINANCE WHERE OWING TO SPECIAL CONDITIONS, A LITERAL ENFORCEMENT OF THE PROVISION OF THE ORDINANCE WOULD RESULT IN UNNECESSARY HARDSHIP. SUCH VARIANCES MUST NOT BE CONTRARY TO THE PUBLIC INTEREST OR TO THE SPIRIT OF THE ORDINANCE.

FINDINGS:

PROVISION 1. THE PROPERTY IN QUESTION CANNOT YIELD A REASONABLE RETURN IF PERMITTED TO BE USED ONLY UNDER THE CONDITIONS ALLOWED BY THE REGULATIONS IN THE ZONE. The subject property can support single family use economically. There are several ongoing developments on Division Street with single family frontage on Division. There are no special or extraordinary development expenses, which were not the developer's choice, which affect the property. It is economically feasible to develop the three lots for single family purposes. In fact, Mr. Burche stated his intention was to build single family structures.

PROVISION 2. THE PLIGHT OF THE OWNER IS DUE TO UNIQUE CIRCUMSTANCES, WHICH CIRCUMSTANCES DO NOT APPLY TO OTHER ADJOINING OR NEARBY PROPERTY. The only unique circumstances involve the petitioner's desire to circumvent the development ordinances of the City of Davenport. The property is essentially the same as numerous other frontages on Division St, which are developing and have developed as single family in recent years. The lots have no unusual topographical or physical features which make them unsuitable for single family development.

PROVISION 3. THE VARIATION, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY. The immediate area surrounding the subject property is single family. The introduction of an increase in density and renters rather than owner occupants could have a destabilizing effect on the area. To allow duplexes to be established here would effectively double the density on the property which would significantly alter the character of the locality.

PROVISION 4. THE VARIATION WILL NOT IMPAIR THE ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY OWNERS. The variation will not significantly impact an adequate supply of light and air.

PROVISION 5. THE VARIATION WILL NOT UNREASONABLY INCREASE CONGESTION IN PUBLIC STREETS. The properties front on Division Street. By doubling density, the number of accesses to Division Street would be increased thereby causing additional conflicts with traffic. The prime example of why this should not happen are located on Division Street to the north of 53rd Street. As traffic volumes increase, this will become an increasing dangerous situation. Such situations contributed to the change in the Ordinance.

PROVISION 6. THE VARIATION WILL NOT INCREASE THE DANGER OF FIRE OR ENDANGER THE PUBLIC SAFETY. The development will not increase the danger of fire, but could affect the public safety as discussed in point 5, above.

PROVISION 7. THE VARIATION WILL NOT UNREASONABLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA. It is difficult to say how the development might affect property values. It would probably not be significant unless it destabilized the neighborhood as discussed in Point 5.

PROVISION 8. THE VARIATION WILL NOT IN ANY OTHER RESPECT IMPAIR THE PUBLIC HEALTH, COMFORT, MORALS, OR WELFARE OF THE INHABITANTS OF THE CITY. The aspect would not be further compromised than already discussed except that the process which has been followed by Mr. Burche is of questionable moral value to the community. If you can get what you want by openly misleading public officials the example set certainly is in conflict with the conscience of a civilization founded on laws and trust.

DISCUSSION: The petition fails to qualify as a hardship on points 1, 2, 3, and 5. There is no hardship which was not created by the petitioner.

RECOMMENDATION: The Staff recommends that the petition be denied.

BACKGROUND: (continued) Zoning Ordinance to permit him to build duplexes on the three lots. The Plan Commission reviewed the request and found that such a change would have a substantial change in development densities and development patterns city-wide which would not be acceptable. The City Council denied Mr. Burch's request on 11/3/79. Recently Mr. Burche appealed the Zoning Board's decision to District Court, indicating that the decision was made by applying the provision of the ordinance as they relate to duplexes rather than hardship criteria. The case is being returned to the Board so that a determination of hardship can be made.

The subject property is in an area which was platted in the county prior to the availability of sewers. The development contains large lots some of which have been split into multiple lots since the extension of sewer. The subject property was one of these instances. The Zoning ordinance allows the platting of 20% of all lots in an "R-4D" and "R-3D" zone, subject to some limitations, as two family lots to be designated as two family lots. This subdivision was too small to allow the designation of any such lots.

Mr. Burche has since constructed buildings on Lots 2 and 3 and is appealing on the basis of hardship to allow him to occupy these buildings as duplexes plus construct an additional duplex on Lot 1. A review of the file indicates his first structure was to be a house for his family. There is no explanation as to why the second duplex was built in violation of the zoning ordinance.

Kurt

ZONING BOARD OF ADJUSTMENT
MINUTES
February 19, 1980

The meeting was called to order at 4:00 p.m. by Al Zimmerman, Chairman of the Board. Other members present were Louis Soenke, Joe Tomlinson, Ira Kiser and Ed Waite. Staff members present were Kurt Stevens, Cliff Bourdeau and Scott Hartsook. Public hearings were held on the following matters:

Robert and Carolyn Speece, 324 S. Fairmont Street, requested permission to renew their Home Occupation Permit to operate a Handcraft Shop in their home. The subject property is zoned "R-3D" Single and Two Family Dwelling district.

The Staff report stated that all of the provisions of the ordinance have been complied with during the past year and no problems are anticipated in the future, therefore, the City Staff recommended approval of the renewal of the permit for one year.

Approximately five neighbors were present objecting to the renewal. Among these neighbors were Mrs. H. Wood Miller, Elmer Enheilder of 426 S. Fairmont, and Dennis Clark of 416 S. Fairmont Street. They stated that they did not want any commercial business in the area since it is an old historic neighborhood. They also didn't want the traffic and the noise.

Based upon the findings contained in the staff report, Mr. Kiser made a motion which was seconded by Mr. Tomlinson to approve the renewal of the permit for one year. The motion carried unanimously.

Mr. and Mrs. George Hassler, 3810 Fair Avenue, requested renewal of their Home Occupation permit to give swimming lessons at their home. The subject property is zoned "R-3D" Single and Two Family Dwelling District.

The staff report stated that all of the provisions of the ordinance have been complied with during the past year and no problems are anticipated in the future, therefore, the City Staff recommended approval of the renewal of the permit for one year.

No one being present objecting to the granting of the renewal of the permit, a motion was made by Mr. Soenke which was seconded by Mr. Kiser to approve the renewal of the permit for one year. The motion carried unanimously.

Mr. & Mrs. Clarence Lemmon, 362 31st Avenue, Moline, Illinois requested permission to permit the establishment of the two family use at 717 Grant Court as provided in Section 42-120(2)(h) of the Davenport City Code.

Zoning Board of Adjustment
Minutes
February 19, 1980

The Building Department reported that 46 notices were sent out to property owners within the area and two objections were received. The City Staff reported that the request be approved with the condition that the majority of the green open space on the buildable portion of the lot be maintained and that a total of four parking spaces be provided for the two family use.

Dave Lemmon, son of Mr. & Mrs. Lemmon was present to answer any questions of the board. He stated that his parents want to move here from Texas but cannot afford to live here alone. They would convert the home to a two family dwelling for approximately two years, then convert it back. He also stated that two additional parking spaces would be provided.

No one being present objecting to the granting of the special use permit, a motion was made by Mr. Tomlinson and seconded by Mr. Kiser to approve the permit subject to the conditions that the Lemmons must meet all of the building codes, provide adequate greenspace, provide two additional parking spaces, and provide fire exits.

Schwab Advertising System, Inc. requested a permit to allow Poster Panel Advertising Display to encroach into the required front yard a distance of 23 feet at 1202 East 53rd Street. The subject property is zoned "M-1" Light Industrial District.

The Building Department reported that nine notices were sent out to surrounding property owners and four objections were received. The City Staff report recommended that the petition be denied since no hardship exists.

Richard Schwab of Schwab advertising was present to answer any questions of the board. He stated that the 12' x 25' sign already exists and that he made a mistake in placing the sign in the wrong place because there weren't any other buildings in the area and they are located in a valley which creates a hardship to them since the sign cannot be clearly viewed from the street.

Dave Williams, owner of an abutting lot in Phoenix Center, was present objecting to the granting of the variance. He stated that he was involved in the resale of the Phoenix Center lots and that the size and placement of the sign would hurt the property values of the lots. Mr. Williams is the owner of a lot which adjoins the sign by approximately 10 feet.

Based on the facts contained in the staff report, Mr. Kiser made a motion which was seconded by Mr. Soenke to deny the appeal. Mr. Zimmerman being the only board member voting in favor of the appeal, the petition was denied.

Zoning Board of Adjustment
Minutes
February 19, 1980

John Burche, 1804 West 49th Street requested permission to permit the establishment of the two family use on lots 1, 2, and 3 of the replat of part of Lot 44, Green Acres 1st Annex. The property is zoned "R-4D" Single and Two Family dwelling district.

The Building Department reported that 16 notices were sent to surrounding property owners and that three objections were received. The City Staff reported that the petition fails to qualify as a hardship and should therefore be denied.

Attorney Ned Wehr was present to represent Mr. & Mrs. John Burche who were also present at the public hearing. Attorney Wehr stated that the duplex was originally being built to provide living quarters for his daughter who decided to go to college instead of living in the duplex. There are atleast 20 duplexes in the area and Mr. Burche bought the lots for business purposes. The lots are located near 53rd and Division Streets and both of these streets are being widened in the future. This would take care of any extra traffic the duplexes would create and they shouldn't cause any land value problems. He stated that the ordinance creates a hardship on Mr. & Mrs. Burche since it states that only 20% of the total number of lots in a subdivision can be duplexes. A hardship is created simply because Mr. Burche cannot provide for the 20% rule because of the size of his lots.

Mr. Burche stated that if the lots were just down the street further, he would be able to provide for the 20% rule since the houses are closer together.

Mr. Zimmerman stated that the ordinance seems to create a hardship on the Burche family and for this reason he feels that the variance should be granted.

No objectors being present at the public hearing, a motion was made by Mr. Waite which was seconded by Mr. Kiser to grant permission to build duplexes on lots 2 and 3, and a single family dwelling on lot one. Mr. Tomlinson being the only board member voting against the granting of the variance, the petition was approved.

Clifford Bourdeau, Sec.

REZ17-10 Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
M1035-01B	14697.44	7.4%		0.0%	1703 W 53RD ST	REDEVELOPMENT SERVICES COMPANY LC JESSE HAMMES	2711 SYCAMORE TR	BETTENDORF IA 52722
M1035-02A	5641.76	2.8%		0.0%	1715 W 53RD ST	SIDNEY FOLLAND SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
M1035-03A	9034.46	4.6%		0.0%	1721 W 53RD ST	REDEVELOPMENT SERVICES COMPANY LC JESSE HAMMES	HAMMES JESSE	BETTENDORF IA 52722
M1035-04	4495.12	2.3%		0.0%	1717 W 53RD ST	SIDNEY FOLLAND SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
M1035-05C	4422.62	2.2%	YES	2.2%	5130 N DIVISION ST	ANDREW SMITH CYNTHIA SMITH	5130 N DIVISION ST	DAVENPORT IA 52806-3643
M1035-06A	21769.11	11.0%		0.0%	1727 W 53RD ST	BONNIE L LEACH	1727 W 53RD ST	DAVENPORT IA 52806
M1035-06C	6727.06	3.4%		0.0%	5134 N DIVISION ST	CORY BENNETT KIMBERLY BENNETT	5134 N DIVISION ST	DAVENPORT IA 52806
M1035-23	1694.92	0.9%		0.0%	1734 W 51ST ST	FRANK MOSES SHELI MOSES	1734 W 51ST ST	DAVENPORT IA 52806
M1035-24	10281.16	5.2%		0.0%	1720 W 51ST ST	LORAS HAKANSON JENNIFER HAKANSON	6012 UTICA RIDGE RD	DAVENPORT IA 52807
M1035-40	8432.75	4.2%		0.0%	1710 W 52ND ST	STEVEN GRANT HARTMAN JUDITH HAZEL HARTMAN	1710 W 52ND ST	DAVENPORT IA 52806
M1035-42	7840	3.9%		0.0%	5214 N DIVISION ST	BEN FROESCHLE LLC	5214 N DIVISION ST	DAVENPORT IA 52806
M1037-01	23357.38	11.8%		0.0%	1691 W 53RD ST	CASEY'S MARKETING COMPANY	P O BOX 3001	ANKENY IA 50021
M1037-GF6	16713.41	8.4%		0.0%		VILLAS AT GARNER FARMS		
M1035-05A	23866.85	12.0%		0.0%	1719 W 53RD ST	MITCHELL SCHABILION SHELLY SCHABILION	14120 275TH ST	LONG GROVE IA 52756-8765
PARCELS	158,974.0	80.1%						
ROW	39,564.8	19.9%						
TOTAL NOTICE AREA	198,538.9	100%	2.2 %	PROTEST RATE	Protests: 1	Properties: 14		

October 25, 2017

Honorable Mayor and City Council
City Hall
Davenport, Iowa 52801

Honorable Mayor and City Council:

The undersigned, Lynn Johnson, Executive Director of Women In Spiritual Hope Ministries, Inc., as petitioner for the rezoning case *REZ17-10* does hereby agree and accept the following recommended conditions for approval by the City Plan and Zoning Commission to the City Council:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

This agreement is pursuant to Chapter 414.5, of the Code of Iowa.

WOMEN IN SPIRITUAL HOPE MINISTRIES, INC.

By:


Lynn Johnson, Executive Director

Rusnak, Ryan

From: Marshall, Brett <BMarshall@L-WLAW.com>
Sent: Wednesday, October 25, 2017 12:57 PM
To: Rusnak, Ryan
Subject: RE: REZ17-10

Ryan,

We hereby amend our rezoning application and request that the property be rezoned to "R-5M" Medium Density Dwelling District. I will forward the agreement and acceptance of the conditions when signed. Thanks.

Brett

From: Rusnak, Ryan [<mailto:rrusnak@ci.davenport.ia.us>]
Sent: Tuesday, October 24, 2017 9:55 AM
To: Marshall, Brett <BMarshall@L-WLAW.com>
Subject: REZ17-10

Brett,

Please call me when you get a chance.

Ryan Rusnak, AICP
Planner III
City of Davenport
Community Planning and
Economic Development Department
226 West 4th Street
Davenport, Iowa 52801
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

City of Davenport

Agenda Group: Community Development
Department: Community Development Committee
Contact Info: Bruce Berger
Wards: 1 & 3

Action / Date
COW11/1/2017

Subject:

Resolution approving a 6-month moratorium on changes in business licenses in the Rockingham Road Corridor between Division and S. Concord Streets where the new license represents a substantial change from the previous use (City of Davenport, Petitioner) [Wards 1, 3, 4]

Recommendation:

Approve the motion.

Relationship to Goals:

Strengthen Neighborhoods.

Background:

With the nearing completion of the long-awaited road improvements to Rockingham and the pending Zoning Code re-write slated for final consideration in mid-2018, it is proposed that any applications for changes in business license uses (where it represents a change in the previous use of the property) not be approved pending upcoming potential changes in the Zoning Code in this corridor.

Existing businesses in this corridor would be unaffected by this moratorium and, if any changes in zoning are ultimately enacted, would be grandfathered in. Similarly if an existing commercial business, such as a barbershop, would sell the business and a new barbershop operator acquires the business, a business license could be approved.

Approval of this action would authorize staff to proceed accordingly.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berger, Bruce	Approved	10/26/2017 - 10:40 AM
City Clerk	Admin, Default	Approved	10/26/2017 - 11:02 AM

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a 6-month moratorium on changes in business licenses in the Rockingham Road Corridor between Division and S. Concord Streets. (City of Davenport, Petitioner)

WHEREAS, long-awaited for improvements to Rockingham Road are nearing completion; and

WHEREAS, an economic revitalization of the corridor is envisioned; and

WHEREAS, an update to the City's Zoning Code is expected to be discussed by mid-summer, 2018 and could involve new design standards and zoning district changes; and

WHEREAS, a moratorium on changes or new business licenses that entail a use substantially different from the previous use is appropriate in light of upcoming discussion and potential changes to the zoning and/or design standards in that corridor.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, that the City Council does hereby approve a moratorium on changes or new business licenses that represent a substantial change in the previous use of the property in the Rockingham Road corridor between Division and South Concord Streets, and immediately authorize staff to proceed accordingly.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Community Development
Department: Legal
Contact Info: Brian Heyer x7735
Wards: ALL

Action / Date
11/1/2017

Subject:

Resolution authorizing the conveyance of portions of vacated Rogalski Drive, Pleasant Street, Ripley Street and three alleyways located in Block 1 and 2 of Noels 2nd Addition to the City of Davenport. St. Ambrose University, Petitioner.

Recommendation:

Consider adopting the resolution.

Relationship to Goals:

Revitalize neighborhoods and corridors.

Background:

The city vacated these rights-of-way in 2017-359. St. Ambrose would like to acquire the vacated rights-of-way in order to incorporate them into its campus. The conveyance is subject to existing easements and easements of record as well as an easement for ingress and egress to the benefit of Birthright of Davenport.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Admin, Default	Approved	10/30/2017 - 5:07 PM

Resolution No. _____

Resolution offered by Alderman _____

RESOLVED by the City Council of the City of Davenport.

RESOLUTION AUTHORIZING THE CONVEYANCE OF PORTIONS OF VACATED ROGALSKI DRIVE, PLEASANT STREET, RIPLEY STREET AND THREE ALLEYWAYS LOCATED IN BLOCK 1 AND 2 OF NOELS 2ND ADDITION TO THE CITY OF DAVENPORT TO ST. AMBROSE UNIVERSITY, PETITIONER.

WHEREAS, the City of Davenport is the legal owner of the following described real estate:

Part of the Southeast Quarter of Section 20 Township 78 North Range 3 East of the 5th P.M. being part of Rogalski Drive, Pleasant Street, Ripley Street and alleys located in Block 1 and 2 in Noels 2nd Addition to the City of Davenport being more particularly described as follows:

Beginning at the southwest corner of Lot 2 in Block 3 in Noels 2nd Addition to the City of Davenport; thence East along the north right-of-way line of Rogalski Drive, a distance of 257.8 feet, more or less, to the west right-of-way line of Harrison Street; thence South along said west right-of-way line, a distance of 60.0 feet, more or less, to the south right-of-way line of Rogalski Drive; thence west along said south right-of-way line, a distance of 131.2 feet, more or less, to the east right-of-way line of a fifteen (15) foot alley running north-south through Block 2 in Noels 2nd Addition; thence South along said east right-of-way line, a distance of 373.9 feet, more or less, to the north right-of-way line of Pleasant Street; thence East along said north right-of-way line, a distance of 133.9 feet, more or less, to the west right-of-way line of Harrison Street; thence South along said west right-of-way line, a distance of 60.0 feet, more or less, to the south right-of-way line of Pleasant Street; thence West along said south right-of-way line, a distance of 8.0 feet, more or less, to the east line of a parcel conveyed by the City of Davenport to St. Ambrose University by Warranty Deed recorded as Document #33881-96 in the Scott County Recorder's Office; thence North along said east line, a distance of 8.5 feet, more or less, to the north line of said parcel so conveyed; thence West along said north line, a distance of 126.3 feet, more or less, to the west line of said parcel so conveyed; thence South along said west line and the east right-of-way line of a fifteen (15) foot alley running north-south through Block 1 in Noels 2nd Addition, a distance of 212.0 feet, more or less, to the north right-of-way line of a twenty (20) foot alley running east-west through said Block 1; thence East along said north right-of-way line, a distance of 135.8 feet, more or less, to the west right-of-way line of Harrison Street; thence South along said west right-of-way line, a distance of 20.0 feet, more or less, to the south right-of-way line of said twenty (20) foot alley;

thence West along said south right-of-way line, a distance of 288.9 feet, more or less, to the east right-of-way line of Ripley Street; thence South along said east right-of-way line, a distance of 143.0 feet, more or less, to the north right-of-way line of Locust Street as conveyed by Eastern Iowa Optometric Associates LLC to the City of Davenport by Warranty Deed recorded as Document #2001-15739 in the Scott County Recorder's Office; thence West, a distance of 60.0 feet, more or less, to the west right-of-way line of Ripley Street; thence North along said west right-of-way line, a distance of 163.0 feet, more or less, to the north right-of-way line of said twenty (20) foot alley projected westerly; thence East along said north right-of-way line and its westerly projection, a distance of 190.0 feet, more or less, to the west right-of-way line of a fifteen (15) foot alley running north-south through said Block 1; thence North along said west right-of-way line, a distance of 204.0 feet, more or less, to the south right-of-way line of Pleasant Street; thence West along said south right-of-way line, a distance of 130.0 feet, more or less, to the east right-of-way line of said Vacated Ripley Street, said vacated Ripley Street recorded as Document #2005-2039 in the Scott County Recorder's Office; thence North along said east right-of-way line of Vacated Ripley Street, a distance of 60.0 feet, more or less, to the north right-of-way line of Pleasant Street; thence East along said north right-of-way line of a fifteen (15) foot alley running north-south through said Block 2; thence North along said west right-of-way line a distance of 373.0 feet more or less, to the south right-of-way line of Rogalski Drive; thence West along said south right-of-way line, a distance of 130.0 feet, more or less to the east right-of-way line of Vacated Ripley Street; thence North along said east right-of-way line, a distance of 60.0 feet, more or less, to the Point of Beginning. The above described parcel contains 1.29 acres, more or less.

WHEREAS, the City of Davenport wishes to convey the same to St. Ambrose University for one dollar and other good and valuable consideration, subject to easements and restrictions of record, existing utilities, and an easement for ingress and egress to Birthright of Davenport.

WHEREAS, a public hearing on the matter was held on October 18, 2017, as required by law;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that portions of vacated Rogalski Drive, Pleasant Street, Ripley Street and three alleyways located in Block 1 and 2 of Noels 2nd Addition be conveyed to St. Ambrose University, in accord with this resolution, and subject to easements and restrictions of record, existing utilities, and an easement for ingress and egress in favor of Birthright of Davenport.

BE IT FURTHER RESOLVED that the proposed conveyance shall be executed by the Mayor and Deputy City Clerk on behalf of the City.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Public Safety
Department: City Clerk
Contact Info: Gary Statz (563) 326-7754
Wards: 5 & 6

Action / Date
PS10/4/2017

Subject:

Third Consideration: Ordinance amending Schedule I of Chapter 10.96 entitled "Snow Routes" by adding and deleting various streets. [Wards 5 & 6]

Recommendation:

Adopt the ordinance.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

Traffic Engineering recommends amending Schedule 1 of Chapter 10.96 Ordinance entitled "Snow Routes" by amending the following streets as a snow route by;

- adding Belle Ave from Locust St to Elm St;
- adding Forest Grove Dr from Utica Ridge Rd to the eastern city limits;
- and removing Forest Grove Rd from Utica Ridge Rd to Somerset Rd.

ATTACHMENTS:

Type	Description
▣ Ordinance	PS_ORD_2017 Snow Routes_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	9/27/2017 - 11:38 AM
Public Works Committee	Lechvar, Gina	Approved	9/27/2017 - 4:07 PM
City Clerk	Admin, Default	Approved	9/27/2017 - 4:58 PM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SECTIONS OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE I SNOW ROUTES THERETO BY ADDING AND DELETING VARIOUS STREETS.

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

Section 1. That Schedule I Snow Routes of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

Belle Avenue from Locust Street to Elm Street.
Forest Grove Drive from Utica Ridge Road to the east city limits.

And by deleting the following:

Forest Grove Road from Utica Ridge Road to Somerset Road.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group: Public Safety
Department: City Clerk
Contact Info: Gary Statz (563) 326-7754
Wards: 6

Action / Date
PS10/4/2017

Subject:

Third Consideration: Ordinance amending Schedule V of Chapter 10.96 entitled "Four-Way Stop Intersections" by adding Utica Ridge Road at Veterans Memorial Parkway/Forest Grove Drive.
[Ward 6]

Recommendation:

Adopt the ordinance.

Relationship to Goals:

Revitalized Neighborhoods & Corridors

Background:

Traffic engineering recommends a 4-way stop at Utica Ridge, Forest Grove Rd and Veterans Memorial Parkway. This temporary traffic control will be in place until the installation of permanent traffic signals. For advanced warning, stop ahead signs, flashing stop signs and temporary rumble strips will be installed.

ATTACHMENTS:

Type	Description
▣ Ordinance	PS_ORD_Utica Ridge at VMP 4 way stop_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	9/27/2017 - 11:47 AM
Public Works Committee	Lechvar, Gina	Approved	9/27/2017 - 4:14 PM
City Clerk	Admin, Default	Approved	9/27/2017 - 4:58 PM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE V FOUR-WAY STOP INTERSECTIONS THERETO BY ADDING UTICA RIDGE ROAD AT VETERANS MEMORIAL PARKWAY/FOREST GROVE DRIVE.

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

Section 1. That Schedule V Four-Way Stop Intersections of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

Utica Ridge Road at Veterans Memorial Parkway/Forest Grove Drive.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group: Public Safety
Department: City Clerk
Contact Info: Gary Statz (563) 326-7754
Wards: 4

Action / Date
PS10/18/2017

Subject:

Second Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding Wilkes Avenue along the east side from 16th Street south to the alley. [Ward 4]

Recommendation:

Adopt the ordinance.

Relationship to Goals:

Revitalized Neighborhoods & Corridors

Background:

The homeowner at 1757 W 16th Street has requested a No Parking Zone for the length of the property. This property has a large culvert that was recently repaved making the drop off to the culvert more severe. Traffic Engineering is recommending this no parking zone as this area is only 20 feet wide and there is no curb.

ATTACHMENTS:

Type	Description
▣ Ordinance	PS_ORD_Wilkes Ave no parking_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	10/11/2017 - 12:27 PM
Public Works Committee	Lechvar, Gina	Approved	10/12/2017 - 9:26 AM
City Clerk	Admin, Default	Approved	10/13/2017 - 9:46 AM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE VII NO PARKING THERETO BY ADDING WILKES AVENUE ALONG THE EAST SIDE FROM 16TH STREET SOUTH TO THE ALLEY.

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

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

Wilkes Avenue along the east side from 16th Street south to the alley.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group: Public Safety
Department: City Clerk
Contact Info: Gary Statz (563) 326-7754
Wards: 6

Action / Date
PS10/18/2017

Subject:

Second Consideration: Ordinance amending Schedule XIV of Chapter 10.96 entitled "Intersection Traffic Signals" by adding Elmore Avenue at Veterans Memorial Parkway. [Ward 6]

Recommendation:

Approve the ordinance.

Relationship to Goals:

Revitalized Neighborhoods & Corridors

Background:

Traffic signals are to be installed at the intersection of Elmore Avenue and Veterans Memorial Parkway. The signals will likely be installed in 4-6 months. They will be operable before the intersection is completely open in all 4 directions. The traffic from the east will stop and Elmore traffic will have the right of way until the intersection is completely open. This project is part of the second phase of the Veterans Memorial Parkway project.

ATTACHMENTS:

Type	Description
▣ Ordinance	PS_MOT_Elmore at VMP signal_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	10/11/2017 - 12:24 PM
Public Works Committee	Lechvar, Gina	Approved	10/12/2017 - 9:26 AM
City Clerk	Admin, Default	Approved	10/13/2017 - 9:45 AM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XIV INTERSECTION TRAFFIC SIGNALS THERETO BY ADDING ELMORE AVENUE AT VETERANS MEMORIAL PARKWAY.

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

Section 1. That Schedule VI Speed Limits of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following:

Elmore Avenue at Veterans Memorial Parkway

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Mallory Merritt | (563) 326-7792
Wards: All

Action / Date
10/18/2017

Subject:

Second Consideration: Ordinance amending Chapter 9.40 entitled "Projectiles and Toy Pistols" by renaming the Chapter "Projectiles, Toy Pistols, and Fireworks" and adding a new section 9.40.030 to allow for the legal use of consumer grade fireworks on specified dates and times.
AMENDED AT COMMITTEE OF THE WHOLE

Recommendation:

Adopt the ordinance.

Relationship to Goals:

Well-Protected Community and High-Performing Government

Background:

As part of the 2017 legislative session, SF 489 was adopted and legalized both the use and sale of fireworks in Iowa with some parameters. The statute allows Cities to further limit the use of fireworks by an action of the municipality's governing body.

The City of Davenport has been coordinating with the City of Bettendorf and Scott County administrative teams to prepare a mostly consistent ordinance that would allow the use of fireworks during specified dates and times. This ordinance identifies those dates as: July 3 and July 4 from 2:00 PM until 11:00 PM and on the night of December 31 from 10:00 PM to January 1 at 12:30 AM.

In addition to setting the dates and times of use, the ordinance also outlines the fee schedule for use outside of the above dates/times: 1st Offense, \$250; 2nd Offense, \$400; and 3rd and subsequent Offense, \$625.

ATTACHMENTS:

Type	Description
□ Cover Memo	Ordinance as amended by COW

REVIEWERS:

Department	Reviewer	Action	Date
Administration	Merritt, Mallory	Approved	10/11/2017 - 9:09 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/12/2017 - 2:41 PM
City Clerk	Admin, Default	Approved	10/13/2017 - 9:45 AM

ORDINANCE NO. _____

ORDINANCE amending Chapter 9.40 entitled "Projectiles and Toy Pistols" by renaming the Chapter "Projectiles, Toy Pistols and Fireworks" and adding a new section 9.40.030 to allow for the legal use of consumer grade fireworks on specified dates and times.

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

Section 1. That Chapter 9.40 is hereby retitled as "Projectiles, Toy Pistols and Fireworks".

Section 2. That a new section 9.40.030 is hereby added which reads as follows:

9.40.030 Fireworks allowed as specified.

A. As used in this section "Consumer Fireworks" shall mean and include "Consumer first-class consumer fireworks and second-class consumer fireworks as those terms are defined in Iowa State Code §100.19, subsection 1. Consumer Fireworks includes, but is not limited to, such items as:

- (1) Aerial shell kits and reloadable tubes.
- (2) Chasers.
- (3) Helicopter and aerial spinners.
- (4) Firecrackers.
- (5) Mine and shell devices.
- (6) Missile-type rockets.
- (7) Roman candles.
- (8) Sky rockets and bottle rockets.
- (9) Multiple tube devices under this paragraph "c" that are manufactured in accordance with American Pyrotechnics Association 87-1, section 3.5.

Consumer fireworks does not include "Novelties" as defined and enumerated in chapter 3 of the American Pyrotechnics Association's standard 87-1 or "Display Fireworks" as defined and enumerated in chapter 4 of the American Pyrotechnics Association's standard 87-1 as published in December 2001.

B. Consumer Fireworks may be used on July 3 and July 4 from 2 PM until 11 PM and on the night of December 31 from 10 PM until 12:30 AM.

C. A permit to use Display Fireworks may be issued by the Davenport fire marshal's office pursuant to the criteria and standards adopted from the Uniform Fire Code.

D. Use of any Consumer Firework at a date or time other than those allowed pursuant to subsection B or the use of Display Fireworks without a permit is prohibited and punishable as a simple misdemeanor as follows:

First Offense	\$250
Second Offense	\$400
Third and Subsequent	\$625

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful

provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

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

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the Quad City Times on _____

City of Davenport

Agenda Group: Committee of the Whole

Department: City Clerk

Contact Info: Jackie E Holecek

Wards: 7

Action / Date

11/1/2017

Subject:

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

J & M Displays, Fireworks for the Village of East Davenport Christmas Walk, Saturday, December 2, 2017, 6:00 PM to 10:00 PM; Closure Location: Lower Lindsay Park [Ward 5]

ATTACHMENTS:

Type	Description
▢ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	10/25/2017 - 10:19 AM

RESOLUTION NO. 2017-

Resolution offered by Alderman Matson

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

RESOLVED by the City Council of the City of Davenport.

Whereas, the City through its Special Events Policy has accepted the following application(s) to hold an outdoor event(s) on the following date(s), and

Whereas, upon review of the application(s) it has been determined that the street(s), lane(s) or public grounds listed below will need to be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and directs the staff to proceed with the temporary closure of the following street(s), lane(s) or public grounds on the following date(s) and time(s):

Entity: J&M Displays

Event: Fireworks for the Village of East Davenport Christmas Walk

Date: Saturday, December 2, 2017

Time: 6:00 pm to 10:00 PM

Closure Location: Lower Lindsay Park

Ward: 5

Approved this 8th day of November, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, Deputy City Clerk

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Sherry Eastman 326-7795
Wards: Various

Action / Date
PS11/1/2017

Subject:
Motion approving beer and liquor license applications.

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

Ward 8

Casey's General Store #2168 (Casey's Marketing Company) - 1691 W 53rd St. - License Upgrade - License Type: E Liquor

200' notifications mailed October 26, 2017

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

Ward 1

Davenport Elks Lodge #298 (Benevolent and Protective Order of Elks #298) - 4400 W Central Park Ave. - License Type: C Liquor

Ward 2

Probstei Bar & Grill (Probstei Bar and Grill Inc.) - 6315 W Kimberly Rd. - License Type: C Liquor

Ward 3

Carriage Haus (Carriage Haus, Inc.) - 312 W 3rd St. - Outdoor Area - License Type: C Liquor

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

Falbo Bros. Pizzeria (BMG Pizza LLC) - 131 W 2nd St., Suite 100 - License Type: C Liquor

Hotel Blackhawk (Innkeeper Hospitality Services, LLC) - 200 E 3rd St. - License Type: B Liquor

Me & Billy (Collins Maus LLC) - 200 W 3rd St. - Outdoor Area - License Type: C Liquor

Ward 4

Cozy Mart, Inc. (Cozy Mart, Inc.) - 2920 W Locust St. - License Type: E Liquor

Firehouse Bar & Grill (Firehouse Bar & Grill, Inc.) - 2006 Hickory Grove Rd. - Outdoor Area - License Type: C Liquor

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

Stoeger's Bar & Grill (Stoeger's, Inc.) - 1520 Washington St. - License Type: C Liquor

Ward 5

Bleyart's Tap (Bleyart's Tap, Inc.) - 2218 E 11th St. - Outdoor Area - License Type: C Liquor

Ward 6

Bandana's Bar-B-Q (Bandana's Missouri, LLC) - 4706 Utica Ridge Rd. - Outdoor Area - License Type: B Beer

Barrel House Three LLC (Barrel House Three LLC) - 5141 Utica Ridge Rd. - Outdoor Area - License Type: C Liquor

The Grape Life (The Grape Life Wine Store & Lounge, LLC) - 3402 Elmore Ave. - License Type: C Liquor / B Wine

Noodles & Company (IWI Ventures, LLC) - 5345 Elmore Ave. - Outdoor Area - License Type: Beer / Wine

Wise Guys Pizza & More (Wise Guys Pizza & More Inc.) - 2408 E 53rd St. - License Type: Beer / Wine

Ward 7

Chuck E. Cheese's #957 (CEC Entertainment, Inc.) - 903 E Kimberly Rd. - Adding B Wine Privilege - License Type: B Beer

Columbus Club (Columbus Club of Davenport) - 1111 W 35th St. - License Type: C Liquor

The Gallery (Nelson Securities, Inc.) - 3727 Esplanade Ave. - Outdoor Area - License Type: C Liquor

Ganzo's (Ganzo's LTD.) - 3923 N Marquette St. - Outdoor Area - License Type: C Liquor

Happy Joe's Pizza & Ice Cream Parlor (Happy Joe's Pizza & Ice Cream Parlor Inc.) - 201 W 50th St. - License Type: Beer / Wine

Kwik Star #291 (Kwik Trip, Inc.) - 1225 E Kimberly Rd. - License Type: C Beer

Tantra Asian Bistro (Zhangs Trading Inc.) - 589 E 53rd St. - Outdoor Area - License Type: C Liquor

Recommendation:
Consider the license applications.

Relationship to Goals:
Support local businesses.

Background:

The following applications have been reviewed by the Police, Fire and Zoning Departments.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/26/2017 - 12:17 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/26/2017 - 12:17 PM
City Clerk	Admin, Default	Approved	10/26/2017 - 12:44 PM

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Mike Atchley 563-327-5149
Wards: 1

Action / Date
PW11/1/2017

Subject:

Resolution to hold a public meeting to convey parcels R0429-03, R0429-03A and R029-02A to the property owner of 3115 Daisy Ave. [Ward 1]

Recommendation:

Approve the resolution.

Relationship to Goals:

Enhance Quality

Background:

Petitioners, Mr. and Mrs. Foster of 3115 Daisy Ave are requesting the city convey the 3 vacant parcels directly to the west of their property to them. They have been maintaining these parcels that are located in a floodplain and will remain green space since permanent structures are not permitted to be built.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES pg2
▣ Cover Memo	Notice of Hearing
▣ Cover Memo	Aerial of parcels

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	10/26/2017 - 10:40 AM
Public Works Committee	Lechvar, Gina	Approved	10/26/2017 - 10:45 AM
City Clerk	Admin, Default	Approved	10/26/2017 - 11:01 AM

Resolution No. _____

Resolution offered by Alderman Ambrose.

RESOLUTION to hold a public meeting to convey parcels R0429-03, R0429-03A and R029-02A to the property owner of 3115 Daisy Ave.

RESOLVED by the City Council of the City of Davenport.

WHEREAS, the City of Davenport owns parcels west of 3115 Daisy Av. described as:

Lots 3, 4 and 5 of Block 15 of the Garden Addition to the City of Davenport, Scott County, Iowa.

WHEREAS, these parcels have been maintained by the owners of 3115 Daisy Av. since 2008.

WHEREAS, these parcels are not developable and are to be maintained as greenspace.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor and City Clerk are authorized to execute all documents necessary to convey the above parcels to Mr. and Mrs. Foster.

Passed and approved this 8th day of November, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

Notice of Hearing

On a Resolution Regarding the Conveyance of Parcels R0429-03, R0429-03A AND R0429-02A located along the 3100 Block of Daisy Av.

Notice is hereby given that at 5:30 P.M., on Wednesday, November 15, 2017 at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on a RESOLUTION conveying parcels R0429-03, R0429-03A AND R0429-02A owned by the City of Davenport, to the owners of 3115 Daisy Av. (Mr. and Mrs. Foster, Petitioners). Parcels R0429-03, R0429-03A AND R0429-02A have the following legal description:

Lots 3, 4 and 5 of Block 15 of the Garden Addition to the City of Davenport, Scott County, Iowa.

At said hearing any interested person may file written objection or comments with respect to the proposed conveyance of above said parcels.

Jackie E. Holecek
Deputy City Clerk

Davenport, Iowa
November 10, 2017

Publish once November 10, 2017
QUAD-CITY TIMES



City of Davenport

Agenda Group: Public Works
Department: Public Works - Admin
Contact Info: Nicole Gleason 327-5150
Wards: 3

Action / Date
PW11/1/2017

Subject:

Resolution awarding a contract for the Riverfront Infrastructure Demolition to Hawkeye Paving Corporation of Bettendorf, IA in the amount of \$118,553 budgeted in CIP #68004. [Ward 3]

Recommendation:

Adopt the Resolution.

Relationship to Goals:

Financially Responsible City Government.

Background:

An Invitation to Bid was issued on October 2, 2017 and sent to 257 contractors. On October 24, 2017, the Purchasing Division opened and read 7 responsive and responsible bids. Hawkeye Paving Corporation is the lowest responsive and responsible bidder. See attached bid tab.

This work is for the demolition for the work at the former riverfront casino location. With the departure of the Rhythm City Casino barge and porte-cochere, there is a need to remove remaining flatwork and other on site utilities to prepare the site for future Main Street Landing improvements.

Hawkeye Paving Corporation has performed this type of work in the past for the City of Davenport.

Funding for this work is from CIP #68004 Main Street Landing construction costs. These funds are from the sale of general obligation bonds.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	10/26/2017 - 10:38 AM
Public Works Committee	Lechvar, Gina	Approved	10/26/2017 - 10:38 AM
City Clerk	Admin, Default	Approved	10/26/2017 - 11:01 AM

Resolution No. _____

Resolution offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION Resolution awarding a contract for the Riverfront Infrastructure Demolition to Hawkeye Paving Corporation of Bettendorf, IA in the amount of \$118,553 budgeted in CIP #68004.

WHEREAS, the City needs to contract the Riverfront Infrastructure Demolition; and

WHEREAS, the applicable purchasing process was followed resulting in a recommendation to award to Hawkeye Paving Corporation of Bettendorf, IA;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. the contract for the Riverfront Infrastructure Demolition; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Lauren Gonner (563) 326-7772
Wards: All

Action / Date
FIN11/1/2017

Subject:
Resolution adopting the FY 2019 Budget Policies. [All Wards]

Recommendation:
Adopt the FY 2019 Budget Policies.

Relationship to Goals:
Fiscal Vitality

Background:
The Government Finance Officers Association (GFOA) of the United States and Canada recommends that governmental entities include budget guidelines in the budget document that serve as a coherent statement of organization-wide financial and programmatic policies and goals that address both long- and short-term concerns and issues. These policies serve as parameters for staff and the City Council in the preparation of the annual budget. They also provide a framework for staff to link goals and objectives with resources in the budget document.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolutoin adopting FY2019 budget policies
▣ Backup Material	FY 2019 Budget Policies

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/25/2017 - 11:21 AM
Finance Committee	Watson-Arnould, Kathe	Approved	10/25/2017 - 11:21 AM
City Clerk	Admin, Default	Approved	10/25/2017 - 11:49 AM

Resolution No. _____

Resolution offered by Alderman Tompkins:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION adopting the FY 2019 Budget Policies.

WHEREAS, the Government Finance Officers Association of the United States and Canada recommends that governmental entities include budget guidelines in the budget document to serve as a coherent statement of organization-wide financial and programmatic policies and goals that address long-term concerns and issues; and

WHEREAS, these policies serve as parameters for staff and Council in the preparation of the annual budget; and

WHEREAS, these policies provide a framework for staff to link goals and objectives with resources in the budget document;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the attached document entitled Fiscal Year 2019 Budget Policies is hereby adopted.

Approved:

Attest:

Frank J. Klipsch, Mayor

Jackie E. Holecek, City Clerk



Budget Policies 2019 Budget

The city budget process is part of an overall policy framework that guides the services and functions of the City of Davenport. The budget serves an important role in the policy framework by allocating financial resources to implement the city's overall policies and to execute the city's core competencies. To this end, the budget document serves as a financial plan, an operating guide, a communications device, a statement of values, and a policy document to guide future decision-making.

- Budget development will be framed by the 2016 customer survey, core competency presentations, public input, and the city council's strategic goals. Departmental strategies and goals will be linked to city council goals.
- Two-year budget plans will continue with the FY 2019 Budget being the second year of a two-year budget plan adopted for FY 2018 and FY 2019.
- Budgeted expenditures will be linked to goals and performance-related results. Performance measures will continue to be utilized, monitored, and reported in department budgets.
- The goal of the city's budgeting process is to minimize the tax burden on Davenport citizens while meeting demand for city services. To this end, the city will first address budgetary gaps through departmental reductions in expenditures that minimize reductions in service levels. Revenue options will be explored after reductions in expenditures in order to provide for a structurally balanced budget.
- Cities are greatly affected by state and federal codes and regulations, property tax rollbacks, and state-mandated employee pension contributions. Certain property tax levies are appropriately not limited by statute, therefore levy rate increases are rarely necessary given this environment. The short-and long-term impact of SF 295 on property tax revenues will be analyzed and the resulting amount of tax revenue necessary will be reviewed by the City Council.
- User fee increases will be enacted when necessary to maintain cost recovery rates or to diversify revenue. Where possible, fees will be reviewed with the goal of diversifying General Fund revenues.
- The budget will be balanced with projected expenditures not to exceed recurring revenues. The current policy for unassigned General Fund reserves is 17% to 25% of operating expenditures.
- The budget shall provide a basis for revenue and expenditure projections and shall consider long-range operating implications.
- The capital improvement budget and the six-year capital improvement plan (CIP) will include projects that are funded within projected available resources. This program of projects is based on the city's comprehensive planning process, community needs, and the individual proposals of departments, boards, and commissions of local government. The CIP technical committee shall include representatives from all direct-service and necessary support departments.
- Due to the state legislature's adoption of SF 295, the City of Davenport, along with all major cities in Iowa, will likely continue to experience large budget shortfalls beginning in FY 2019 that will grow through FY 2024. To this end, the City of Davenport will be proactive in modernizing operations and exploring cost-saving and revenue-enhancing options to mitigate the impact on service levels. Potential areas of organizational review include the exploration of department/division consolidations, intergovernmental service agreements, new revenue sources, and tax levies.

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Lauren Gonner 326-7772
Wards: All

Action / Date
FIN11/1/2017

Subject:
Resolution adopting an updated Financial Reserves Policy. [All Wards]

Recommendation:
Adopt the resolution.

Relationship to Goals:
Fiscal Vitality

Background:
One of the key components of a financially stable organization is the adherence to a policy of maintaining an appropriate level of reserves. Establishing a target for reserves is a mechanism to help ensure adequate levels of fund balance are available to help mitigate current and future risks.

The updated policy establishes that the City will strive to maintain an unassigned fund balance of 17% to 25% of operating expenditures in the General Fund, which maximum level represents 90 days of cash flow. This action also establishes a new liquidity policy for governmental and business-type funds.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Financial Reserves Policy

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/25/2017 - 4:35 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/25/2017 - 4:35 PM
City Clerk	Admin, Default	Approved	10/25/2017 - 4:36 PM

Resolution No. _____

Resolution offered by Alderman Tompkins:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION adopting an updated Financial Reserves Policy.

WHEREAS, the Government Finance Officers Association of the United States and Canada recommends that governmental entities establish a formal policy on the level of financial reserves that should be maintained for GAAP and budgetary purposes; and

WHEREAS, the reserves policy is required to be reviewed periodically; and

WHEREAS, this policy establishes best practices and standards that govern the use and safekeeping of City funds by the Finance Department;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the attached document Financial Reserves Policy is hereby adopted.

Approved:

Attest:

Frank J. Klipsch, Mayor

Jackie E. Holecek, City Clerk

**CITY OF DAVENPORT
FINANCIAL RESERVES POLICY
ESTABLISHING TARGETS FOR GENERAL FUND UNASSIGNED RESERVES
AND LIQUIDITY IN GOVERNMENTAL AND BUSINESS-TYPE FUNDS**

A. GENERAL FUND UNASSIGNED RESERVE POLICY

Section 1 – Purpose of the General Fund Unassigned Reserves Policy

The purpose of the General Fund Unassigned Reserve Policy (“General Fund Policy”) of the City of Davenport, Iowa is to maintain a prudent level of financial resources in the General Fund as additional insurance against disasters, emergencies, and unforeseen expenditures within the City. In addition, this policy is intended to document the appropriate unassigned reserve level to protect the City’s credit worthiness and provide adequate cash flow based upon the traditional operating cycle.

Section 2 – Delegation of Authority

The City of Davenport City Council is responsible for the approval of financial policies which establish and direct the operations of the City of Davenport. The City Administrator is responsible for carrying out the policy directives of the City Council and managing the day-to-day operations of the departments, including the Finance Department. This policy shall be administered on behalf of the City Administrator by the Finance Director.

Section 3 – Establishing the General Fund Policy

The City will strive to maintain an unassigned fund balance, as defined by standards established by the Governmental Accounting Standards Board (GASB), of 17% to 25% of operating expenditures in the General Fund, which maximum level represents 90 days of cash flow. For the purposes of this policy, the General Fund is defined as the General Fund for budgetary purposes, which is understood to be a subset of the General Fund for GAAP purposes.

The City will measure its compliance with this policy on an annual basis during the budgeting process. During the course of the fiscal year, the Finance Department shall monitor revenues and expenditures to ensure that projections remain consistent with the General Fund Policy. Funding the unassigned reserve target will generally come from excess revenues over expenditures; unspent expenditures; or one-time, unappropriated revenues.

In the event that unassigned reserves exceed maximum balance requirements at the end of each fiscal year, excess reserves may be utilized in the following ways as directed by the Finance Director:

1. One-time transfers to other funds, as appropriate, to offset year-end cash deficits (whether an ongoing deficit or annual deficit) within those funds.
2. Fund accrued liabilities, including but not limited to debt service, pension, and other employment benefits. Priority will be given to those items that relieve budget or financial operating pressure in future periods.
3. Appropriated to lower the total amount of a future bond issuance.
4. Appropriated to provide additional funding to complete current capital projects in the current Capital Improvement Plan where actual project costs exceed pre-established budget amounts.

5. Appropriated for new, one-time capital project expenditures without significant recurring costs, as recommended to and approved by the City Council. An emphasis will be placed on one-time uses that reduce future operating costs.
6. Appropriated as start-up expenditures for new programs as recommended to and approved by the City Council. Such programs will be reviewed in the context of multi-year revenue and expenditure projections as prepared by the Finance Department.
7. Appropriated or assigned as recommended by the Finance Director, as recommended to and approved by the City Council.

As the purpose of the General Fund Policy is to stabilize City operations during times of unforeseen loss of revenues or unforeseen increase in expenditures, it may be necessary and appropriate to take unassigned reserve levels below those targets established in this policy. Circumstances where taking reserves below policy levels would be appropriate include responding to the risks that reserves are intended to mitigate, such as:

1. One-time uses in meeting cash-flow needs;
2. Closing a projected short-term revenue/expenditure gap;
3. Responding to unexpected expenditure requirements or revenue shortfalls; or
4. Where a forecast shows an ongoing structural gap until such time as the structural gap can be corrected.

If or when the City falls below the targets established by the General Fund Policy, the Finance Director shall submit a plan ("Replenishment Plan") to the City Council to increase unassigned reserves to achieve compliance with this policy. Revenue sources that would typically be looked to for replenishment of unassigned fund balance reserves include nonrecurring revenues, budget surpluses, year-end surpluses, and excess revenues in other funds (if legally permissible and with a defensible rationale). The Finance Director shall prepare and distribute a Replenishment Plan to the City Council no later than January 1 following the completion of the City's financial statements for the prior fiscal year.

B. GOVERNMENTAL AND BUSINESS-TYPE FUNDS LIQUIDITY POLICY

Section 1 – Purpose of the Governmental and Business-Type Funds Liquidity Policy

The essential purpose of the Governmental Liquidity Policy and Business-Type Liquidity Policy of the City of Davenport, Iowa is to ensure sufficient resources to meet short-term financial obligations. Sufficient levels of liquid assets facilitate cash-flow needs during traditional operating cycles and provide additional insurance against disasters, emergencies, and unforeseen expenditures within the City. In addition, the Liquidity Policy is intended to document the appropriate level of unrestricted current assets of cash and investments to protect the City's credit worthiness.

Section 2 – Delegation of Authority

The City of Davenport City Council is responsible for the approval of financial policies which establish and direct the operations of the City of Davenport. The City Administrator is responsible for carrying out the policy directives of the City Council and managing the day-to-day operations of the departments, including the Finance Department. This policy shall be administered on behalf of the City Administrator by the Finance Director.

Section 3 – Establishing the Liquidity Policy for Governmental Funds

The City will strive to maintain total current assets in excess of total current liabilities for all funds collectively reported together as Governmental Activities, as defined by GASB standards. Additionally,

the City will strive to maintain unrestricted cash and short-term investments of at least 50% of current liabilities as reported in the City's statement of net assets at the close of each fiscal year.

The City will measure its compliance with this policy on an annual basis during the budgeting process. During the course of the fiscal year, the Finance Department shall monitor revenues and expenditures to ensure that projections remain consistent with the Governmental Funds Liquidity Policy. Funding the target will generally come from excess revenues over expenditures; unspent expenditures; or one-time unappropriated revenues.

From time to time, it may be necessary and appropriate to reduce current assets below the target level to respond to the risks that reserves are intended to mitigate, such as:

1. One-time uses in meeting cash-flow needs;
2. Closing a projected short-term revenue/expenditure gap;
3. Responding to unexpected expenditure requirements or revenue shortfalls; or
4. Where a forecast shows an ongoing structural gap until such time as the structural gap can be corrected.

If or when the City falls below the targets established by the Governmental Funds Liquidity Policy, the Finance Director shall submit a Replenishment Plan to the City Council to increase current assets and/or cash and short-term investments to achieve compliance with this policy. Revenue sources that would typically be looked to for replenishment include nonrecurring revenues, budget surpluses, year-end surpluses, and excess revenues in other fund types (if legally permissible and with a defensible rationale). The Finance Director shall prepare and distribute a Replenishment Plan to the City Council no later than January 1 following the completion of the City's financial statements for the prior fiscal year.

Section 4 – Establishing the Liquidity Policy for Business-Type Funds

It is recognized that funds held for the purpose of accounting for business-type activities will fluctuate more than governmental activities funds. Business-type activities operated by government entities as opposed to a willing private sector entity regularly operate on the margins and are, therefore, more prone to incurring operational deficits in any given year. The City will strive to maintain total current assets of at least 75% of total current liabilities for all funds collectively reported together as Business-Type Activities, as defined by GASB standards. Additionally, the City will strive to maintain unrestricted cash and short-term investments of at least 15% of current liabilities as reported in the City's statement of net assets at the close of each fiscal year.

The City will measure its compliance with this policy on an annual basis during the budgeting process. During the course of the fiscal year, the Finance Department shall monitor revenues and expenses to ensure that projections remain consistent with the Business-Type Funds Liquidity Policy. Funding the target will generally come from excess revenues over expenses; unspent expenses; or one-time unappropriated revenues.

From time to time, it may be necessary and appropriate to reduce current assets below the target level to respond to the risks that reserves are intended to mitigate, such as:

1. One-time uses in meeting cash-flow needs;
2. Closing a projected short-term revenue/expense gap;
3. Responding to unexpected expense requirements or revenue shortfalls; or
4. Where a forecast shows an ongoing structural gap until such time as the structural gap can be corrected.

If or when the City falls below the targets established by the Business-Type Funds Liquidity Policy, the Finance Director shall submit a Replenishment Plan to the City Council to increase current assets and/or cash and short-term investments to achieve compliance with this policy. Revenue sources that would typically be looked to for replenishment include nonrecurring revenues, budget surpluses, year-end surpluses, and excess revenues in other fund types (if legally permissible and with a defensible rationale). The Finance Director shall prepare and distribute a Replenishment Plan to the City Council no later than January 1 following the completion of the City's financial statements for the prior fiscal year.

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Brandon Wright 326-7750
Wards: All

Action / Date
FIN11/1/2017

Subject:

Resolution approving a 28E Intergovernmental Agreement between the City of Davenport and the Davenport Community School District for the purpose of providing two additional sworn school resource officers at Davenport schools. [All Wards]

Recommendation:

Approve the resolution

Relationship to Goals:

Well protected community and vibrant region

Background:

The City of Davenport, Davenport Community Schools, and Bechtel Trust have partnered together to create a \$1.33 million three-year grant for the purpose of increasing the presence of sworn police officers in Davenport Schools as well as enhancing the DPD's concept of community policing. The grant will allow the DPD to hire four new police officers with two assigned as School Resource Officers and two assigned to community policing efforts. The City's total share of this grant is up to \$665,214, of which \$600,000 has already been set aside in a new fund called the Special Public Safety Fund (SPSF).

This 28E Intergovernmental Agreement establishes the City's and the DCSD's commitment to have two additional SRO's serving as liaisons in Davenport schools. As identified in the agreement, the DCSD will provide up to \$665,214 over three-years to fund the officers (actual amount may be less due to actual employee costs) with the Bechtel Trust providing \$600,000 of that amount.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution 28E DCSD SROs
▢ Backup Material	28E Intergovernmental Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/26/2017 - 2:20 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/26/2017 - 2:20 PM
City Clerk	Admin, Default	Approved	10/26/2017 - 3:01 PM

Resolution No. _____

Resolution offered by Alderman Tompkins:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a 28E Intergovernmental Agreement between the City of Davenport and the Davenport Community School District for the purpose of providing two additional sworn school resource officers at Davenport schools.

WHEREAS, the Parties believe that entering into a 28E Intergovernmental agreement for the purposes of providing additional sworn school resource officers ("SROs") at DCSD schools will be in their collective best interests; and

WHEREAS, the Parties have the authority to enter into this Agreement and provide funding pursuant to Iowa Code Chapter 28E; and

WHEREAS, a DCSD grant received from the Bechtel Trust has made possible the leveraging of City and DCSD resources to improve SRO relationships in Davenport schools.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that a 28E Intergovernmental Agreement between the City of Davenport and Davenport Community School District is hereby approved.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, City Clerk

**28E INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF DAVENPORT AND
THE DAVENPORT COMMUNITY SCHOOL DISTRICT**

These Articles of Agreement ("Agreement") are first made and entered into this ____ day of _____, 20____, by and between the City of Davenport ("City") and Davenport Community School District ("DCSD") as indicated by the actions of their respective governing bodies (collectively referred to as "Parties").

WHEREAS, the Parties believe that entering into a 28E intergovernmental agreement for the purposes of providing additional sworn school resource officers ("SRO's") at DCSD schools will be in their collective best interests; and

WHEREAS, the Parties have the authority to enter into this Agreement and provide funding pursuant to Iowa Code Chapter 28E; and

WHEREAS, a DCSD grant received from the Bechtel Trust has made possible the leveraging of City and DCSD resources to improve SRO relationships in Davenport schools;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. Assignment of 2 SRO's to DCSD: City shall assign two (2) SRO's to perform regular detail work assignments as needed to meet the needs of DCSD during the 2018-2019, 2019-2020, and 2020-2021 school years. These two (2) SRO's shall be in addition to the three (3) SRO's that are currently assigned by the City to regular detail work on behalf of the DCSD. The selection of the two (2) SRO's shall be determined by a joint panel of the Parties, which panel shall provide a list of possible SRO candidates to the Davenport Police Chief. The Davenport Police Chief shall make the appointment from the list of approved SRO candidates and shall be responsible for administering the purpose and outcomes of this Agreement.

At all times, the SRO's shall be employed by and under the general supervision of the City and will conduct himself or herself in accordance with all federal, state, and local laws and current general orders of the Davenport Police Department (DPD). In accordance with this general supervision, the DCSD will assign the SRO's daily activities during regular school hours; however, the DCSD acknowledges that it will not interfere in the SRO's lawful execution of his or her duties as law enforcement officers for the City. All standard or customary law enforcement equipment and oversight shall be provided by the City.

2. Term: The term of this agreement shall be for the 2018-2019, 2019-2020, and 2020-2021 school years, which term shall not extend beyond June 30, 2021.

3. Liability: The Parties agree to waive, indemnify, and hold harmless the other party against any and all claims for compensation for damage or loss of any equipment, property, personal injury, workers' compensation claim, or death of its employees or agents occurring as a consequence of the performance of this Agreement.

Each of the Parties shall be responsible for all losses, liabilities, costs, expenses, lawsuits, actions, claims, and demands whatsoever, including without limitation all judgements and attorney fees and other expenses caused by or attributed to its personnel or property while in the performance of this Agreement. In the event of a joint liability of the Parties, liability of each party shall be determined by comparative fault under Iowa law.

Neither of the Parties to this Agreement, including their officers, employees, or agents, shall be liable in any way for delays, failure in performance, loss or damage due to force majeure conditions or causes beyond such party's reasonable control.

This Agreement shall not be construed to create any rights, causes, or claims whatsoever in third parties.

4. Financing: According to its customary payroll and applicable union contract and employment practices, City is responsible for determining personnel costs related to the two (2) SRO's assigned in Section 1. The DCSD agrees that it shall fully reimburse the City for replacing the SRO's assigned in Section 1 with newly hired sworn officers in the DPD. The amount of the reimbursement shall be determined by actual payroll costs including all benefits paid by City to the newly hired, replacement sworn officers. For the purposes of planning and budgeting, below is a chart showing the highest estimated cost for hiring two new officers for FY 2019, FY 2020, and FY 2021.

	FY 2019	FY 2020	FY 2021	TOTAL
2 SRO OFFICERS	\$209,685	\$222,705	\$232,824	\$665,214

The Parties acknowledge that the DCSD's funding of these officers is largely dependent on a \$600,000 grant from the Bechtel Trust provided at \$200,000 annually for three (3) years. The DCSD shall be responsible for all actual costs as explained in this Section above the \$200,000 provided by the Bechtel Trust. If, during the term of this Agreement, the Bechtel Trust grant is revoked for any reason, this Agreement shall be deemed null and void. The City shall invoice DCSD as determined by City, but in no case more than quarterly, for full reimbursement after actual costs are incurred.

5. Termination: Either of the Parties may terminate this Agreement by providing ninety (90) days written notice to the other party. In no case shall this Agreement continue beyond June 30, 2021.

6. Filing with Secretary of State: City shall be responsible for filing this Agreement with the Iowa Secretary of State as required by Iowa Code 28E.8.

7. Amendments: Any amendments to this Agreement, as reviewed and approved by the City Administrator for City and School Superintendent for DCSD, shall be consistent with the purposes outlined herein and in writing and subsequently filed in accordance with Section 6.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have voluntarily executed this Agreement.

**DAVENPORT COMMUNITY
SCHOOL DISTRICT, IOWA**

By: _____

Name:

Title:

Attest: _____

Name:

Title:

CITY OF DAVENPORT, IOWA

By: _____

Name:

Title:

Attest: _____

Name:

Title:

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Scott Hock x7817
Wards: 8

Action / Date
11/1/2017

Subject:
Resolution approving South East Little League (SELL) to construct a new building in Prairie Heights Park for equipment storage. [Ward 8]

Recommendation:
Pass the resolution.

Relationship to Goals:
Welcoming Neighborhoods & Vibrant Region.

Background:
South East Little League (SELL) has requested to construct a new building in Prairie Heights Park. This building would be for storage of baseball and field maintenance equipment as well as two batting cages. The 70-foot by 50-foot building would be approximately 200 feet east of the existing concession stand where SELL currently has two large storage pods.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	RES_South East Little League Building Construction
▣ Backup Material	Building Site Plan
▣ Cover Memo	License Agreement

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	10/25/2017 - 10:34 AM
City Clerk	Admin, Default	Approved	10/25/2017 - 10:34 AM

Resolution No. _____

Resolution offered by Alderman Tompkins

Resolved by the City Council of the City of Davenport.

Resolution approving South East Little League (SELL) to construct a new building in Prairie Heights Park for equipment storage.

Whereas, South East Little League has requested to construct a new building in Prairie Heights Park; and

Whereas, this building would be for storage of baseball and field maintenance equipment as well as two batting cages; and

Whereas, the 70-foot by 50-foot building would be approximately 200 east of the existing concession stand where SELL currently has two large storage pods.

Now therefore, it is hereby resolved by the City Council of the City of Davenport, Iowa, that agreement with South East Little League to construct a new building in Prairie Heights Park for equipment storage is hereby passed and approved.

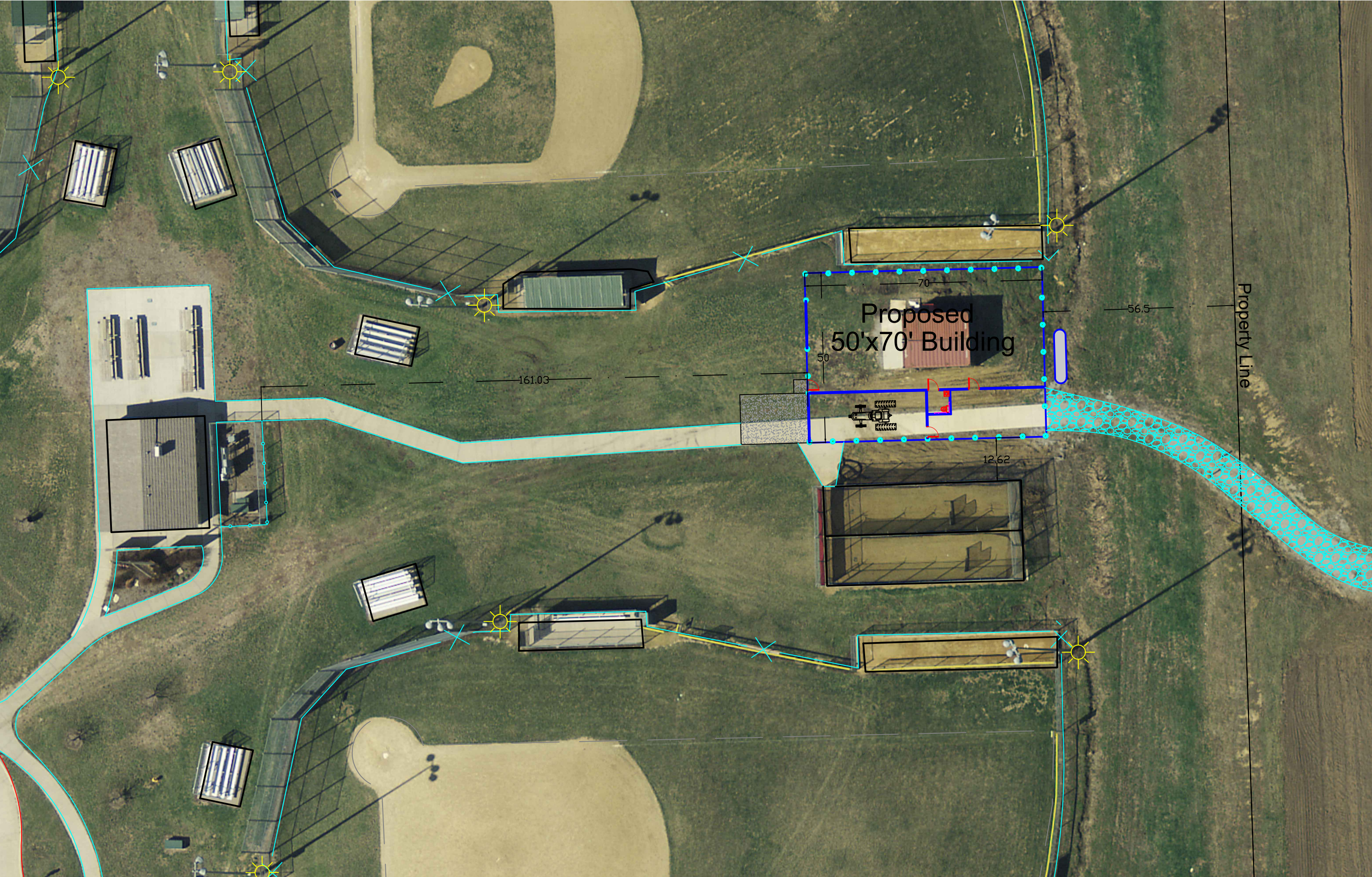
Passed and approved this 8th day of November, 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk



Proposed
50'x70' Building

Property Line

161.03

56.5

70

50

12.62

56.5

**LICENSE AGREEMENT
BY AND BETWEEN
THE CITY OF DAVENPORT and Southeast Little League**

The City of Davenport, Iowa, ("City") in consideration of One Dollar (\$1.00) and other good and valuable consideration, does hereby grant to Southeast Little League ("Licensee") the non-exclusive license and authority to use and improve the following described real estate, to-wit:

An approximately 70-foot by 50-foot footprint within Prairie Heights Park 200 feet more or less East of the existing concession stand where Licensee currently has storage pods. The area is depicted in the attachment and the Parks Director has final approval of the site.

Subject to the following terms and conditions.

- A. This license agreement is granted to allow the installation of building that will be used by Licensee for storage and batting practice. This is only a temporary grant and the Licensee assumes all risks that the City may subsequently eliminate this encroachment License. Licensee bears all costs associated with the demolition, construction, installation and restoration of the area licensed to applicable City standards and specifications and all ongoing costs associated with the maintenance - including but not limited to snow or other surface hazard removal - and operation of the building and the service walk leading to and from the building, except City will pay the water bill associated with the restroom. To be clear, should City not elect to take ownership of the building upon termination of this License, Licensee is responsible to restore the licensed area. Licensee further acknowledges and understands that the City of Davenport may in its sole discretion demolish in part or in its entirety any improvement within the area of encroachment without any liability or cost, and Licensee hereby authorizes the same. Said demolition costs shall be assessed to the Licensee.
- B. Licensee shall obtain all required construction permits and follow all applicable codes and regulations, but City will waive permit fees.
- C. If Licensee's building requires the relocation of any service walks then Licensee shall bear the costs associated with their movement.
- D. While Licensee may control the time, access and use of the building, Licensee shall not charge any person or party for the use of the facility or storage nor demand any other consideration for the same.
- E. In the event that this building is removed for any reason, this license agreement will be terminated and a new building cannot be constructed unless agreed to in writing by the Parks Director.

2. This license agreement shall be effective upon its execution by both parties and shall continue in force and effect thereafter until either party terminates it for any reason or no reason upon 30 calendar days' notice.

3. Notices as provided for in this License shall be given to the respective parties hereto at the respective addresses designated herein unless either party notifies the other, in writing, of a different address. Such notice shall be considered given under the terms of this agreement upon deposit in the United States Postal Service mail system, addressed as above designated, postage prepaid, by certified mail.

4. Licensee agrees to save, defend and hold harmless the City of Davenport from any and all liability for damages, costs or expenses from, or as the result of, any action at law or suit in equity that may be brought against the City of Davenport by any person or entity arising out of the use of the building or licensed area, as well acts or omissions of Licensee, its officials, agents or employees that occur on or about the above-described real property. The cancellation and termination of this agreement shall not affect Licensee's obligation to save, defend and hold harmless the City of Davenport in respect to acts or things which shall have been done or which happened before the date fixed for such termination. Licensee must maintain general commercial liability insurance in an amount of at least \$1,000,000 per person per occurrence. The City of Davenport shall be named as an additional insured and proof of coverage shall be provided to the City's Risk Manager.

5. Licensee accepts the premises in its present condition and agrees that it will not dispose of waste oil, tires, batteries, paint or other chemicals, or hazardous waste as defined by statute or ordinance anywhere on the licensed premises. Licensee shall immediately notify the City of Davenport of any chemical discharge, leak or spill or hazardous waste exposure event that occurs on the premises.

6. The City of Davenport maintains its right to enter upon said building and licensed area for any purpose. Licensee shall provide City with keys to access the same.

7. Licensee shall yield possession of the premises to the City of Davenport without further demand, notice or action, in as good condition as when it first entered upon the premises (normal wear and tear excluded), upon the effective date of this agreement's termination.

8. Licensee is not an agent of the City of Davenport.

9. Licensee may assign this license agreement subject to it providing prior written notification of its intention to assign to the City of Davenport and subject to the City's written approval - in the Parks Director's sole discretion - of said assignment. Each and every term and provision herein contained shall extend to

and be binding upon the respective successors, heirs, administrators, executors and assigns of the parties hereto.

10. The parties agree and understand that no permanent structural improvements will be erected or constructed within the area, excepting the aforementioned building and service walk modification. Any personal property located upon the premises by Licensee shall be removed immediately upon the termination this license at the sole cost of the Licensee. Any items remaining after termination may be disposed by City in its sole discretion and at the expense of Licensee.

11. Neither Licensee nor anyone claiming by, through, or under it shall have the right to file or place any mechanic's lien or other lien of any kind or character whatsoever, upon said premises or upon any building or improvement thereon, and notice is hereby given that no contractor, sub-contractor, or anyone else who may furnish any material, service or labor for any building, improvements, alteration, repairs or any part thereof, shall at any time be or become entitled to any lien thereon.

12. This agreement shall not be construed to create a tenancy of any kind in the above-described real property in favor of Licensee. This agreement simply grants a non-exclusive right to use the property. No property right is created hereunder.

13. Licensee agrees to maintain said building in good repair and a sanitary condition. City may take corrective action at Licensee's expense if in the City's sole discretion maintenance or cleaning is necessary.

14. For the purposes of notice the parties designate the following persons:

Thomas Warner, City Attorney
Davenport City Hall
226 W 4th Street
Davenport, IA 52801
563.326.7735
tdw@ci.davenport.ia.us

Davenport Southeast Little League
Thomas A. Mason IV - President
Mailing address
3107 Maplecrest Rd
Bettendorf, Iowa 52722
563.505.5238

15. As used in this License, the "City of Davenport" or "City" includes not only the municipal corporation of that name, but also its officers, employees, agents and assigns.

IN WITNESS WHEREOF, the parties have signed this agreement this _____ day of _____, 20____.

Southeast Little League

City of Davenport

Thomas D. Warner
City Attorney

State of Iowa)
)
County of Scott) ss.

Sworn to and subscribed before me, the undersigned, a Notary Public in and for the State of Iowa,
by _____ to me personally known this _____ day of _____ 20____.

Notary Public in and for State of Iowa

State of Iowa)
)
County of Scott) ss.

Sworn to and subscribed before me, the undersigned, a Notary Public in and for the State of Iowa,
by _____ to me personally known this _____ day of _____ 20____.

Notary Public in and for State of Iowa

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Jon Meeks - 326-7922
Wards: All

Action / Date
FIN11/1/2017

Subject:

Resolution approving the purchase of five truck chassis with trades from Truck Country of Iowa of Davenport, IA at the price of \$329,225.00 and authorizing Mayor Frank Klipsch to sign and manage any related agreements. CIP #24010 [All Wards]

Recommendation:

Pass the Resolution.

Relationship to Goals:

Financially Responsible City Government.

Background:

A Request for Bids was issued on August 17, 2017 and was sent to 143 vendors. On September 7, 2017 the Purchasing Division received and opened bids from 12 vendors. Five of the bids received were for the chassis and the other bids submitted were for the truck bodies.

The truck chassis will be used by the Street Division. The chassis will be completed with bodies from another vendor. Four vehicles will be traded for this purchase. T321 2004 Freightliner FL80, T322 2004 Freightliner FL80, T323 2005 International 7300, and T345 T345 International 4700.

Funding for this purchase is from CIP #24010, 54702031-530302, and 54702031-530303.

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution Letter

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/26/2017 - 2:22 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/26/2017 - 2:23 PM
City Clerk	Admin, Default	Approved	10/26/2017 - 3:00 PM

Resolution No. _____

Resolution offered by Alderman Keri Tompkins

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the purchase of five truck chassis with trades from Truck Country of Iowa of Davenport, IA at the price of \$329,225.00 and authorizing Mayor Frank Klipsch to sign and manage any related agreements.

WHEREAS, the City needs to purchase five truck chassis; and

WHEREAS, the applicable purchasing process was followed resulting in a recommendation to award to Truck Country of Iowa;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. the purchase of five truck chassis from Truck Country of Iowa is hereby approved;
and
2. Mayor Frank Klipsch is authorized to sign and manage any related agreements;

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Jon Meeks - 326-7922
Wards: All

Action / Date
FIN11/1/2017

Subject:

Resolution approving the purchase of five truck bodies from Tri-State Truck Equipment of Dubuque, IA at the price of \$334,340.00 and authorizing Mayor Frank Klipsch to sign and manage any related agreements. CIP #24010 [All Wards]

Recommendation:

Pass the Resolution.

Relationship to Goals:

Financially Responsible City Government.

Background:

A Request for Bids was issued on August 17, 2017 and was sent to 143 vendors. On September 7, 2017 the Purchasing Division received and opened bids from 12 vendors. Seven of the bids received were for the bodies and the other bids submitted were for the chassis.

The truck bodies will be used by the Street Division. The bodies will be combined with chassis from another vendor.

Funding for this purchase is from CIP #24010, 54702031-530302, and 54702031-530303.

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution Letter

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/26/2017 - 2:28 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/26/2017 - 2:26 PM
City Clerk	Admin, Default	Approved	10/26/2017 - 3:00 PM

Resolution No. _____

Resolution offered by Alderman Keri Tompkins

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the purchase of five truck bodies from Tri State Truck Equipment of Dubuque, IA at the price of \$ 334,340.00 and authorizing Mayor Frank Klipsch to sign and manage any related agreements.

WHEREAS, the City needs to purchase five truck bodies; and

WHEREAS, the applicable purchasing process was followed resulting in a recommendation to award to Tri State Truck Equipment;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. the purchase of five truck bodies from Tri State Truck Equipment is hereby approved;
and
2. Mayor Frank Klipsch is authorized to sign and manage any related agreements;

Attest:

Approved:

Jackie E. Holecek, CMC
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Lauren Gonner 326-7772
Wards: All

Action / Date
FIN11/1/2017

Subject:

Motion directing the City Administrator to amend the FY 2018 Budget by \$5,608,000 for the purposes of establishing the Special Public Safety Fund to fund four additional sworn police officers through a 28E Intergovernmental Agreement with the Davenport Community School District, replacing a fire engine for the Fire Department, and constructing interchange tracks and a line exchange at the City's transload facility. [All Wards]

Recommendation:

Approve the motion.

Relationship to Goals:

Fiscal Vitality

Background:

The \$5,608,000 amendment to the FY 2018 budget is comprised of three items. The first, a new fire engine for \$508,000. One of the goals of the Main Fire Station Renovation project was to have enough funds remaining at the end of the project to potentially purchase a new fire engine. In addition to the leftover funds from the project, \$400,000 of unspent fund balance from FY 2017 is set aside to allow the Fire Department to begin procuring a new fire engine for FY 2018.

The second, the City needs to make modifications to the transload facility and short-line rail in order to accommodate increased traffic to appropriately serve Sterilite and future rail users in the Eastern Iowa Industrial Center. The FY 2018 budget needs to be amended \$4,500,000 for this project. The City has secured \$2,200,000 through an Economic Development Authority grant. The City has approximately \$300,000 remaining from the original transload facility project and has added \$2,000,000 from unspent fund balance in FY 2017.

The third is a \$600,000 amendment to establish a new Special Public Safety Fund (SPSF) through a 28E Intergovernmental Agreement. The City of Davenport, Davenport Community Schools, and Bechtel Trust have partnered together to create a three-year grant for the purpose of increasing the presence of sworn police officers in Davenport Schools as well as enhancing the DPD's concept of community policing. The grant will allow the DPD to hire four new police officers with two assigned as School Resources Officers and two assigned to community policing efforts.

ATTACHMENTS:

Type	Description
▣ Backup Material	28E Intergovernmental Agreement
▣ Backup Material	SPSF proposal
▣ Budget Amendment	FY 2018 Budget Amendment

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/26/2017 - 12:19 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/26/2017 - 12:19 PM
City Clerk	Admin, Default	Approved	10/26/2017 - 12:43 PM

**28E INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF DAVENPORT AND
THE DAVENPORT COMMUNITY SCHOOL DISTRICT**

These Articles of Agreement ("Agreement") are first made and entered into this ____ day of _____, 20____, by and between the City of Davenport ("City") and Davenport Community School District ("DCSD") as indicated by the actions of their respective governing bodies (collectively referred to as "Parties").

WHEREAS, the Parties believe that entering into a 28E intergovernmental agreement for the purposes of providing additional sworn school resource officers ("SRO's") at DCSD schools will be in their collective best interests; and

WHEREAS, the Parties have the authority to enter into this Agreement and provide funding pursuant to Iowa Code Chapter 28E; and

WHEREAS, a DCSD grant received from the Bechtel Trust has made possible the leveraging of City and DCSD resources to improve SRO relationships in Davenport schools;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. Assignment of 2 SRO's to DCSD: City shall assign two (2) SRO's to perform regular detail work assignments as needed to meet the needs of DCSD during the 2018-2019, 2019-2020, and 2020-2021 school years. These two (2) SRO's shall be in addition to the three (3) SRO's that are currently assigned by the City to regular detail work on behalf of the DCSD. The selection of the two (2) SRO's shall be determined by a joint panel of the Parties, which panel shall provide a list of possible SRO candidates to the Davenport Police Chief. The Davenport Police Chief shall make the appointment from the list of approved SRO candidates and shall be responsible for administering the purpose and outcomes of this Agreement.

At all times, the SRO's shall be employed by and under the general supervision of the City and will conduct himself or herself in accordance with all federal, state, and local laws and current general orders of the Davenport Police Department (DPD). In accordance with this general supervision, the DCSD will assign the SRO's daily activities during regular school hours; however, the DCSD acknowledges that it will not interfere in the SRO's lawful execution of his or her duties as law enforcement officers for the City. All standard or customary law enforcement equipment and oversight shall be provided by the City.

2. Term: The term of this agreement shall be for the 2018-2019, 2019-2020, and 2020-2021 school years, which term shall not extend beyond June 30, 2021.

3. Liability: The Parties agree to waive, indemnify, and hold harmless the other party against any and all claims for compensation for damage or loss of any equipment, property, personal injury, workers' compensation claim, or death of its employees or agents occurring as a consequence of the performance of this Agreement.

Each of the Parties shall be responsible for all losses, liabilities, costs, expenses, lawsuits, actions, claims, and demands whatsoever, including without limitation all judgments and attorney fees and other expenses caused by or attributed to its personnel or property while in the performance of this Agreement. In the event of a joint liability of the Parties, liability of each party shall be determined by comparative fault under Iowa law.

Neither of the Parties to this Agreement, including their officers, employees, or agents, shall be liable in any way for delays, failure in performance, loss or damage due to force majeure conditions or causes beyond such party's reasonable control.

This Agreement shall not be construed to create any rights, causes, or claims whatsoever in third parties.

4. Financing: According to its customary payroll and applicable union contract and employment practices, City is responsible for determining personnel costs related to the two (2) SRO's assigned in Section 1. The DCSD agrees that it shall fully reimburse the City for replacing the SRO's assigned in Section 1 with newly hired sworn officers in the DPD. The amount of the reimbursement shall be determined by actual payroll costs including all benefits paid by City to the newly hired, replacement sworn officers. For the purposes of planning and budgeting, below is a chart showing the highest estimated cost for hiring two new officers for FY 2019, FY 2020, and FY 2021.

	FY 2019	FY 2020	FY 2021	TOTAL
2 SRO OFFICERS	\$209,685	\$222,705	\$232,824	\$665,214

The Parties acknowledge that the DCSD's funding of these officers is largely dependent on a \$600,000 grant from the Bechtel Trust provided at \$200,000 annually for three (3) years. The DCSD shall be responsible for all actual costs as explained in this Section above the \$200,000 provided by the Bechtel Trust. If, during the term of this Agreement, the Bechtel Trust grant is revoked for any reason, this Agreement shall be deemed null and void. The City shall invoice DCSD as determined by City, but in no case more than quarterly, for full reimbursement after actual costs are incurred.

5. Termination: Either of the Parties may terminate this Agreement by providing ninety (90) days written notice to the other party. In no case shall this Agreement continue beyond June 30, 2021.

6. Filing with Secretary of State: City shall be responsible for filing this Agreement with the Iowa Secretary of State as required by Iowa Code 28E.8.

7. Amendments: Any amendments to this Agreement, as reviewed and approved by the City Administrator for City and School Superintendent for DCSD, shall be consistent with the purposes outlined herein and in writing and subsequently filed in accordance with Section 6.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have voluntarily executed this Agreement.

**DAVENPORT COMMUNITY
SCHOOL DISTRICT, IOWA**

By: _____

Name:

Title:

Attest: _____

Name:

Title:

CITY OF DAVENPORT, IOWA

By: _____

Name:

Title:

Attest: _____

Name:

Title:



City of Davenport Police Department

416 N. Harrison St. Davenport, Iowa 52801
Paul Sikorski – Chief of Police
Telephone: 563-888-3558
p8802@ci.davenport.ia.us

DATE: October 13, 2017

TO: Mayor and City Council

FROM: Paul Sikorski, Police Chief

SUBJECT: Special Public Safety Fund Proposal (4 Additional Sworn Police Officers for 3 Years)

PROPOSAL

The City recently established the Special Public Safety Fund, which fund is restricted to expenditures supporting specific public safety initiatives approved by the City Council. This proposal is made in partnership with the Davenport Community School District (DCSD) and includes leveraging City dollars made available through the Special Public Safety Fund with funding from the DCSD, much of whose contribution is made available through a generous grant from the Bechtel Trust.

REQUEST: 4 Additional Sworn Police Officers for 3 Years (FY 2019 through FY 2021)

The Davenport Police Department (DPD) requests that the City Council authorize expenditures from the Special Public Safety Fund to provide four additional sworn police officers to the department for a period of three years (FY 2019 through FY 2021). Two of these officers will be assigned as school resource officers (SRO's) and two officers will be dedicated to enhancing the DPD's concept of community policing. With a current sworn police officer authorization of 163, these additional four police officers will further the DPD's mission of implementing organizational strategies that support the systematic use of community partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and the fear of crime.

OBJECTIVES

The DPD's approach to community policing combines traditional aspects of law enforcement with prevention measures, problem-solving techniques, community engagement, and community partnerships. By employing a problem-solving policing strategy, it allows the DPD to identify and analyze specific crime and disorder problems. Through community and City partnerships, the DPD can more effectively develop response strategies to solve public safety issues impacting the community.

If approved, this program will add two sworn police officers to the DPD's SRO initiative with the DCSD, increasing SRO staffing from one sergeant and two officers, to one sergeant and four officers. Currently, SRO's are present full-time at West High School and Central High School and the sergeant coordinates all operations with the DCSD. Off-duty officers are utilized to cover SRO duties at North High School. The addition of two SRO's will allow the DPD to work collaboratively with the DCSD to allow for additional DPD presence in high schools and expand the department's presence to the junior high schools. Below are the main objectives of the two additional SRO's:

1. Develop positive relationships with students, parents and staff.
2. Reduce crime and disorder in and around schools.
3. Relieve school-related workload on patrol officers.
4. Improve school attendance.

"An Internationally Accredited Law Enforcement Agency"



City of Davenport Police Department

416 N. Harrison St. Davenport, Iowa 52801
Paul Sikorski – Chief of Police
Telephone: 563-888-3558
p8802@ci.davenport.ia.us

5. Improve school productivity.
6. Prevent violence in and around schools.
7. Improve overall school performance.

The second component of this application is to provide two additional sworn police officers to enhance the DPD's mission of community policing. Some of the duties and responsibilities will include representing the department at various community meetings and functions, working with neighborhood groups, working with landlords and tenants as a part of the City's rental nuisance program, investigating crime patterns, general enforcement responsibilities, and patrol duties. Below are the main objectives of the two additional community policing positions:

1. Enhance collaborative partnerships between the police and community through positive police interactions and improving community response to crime reduction.
2. Position the new officers within the organization to best enhance staffing needs to allow police officers to concentrate resources to participate in community events and functions as well as problem solving concepts.
3. Enhance crime prevention efforts by actively assisting in reducing crime and calls for service through education, public awareness, and various crime prevention.
4. Work with and recruit community partners to assist in implementing programs designed to suppress and prevent crime.

FINANCING

The City of Davenport, Davenport Community Schools, and Bechtel Trust have partnered together to create a \$1.33 million three-year grant to fully fund this program. The City's total share is up to \$665,214, of which \$600,000 has already been set aside in the new Special Public Safety Fund from unspent fund balance in FY 2017. Below are the estimated sources and uses for the four police officers.

	Year 1	Year 2	Year 3
Use			
2 School Resource Officers	209,685	222,705	232,824
Applicable Funding Sources			
Bechtel Trust	200,000	200,000	200,000
DCSD	9,685	22,705	32,824
Use			
2 Comm Policing Officers	209,685	222,705	232,824
Applicable Funding Sources			
City of Davenport	209,685	222,705	232,824

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City of Davenport Police Department

416 N. Harrison St. Davenport, Iowa 52801
Paul Sikorski – Chief of Police
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In order to complete the City's share of the full cost for two officers during the three-year period, the City will need to add up to \$65,000 to the Special Public Safety Fund by year 3 of the program, which amount may be lower based on actual employee costs. The City's Finance Department will explore dedicating unspent fund balances in FY 2018 through FY 2020 to provide the additional funding, if necessary.

PROCESS

To initiate this program beginning in FY 2019, this application request will be placed on an upcoming City Council agenda for consideration together with the 28E Agreement between the City and the DCSD to secure the funding mentioned above. If approved, the DPD and DCSD will work together to select the two SRO's and the DPD will initiate the necessary hiring processes to ensure that the proposed personnel are in place to start in FY 2019.

Please contact me with any questions.



City of Davenport
City Administration
Phone: 888-3384

MEMORANDUM

DATE: 13 October 2017

TO: Mayor Frank Klipsch and the Davenport City Council

FROM: Corrin Spiegel, City Administrator /s/ cs

RE: FY2018 Proposed Budget Amendments

On Tuesday, Mayor Frank Klipsch will be announcing a new partnership initiative with the Davenport Community School District and the Bechtel Trust to provide four additional sworn police officers to enhance the Davenport Police Department's community-based policing effort. Consistent with this partnership and two other initiatives further detailed below, I will be presenting three budget amendments and one policy change to the City Council for consideration. These council actions will provide necessary resources to the Police and Fire Departments, ensure the future success of the Transload Facility and the Eastern Iowa Industrial Center, and ensure the City maintains its overall financial strength.

AMENDMENT #1: POLICE DEPARTMENT – \$1.33 MILLION / THREE-YEAR GRANT FOR 2 SCHOOL RESOURCES OFFICERS AND 2 COMMUNITY POLICING OFFICERS

The City of Davenport, Davenport Community Schools, and Bechtel Trust have partnered together to create a \$1.33 million three-year grant for the purpose of increasing the presence of sworn police officers in Davenport Schools as well enhancing the DPD's concept of community policing. This grant will allow the DPD to hire four new police officers with two assigned as School Resource Officers and two assigned to community policing efforts. The City's total share of this grant is up to \$665,214, of which \$600,000 has already been set aside in a new fund called the Special Public Safety Fund (SPSF). The \$600,000 in current funding for the SPSF is from unspent fund balance in FY 2017. My recommendation is that the SPSF be restricted to only those public safety programs specifically approved by the City Council. In this case, the City Council will be provided a proposal from the DPD detailing the need, goals, and performance measures associated with the hiring of four new police officers for a three-year period and will consider voting on the proposal during the first City Council cycle in November.

AMENDMENT #2: FIRE DEPARTMENT – \$400,000 / A NEW FIRE ENGINE

From prior conversations, you are aware of the Fire Department's need to replace some fire apparatuses. One of the goals of the Main Fire Station Renovation project was to have enough funds remaining at the end of the project to potentially purchase a new fire engine. While some funds remain,

it is insufficient on its own to completely cover the cost of a fire engine. I have directed that \$400,000 be set aside from unspent fund balance in FY 2017 to allow for the Fire Department to begin procuring a new fire engine in FY 2018. In addition to this purchase, the current Capital Improvement Plan has a new fire ladder truck purchase scheduled for FY 2019 and future replacements in FY 2021, FY 2022, and FY 2023 that will position the Fire Department with updated and reliable equipment to provide essential public safety services to Davenport residents.

AMENDMENT #3: TRANSLOAD FACILITY - \$4.5 MILLION / INTERCHANGE TRACKS & LINE EXTENSION

As communicated to the City Council in June, the City will need to make modifications to the Transload Facility and short-line rail in order to accommodate increased traffic to appropriately serve Sterilite and future rail users in the Eastern Iowa Industrial Center. At this time, the City has secured \$4.5 million in funding to move forward with the project, of which \$2.2 million has been obtained through an Economic Development Administration grant. The City has approximately \$300,000 remaining from the original Transload Facility project and has added \$2 million from unspent fund balance in FY 2017. This level of funding is anticipated to be sufficient to complete the project.

POLICY CHANGE – INCREASE GENERAL FUND UNASSIGNED RESERVE TARGET TO BETWEEN 17% AND 25% OF GENERAL FUND OPERATING EXPENDITURES

As mentioned in the amendments above, the majority source of funding for these projects is unspent fund balance from FY 2017. While utilizing fund balance for projects may be appropriate at times, the City must remain cautious to do so in a way that does not negatively impact overall fund balance numbers and continues to position the City strongly for its credit ratings. My proposal to the City Council both provides additional resources for these important community projects while increasing the City's overall unassigned general fund reserves to \$10.0 million, representing 21.6% of general fund operating expenditures.

As you know, the current general fund unassigned reserve policy is between 15% and 20% of general fund operating expenditures. Looking back just a few years ago, the City's reserve level was 12.4% at the close of FY 2010. With maintained attention and commitment from the City Council, general fund unassigned reserves have been increasing consistently over the past several years. As we close out FY 2017, we are prepared to increase the general fund unassigned reserve policy to between 17% and 25% of general fund operating expenditures, even after completing the projects listed above. The City remains fiscally strong and continues to practice solid financial management policies to ensure our fiscal vitality.

Please feel free to contact me with any questions.

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Bruce Berger 326-7765
Wards: 2, 6, 7, 8

Action / Date
FIN11/1/2017

Subject:

Motion setting a public hearing for November 15, 2017 at 5:30 p.m. in the Council Chambers for the purpose of amending the North Urban Renewal Area and Plan. [Wards 2, 6, 7, & 8]

Recommendation:

Approve the motion.

Relationship to Goals:

Diversity revenue and eliminate liabilities.

Background:

The City of Davenport is seeking to amend the North Urban Renewal Area Plan. The amendment will add the 2017 Internal TIF project in the amount of \$275,000.

The public hearing is to be held at the Wednesday, November 15, 2017 Committee-of-the-Whole meeting.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/23/2017 - 2:47 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/23/2017 - 2:48 PM
City Clerk	Admin, Default	Approved	10/24/2017 - 12:06 PM

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Jon Meeks - 326-7922
Wards: All

Action / Date
FIN11/1/2017

Subject:

Motion awarding the purchase of two high-top, one-ton vans to Reynolds Motor Company of Moline, IL in the amount of \$72,198.32. [All Wards]

Recommendation:

Approve the motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

A Request for Quotes was issued on September 20, 2017 and was sent to 62 vendors. On October 4, 2017 the Purchasing Division received and opened two quotes. Reynolds Motor Company was the low bid with the shelving option and is recommended for the award.

The vans will be used by the Facilities Maintenance Division. One of the vans is being replaced as a result of an accident.

Funding for the purchase is from 50101820-530303 with the Risk Division paying \$18,700 of the total.

ATTACHMENTS:

Type	Description
Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/26/2017 - 12:20 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/26/2017 - 12:20 PM
City Clerk	Admin, Default	Approved	10/26/2017 - 12:43 PM

CITY OF DAVENPORT, IOWA
REQUEST FOR QUOTES RESPONDENTS

DESCRIPTION: TWO HIGH TOP CARGO VANS
BID NUMBER: 18010
OPENING DATE: OCTOBER 4, 2017
RECOMMENDATION: AWARD THE PURCHASE TO REYNOLDS MOTOR COMPANY
OF EAST MOLINE, IL

<u>VENDOR NAME</u>	<u>LOCATION</u>	<u>AMOUNT</u>
REYNOLDS MOTOR COMPANY	EAST MOLINE, IL	\$72,198
COURTESY FORD	DAVENPORT, IA	\$81,759
GATR TRUCK CENTER	ALTOONA, IA	\$98,798

Prepared By

Purchasing

Approved By

Department Director

Approved By

Budget/CIP

Approved By

Finance Director

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Scott Braudt 326-8500
Wards: 3

Action / Date
FIN11/1/2017

Subject:

Motion awarding the purchase of three follow spotlights to Taza Supplies, LLC of Naperville, IL. in the amount of \$49,932.79. CIP #69013 [Ward 3]

Recommendation:

Approve the motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

A Request for Quotes was issued on September 18, 2017 and was sent to 77 vendors. On October 3, 2017 the Purchasing Division received and opened two quotes. Taza Supplies, LLC was the low quote received and is recommended for the award.

The follow spotlights will replace three existing older spotlights. The new spotlights will feature Xenon lamps that provide higher quality lighting capabilities and reliability.

Funding for the purchase is from CIP #69013 with the available amount of \$93,942.

ATTACHMENTS:

Type	Description
Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/26/2017 - 3:18 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/26/2017 - 3:18 PM
City Clerk	Admin, Default	Approved	10/26/2017 - 4:32 PM

CITY OF DAVENPORT, IOWA
REQUEST FOR QUOTES RESPONDENTS

DESCRIPTION: FOLLOW SPOT LIGHTS

RFQ NUMBER: 18006

OPENING DATE: OCTOBER 3, 2017

RECOMMENDATION: AWARD THE PROCUREMENT TO TAZA SUPPLIES, LLC OF
NAPERVILLE, IL

<u>VENDOR NAME</u>	<u>LOCATION</u>	<u>AMOUNT</u>
TAZA SUPPLIES, LLC	NAPERVILLE, IL	\$49,932.79
CONFERENCE TECHNOLOGIES, INC	DAVENPORT, IA	\$51,593.40

Prepared By Lindy Wright
Purchasing

Approved By [Signature]
Department Director

Approved By Bardi Couger
Budget/CIP

Approved By [Signature]
Finance Director

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Kristi Keller 888-2067
Wards: All

Action / Date
FIN11/1/2017

Subject:

1. Integrated Data Products, Inc. - OnBase E-Plan Review Labor - Amount: \$10,000
2. Outdoor Recreation, Inc. - Parks equipment to match current equipment - Amount: \$11,330
3. Environmental Management Services - Asbestos removal at AW Cottage #11 - Amount: \$12,622
4. RDG Planning & Design - Davenport-Go Transportation Planning - Amount: \$16,500
5. Railpros Field Services - Short line rail work at Transload Facility - Amount: \$22,000
6. Precision Builders - Goose Hollow soil and top seeding - Amount: \$31,620
7. Estes Co. - Central Fire Station streetscaping - Amount: \$33,620
8. Ed Feld Equipment Co. - Breathing air compressor - Amount: \$39,285

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	10/26/2017 - 12:30 PM
Finance Committee	Watson-Arnould, Kathe	Approved	10/26/2017 - 12:30 PM
City Clerk	Admin, Default	Approved	10/26/2017 - 12:43 PM