

# CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, October 22, 2014; 5:30 PM

Council Chambers, City Hall

- I. Moment of Silence
- II. Pledge of Allegiance
  - Ald. Boom
- III. Roll Call
- IV. Meeting Protocol and Decorum
- V. Approval of Minutes
  - Minutes of the October 8, 2014 City Council Meeting
- VI. City Administrator Update
- VII. Report on Committee of the Whole and Standing Committees
- VIII. Appointments, Proclamations, Etc.
  - A. Appointments
  - B. Proclamations
    - 1. Concussion Awareness
- IX. Presentations
- X. Petitions and Communications from Council Members and the Mayor
- XI. Individual Approval of Items on the Discussion Agenda

- 1. First Consideration: ORDINANCE for Case No. REZ14-09: Petition of Jersey Roads, LC, QC Equity Investments LLC, and Ridges LC to rezone 108.692 Acres, more or less, of real property located north of Veteran's Memorial Parkway, east of Jersey Ridge Road, south of Interstate 80 and west of Interstate 74, from A-1 Agricultural District and R-1, Low Density Dwelling District to PDD – Planned Development District for the purpose of constructing a casino/entertainment/retail complex. (6th Ward)
- 2. Second Consideration: AN ORDINANCE AMENDING SECTION 9.40.010 ENTITLED "UNLAWFUL USE" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA (Coyote hunting)
- 3. RESOLUTION approving Case No. FDP14-04 being the final development plan for the Rhythm City Casino, located north of Veteran's Memorial Parkway and east of Jersey Ridge Road. [6th Ward]
- 4. RESOLUTION approving Case No. P14-02 being the preliminary plat of River 80 First Addition, located north of Veteran's Memorial Parkway and east of Jersey Ridge Road, containing seven lots for commercial and office development. [6th Ward]
- 5. RESOLUTION approving Case No. F14-11 being the final plat of River 80 First Addition, located north of Veteran's Memorial Parkway and east of Jersey Ridge Road, containing seven lots for commercial and office development. [6th Ward]

## XII. Approval of All Items on the Consent Agenda

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

## Reports on Standing Committees

### Community Development Committee

1. Second Consideration: An ORDINANCE for Case No. REZ14-01 being the petition of First Central State Bank for the rezoning of 1.63 acres, more or less, of real property located at 6425 West Kimberly Road from "C-2" General Commercial District to "M-1" Light Industrial District for redevelopment of the property to accommodate a trucking dispatch center and truck parking. [2nd Ward]
2. First Consideration: An ORDINANCE for Case No. REZ14-10 being the petition of Naval Station LLC/Richard Davidson for a rezoning of 1.29 acres, more or less, of real property known as 2104 West 6th Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District. The rezoning is to facilitate the conversion of a former two-story school building to 18 senior housing apartment units. [3rd Ward]

### Public Safety Committee

1. Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).
2. Motion approving beer and liquor license applications

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

#### Ward 4

The Pour House (Boss Lady Inc.) - 1502 W Locust - Outdoor Area - November 15, 2014 - License Type: C Liquor

#### Ward 6

R Bar (KJT Holdings LLC) - 4907 Utica Ridge Rd - Outdoor Area - License Type: C Liquor

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

#### Ward 3

Reggie's Fox Den (Reginald Hathaway Jr.) - 729 Marquette St. - License Type: C Liquor

River Drive Smoke Shop (AB Kazi LLC) - 828 W River Dr. - License Type: E Liquor/C Beer/B Wine

#### Ward 4

Cozy Mart (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

#### Ward 6

Bad Boyz Pizza & Pub (3 Bad Girl'Z LTD.) - 5266 Utica Ridge Rd. - Outdoor Area - License Type: C Liquor

Chili's Southwest Grill (ERJ Dining IV, LLC) - 4020 E 53rd St. - License Type: C Liquor

Wise Guys Pizza (Wise Guys Pizza & More Inc.) - 2408 E 53rd St. - License Type: C Liquor

#### Ward 7

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

Ward 8

Casey's General Store #2168 (Casey's Marketing Company) - 1691 W 53rd St. - License Type: C Beer/B Native Wine

Public Works Committee

1. Resolution authorizing transfer of ownership of vacated city right-of-way, on the north side of the 4000 block of West Kimberly Road, to Spring Auto Sales, LLC located at 4004 West Kimberly Road, Lot 2.
2. Resolution of acceptance for the roofing installation at the Water Pollution Control Plant (WPCP) completed by Sterling Commercial Roofing of Sterling, IL.
3. Resolution of acceptance for the Pine Street Reconstruction Project, CIP Project #02290.
4. Resolution of acceptance for the FY2013 Contract Sewer Repair Program for Langman Construction, Inc.
5. Resolution authorizing MidAmerican Energy to place utilities within the City's right-of-way on East 5<sup>th</sup> Street between Pershing Avenue and Iowa Street.

Finance Committee

1. Resolution approving an internal advance to the Tax Increment Fund for Administrative Costs.
2. MOTION to amend the current contract for Saturday service and service route to APAC to include Job Access Reverse Commute (JARC) bus service contract with River Bend Transit of Davenport, IA in an amount not to exceed \$240,000.
3. MOTION authorizing the Finance Director to seek competitive quotes with negotiation for the carousel foundation project at Modern Woodmen Park.
4. MOTION approving payment of \$126,197.74 to Tyler Technologies, Inc of Falmouth, ME for the support and maintenance of the Munis software system for the period of 11/01/14 through 10/31/15.
5. Motion awarding the purchase of recording equipment and installation for the Police Department to Coban Technologies, Inc. of Houston, TX in the amount of \$59,318.
6. MOTION awarding a contract for installation of temporary electrical services at LeClaire Park and the Freight House to Tri-City Electric of Davenport in the amount of 86,459.96.

XIII. Other Ordinances, Resolutions and Motions

XIV. 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 can not take action on any complaint or suggestions tonight, and can not respond to any allegations at this time.

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

XV. Reports of City Officials

XVI. Public Hearings

XVII. Adjourn

City of Davenport

Committee: Council  
Department: City Council  
Contact Info: Jackie Holecek x6163  
Wards: All

**Action / Date**  
**10/22/2014**

Subject:  
Ald. Boom

Relationship to Goals:

Background:

City of Davenport

Committee: Council  
Department: City Council  
Contact Info: Jackie Holecek x6163  
Wards: All

**Action / Date**  
**10/15/2014**

Subject:  
Minutes of the October 8, 2014 City Council Meeting

Relationship to Goals:  
Open government.

Background:

City of Davenport

Committee: Council  
Department: City Council  
Contact Info: Jackie Holecek x6163  
Wards:

**Action / Date**  
**10/22/2014**

Subject:  
Concussion Awareness

Relationship to Goals:

Background:

City of Davenport

Committee: Community Development  
Department: CPED  
Contact Info: Matt Flynn  
Wards: 6

Action / Date  
10/15/2014

Subject:

First Consideration: ORDINANCE for Case No. REZ14-09: Petition of Jersey Roads, LC, QC Equity Investments LLC, and Ridges LC to rezone 108.692 Acres, more or less, of real property located north of Veteran's Memorial Parkway, east of Jersey Ridge Road, south of Interstate 80 and west of Interstate 74, from A-1 Agricultural District and R-1, Low Density Dwelling District to PDD – Planned Development District for the purpose of constructing a casino/entertainment/retail complex. (6th Ward)

Relationship to Goals:

*Added emphasis on economic development*  
*Resolve land-based casino*

Background:

Scott County Casino, LLC, has announced plans for a new land-based Rhythm City Casino Complex. The project proposes the following:

- o 33,800 square foot casino floor
- o 7 story, 143 room hotel (95 feet in height)
- o Flexible event center seating up to 1500
- o 298,000 square feet total building envelope
- o 2093 parking spaces

In addition to the casino complex, the request also provides for RDD Zoning for complimentary commercial development known as River80. While exact details may change, the required concept plan (attached) includes the following in River80:

200 room resort hotel  
250,000 square foot shopping center  
150,000 square foot shopping center  
100,000 square feet of office space

Staff and the Comprehensive Plan Committee of the Plan and Zoning Commission concur that the Plan should be amended, the development is appropriate for the location, and any impacts generated will be able to be addressed through conditions largely included with the Final Development Plan or proposed subdivisions or simply meeting the requirements of the City's Site Plan Regulations, which are specifically designed to address buffering between uses of different intensities.

Findings:

1. The property is within the Urban Service Area; all utilities, emergency services and streets are available.
2. This project has been envisioned by the City since pursuit of a land based casino began in 2007. The Veteran's Memorial Parkway Corridor has been considered a prime general location for years.
3. Changing the Proposed Land Use designation from CN to CR does not constitute a radical change in how the area may ultimately develop.
4. In support of Comprehensive Plan Goal No. 2, no other land in the City within the Urban Service Area can accommodate the proposed development.
5. The availability of land suitable for low density development will not be appreciably diminished.
6. In support of Comprehensive Plan Goal No. 7, this development provides a unique opportunity to capitalize on the most visible and accessible site for commercial development in the City and indeed, the Quad City Metropolitan Area. Without zoning approval, these opportunities are in danger of being lost to outlying areas or not being constructed at all.
7. Moving forward supports the Council Goal of added emphasis on economic development. Abandoning the project will send a negative message to local developers, and beyond.
8. Neighborhoods in the vicinity, beyond seeing additional traffic on the collector and arterial road network that will occur regardless, will not be impacted.

THE PROTEST RATE IS 0.0% (0 of 7 property owners within the 200 foot notice area)

For further information please refer to the background materials.

**ATTACHMENTS:**

| Type |                 | Description                     |
|------|-----------------|---------------------------------|
| ▣    | Ordinance       | REZ14-09 Ordinance              |
| ▣    | Backup Material | REZ14-09 Background information |

## ORDINANCE NO.

ORDINANCE for Case No. REZ14-09: Petition of Jersey Roads, LC, QC Equity Investments LLC, and Ridges LC to rezone 108.692 Acres, more or less, of real property located north of Veteran's Memorial Parkway, east of Jersey Ridge Road, south of Interstate 80 and west of Interstate 74, from A-1 Agricultural District and R-1, Low Density Dwelling District to PDD – Planned Development District for the purpose of constructing a casino/entertainment/retail complex. (6th Ward)

### Rhythm City/I-80 Reinvestment District Rezoning Description:

Part of the northeast quarter of Section 6 and the Northwest quarter of Section 5, all in Township 78 North, Range 4 East of the 5th Principal Meridian; more particularly described as follows:

Beginning at the intersection of the westerly Right of Way line of Interstate 74 and the northerly Right of Way line of Veterans Memorial Parkway, thence, along said northerly line, South 87 degrees 38 minutes 26 seconds West, a distance of 147.35 feet; thence, continuing along said northerly line, South 80 degrees 53 minutes 55 seconds West, a distance of 553.77 feet; thence, continuing along said northerly line, South 77 degrees 51 minutes 09 seconds West a distance of 441.41 feet; thence, continuing along said northerly line, South 87 degrees 38 minutes 17 seconds West, to the East line of the Northeast quarter of Section 6, a distance of 1105.44; thence, north along said east line, North 02 degrees 01 minutes 00 seconds West, a distance of 1323.03 feet; thence, South 88 degrees 06 minutes 10 seconds West, a distance of 621.99 feet; thence North 01 degrees 54 minutes 55 seconds West, to the southerly Right of Way line of Interstate 80, a distance of 905.34 feet; thence, along said southerly line North 87 degrees 27 minutes 29 seconds East, a distance of 1416.16 feet; thence, continuing along said southerly line, South 83 degrees 56 minutes 39 seconds East, a distance of 220.28 feet; thence, continuing along said southerly line, South 76 degrees 33 minutes 44 seconds East, a distance of 184.22 feet, to an arc and the transition to westerly Right of Way line of Interstate 74; thence, along said arc and Right of Way, a distance of 815.17 feet, said arc being concave southwesterly, having a radius of 1076.00 feet and a delta angle of 43 degrees 24 minutes 25 seconds, a chord bearing of South 52 degrees 52 minutes 09 seconds East, and a chord length of 795.82 feet; thence, along

said westerly line, South 19 degrees 20 minutes 53 seconds East, a distance of 78.60 feet; thence, continuing along said westerly line, South 16 degrees 08 minutes 55 seconds East, a distance of 217.00 feet; thence, continuing along said westerly line, South 25 degrees 08 minutes 44 seconds East, a distance of 252.87; thence, continuing along said westerly, South 16 degrees 20 minutes 49 seconds East, a distance of 1020.46 feet, to the point of beginning.

The above described tract contains 108.692 acres, more or less. For the purposes of the above description the east line of the northeast quarter of Section 6 is assumed to have a bearing of North 02 degrees 01 minutes 00 second West.

The City Plan and Zoning Commission recommended approval including a provision that the Comprehensive Plan be amended as follows:

1. That a of node of CR, Commercial Retail, generally matching the legal description above, and a node of RG, Residential General, for the balance of the property, bounded by Interstates 80 and 74, Veteran's Memorial Parkway and Jersey Ridge Road be depicted on the Proposed Land Use Map in Davenport 2025, Comprehensive Plan for the City.

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 \_\_\_\_\_

\_\_\_\_\_  
William E. Gluba  
Mayor

Attest: \_\_\_\_\_

Jackie Holecek, CMC  
Deputy City Clerk

Published in the Quad City Times on \_\_\_\_\_



**Plan and Zoning Commission  
City of Davenport**

October 1, 2014

Mayor and City Council  
City of Davenport Iowa  
City Hall, 226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801

Subject: REZ14-09

Dear Mayor Gluba and Council Members:

At its September 30, 2014 meeting, the Plan and Zoning Commission voted 6-yes (Elgatian, Tallman, Gere, Connell, d'Autremont, Ingram) 5-no (Cartee, Martin, Lammers, Kelling, Martinez) to amend the Proposed Land Use Map in *Davenport 2025: Comprehensive Plan for the City* to reflect a node of CR, Commercial Retail that generally coincides with the proposed rezoning in this case.

Also at this meeting, the Davenport Plan and Zoning Commission voted 6-yes (Elgatian, Tallman, Gere, Connell, d'Autremont, Cartee) and 3-no and 1-abstention (Kelling) to recommend the City adopt the petition of Jersey Roads, LC, QC Equity Investments LLC, and Ridges LC to rezone 108.692 Acres, more or less, of real property located north of Veteran's Memorial Parkway, east of Jersey Ridge Road, south of Interstate 80 and west of Interstate 74, from A-1 Agricultural District and R-1, Low Density Dwelling District to PDD – Planned Development District for the purpose of constructing a casino/entertainment/retail complex (6th Ward).

Sincerely,

Bob Ingram, Chair  
Davenport Plan and Zoning Commission

**CITY PLAN AND ZONING COMMISSION  
MINUTES  
SEPTEMBER 30, 2014  
COUNCIL CHAMBERS – DAVENPORT CITY HALL**

**I. Call to Order**

Chairperson Inghram called the regular meeting to order at approximately 5:25 p.m. following the public hearing.

Roll Call: Cartee, Connell, d'Autremont, Elgatian, Gere, Inghram, Kelling, Lammers, Martin, Martinez, and Tallman were present. Staff also present: Flynn, Koops, Leabhart, Statz, Wille and attorney Heyer.

**II. Report of Council Activity** – as presented in the packet.

**III. Secretary's Report/Approval of Minutes** – A motion by Tallman, seconded Connell to approve the Minutes of the September 16<sup>th</sup> meeting.

**IV. Comprehensive Plan Report** –

- 1. Case No. CP14-06:** Request to amend the Proposed Land Use Map in *Davenport 2025: Comprehensive Plan for the City* to reflect a node of CR, Commercial Retail, that coincides with the proposed rezoning request in Case REZ14-09.

The Comprehensive Plan Committee met on September 22, 2014 to discuss this case. In a vote of 4-yes and 2-no, it supports amending the Proposed Land Use Map in *Davenport 2025: Comprehensive Plan for the City* to reflect a node of CR, Commercial Retail, that coincides with the proposed rezoning request in Case REZ14-09 for the following reasons:

1. The property is within the Urban Service Area; all utilities, emergency services and streets are available.
2. This project has been envisioned by the City since pursuit of a land based casino began in 2007. The Veteran's Memorial Parkway Corridor has been considered a prime general location for years.
3. Changing the Proposed Land Use designation from CN to CR does not constitute a radical change in how the area may ultimately develop.
4. In support of Plan Goal No. 2, no other land in the City within the Urban Service Area can accommodate the proposed development.
5. The availability of land suitable for low density development will not be appreciably diminished.
6. In support of Plan Goal No. 7, this development provides a unique opportunity to capitalize on the most visible and accessible site for commercial development in the City and indeed, the Quad City Metropolitan Area. Without zoning approval, these opportunities are in danger of being lost to outlying areas or not being constructed at all.

7. Moving forward supports the Council Goal of added emphasis on economic development. Abandoning the project will send a negative message to local developers, and beyond.
8. Neighborhoods in the vicinity, beyond seeing additional traffic the collector and arterial road network that will occur regardless, will not be impacted.

The amendment will be included as a condition in REZ14-09.

A motion by Gere, seconded by d'Autremont, to accept the Committees recommendation amending the Proposed Land Use Map in *Davenport 2025: Comprehensive Plan for the City* to reflect a node of CR, Commercial Retail, that coincides with the proposed rezoning request in Case REZ14-09 was approved on a split vote of 6-yes and 5-no.

## **V. Zoning Activity –**

### **A. Old Business –**

1. **Case No. REZ14-08:** Petition of Brad Tidwell and Patrick Rooney on behalf of Commanch Moon LLC for the rezoning of 9.79 acres, more or less, of real property located at 3616 West Kimberly Road also known as Lot 1 of the Replat of Lot 1 of the Replat of Lot 89 of Georgetown Square Addition to the City of Davenport, excepting therefrom the southerly 15.5 feet conveyed to the State of Iowa., from “C-2” General Commercial District to “PDD” Planned Development District for the purpose of converting the former Kmart building into climate controlled self-storage along with two one acre out lots within the parking lot.

Findings:

- The proposed rezoning conforms to the goals and objectives of the Comprehensive Plan

Staff recommends the Plan and Zoning Commission forward Case No. REZ14-08 to the City Council for approval subject to the following condition:

1. That no outdoor storage is permitted; and
2. That when pad sites are developed a final development plan is required and development is subject to the Highway Corridor Overlay District requirements.

A motion by Tallman, seconded by Martin, to forward Case No. REZ14-08 to the City Council for approval subject to the above stated conditions was unanimously approved on a vote of 10-yes, 0-no and 0-abstention.

### **B. New Business – None.**

1. **Case No. REZ14-10:** Petition of Naval Station, LLC for a rezoning of 1.29 acres, more or less, of real property from “R-4” Moderate Density Dwelling District to “R-5M” Medium Density Dwelling District, located at 2104 West 6<sup>th</sup> Street, to facilitate renovation of the building to 18 senior residential units.

Findings:

- the rezoning will reduce the number of under occupied, abandoned, or vacant buildings/properties through adaptive reuse
- the rezoning will increase the number of mixed-use neighborhoods and districts

Staff recommends the Plan and Zoning Commission accepts this report's findings and forward Case No. REZ14-10 to the City Council with a recommendation of approval.

A motion by Tallman, seconded by d'Autremont to forward Case No. REZ14-10 to the City Council for approval was unanimously approved on a vote of 10-yes, 0-no and 0-abstention.

- 2. Case No. REZ14-09:** Petition of Jersey Roads LC, QC Equity Investments LLC and Ridges LC for the rezoning of 108.7 acres, more or less, of real property located north of Veterans Memorial Parkway, east of Jersey Ridge Road, south of Interstate-80 and west of Interstate-74 from "A-1" Agricultural District to "PDD" Planned Development District to facilitate development of the land-based casino and commercial development related to the reinvestment district proposal.

Findings:

- The property is within the Urban Service Area; all utilities, emergency services and streets are available.
- This project has been envisioned by the City since pursuit of a land based casino began in 2007. The Veteran's Memorial Parkway Corridor has been considered a prime general location for years.
- Changing the Proposed Land Use designation from CN to CR does not constitute a radical change in how the area may ultimately develop.
- In support of Comprehensive Plan Goal No. 2, no other land in the City within the Urban Service Area can accommodate the proposed development.
- The availability of land suitable for low density development will not be appreciably diminished.
- In support of Comprehensive Plan Goal No. 7, this development provides a unique opportunity to capitalize on the most visible and accessible site for commercial development in the City and indeed, the Quad City Metropolitan Area. Without zoning approval, these opportunities are in danger of being lost to outlying areas or not being constructed at all.
- Moving forward supports the Council Goal of added emphasis on economic development. Abandoning the project will send a negative message to local developers, and beyond.
- Neighborhoods in the vicinity, beyond seeing additional traffic the collector and arterial road network that will occur regardless, will not be impacted.

Recommendation: (Note: Conditions addressing specific development issues are included in the recommendations of Cases FDP14-04, P14-02, and F14-11.

- A. That the Plan and Zoning Commission recommend the City Council designate a node of CR, Commercial Retail, and a node of RG, Residential General, in the area bounded by Interstates 80 and 74, Veteran's Memorial Parkway and Jersey Ridge Road on the Proposed Land Use Map in *Davenport 2025, Comprehensive Plan for the City*.
- B. That the Plan and Zoning Commission recommend approval of Case No. REZ14-09, the request of Jersey Roads LC, QC Equity Investments LLC, and Ridges LC to rezone 108.738 acres, more or less, of property located generally south of I-80 and west of I-74, from A-1 Agricultural District and R-1 Low Density Dwelling District to PDD, Planned Development District.

A motion by Tallman, seconded by d'Autremont to forward Case No. REZ14-09 to the City Council for approval was approved on a split vote of 6-yes, 3-no (Lammers, Martin and Martinez) and 1-abstention (Kelling).

- 3. Case No. FDP14-04:** Petition of Scott County Casino LLC for the final development plan on 40.01 acres, more or less, of property located north of Veterans Memorial Parkway (old East 67<sup>th</sup> Street) and east of Jersey Ridge Road to allow development of the land based Rhythm City Casino.

A motion, made and seconded, to remove "or refrigeration units" from condition number 1 was unanimously approved.

Findings:

- The proposed development is consistent with the Comprehensive Plan Designation of CR, Commercial Retail and the PDD zoning.

Staff recommends the that Case No. FDP14-04 being the final development plan for the Rhythm City Casino be forwarded to the City Council with a recommendation for approval subject to the following conditions:

Standard Conditions:

1. All development shall meet the requirements of Chapters 13.34 (Stormwater Management), 15.44 (Flood Damage Protection), 17.56 (Site Plans), and all applicable Chapters of the Davenport Municipal Code

Non-Standard Conditions:

1. Lighting. All exterior lighting, including drive aisles, parking lots, pedestrian paths and building lighting, shall utilize LED "Dark Sky" fixtures. Overall illumination standards shall not exceed the limits outlined in Chapter 17.56.040 (O) of the Davenport Municipal Code.
2. Connectivity. The interior circulation network includes at least one driveway and sidewalk connection from proposed Lot 2 (Casino Site) and Lot 4 of River 80 First Addition.
3. Outdoor entertainment. Outdoor concerts and other outdoor special events shall be limited to no more than six (6) per calendar year. Stage and PA orientation shall not be oriented to the south. Owner shall obtain any required variances for noise from the City, if required.

4. Signage. A signage plan for proposed Lot 2 (Casino Site) shall meet the requirements of Chapter 17.45 (Sign Regulations) and shall be reviewed by the Plan and Zoning Commission prior to its approval by the City.
5. Buffering. The owners of proposed Lots 5 and 6 of River 80 First Addition shall work with the City to develop an appropriate buffer, including berms and landscaping, complimentary to that which exists immediately south of Veteran's Memorial Parkway. Any berms shall not conflict with existing or future utility easements.
6. Final Design Review shall be completed in conjunction with site plan review as noted above.

A motion by Tallman, seconded by d'Autremont to forward Case No. FDP14-04 to the City Council for approval subject to the above stated conditions was approved on a split vote of 7-yes, 2-no (Lammers and Martin) and 1-abstention (Kelling).

## **VI. Subdivision Activity**

### **A. Old Business – None.**

### **B. New Business –**

1. **Case No. P14-02:** Preliminary plat of River 80 First Addition being in part a replat of Lots A, B and C of Kahl's First Addition, located north of Veterans Memorial Parkway (old East 67<sup>th</sup> Street) and east of Jersey Ridge Road containing seven (7) lots.

Findings:

- Upon rezoning, will be consistent with the Comprehensive Plan
- Urban services are available
- Readies land for development.

Staff recommends the Plan and Zoning Commission forward Case No. P14-02, the Preliminary Plat of River80 First Addition, to the Community Development Committee for approval with the following conditions:

#### Standard Conditions:

1. Upon final platting the required right-of-way and easements are dedicated. This shall include temporary and permanent easements and right-of-way necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway.

#### Non-Standard Conditions:

1. The City of Davenport is listed as owner/developer of Lot 3 (storm water detention). This is not correct. The developer must discuss the ownership and maintenance of Lot 3 with the City Natural Resources Division to determine what is acceptable to the City.
2. Note number 3 which refers to detention on Lot 3 is to be reviewed by the City Natural Resources Division and corrections made as necessary.

3. Existing streets are shown along with their right-of-way dimensions and pavement widths.
4. Only the existing pavement is to be shown on Veterans Memorial arkway, the proposed pavement should be removed.
5. The name of the surveyor is shown.
6. Current zoning is shown.
7. The boundaries and owners of adjacent land is shown.
8. Existing culverts are shown.
9. Existing storm and sanitary sewers with size are shown.
10. Building setback lines are shown.

A motion by Connell, seconded by d'Autremont to forward Case No. P14-02 to the Community Development Committee for approval subject to the above stated conditions was approved on a split vote of 5-yes, 4-no (Lammers, Martin, Martinez and Cartee) and 1-abstention (Kelling).

- 2. Case No. F14-11:** Final plat of River 80 First Addition being in part a replat of Lots A, B and C of Kahl's First Addition, located north of Veterans Memorial Parkway (old East 67<sup>th</sup> Street) and east of Jersey Ridge Road containing seven (7) lots.

Findings:

- Upon rezoning, will be consistent with the Comprehensive Plan
- Urban services are available
- Readies land for development.

Staff recommends the Plan and Zoning Commission forward Case No. F14-11, the Final Plat of River 80 First Addition, to the City Council for approval with the following conditions:

Standard Conditions:

1. The developer shall continue to work with the Engineering Division in the design and construction of public streets, sanitary sewer and storm sewer. Public infrastructure shall be constructed in conformance with the City's Standard Specifications.
2. With platting necessary street right-of-way and easements are to be dedicated. This shall include temporary easements necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway.
3. The developer shall continue to work with the Natural Resources Division and shall comply with Chapters 13.34 (Stormwater Management), and 15.44 (Flood Damage Prevention), of the Davenport Municipal Code.
4. Owner shall pay the required reforestation fee as stipulated in Chapter 16.20.040(G) of the Davenport Municipal Code.

Non-Standard Conditions:

1. The surveyor signs the plat.
2. The utility companies sign the plat when their easement needs have been met.

3. The Natural Resources Division of the Public Works Department is notified prior to any construction and that the stormwater requirements of City Code Section 13.34 are followed.
4. A note is added to the plat stating that sidewalks shall be constructed along the public right-of-way prior to the issuance of occupancy permits.
5. The required right-of-way and easements are dedicated. This shall include temporary and permanent easements and right-of-way necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway. There is a minimal amount of additional right-of-way needed at the intersection of Elmore and Veteran's Memorial Parkway and some additional right-of-way along Jersey Ridge Road. The Engineering Division will provide the surveyor with details of these right-of-ways needs.
6. The City of Davenport is listed as owner/developer of Lot 3 (storm water detention). This is not correct. The developer must discuss the ownership and maintenance of Lot 3 with the City Natural Resources Division to determine what is acceptable to the City.
7. Stormwater detention calculations are to be submitted to and approved by the City Natural Resources Division.
8. The graphic scale is corrected.
9. Building setback lines are shown.
10. Existing right-of-way lines are shown and dimensioned.
11. Three elements of all curved lines including radii, arcs and central angles are shown.
12. All lot lines and easement lines have bearings and distances shown.
13. Ties to two quarter corners or two previously established lot corners are shown and identified.
14. Plans for public sanitary sewer are provided to Publics Works for review and approval prior to acceptance of the plat by Council. Street and storm sewer plans are on file. The developer will need to extend sanitary sewer from the existing sewer south of Veteran's Memorial Parkway to the site
15. A note is added to the plat stating that the location of access points to Veteran's Memorial Parkway and Elmore Avenue shall be approved by the City Traffic Engineer and in no case be closer than 350 feet to the centerline of the intersection of Veteran's Memorial Parkway and Elmore Avenue.
16. A red-lined copy of the plat has been returned to the surveyor along with other miscellaneous review comments. The plat is to be updated and then reviewed and approved by the Engineering Division prior to acceptance by Council.
17. Dedication of 20' wide utility easements along the front of all lots fronting public streets.
18. Dedication of a minimum 25'x25' "power only" easement area at the front lot lines on the north side of proposed Elmore Avenue.
19. Note 2 is amended to indicate that the developer is responsible for construction and stabilization of the detention basin along with installation of native vegetation selected and as directed by the City of Davenport. After a three year maintenance bond, guarantee, or contract, the city will assume responsibility for maintenance of the basin.

20. If the developer requests signalization in the future for any of the entrances in this development, the cost of signalization shall be completely paid for by the developer. Traffic signal warrants from the Manual on Uniform Traffic Control Devices (MUTCD) must be met before signalization is approved. All locations must be approved by the City Traffic Engineer. All traffic signals for this development can be designed and bid by City staff if the developer wishes and the signals will be owned and maintained by the City after installation.
21. If traffic signals meet MUTCD warrants in the future at the intersection of Elmore Avenue and Jersey Ridge Road, the developer shall pay 100% of the cost of signalization. This cost share percentage was calculated based on the fact that the intersection would not have existed if not for the development. These signals will be designed and bid by the City.
22. If traffic signals meet MUTCD warrants in the future at the intersection of Veterans Memorial Parkway and Jersey Ridge Road, the developer shall pay 33% of the cost of signalization, which will also include the changes in the roadway design and paving at the intersection. This cost share percentage was calculated based on the percentage of traffic from the intersection that was generated by the development. This project will be designed and bid by the City.
23. The developer shall pay 20% of the cost of signalization at the intersection of Elmore Avenue and Veterans Memorial Parkway. These signals are being designed by the City and will be constructed with the Veterans Memorial Parkway project. The cost share has a cap of 20% due to the 80% federal funding for the project.
24. The developer shall install a 2-inch PVC conduit near the back of curb along Elmore Avenue from Veterans Memorial Parkway south to the existing dead end of Elmore. This will be used for future communication to the new signals at the intersection.

A motion by Connell, seconded by d'Autremont to forward Case No. P14-02 to the Community Development Committee for approval subject to the above stated conditions was approved on a split vote of 5-yes, 4-no (Lammers, Martin, Martinez and Cartee) and 1-abstention (Kelling).

## **VII. Future Business**

The following previews were included in the packet:

- Case No. F14-12: Final plat of Welcome Way Commercial Park Sixth Addition, being a replat of Lots 1, 2 and 3, and Outlots A and B of Welcome Way Commercial Park Fifth Addition, located west of Welcome Way and at the terminus of Sheridan Street, containing 1 industrial lot and one outlot (floodplain, drainage easement, greenway).
- Case No. REZ14-12: Petition of Genesis Health System, contract purchasers, for a rezoning of 3.09 acres, more or less of real property from "R-3" Moderate Density Dwelling District and "PDD" Planned Development District to all "PDD" Planned Development District. The property is located at the northeast corner of North Elsie Ave and West Kimberly Road and the purpose

of the rezoning is to facilitate the development of the property as medical office.

**VIII. Communications – none**

**VIII. Other Business –**

**IX. Adjourn**

There being no further business the regular meeting was adjourned at approximately 6:12 p.m.

Note: All staff reports and presentations are incorporated into these minutes by this reference.



## **PLAN AND ZONING COMMISSION**

**Meeting Date:** September 30, 2014  
**Request:** Rezoning from A-1 Agricultural and R-1, Low Density residential District to PDD – Planned Development District  
**Location:** 108.738 Acres, more or less located north of Veteran's Memorial Parkway, east of Jersey Ridge Road, south of Interstate 80, and west of Interstate 74.  
**Project Name:** Rhythm City Casino, River 80 Reinvestment District  
**Case No.:** REZ14-09  
**Petitioner:** Jersey Roads, LC, QC Equity Investments LLC, Ridges LC  
  
**Prepared By:** Matthew G. Flynn, AICP, Senior Planning Manager  
Tel: (563) 326-7743  
E-mail: mflynn@ci.davenport.ia.us

## **STAFF RECOMMENDATION**

1. Staff recommends the Proposed Land Use Map of *Davenport 2025: Comprehensive Plan of the City* be amended to reflect CR, Commercial Retail as illustrated.
2. Staff recommends Case No. REZ14-09 be forwarded to the City Council with the listed conditions included in this report.

## **BACKGROUND**

### **Overview:**

Scott County Casino, LLC, has announced plans for a new land-based Rhythm City Casino Complex. The project proposes the following:

- o 33,800 square foot casino floor
- o 7 story, 143 room hotel (95 feet in height)
- o Flexible event center seating up to 1500
- o 298,000 square feet total building envelope
- o 2093 parking spaces

In addition to the casino complex, the request also provides for RDD Zoning for complimentary commercial development known as River80. While exact details may change, the required concept plan (attached) includes the following in River80:

200 room resort hotel  
250,000 square foot shopping center  
150,000 square foot shopping center  
100,000 square feet of office space

This is a complex proposal with five separate approvals necessary to move the project forward. They are:

CP14-06: Amendment to the Proposed Land Use Map designating a node of CR, Commercial Retail

REZ14-09: The rezoning of the property

FDP14-04: The Final Development Plan for the Rhythm City Casino

P14-02: The River80 Preliminary Plat

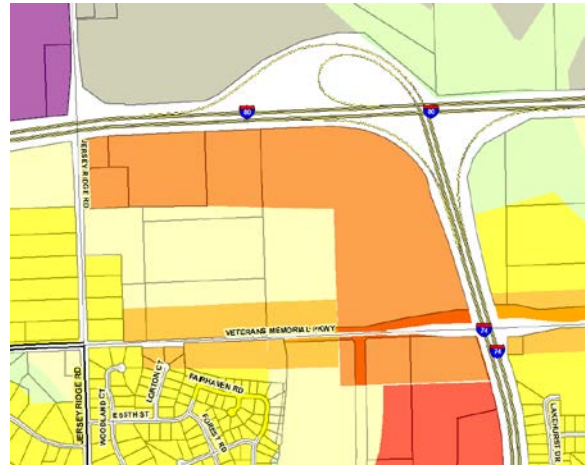
F14-11: The Final Plat of River80 First Addition

Many of the attachments have been consolidated and filed under the Staff Report for CP14-06. Case specific attachments are included in their respective reports.

### General Area Characteristics:



Existing Zoning



Davenport 2025 Future Land Use  
(see attachment for detail)

Refer to the attachments for detailed maps, illustrations and other information.

### Comprehensive Plan:

Within Urban Service Area: Yes

Proposed Land Use Designation: Residential General (RG), Commercial Neighborhood (CN), and Residential Corridor (RC).

Relevant *Davenport 2025* Goals and Objectives:

2. Identify and reserve land for current and future development.

a. Develop land use policies that permit development with a wide variety of building types, uses, and densities.

7. Create a positive business climate that encourages growth of existing and new businesses.

a. Retain existing and attract new business and industry.

Comprehensive Plan Committee Discussion. On September 22, 2014, the Comprehensive Plan Committee voted 4-2 to recommend amending the Proposed Land Use Map to reflect a node of CR, Commercial Retail, that generally coincides with the

proposed rezoning request. See staff report for CP14-06 for a complete discussion of Comprehensive Plan implications.

**Iowa Smart Planning Principles:**

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

*Community Character*

*Planning, zoning, development, and resource management should promote activities and development that are consistent with the character and architectural style of the community and should respond to local values regarding the physical character of the community.*

*Sustainable Design*

*Planning, zoning, development, and resource management should promote developments, buildings, and infrastructure that utilize sustainable design and construction standards and conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, air, and materials.*

**Relationship between Planned Development District (PDD) and Casino Overlay District (COD):**

An overlay district establishes special requirements to a given area, regardless of zoning. The City has one other overlay district, the HCOD, Highway Corridor Overlay District.

The COD was established in 2007 in anticipation of a possible move of the Rhythm City Casino to a land-based operation. At that time, the Council determined in the event of a move, it was important to establish general location parameters and also require, in essence, a final development plan process to ensure quality design with minimal impact to surrounding properties.

The COD requires casino complexes to be located within one mile of an interstate highway or within the C-4, Central Business Zoning District. It also requires the following:

| Requirement                                            | Process; Timing                                                              |
|--------------------------------------------------------|------------------------------------------------------------------------------|
| Property to be zoned PDD, Planned Development District | P&Z, Council; P&Z 9-30-14                                                    |
| Final Development Plan                                 | P&Z, Council; P&Z 9-30-14                                                    |
| Traffic Impact Study                                   | P&Z, Council; part of COD                                                    |
| Parking Plan                                           | P&Z, Council; part of COD                                                    |
| Design review meeting the requirements of the HCOD     | Staff; underway                                                              |
| Site Plan Review                                       | Staff and Technical Review Committee; prior to issuance of building permits. |

**Technical Review:**

See the staff report for F14-11 for Technical review comments.

## **PUBLIC INPUT**

A neighborhood meeting was held Thursday, August 14, at City Hall. The developer notified property owners well beyond the 200 foot notice area. Approximately 30 people attended. Attendees were advised of the process and encouraged to pay attention and provide input.

Notice has been sent to seven (7) adjacent property owners. In addition, staff has been in contact with the president of the Jersey Farms Neighborhood Association who has in turn kept property owners in the Nottingate Hill and Lakehurst Subdivisions abreast of the case.

In addition, the media has widely publicized the date and time of the public hearing.

As of this writing, no protests have been received. Comments received have included concerns about traffic, noise, lighting, and height of the proposed hotel. Additional comments are included in the attachments.

## **DISCUSSION**

The heart of this proposal is its compatibility with the Comprehensive Plan, the need to amend the Plan, and addressing any impacts the proposed development may have on neighboring subdivisions. The Staff Reports for CP14-06 and FDP14-04 address these issues in more detail.

In summary, staff and the Comprehensive Plan Committee concur that the Plan should be amended, the development is appropriate for the location, and any impacts generated will be able to be addressed through conditions largely included with the Final Development Plan or proposed subdivisions or simply meeting the requirements of the City's Site Plan Regulations, which are specifically designed to address buffering between uses of different intensities.

## **STAFF RECOMMENDATION**

Findings:

1. The property is within the Urban Service Area; all utilities, emergency services and streets are available.
2. This project has been envisioned by the City since pursuit of a land based casino began in 2007. The Veteran's Memorial Parkway Corridor has been considered a prime general location for years.
3. Changing the Proposed Land Use designation from CN to CR does not constitute a radical change in how the area may ultimately develop.
4. In support of Comprehensive Plan Goal No. 2, no other land in the City within the Urban Service Area can accommodate the proposed development.
5. The availability of land suitable for low density development will not be appreciably diminished.
6. In support of Comprehensive Plan Goal No. 7, this development provides a unique opportunity to capitalize on the most visible and accessible site for commercial development in the City and indeed, the Quad City Metropolitan Area. Without zoning approval, these opportunities are in danger of being lost to outlying areas or not being constructed at all.

7. Moving forward supports the Council Goal of added emphasis on economic development. Abandoning the project will send a negative message to local developers, and beyond.
8. Neighborhoods in the vicinity, beyond seeing additional traffic the collector and arterial road network that will occur regardless, will not be impacted.

Recommendation: (Note: Conditions addressing specific development issues are included in the recommendations of Cases FDP14-04, P14-02, and F14-11.

- A. That the Plan and Zoning Commission recommend the City Council designate a node of CR, Commercial Retail, and a node of RG, Residential General, in the area bounded by Interstates 80 and 74, Veteran's Memorial Parkway and Jersey Ridge Road on the Proposed Land Use Map in *Davenport 2025, Comprehensive Plan for the City*.
- B. That the Plan and Zoning Commission recommend approval of Case No. REZ14-09, the request of Jersey Roads LC, QC Equity Investments LLC, and Ridges LC to rezone 108.738 acres, more or less, of property located generally south of I-80 and west of I-74, from A-1 Agricultural District and R-1 Low Density Dwelling District to PDD, Planned Development District.

# Attachments

## Rhythm City Casino/River 80 Development

**PLAN AND ZONING COMMISSION**  
**September 30, 2014**



# Cases:

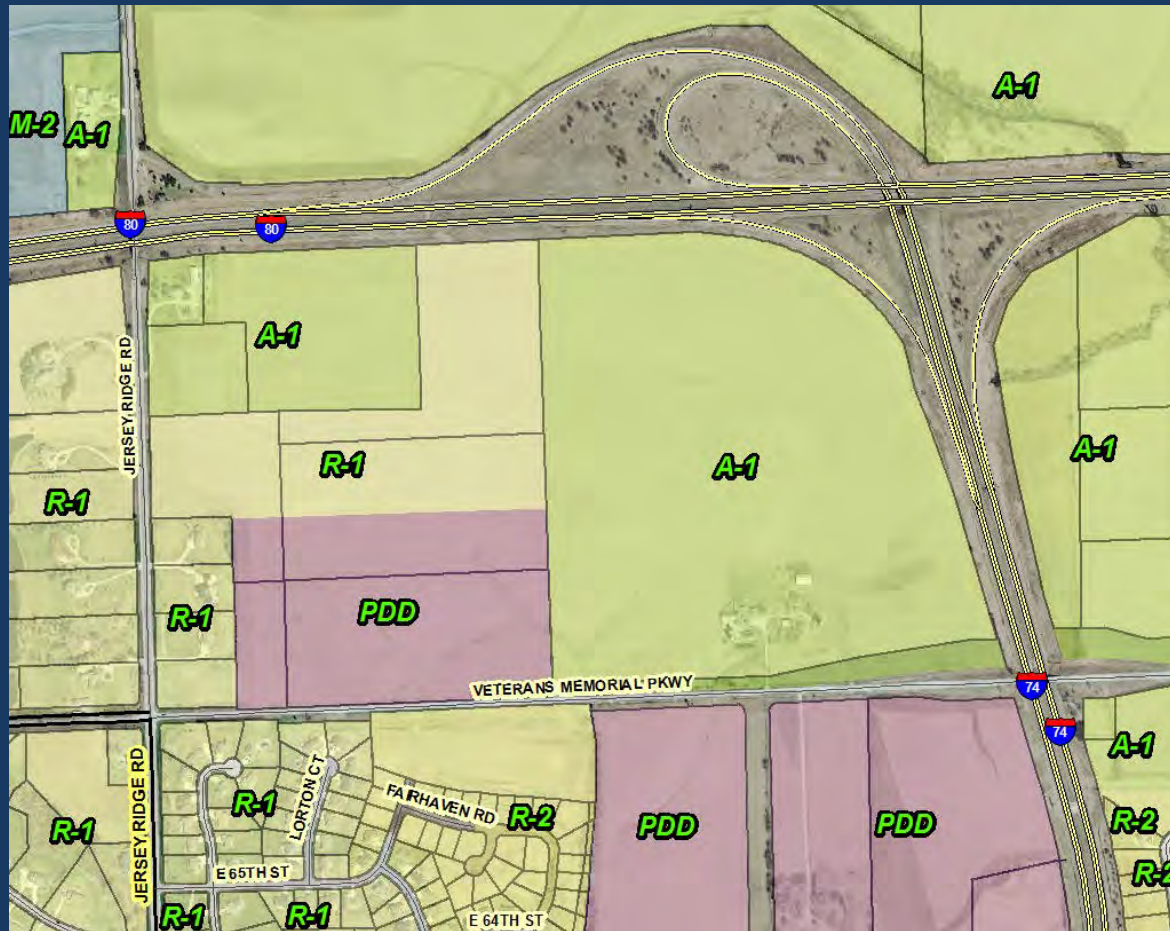
- CP14-06: Proposed Land Use Map Amendment
- REZ14-09: Rezoning from A-1 Agricultural and R-1, Low Density Residential to PDD, Planned Development District
- FDP14-04: Rhythm City Casino Final Development Plan
- P14-02: River80 Preliminary Plat
- F14-11: River80 First Addition Final Plat



# General Location Map



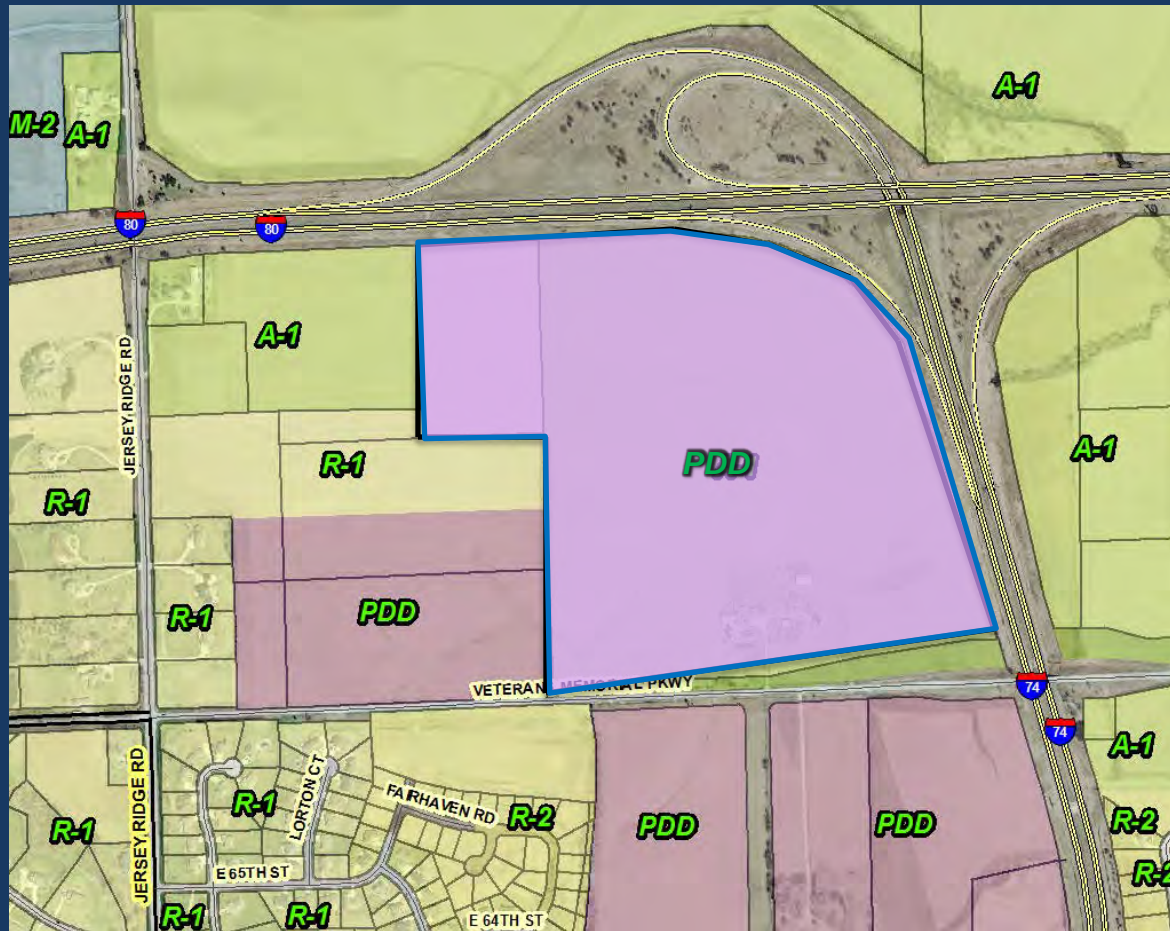
# Existing Zoning



PUBLIC HEARING  
September 2, 2014



# Proposed Zoning

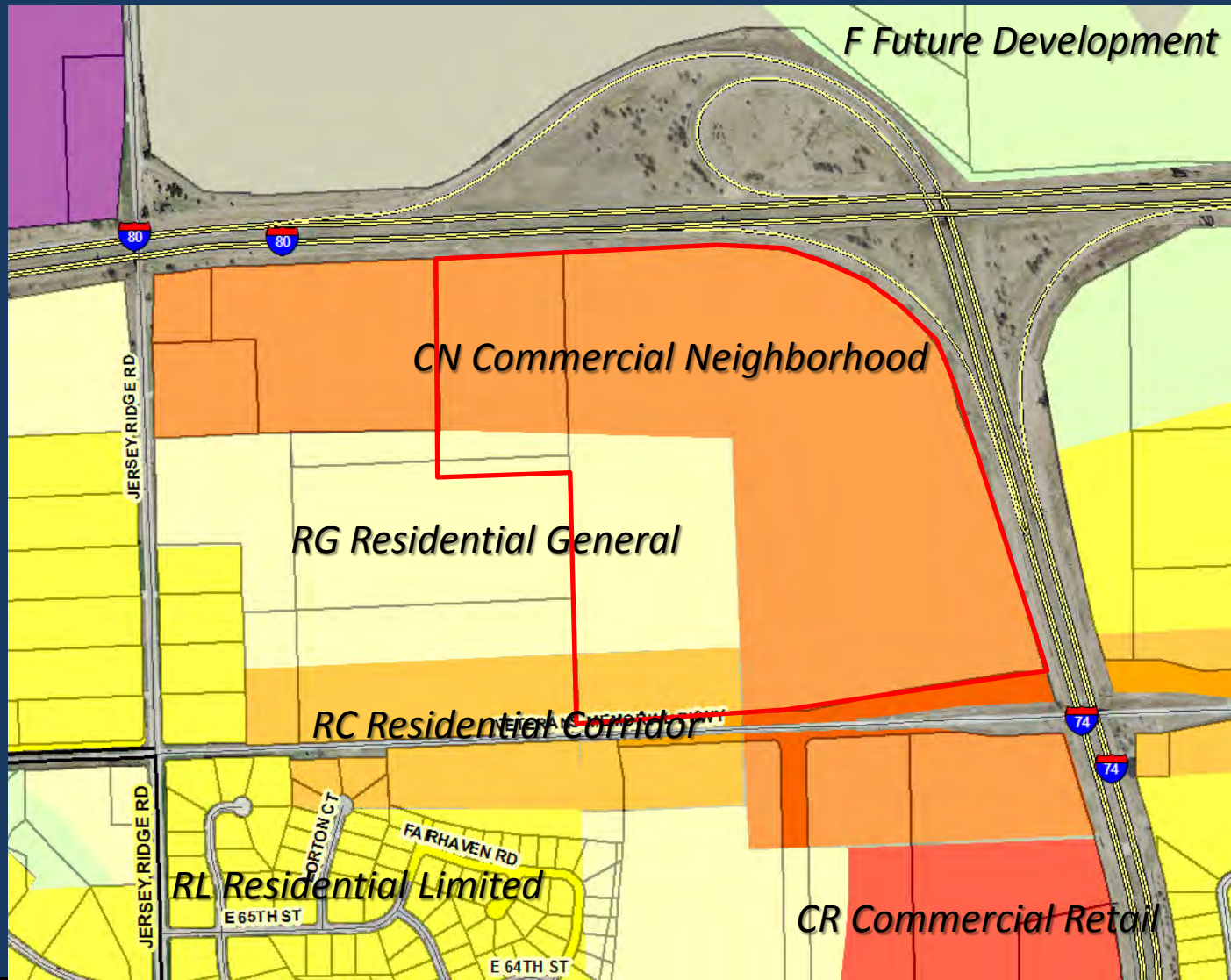


**PUBLIC HEARING**  
**September 2, 2014**

**DAVENPORT**



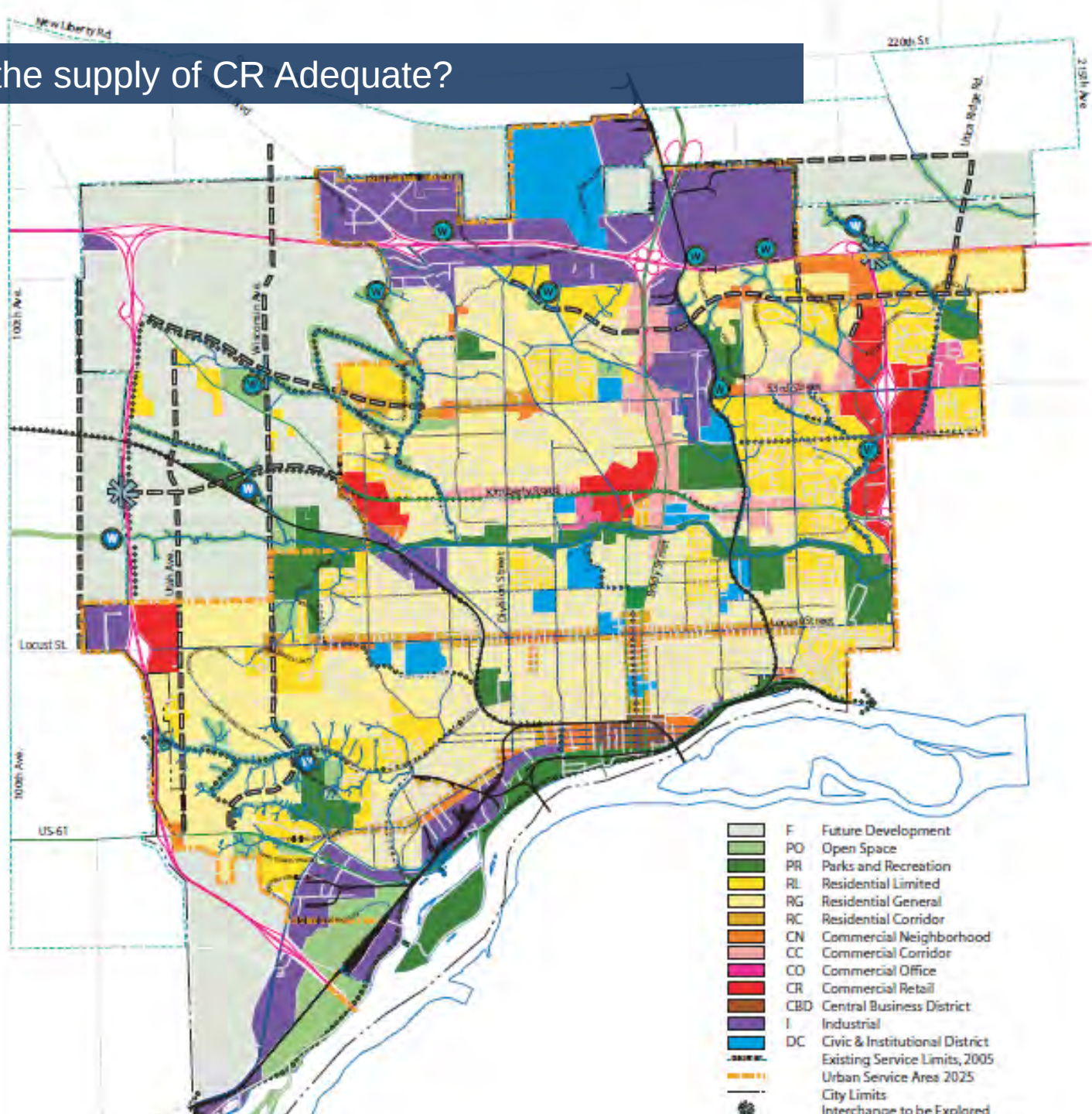
# Comprehensive Plan Proposed 2025 Land Use



DAVENPORT



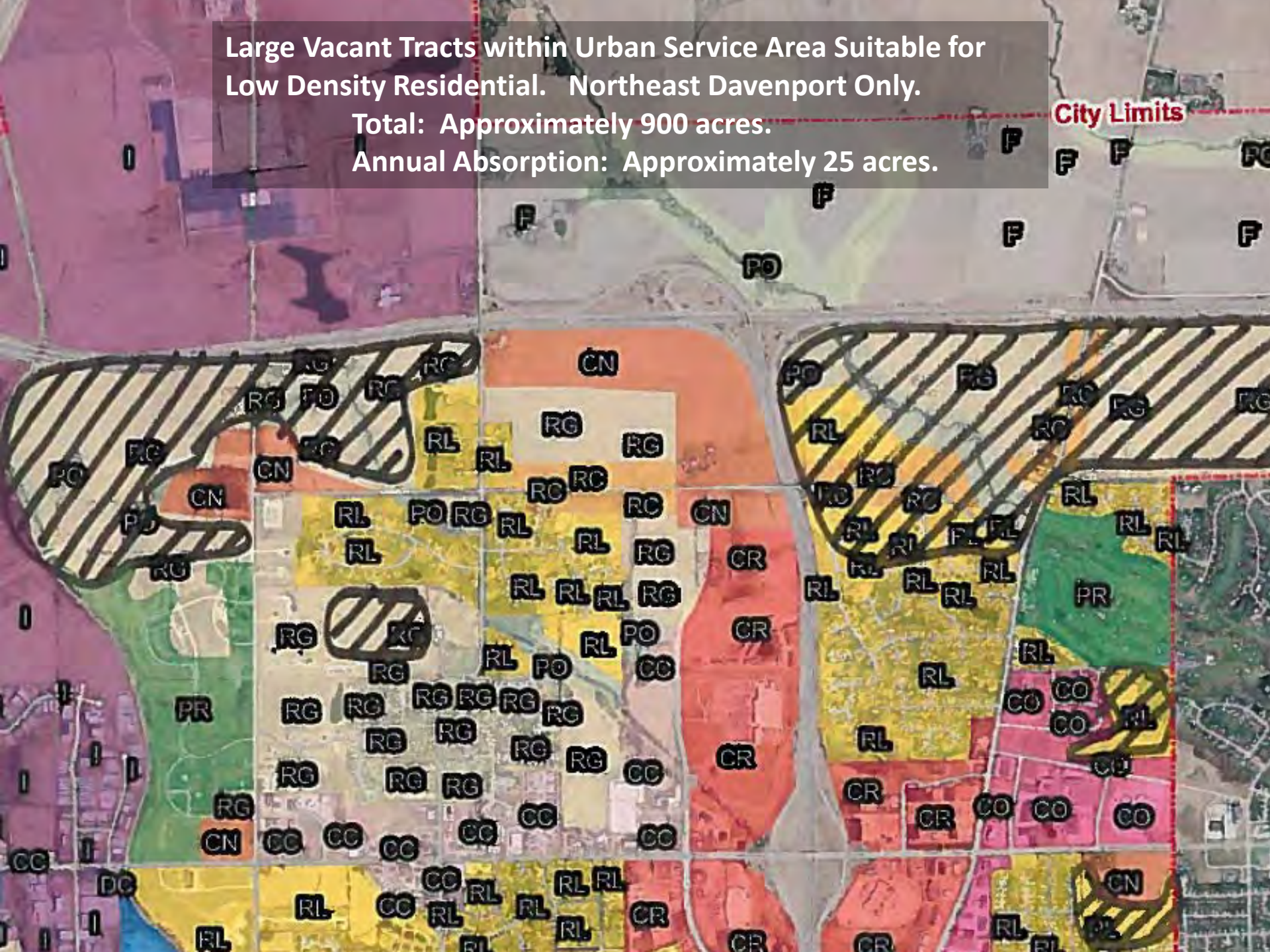
# Is the supply of CR Adequate?



**Large Vacant Tracts within Urban Service Area Suitable for Low Density Residential. Northeast Davenport Only.**

**Total: Approximately 900 acres.**

**Annual Absorption: Approximately 25 acres.**



**PLAT of SUBDIVISION  
of  
FIRST ADDITION**



**ZONING AND LOT INFORMATION**  
 ZONING: RES-1  
 LOT AREA: 10,000 SQ. FT.  
 LOT DIMENSIONS: 100' X 100'  
 LOT COVERAGE: 100%  
 LOT AREA: 10,000 SQ. FT.

**Law 1**  
**Conservation of Mass**  
The mass of a closed system is constant.

IND-AMERICAN MARKET COMPANY  
By \_\_\_\_\_  
\_\_\_\_\_  
ATTORNEY AT LAW

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
FOR: \_\_\_\_\_

To: \_\_\_\_\_  
 From: \_\_\_\_\_

By \_\_\_\_\_  
Date \_\_\_\_\_

PLANNED AND BUDGET COMMISSION

**BALTIMORE CITY COURSE**  
 IN \_\_\_\_\_  
 FOR \_\_\_\_\_



1. Indicate clearly the two main areas of research interest and the related survey work you wish to do. (200-250 words) (10%)

My name is \_\_\_\_\_ and I am \_\_\_\_\_ years old.

My major interest is \_\_\_\_\_.

My second interest is \_\_\_\_\_.

My third interest is \_\_\_\_\_.

My fourth interest is \_\_\_\_\_.

My fifth interest is \_\_\_\_\_.

My sixth interest is \_\_\_\_\_.

My seventh interest is \_\_\_\_\_.

My eighth interest is \_\_\_\_\_.

My ninth interest is \_\_\_\_\_.

My tenth interest is \_\_\_\_\_.

My eleventh interest is \_\_\_\_\_.

My twelfth interest is \_\_\_\_\_.

My thirteenth interest is \_\_\_\_\_.

My fourteenth interest is \_\_\_\_\_.

My fifteenth interest is \_\_\_\_\_.

My sixteenth interest is \_\_\_\_\_.

My seventeenth interest is \_\_\_\_\_.

My eighteenth interest is \_\_\_\_\_.

My nineteenth interest is \_\_\_\_\_.

My twentieth interest is \_\_\_\_\_.

My twenty-first interest is \_\_\_\_\_.

My twenty-second interest is \_\_\_\_\_.

My twenty-third interest is \_\_\_\_\_.

My twenty-fourth interest is \_\_\_\_\_.

My twenty-fifth interest is \_\_\_\_\_.

My twenty-sixth interest is \_\_\_\_\_.

My twenty-seventh interest is \_\_\_\_\_.

My twenty-eighth interest is \_\_\_\_\_.

My twenty-ninth interest is \_\_\_\_\_.

My thirtieth interest is \_\_\_\_\_.

My thirty-first interest is \_\_\_\_\_.

My thirty-second interest is \_\_\_\_\_.

My thirty-third interest is \_\_\_\_\_.

My thirty-fourth interest is \_\_\_\_\_.

My thirty-fifth interest is \_\_\_\_\_.

My thirty-sixth interest is \_\_\_\_\_.

My thirty-seventh interest is \_\_\_\_\_.

My thirty-eighth interest is \_\_\_\_\_.

My thirty-ninth interest is \_\_\_\_\_.

My fortieth interest is \_\_\_\_\_.

My forty-first interest is \_\_\_\_\_.

My forty-second interest is \_\_\_\_\_.

My forty-third interest is \_\_\_\_\_.

My forty-fourth interest is \_\_\_\_\_.

My forty-fifth interest is \_\_\_\_\_.

My forty-sixth interest is \_\_\_\_\_.

My forty-seventh interest is \_\_\_\_\_.

My forty-eighth interest is \_\_\_\_\_.

My forty-ninth interest is \_\_\_\_\_.

My fiftieth interest is \_\_\_\_\_.

My fifty-first interest is \_\_\_\_\_.

My fifty-second interest is \_\_\_\_\_.

My fifty-third interest is \_\_\_\_\_.

My fifty-fourth interest is \_\_\_\_\_.

My fifty-fifth interest is \_\_\_\_\_.

My fifty-sixth interest is \_\_\_\_\_.

My fifty-seventh interest is \_\_\_\_\_.

My fifty-eighth interest is \_\_\_\_\_.

My fifty-ninth interest is \_\_\_\_\_.

My sixtieth interest is \_\_\_\_\_.

My sixty-first interest is \_\_\_\_\_.

My sixty-second interest is \_\_\_\_\_.

My sixty-third interest is \_\_\_\_\_.

My sixty-fourth interest is \_\_\_\_\_.

My sixty-fifth interest is \_\_\_\_\_.

My sixty-sixth interest is \_\_\_\_\_.

My sixty-seventh interest is \_\_\_\_\_.

My sixty-eighth interest is \_\_\_\_\_.

My sixty-ninth interest is \_\_\_\_\_.

My seventieth interest is \_\_\_\_\_.

My seventy-first interest is \_\_\_\_\_.

My seventy-second interest is \_\_\_\_\_.

My seventy-third interest is \_\_\_\_\_.

My seventy-fourth interest is \_\_\_\_\_.

My seventy-fifth interest is \_\_\_\_\_.

My seventy-sixth interest is \_\_\_\_\_.

My seventy-seventh interest is \_\_\_\_\_.

My seventy-eighth interest is \_\_\_\_\_.

My seventy-ninth interest is \_\_\_\_\_.

My eightieth interest is \_\_\_\_\_.

My eighty-first interest is \_\_\_\_\_.

My eighty-second interest is \_\_\_\_\_.

My eighty-third interest is \_\_\_\_\_.

My eighty-fourth interest is \_\_\_\_\_.

My eighty-fifth interest is \_\_\_\_\_.

My eighty-sixth interest is \_\_\_\_\_.

My eighty-seventh interest is \_\_\_\_\_.

My eighty-eighth interest is \_\_\_\_\_.

My eighty-ninth interest is \_\_\_\_\_.

My ninetieth interest is \_\_\_\_\_.

My ninety-first interest is \_\_\_\_\_.

My ninety-second interest is \_\_\_\_\_.

My ninety-third interest is \_\_\_\_\_.

My ninety-fourth interest is \_\_\_\_\_.

My ninety-fifth interest is \_\_\_\_\_.

My ninety-sixth interest is \_\_\_\_\_.

My ninety-seventh interest is \_\_\_\_\_.

My ninety-eighth interest is \_\_\_\_\_.

My ninety-ninth interest is \_\_\_\_\_.

My hundredth interest is \_\_\_\_\_.

**LISTING**

FOUND 3/4" BORN 100  
BOWTIE LINE  
USED OR PLATED  
HOMERON (N)  
CROWN LINE  
NET 3/4" BORN 100  
WYOMING PLATING CAP 10000

**Boster Construction Co. LLC**  
**5825 Ave. N, Fort Madison, IA 52627**

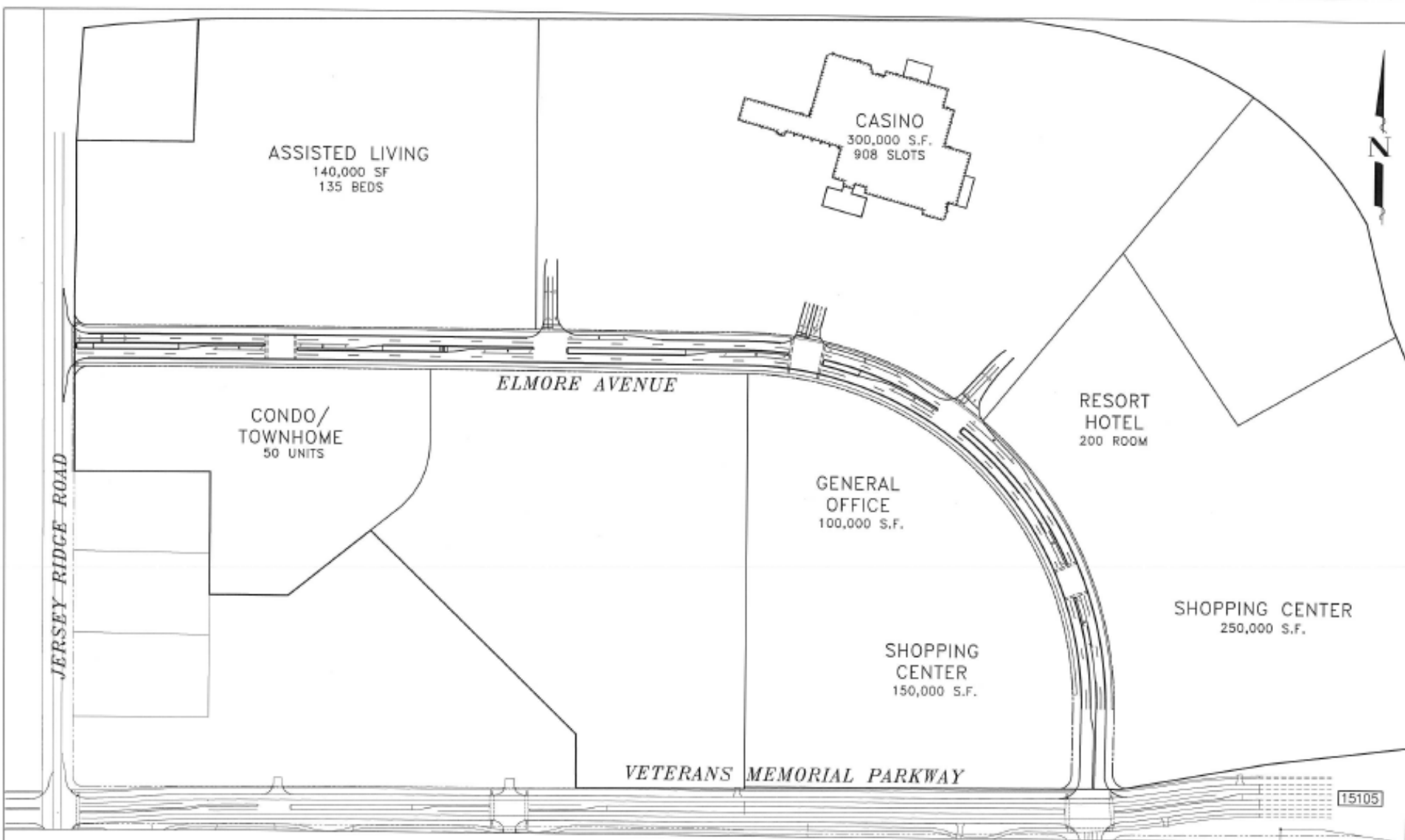
| 2018-2019 |     |     |
|-----------|-----|-----|
| ISS       | FMS | ISS |
|           |     |     |
|           |     |     |
|           |     |     |
|           |     |     |

|      |           |
|------|-----------|
| DATE | 12/1/2011 |
| TIME | 10:00 AM  |
| BY   | 10/1/2011 |
| TO   | 10/1/2011 |



|                                     |                                     |
|-------------------------------------|-------------------------------------|
| <b>PLAN of SUBDIVISION</b>          |                                     |
| <b>OWNER OR PARTY APPLYING</b>      | <b>DATE OF PLAN</b>                 |
| <b>SEE MAP OF ADJACENT PROPERTY</b> | <b>SEE MAP OF ADJACENT PROPERTY</b> |

# PDD – Concept Plan



BAXTER CONSTRUCTION CO., LLC  
3225 Avenue N., Fort Madison, Iowa 52627

| REGIONS |      |      |
|---------|------|------|
| NO.     | NAME | AREA |
|         |      |      |
|         |      |      |
|         |      |      |
|         |      |      |

|               |              |
|---------------|--------------|
| PLACING SCALE | $r^2 = 25\%$ |
| GRASSHOPPER   | DOWN         |
| GRASSHOPPER   |              |
| GRASSHOPPER   |              |



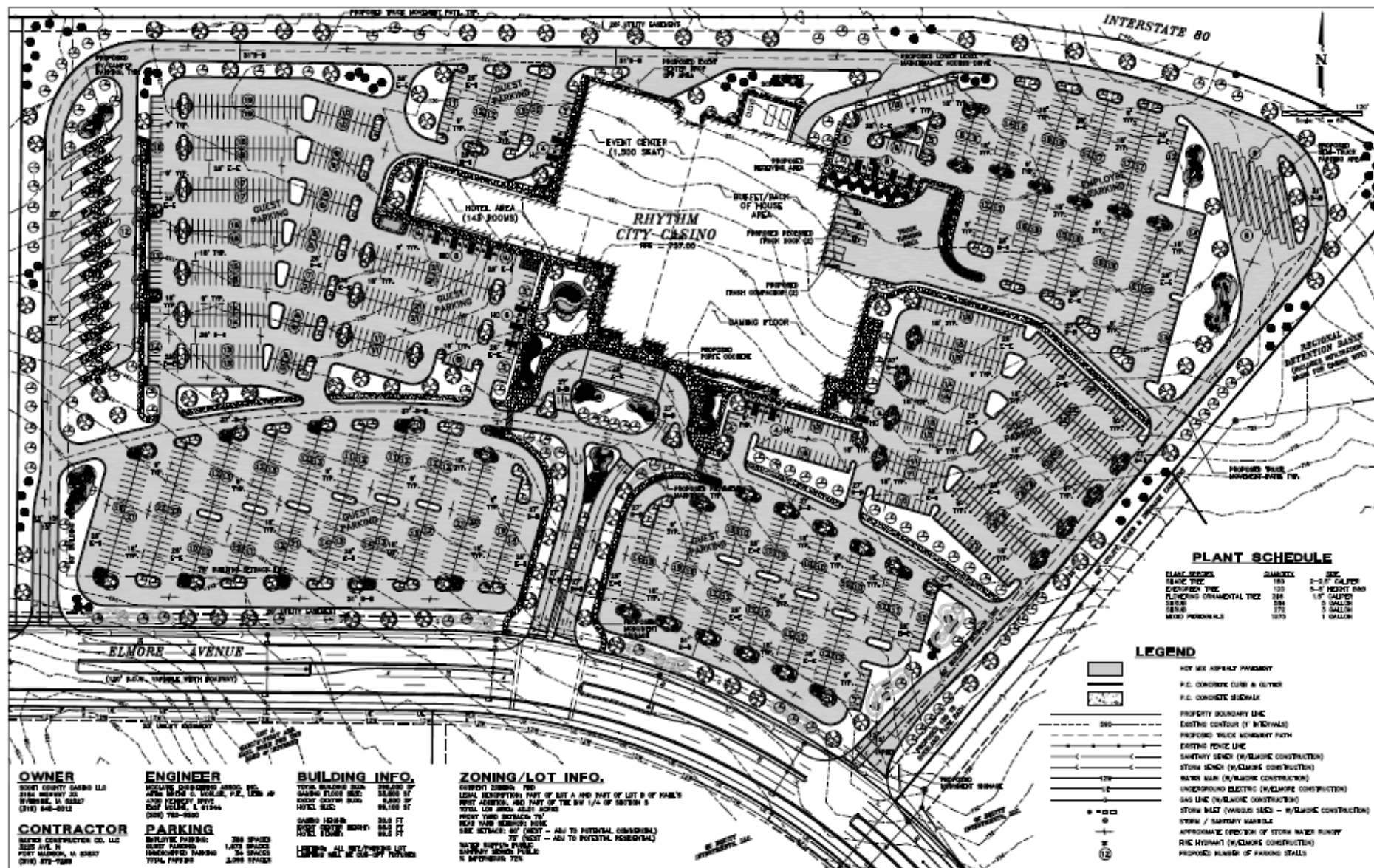
### SITE LAYOUT

FILE NAME: C:\DATA\MCM\ENOT\VALMCM - WAVV

DATE: 08-15-2014

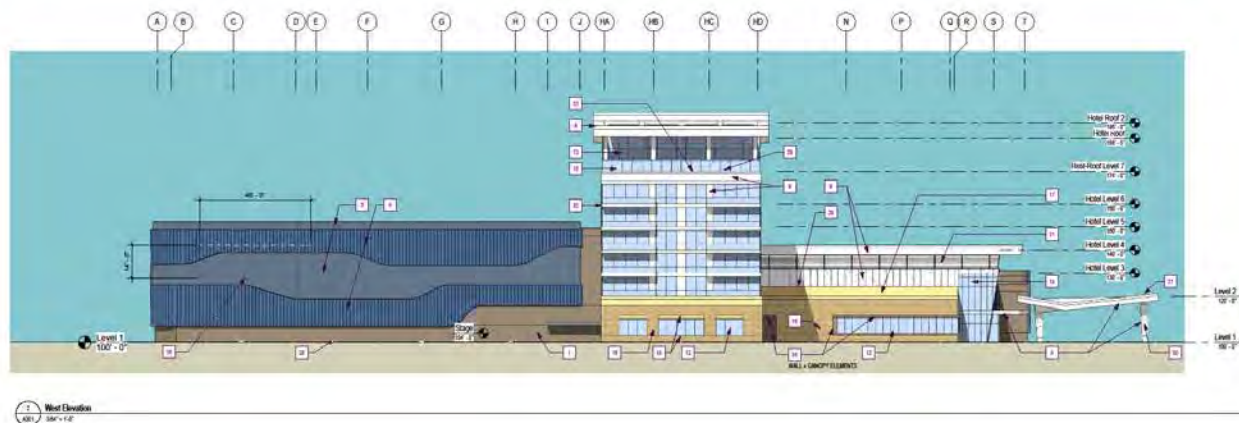
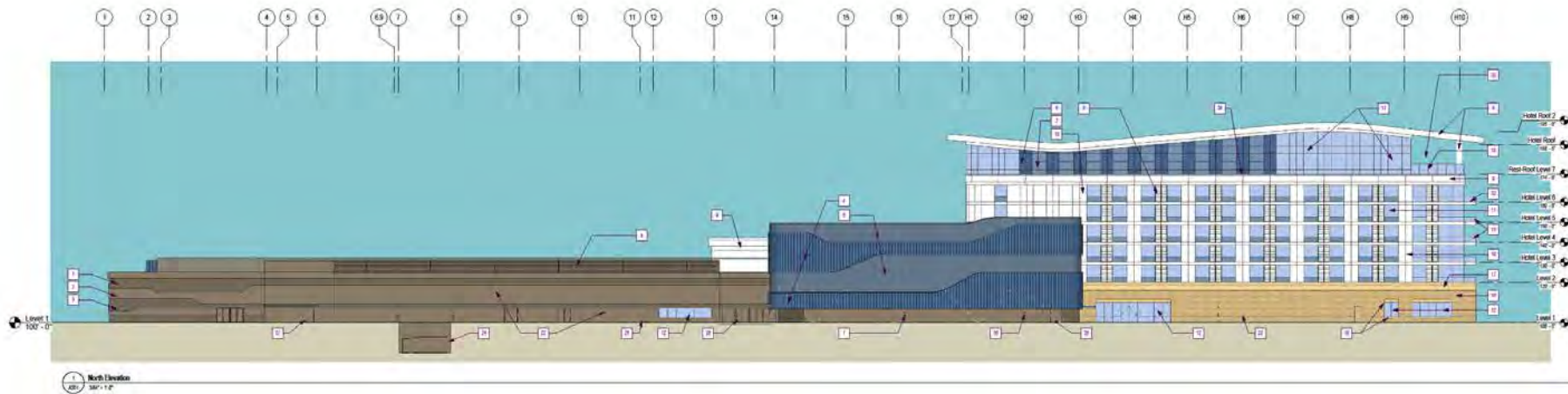
SHEET NO.  
2  
of 23

# Rhythm City Renderings



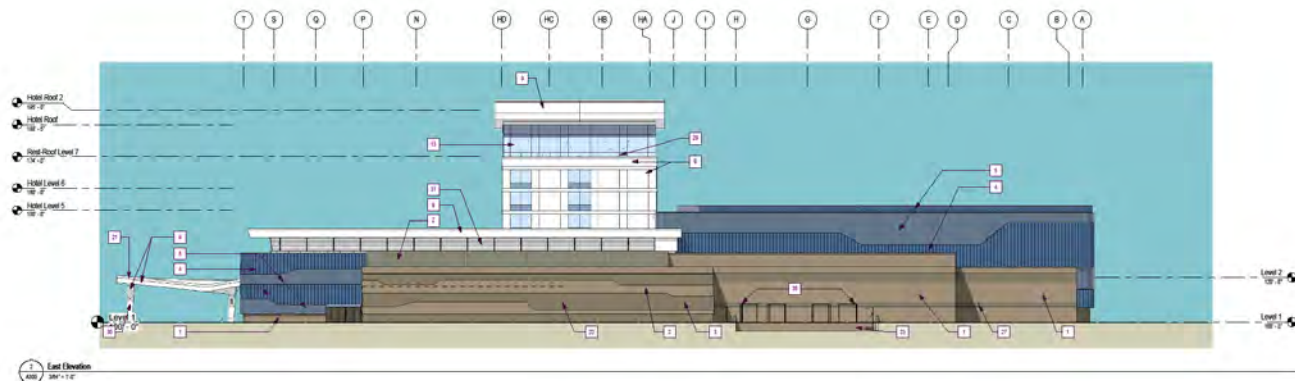
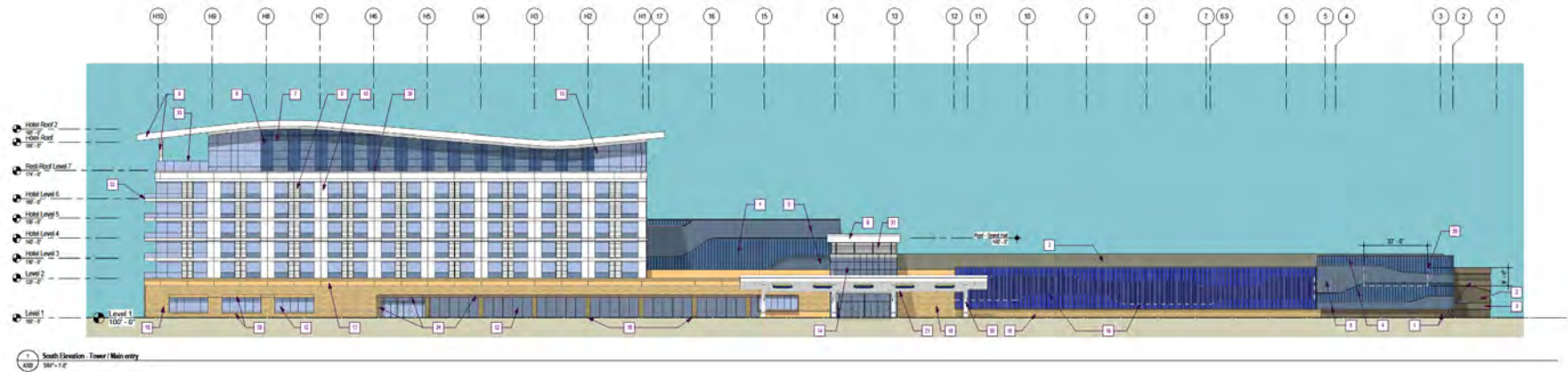


# North and West Elevations



| Number | Material | Description                                           |
|--------|----------|-------------------------------------------------------|
| 1      | UPVC     | Exterior Entrance Insulation / Joint System - Color 1 |
| 2      | UPVC     | Exterior Entrance Insulation / Joint System - Color 2 |
| 3      | UPVC     | Exterior Entrance Insulation / Joint System - Color 3 |
| 4      | MFL-1    | Metall Profile Panel 1                                |
| 5      | MFL-2    | Metall Profile Panel 2                                |
| 6      | MFL-3    | Metall Profile Panel 3                                |
| 7      | MFL-4    | Metall Profile Panel 4                                |
| 8      | MFL-5    | Metall Profile Panel 5                                |
| 9      | MFL-6    | Metall Profile Panel 6                                |
| 10     | MFL-7    | Metall Profile Panel 7                                |
| 11     | MFL-8    | Metall Profile Panel 8                                |
| 12     | MFL-9    | Metall Profile Panel 9                                |
| 13     | MFL-10   | Metall Profile Panel 10                               |
| 14     | MFL-11   | Metall Profile Panel 11                               |
| 15     | MFL-12   | Metall Profile Panel 12                               |
| 16     | MFL-13   | Metall Profile Panel 13                               |
| 17     | MFL-14   | Metall Profile Panel 14                               |
| 18     | MFL-15   | Metall Profile Panel 15                               |
| 19     | MFL-16   | Metall Profile Panel 16                               |
| 20     | MFL-17   | Metall Profile Panel 17                               |
| 21     | MFL-18   | Metall Profile Panel 18                               |
| 22     | MFL-19   | Metall Profile Panel 19                               |
| 23     | MFL-20   | Metall Profile Panel 20                               |
| 24     | MFL-21   | Metall Profile Panel 21                               |
| 25     | MFL-22   | Metall Profile Panel 22                               |
| 26     | MFL-23   | Metall Profile Panel 23                               |
| 27     | MFL-24   | Metall Profile Panel 24                               |
| 28     | MFL-25   | Metall Profile Panel 25                               |
| 29     | MFL-26   | Metall Profile Panel 26                               |
| 30     | MFL-27   | Metall Profile Panel 27                               |
| 31     | MFL-28   | Metall Profile Panel 28                               |
| 32     | MFL-29   | Metall Profile Panel 29                               |
| 33     | MFL-30   | Metall Profile Panel 30                               |
| 34     | MFL-31   | Metall Profile Panel 31                               |
| 35     | MFL-32   | Metall Profile Panel 32                               |
| 36     | MFL-33   | Metall Profile Panel 33                               |

# South and East Elevations



| Number | Material | Description                                         |
|--------|----------|-----------------------------------------------------|
| 1      | SSP-1    | Operable Exterior Insulated Finish System - Color 1 |
| 2      | SSP-2    | Operable Exterior Insulated Finish System - Color 2 |
| 3      | SSP-3    | Operable Exterior Insulated Finish System - Color 3 |
| 4      | MFL-1    | Metal Profile Panel 1                               |
| 5      | MFL-2    | Metal Profile Panel 2                               |
| 6      | MFL-3    | Metal Profile Panel 3                               |
| 7      | MFL-4    | Metal Profile Panel 4                               |
| 8      | MFL-5    | Metal Profile Panel 5                               |
| 9      | MFL-6    | Metal Profile Panel 6                               |
| 10     | MFL-7    | Metal Profile Panel 7                               |
| 11     | MFL-8    | Metal Profile Panel 8                               |
| 12     | MFL-9    | Metal Profile Panel 9                               |
| 13     | MFL-10   | Metal Profile Panel 10                              |
| 14     | MFL-11   | Metal Profile Panel 11                              |
| 15     | MFL-12   | Metal Profile Panel 12                              |
| 16     | MFL-13   | Metal Profile Panel 13                              |
| 17     | MFL-14   | Metal Profile Panel 14                              |
| 18     | MFL-15   | Metal Profile Panel 15                              |
| 19     | MFL-16   | Metal Profile Panel 16                              |
| 20     | MFL-17   | Metal Profile Panel 17                              |
| 21     | MFL-18   | Metal Profile Panel 18                              |
| 22     | MFL-19   | Metal Profile Panel 19                              |
| 23     | MFL-20   | Metal Profile Panel 20                              |
| 24     | MFL-21   | Metal Profile Panel 21                              |
| 25     | MFL-22   | Metal Profile Panel 22                              |
| 26     | MFL-23   | Metal Profile Panel 23                              |
| 27     | MFL-24   | Metal Profile Panel 24                              |
| 28     | MFL-25   | Metal Profile Panel 25                              |
| 29     | MFL-26   | Metal Profile Panel 26                              |
| 30     | MFL-27   | Metal Profile Panel 27                              |
| 31     | MFL-28   | Metal Profile Panel 28                              |
| 32     | MFL-29   | Metal Profile Panel 29                              |
| 33     | MFL-30   | Metal Profile Panel 30                              |
| 34     | MFL-31   | Metal Profile Panel 31                              |
| 35     | MFL-32   | Metal Profile Panel 32                              |
| 36     | MFL-33   | Metal Profile Panel 33                              |
| 37     | MFL-34   | Metal Profile Panel 34                              |
| 38     | MFL-35   | Metal Profile Panel 35                              |
| 39     | MFL-36   | Metal Profile Panel 36                              |
| 40     | MFL-37   | Metal Profile Panel 37                              |
| 41     | MFL-38   | Metal Profile Panel 38                              |
| 42     | MFL-39   | Metal Profile Panel 39                              |
| 43     | MFL-40   | Metal Profile Panel 40                              |
| 44     | MFL-41   | Metal Profile Panel 41                              |
| 45     | MFL-42   | Metal Profile Panel 42                              |
| 46     | MFL-43   | Metal Profile Panel 43                              |
| 47     | MFL-44   | Metal Profile Panel 44                              |
| 48     | MFL-45   | Metal Profile Panel 45                              |
| 49     | MFL-46   | Metal Profile Panel 46                              |
| 50     | MFL-47   | Metal Profile Panel 47                              |
| 51     | MFL-48   | Metal Profile Panel 48                              |
| 52     | MFL-49   | Metal Profile Panel 49                              |
| 53     | MFL-50   | Metal Profile Panel 50                              |
| 54     | MFL-51   | Metal Profile Panel 51                              |
| 55     | MFL-52   | Metal Profile Panel 52                              |
| 56     | MFL-53   | Metal Profile Panel 53                              |
| 57     | MFL-54   | Metal Profile Panel 54                              |
| 58     | MFL-55   | Metal Profile Panel 55                              |
| 59     | MFL-56   | Metal Profile Panel 56                              |
| 60     | MFL-57   | Metal Profile Panel 57                              |
| 61     | MFL-58   | Metal Profile Panel 58                              |
| 62     | MFL-59   | Metal Profile Panel 59                              |
| 63     | MFL-60   | Metal Profile Panel 60                              |
| 64     | MFL-61   | Metal Profile Panel 61                              |
| 65     | MFL-62   | Metal Profile Panel 62                              |
| 66     | MFL-63   | Metal Profile Panel 63                              |
| 67     | MFL-64   | Metal Profile Panel 64                              |
| 68     | MFL-65   | Metal Profile Panel 65                              |
| 69     | MFL-66   | Metal Profile Panel 66                              |
| 70     | MFL-67   | Metal Profile Panel 67                              |
| 71     | MFL-68   | Metal Profile Panel 68                              |
| 72     | MFL-69   | Metal Profile Panel 69                              |
| 73     | MFL-70   | Metal Profile Panel 70                              |
| 74     | MFL-71   | Metal Profile Panel 71                              |
| 75     | MFL-72   | Metal Profile Panel 72                              |
| 76     | MFL-73   | Metal Profile Panel 73                              |
| 77     | MFL-74   | Metal Profile Panel 74                              |
| 78     | MFL-75   | Metal Profile Panel 75                              |
| 79     | MFL-76   | Metal Profile Panel 76                              |
| 80     | MFL-77   | Metal Profile Panel 77                              |
| 81     | MFL-78   | Metal Profile Panel 78                              |
| 82     | MFL-79   | Metal Profile Panel 79                              |
| 83     | MFL-80   | Metal Profile Panel 80                              |
| 84     | MFL-81   | Metal Profile Panel 81                              |
| 85     | MFL-82   | Metal Profile Panel 82                              |
| 86     | MFL-83   | Metal Profile Panel 83                              |
| 87     | MFL-84   | Metal Profile Panel 84                              |
| 88     | MFL-85   | Metal Profile Panel 85                              |
| 89     | MFL-86   | Metal Profile Panel 86                              |
| 90     | MFL-87   | Metal Profile Panel 87                              |
| 91     | MFL-88   | Metal Profile Panel 88                              |
| 92     | MFL-89   | Metal Profile Panel 89                              |
| 93     | MFL-90   | Metal Profile Panel 90                              |
| 94     | MFL-91   | Metal Profile Panel 91                              |
| 95     | MFL-92   | Metal Profile Panel 92                              |
| 96     | MFL-93   | Metal Profile Panel 93                              |
| 97     | MFL-94   | Metal Profile Panel 94                              |
| 98     | MFL-95   | Metal Profile Panel 95                              |
| 99     | MFL-96   | Metal Profile Panel 96                              |
| 100    | MFL-97   | Metal Profile Panel 97                              |
| 101    | MFL-98   | Metal Profile Panel 98                              |
| 102    | MFL-99   | Metal Profile Panel 99                              |
| 103    | MFL-100  | Metal Profile Panel 100                             |

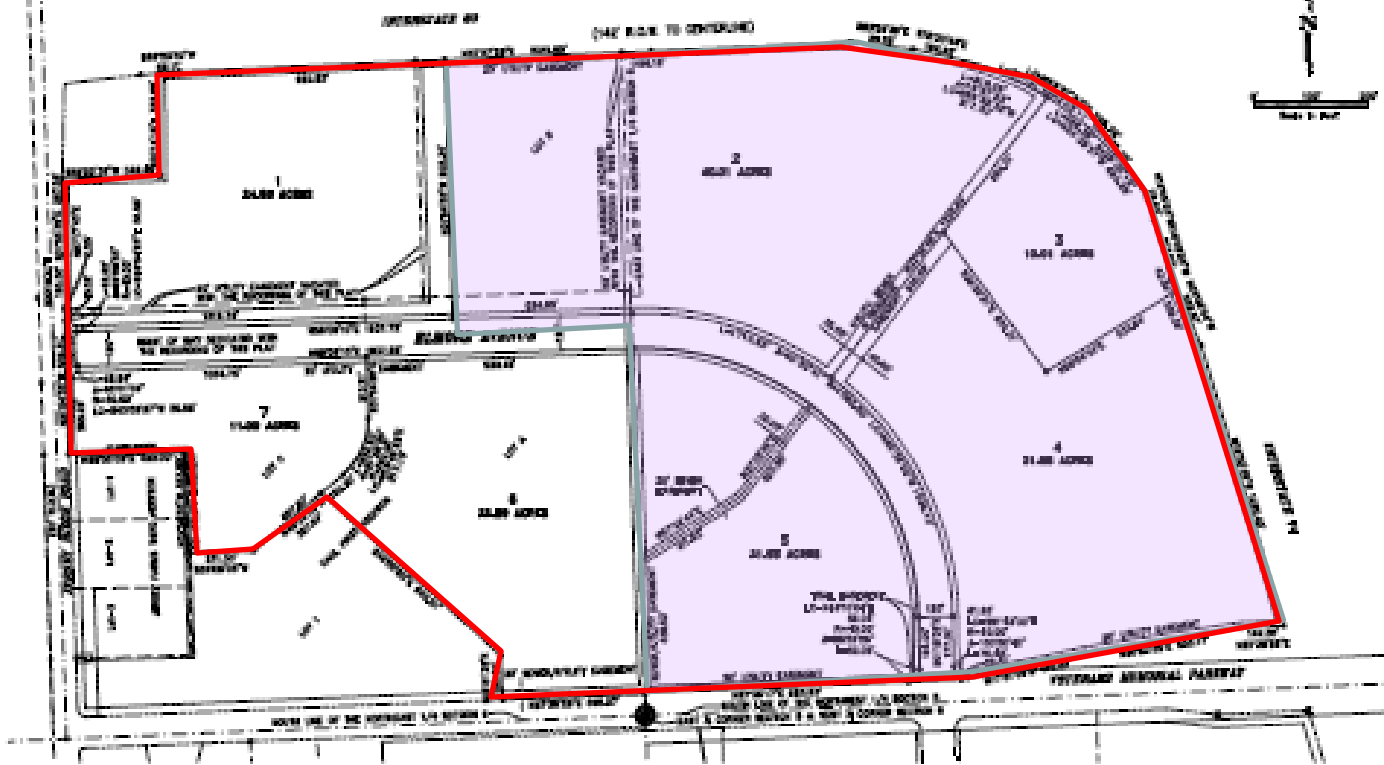
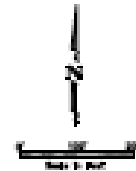


# Proposed Final Plat

## PLAT of SUBDIVISION of RIVER 80 FIRST ADDITION

BASED UPON THE SURVEY OF LOTS 1 & 2, 1/4 SECTION 16, TOWNSHIP 10 NORTH, RANGE 10 WEST, COUNTY 4 WEST, BY THE SURVEYOR, DATED 10/10/2011.

- 1) (SHALL BE) HALF OF THE TOTAL AREA AND 1/4TH PART, AS SHOWN.
- 2) (SHALL BE) A CORNER FOR THE SECTION, THE CITY OF INDIANAPOLIS IS OBLIGED TO RECORD IN THE PUBLIC RECORDS TO BE THE CORNER FOR THE CITY OF INDIANAPOLIS.
- 3) A CORNER IS CORNER OF THE SECTION AND SECTION 16, TOWNSHIP 10 NORTH, RANGE 10 WEST, COUNTY 4 WEST, BY THE SURVEYOR, DATED 10/10/2011.
- 4) ANY CORNER POINT SHALL NOT BE USED UNTIL THE PLAT IS RECORDED.
- 5) LOT 1 & 2, 1/4 SECTION 16, TOWNSHIP 10 NORTH, RANGE 10 WEST, COUNTY 4 WEST.



**Lot 1**  
ACRES: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00

**Lot 2**  
ACRES: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00

**Lot 3**  
ACRES: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00

**Lot 4**  
ACRES: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00

**Lot 5**  
ACRES: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00

**Lot 6**  
ACRES: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00

**Lot 7**  
ACRES: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00  
TOTAL AREA: 1.00

### ZONING AND LOT INFORMATION

CURRENT ZONING: R-1 & R-2  
ZONING: R-1 & R-2  
ZONING: R-1 & R-2  
ZONING: R-1 & R-2

### McCLURE & COMPANY

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PL: \_\_\_\_\_  
DATE: \_\_\_\_\_

PRELIMINARY - DO NOT RECORD

Baxter Construction Co. LLC  
5555 Ave. N, Fort Madison, IA 52627

| RECORD |      |      |
|--------|------|------|
| NO.    | FILE | DATE |
|        |      |      |
|        |      |      |
|        |      |      |
|        |      |      |

**McClure**  
Surveyors & Engineers, Inc.  
1000 N. 10th St., Suite 100  
Fort Madison, IA 52627  
Phone: 319.335.1234  
Fax: 319.335.1235  
Email: info@mcclure.com

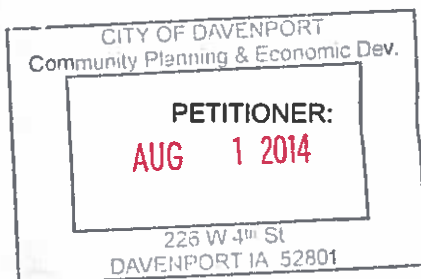
| PLAT of SUBDIVISION     |                      |
|-------------------------|----------------------|
| DATE OF FIRST ADDITION  | RECORDED, 10/10/2011 |
| DATE OF SECOND ADDITION | RECORDED, 10/10/2011 |

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

Legal Description: See attached legal description

ADDRESS OF PROPERTY: Vacant Land EXISTING ZONING: A1  
REQUESTED ZONING: PDD  
TOTAL AREA: 108.738 ac



Name: Jersey Roads, LC QC Equity Investments LLC Ridges L C  
Address: 2000 E. 50th Ct. 201 Harrison St. Ste. 402 3211 E. 35th Ct.  
Davenport, IA 52807 Davenport, IA 52801 Davenport, IA 52807  
Phone: 323-7737 FAX: 323-7739

Mobile Phone: \_\_\_\_\_ Email: tpastrnak@pastrnak.com

Interest in land: X title holder \_\_\_\_\_ 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: Jersey Roads, LC QC Equity Investments, LLC Ridges L C  
Address: 2000 E. 50th Ct. 201 Harrison St. Ste. 402 3211 E. 35th Ct.  
Davenport, IA 52807 Davenport, IA 52801 Davenport, IA 52807  
Phone: 323-7737 FAX: 323-7739  
Mobile Phone: \_\_\_\_\_ Email: tpastrnak@pastrnak.com

CONTACT PERSON: Name: Thomas J. Pastrnak  
Address: 313 W. 3rd Street, Davenport, IA 52801  
Phone: 323-7737 FAX: 323-7739  
Mobile Phone: \_\_\_\_\_ Email: tpastrnak@pastrnak.com

EXPLANATION OF REZONING (for Public Hearing Notice) rezone the property to Planned Development District to permit the development of the casino and the reinvestment district previously proposed to the State of Iowa

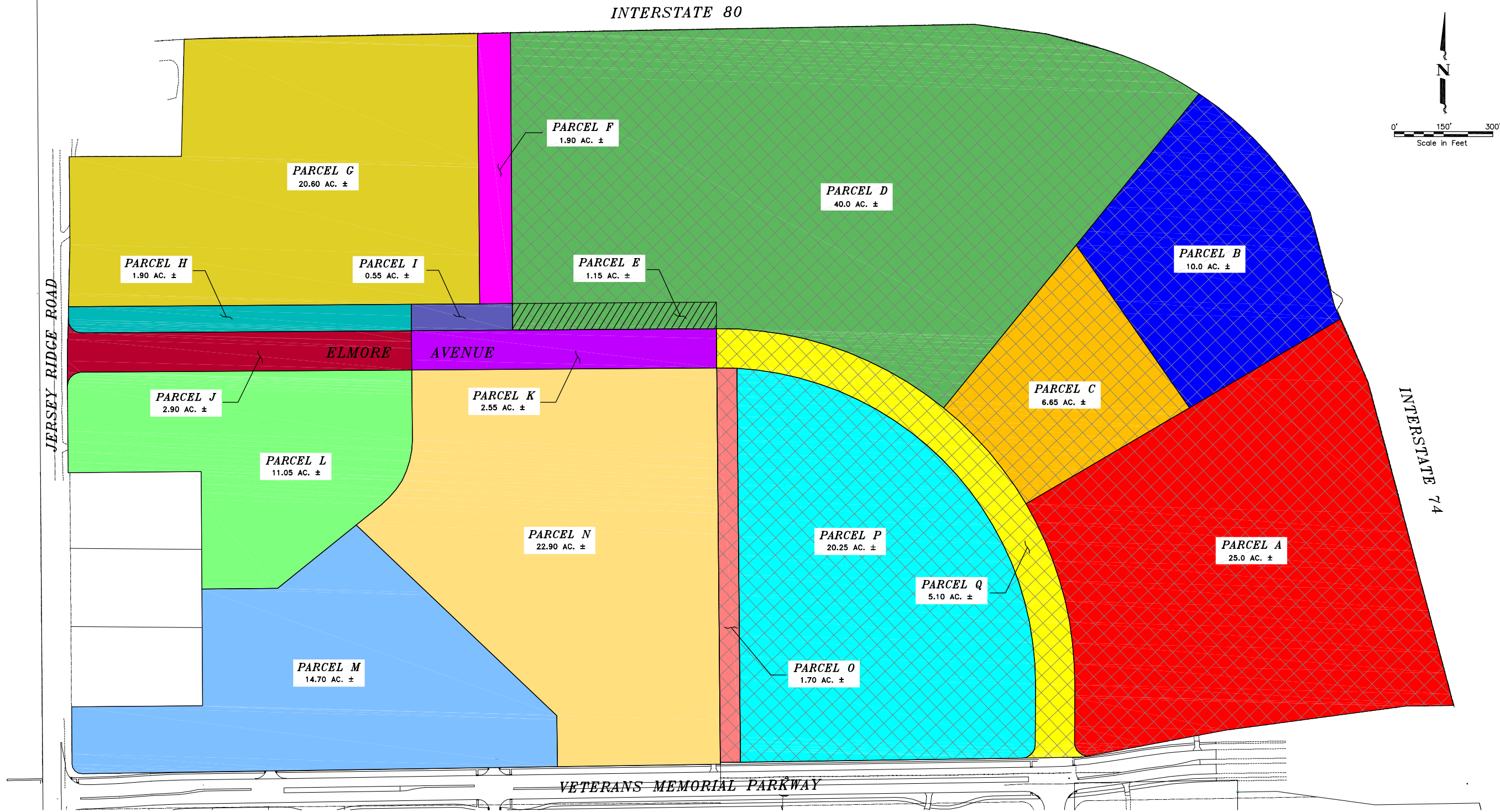
Does the property contain a drainage way or floodplain area: Yes X No

Signature of Petitioner: [Signature] Date: 7/31/2014

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 ( $\geq$ 10 acres)                      | \$1,000 plus \$25/acre* |

\* plus \$5.00 per sign; 1 to 3 signs required depending upon the size of the subject property



RHYTHM CITY CASINO / I-80 REINVESTMENT DISTRICT PARCELS/REMAINDERS

| PARCEL ID | ACREAGE       | CURRENT OWNER                           | PROPOSED OWNER                | DESCRIPTION                                 | TO BE REZONED |
|-----------|---------------|-----------------------------------------|-------------------------------|---------------------------------------------|---------------|
| PARCEL A  | 25.00 ACRES ± | QC EQUITY INVESTMENTS LLC               | QC EQUITY INVESTMENTS LLC     | REINVESTMENT DISTRICT PROPERTY              | YES           |
| PARCEL B  | 10.00 ACRES ± | QC EQUITY INVESTMENTS LLC               | CITY OF DAVENPORT             | STORMWATER DETENTION BASIN                  | YES           |
| PARCEL C  | 6.65 ACRES ±  | QC EQUITY INVESTMENTS LLC               | QC EQUITY INVESTMENTS LLC     | POTENTIAL RETAIL / HOTEL PROPERTY           | YES           |
| PARCEL D  | 40.00 ACRES ± | QC EQUITY INVEST. LLC / JERSEY ROADS LC | RHYTHM CITY CASINO            | CASINO PROPERTY (INCLUDES PARCEL E)         | YES           |
| PARCEL E  | 1.15 ACRES ±  | KAHL HOME FOR AGED & INFIRMED           | RHYTHM CITY CASINO            | LOT A KAHL'S 1ST ADDITION - REMAINDER       | YES           |
| PARCEL F  | 1.90 ACRES ±  | JERSEY ROADS LC                         | QC EQUITY INVESTMENTS LLC     | LOT B KAHL'S 1ST ADDITION - REMAINDER       | NO            |
| PARCEL G  | 20.60 ACRES ± | QC EQUITY INVESTMENTS LLC               | QC EQUITY INVESTMENTS LLC     | POTENTIAL COMMERCIAL / RESIDENTIAL PROPERTY | NO            |
| PARCEL H  | 1.90 ACRES ±  | JERSEY ROADS LC                         | QC EQUITY INVESTMENTS LLC     | LOT C KAHL'S 1ST ADDITION - REMAINDER       | NO            |
| PARCEL I  | 0.55 ACRES ±  | KAHL HOME FOR AGED & INFIRMED           | RHYTHM CITY CASINO            | LOT A KAHL'S 1ST ADDITION - REMAINDER       | NO            |
| PARCEL J  | 2.90 ACRES ±  | JERSEY ROADS LC                         | CITY OF DAVENPORT             | ELMORE AVE RIGHT OF WAY                     | NO            |
| PARCEL K  | 2.55 ACRES ±  | KAHL HOME FOR AGED & INFIRMED           | CITY OF DAVENPORT             | ELMORE AVE RIGHT OF WAY                     | NO            |
| PARCEL L  | 11.05 ACRES ± | JERSEY ROADS LC                         | JERSEY ROADS LC               | LOT C KAHL'S 1ST ADDITION - REMAINDER       | NO            |
| PARCEL M  | 14.70 ACRES ± | KAHL HOME FOR AGED & INFIRMED           | KAHL HOME FOR AGED & INFIRMED | LOT 1 KAHL'S 1ST ADDITION                   | NO            |
| PARCEL N  | 22.90 ACRES ± | KAHL HOME FOR AGED & INFIRMED           | KAHL HOME FOR AGED & INFIRMED | LOT A KAHL'S 1ST ADDITION - REMAINDER       | NO            |
| PARCEL O  | 1.70 ACRES ±  | QC EQUITY INVESTMENTS LLC               | KAHL HOME FOR AGED & INFIRMED | POTENTIAL LAND SWAP FOR PARCELS E&I         | YES           |
| PARCEL P  | 20.25 ACRES ± | QC EQUITY INVESTMENTS LLC               | QC EQUITY INVESTMENTS LLC     | POTENTIAL COMMERCIAL PROPERTY               | YES           |
| PARCEL Q  | 5.10 ACRES ±  | QC EQUITY INVESTMENTS LLC               | CITY OF DAVENPORT             | ELMORE AVE RIGHT OF WAY                     | YES           |



AREA TO BE REZONED

QC EQUITY INVESTMENTS, LLC

| REVISIONS |      |      |
|-----------|------|------|
| NO.       | ITEM | DATE |
|           |      |      |
|           |      |      |
|           |      |      |

|                 |            |
|-----------------|------------|
| PLOTTING SCALE: | 1" = 150'  |
| DRAWN BY:       | BOM        |
| CHECKED BY:     |            |
| DATE:           | APRIL 2014 |



4700 Kennedy Drive  
(309) 792-9350

East Moline, Illinois 61244  
Fax (309) 792-8974

Copyright 2014 By McClure Engineering Associates, Inc.

PARCELS & REMAINDERS

RHYTHM CITY CASINO / I-80 REINVESTMENT DISTRICT      DAVENPORT, IA

FILE NAME: T:\IADA CASINO\DWG\ELMORE NORTH.DWG

SHEET NO.

1

OF 1

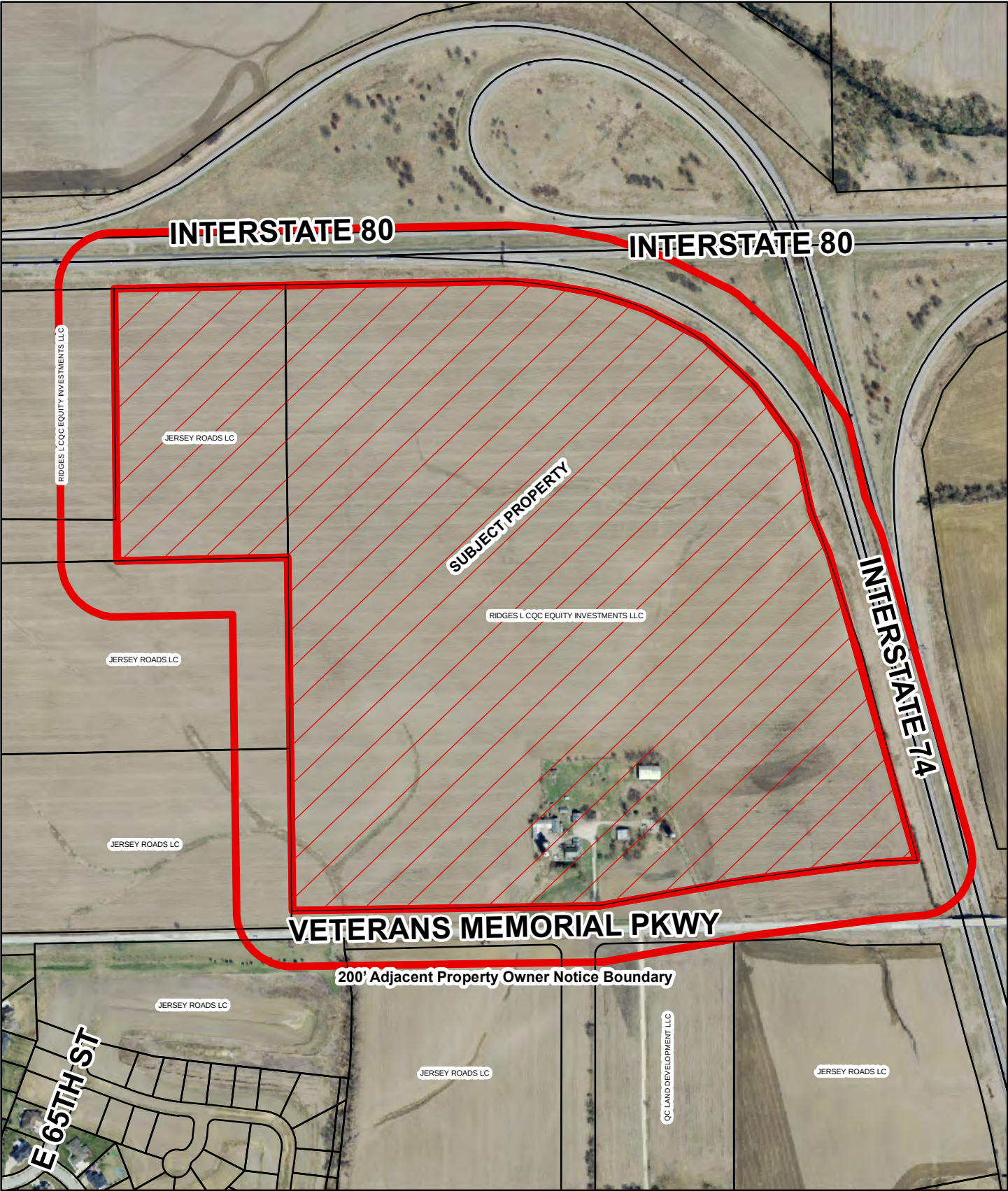
**Rhythm City / I-80 Reinvestment District Rezoning Description:**

**Part of the northeast quarter of Section 6 and the northwest quarter of Section 5, all in Township 78 North, Range 4 East of the 5th Principal Meridian; more particularly described as follows:**

**Beginning at the intersection of the westerly Right of Way line of Interstate 74 and the northerly Right of Way line of Veterans Memorial Parkway, thence, along said northerly line, South 87 degrees 38 minutes 26 seconds West, a distance of 147.35 feet; thence, continuing along said northerly line, South 80 degrees 53 minutes 55 seconds West, a distance of 553.77 feet; thence, continuing along said northerly line, South 77 degrees 51 minutes 09 seconds West, a distance of 441.41 feet; thence, continuing along said northerly line, South 87 degrees 38 minutes 17 seconds West, to the East line of the Northeast quarter of Section 6, a distance of 1105.44 feet; thence, north along said east line, North 02 degrees 01 minutes 00 seconds East, a distance of 1323.03 feet; thence, South 88 degrees 06 minutes 10 seconds West, a distance of 621.99 feet; thence, North 01 degrees 54 minutes 55 seconds West, to the southerly Right of Way line of Interstate 80, a distance of 905.34 feet; thence, along said southerly line, North 87 degrees 27 minutes 29 seconds East, a distance of 1416.16 feet; thence, continuing along said southerly line, South 83 degrees 56 minutes 39 seconds East, a distance of 220.28 feet; thence, continuing along said southerly line, South 76 degrees 33 minutes 44 seconds East, a distance of 184.22 feet, to an arc and the transition to westerly Right of Way line of Interstate 74; thence, along said arc and Right of Way, a distance of 817.91 feet, said arc being concave southwesterly, having a radius of 1076.00 feet and a delta angle of 43 degrees 33 minutes 11 seconds; thence, along said westerly line, South 16 degrees 05 minutes 53 seconds East, a distance of 78.63 feet; thence, continuing along said westerly line, South 16 degrees 08 minutes 55 seconds East, a distance of 217.00 feet; thence, continuing along said westerly line, South 25 degrees 08 minutes 44 seconds West, a distance of 252.87 feet; thence, continuing along said westerly line, South 16 degrees 20 minutes 49 seconds East, a distance of 1020.46 feet, to the point of beginning.**

**The above described tract contains 108.738 acres, more or less. For the purpose of the above description the east line of the northeast quarter of Section 6 is assumed to have a bearing of North 02 degrees 01 minutes 00 seconds West.**

Plan & Zoning Commission: Adjacent Property Owner Notice Area



0 100 200 400 600 800 Feet



PUBLIC HEARING NOTICE  
DAVENPORT PLAN & ZONING COMMISSION  
**TUESDAY – September 2, 2014 5:00 P.M.**  
**COUNCIL CHAMBERS - DAVENPORT CITY HALL**  
226 WEST 4TH STREET – DAVENPORT, IOWA

Petition of Jersey Roads, LC, QC Equity Investments, LLC and Ridges LC for a Zoning Map Amendment (rezoning) of 108.738 acres, more or less, of real property generally located southwest of the interchange of Interstates 74 and 80, from R-1 Low Density Residential and A-1 Agriculture to PDD, Planned Development District, for the purpose of facilitating commercial development, including casino complex. (Case No. REZ14-09).

The City Plan and Zoning Commission will conduct a public hearing concerning this matter at **5:00 p.m., Tuesday, September 2, 2014, in the Council Chambers of Davenport City Hall, 226 West 4<sup>th</sup> Street, Davenport, Iowa.**

This public hearing is the first step in the review/approval process. The City Plan and Zoning Commission will then consider the petition at its regular meeting on Tuesday, September 16, 2014. The Commission's report and recommendation will then be forwarded to the City Council. The City Council will then hold its own public hearing, as required by state law. You should also receive a future notice of the City Council's public hearing. For the rezoning ordinance to be approved, it must be read/considered at three (3) separate City Council meetings. For the specific dates and times of subsequent meetings, please call the phone number below.

It is your privilege to submit written comments on this petition or to attend the public hearing to express your views, or both. All protests must be made in writing to be valid. Any written comments to be reported at the Commission's public hearing should be received in the office of the Community Planning & Economic Development Department, at the address below, no later than 12:00 noon, on the day of the public hearing, although written protests will be accepted up until day of the City Council public hearing.

City of Davenport  
CPED/Planning (City Plan & Zoning Commission)  
226 W. 4<sup>th</sup> Street  
Davenport, IA 52801-1398

Phone: (563) 326-7765    FAX: (563) 328-6714    E-mail: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

---

(detach here)

The undersigned – **opposes / does not oppose (circle one)** the petition of Jersey Roads, LC, QC Equity Investments, LLC, and Ridges, LC (Case No. REZ14-09)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mail to: City of Davenport  
c/o CPED (City Plan & Zoning Commission)  
226 W. 4<sup>th</sup> Street  
Davenport, Iowa 52801

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
DATE \_\_\_\_\_  
*(please print legibly)*

\_\_\_\_\_  
ADDRESS OF YOUR PROPERTY IN THE NOTICE AREA  
IF OTHER THAN MAILING ADDRESS ON ENVELOPE

REZ14-09 - QC Investments A-1 to PDD (Casino) Adjacent Owner Notice List

| Parcel                     | Property Address            | Mailing Address - Deed Name | Mailing Address - Street | Mailing Address - CityStateZip |
|----------------------------|-----------------------------|-----------------------------|--------------------------|--------------------------------|
| SUBJECT PROPERTY Y0501-30D | 3130 VETERANS MEMORIAL PKWY | QC EQUITY INVESTMENTS LLC   | 201 HARRISON ST STE 402  | DAVENPORT IA 52801             |
| SUBJECT PROPERTY Y0605-25E |                             | QC EQUITY INVESTMENTS LLC   | 201 HARRISON ST STE 402  | DAVENPORT IA 52801             |
| Y0623-19                   |                             | JERSEY ROADS LC             | 2000 E 50TH CT           | DAVENPORT IA 52807             |
| Y0607-20A                  |                             | JERSEY ROADS LC             | 2000 E 50TH CT           | DAVENPORT IA 52807             |
| Y0623-18                   |                             | JERSEY ROADS LC             | 2000 E 50TH CT           | DAVENPORT IA 52807             |
| Y0535-05B                  |                             | JERSEY ROADS LC             | 2000 E 50TH CT           | DAVENPORT IA 52807             |
| Y0533-01B                  |                             | JERSEY ROADS LC             | 2000 E 50TH CT           | DAVENPORT IA 52807             |
| Y0533-02B                  |                             | QC LAND DEVELOPMENT LLC     | 852 MIDDLE RD            | BETTENDORF IA 52722            |
| Y0639-19F                  |                             | JERSEY ROADS LC             | 2000 E 50TH CT           | DAVENPORT IA 52807             |
|                            |                             | ALDERMAN                    | JUSTIN - 6TH WARD        | Notices Sent for REZ14-09: 2   |



## City of Davenport

**City Administrator Craig Malin, AICP**

226 West Fourth Street – Davenport, Iowa 52801  
Telephone: 563-326-6139 ctm@ci.davenport.ia.us

**Memo**

**September 12, 2014**

**To:** P&Z Chairman Inghram & Commissioners

**Subject:** REZ14-09

---

As the Commission considers the above rezoning petition, staff has begun to prepare some guidance. While a formal staff recommendation is pending closure of the Commission's public hearing, attached is information relevant to the case.

At the largest scale of consideration, the proposed REZ14-09 site is one of only three locations in Iowa where two full (two digit) Interstates intersect (see attached). From a highest and best land use perspective, the market has clearly determined large scale retail and entertainment / casino complexes are appropriately sited in close proximity to Interstate intersections in Iowa, as in other states.

With regard to the Comprehensive Plan, it is important to note the Comprehensive Plan is a guiding document while the Zoning Ordinance is a regulating document. The Comp Plan guides, while the Zoning Ordinance controls. In this case, the 2005 Comprehensive Plan was approved two years before land-based gaming was legal in Iowa. Had land-based gaming been legal in 2005, the land in question easily (and appropriately, given the highest and best use of property at one of only three Interstate intersections in the state) could have been designated Commercial Retail rather than Commercial Neighborhood. Supporting this perspective, the trend of development along Elmore Drive is clearly toward Commercial Retail, rather than Commercial Neighborhood.

Furthermore, in 2007, the Commission voted unanimously to recommend amending the Zoning Ordinance to create a Casino Overlay District. The City Council subsequently adopted the amendment, permitting casinos either downtown or within one mile of an Interstate. Thus, zoning is already in place for a casino in the location proposed in REZ14-09. In fact, it is doubly in place, as the location is both within one mile of I-80 and one mile of I-74.

While some have suggested the I-280 / I-80 location as a preferable site, that interchange is significantly farther from the market center of the Quad Cities and lacks adequate infrastructure. The suggestion to site a casino southeast of I-80 and Brady both moves the location closer to existing Davenport residences and farther from I-74, which serves as the economic spine of the Quad Cities.

Respecting the Commission's on-going review of the full scope of the REZ14-09 petition, staff looks forward to working with the Commission to develop an appropriate recommendation to the City Council. There are standards to be met in the Casino Overlay District, and there are matters related to appropriate buffering of residential property to commercial property as there are in any such PDD or commercial zoning petition.

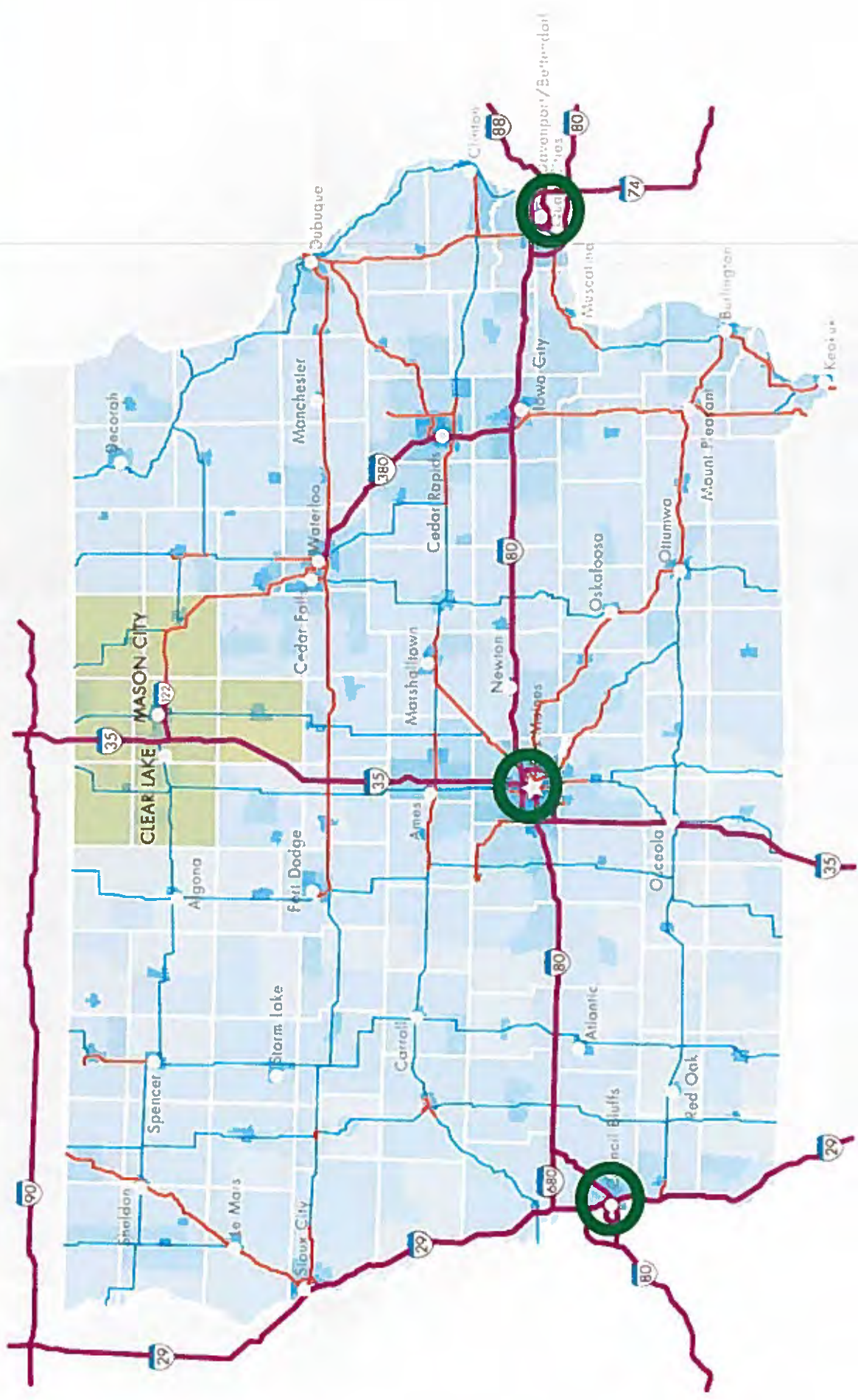
As staff works with stakeholders and the Commission to craft a recommendation to the City Council, I hope Commissioners well consider the legal, planning and public policy interests in optimizing the highest and best use of Davenport's only intersection of primary Interstate highways.

cc: Mayor & Council, CPED Director Berger

## 3 Iowa locations

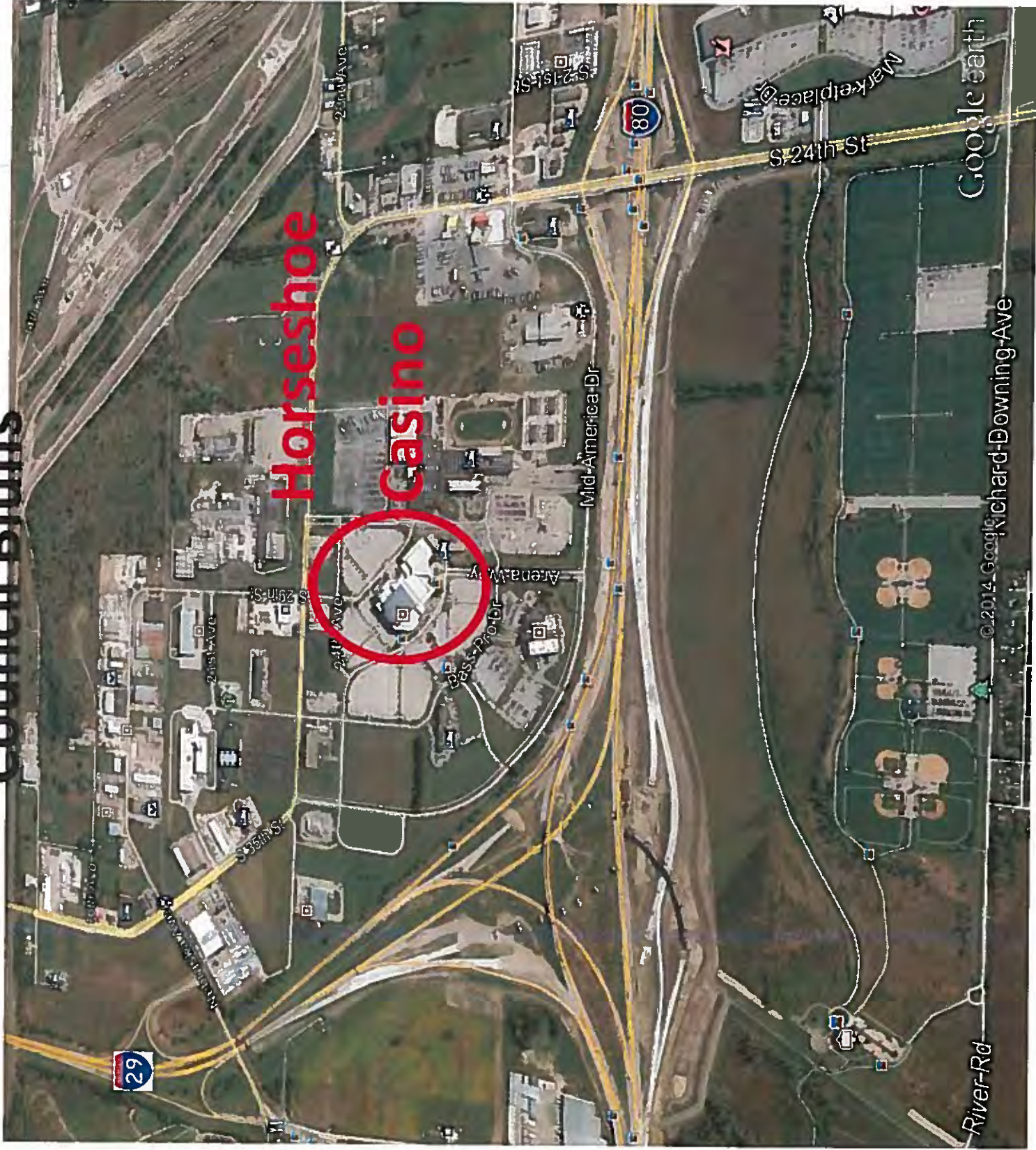
where Interstates come together

IOWA INTERSTATES



# Council Bluffs

Horseshoe  
Casino



# West Des Moines

Jordan Creek

Retail

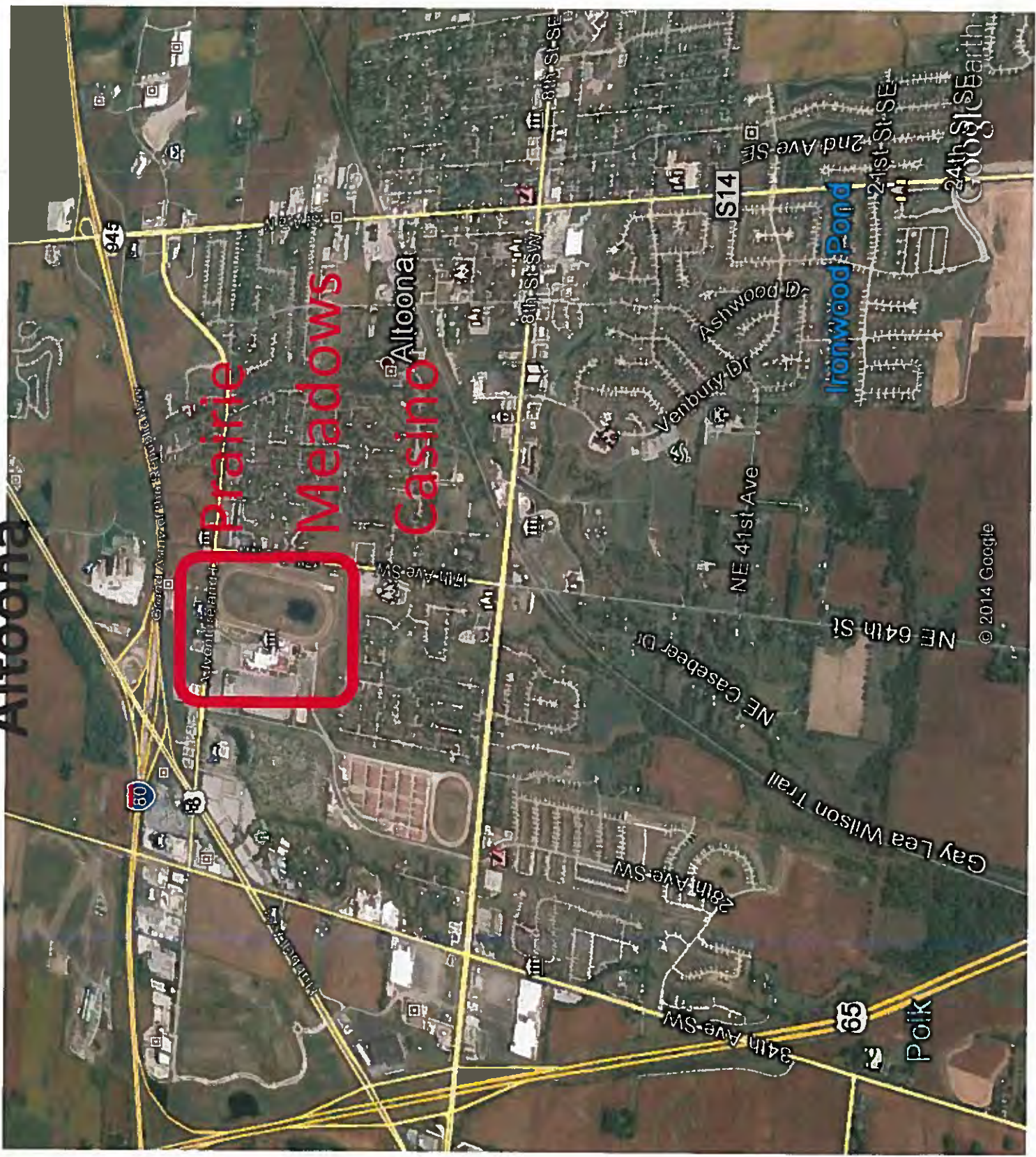


Google earth

© 2014 Google

# Altoona

Prairie Meadows Casino



# Davenport

Proposed  
Casino

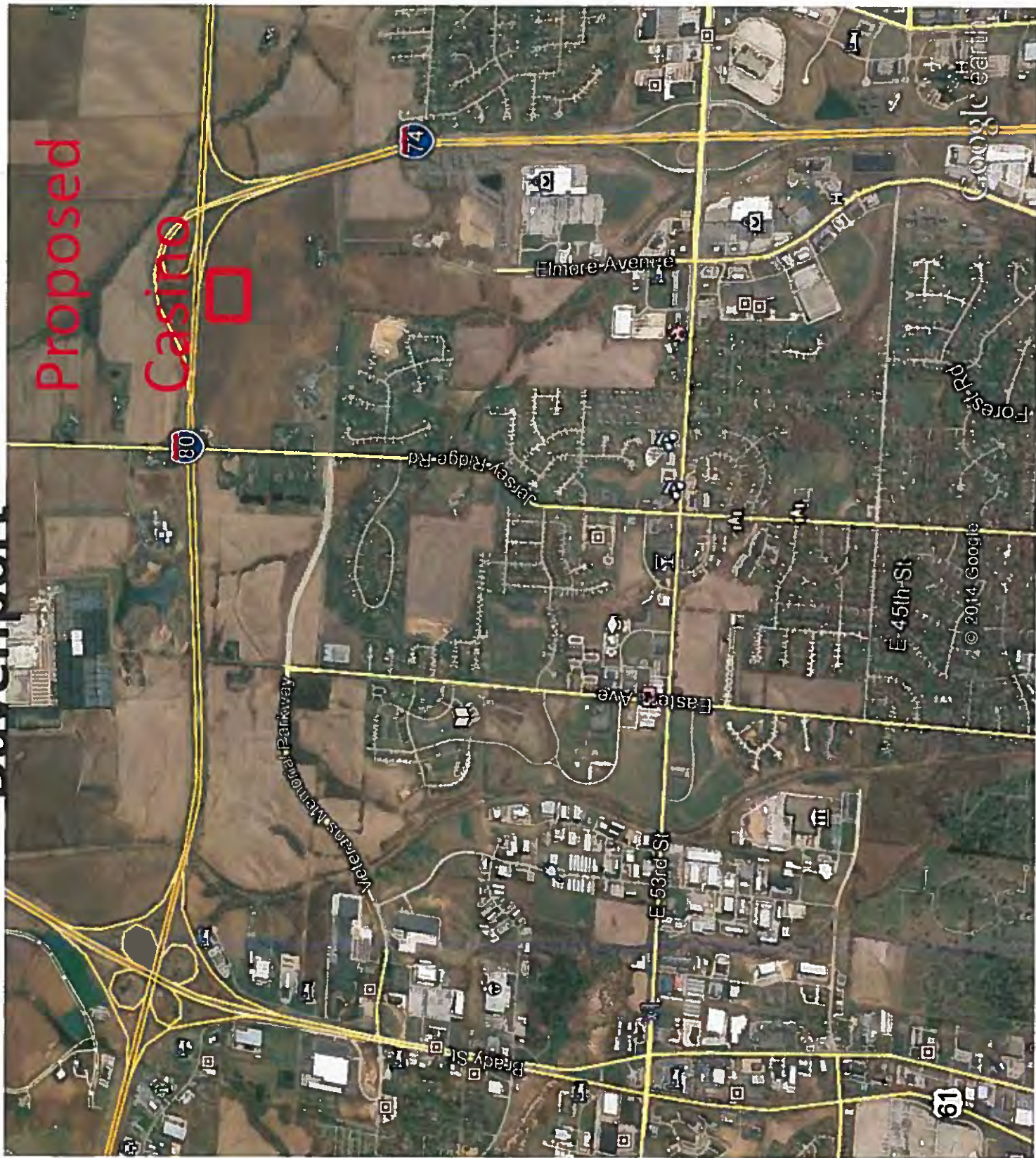
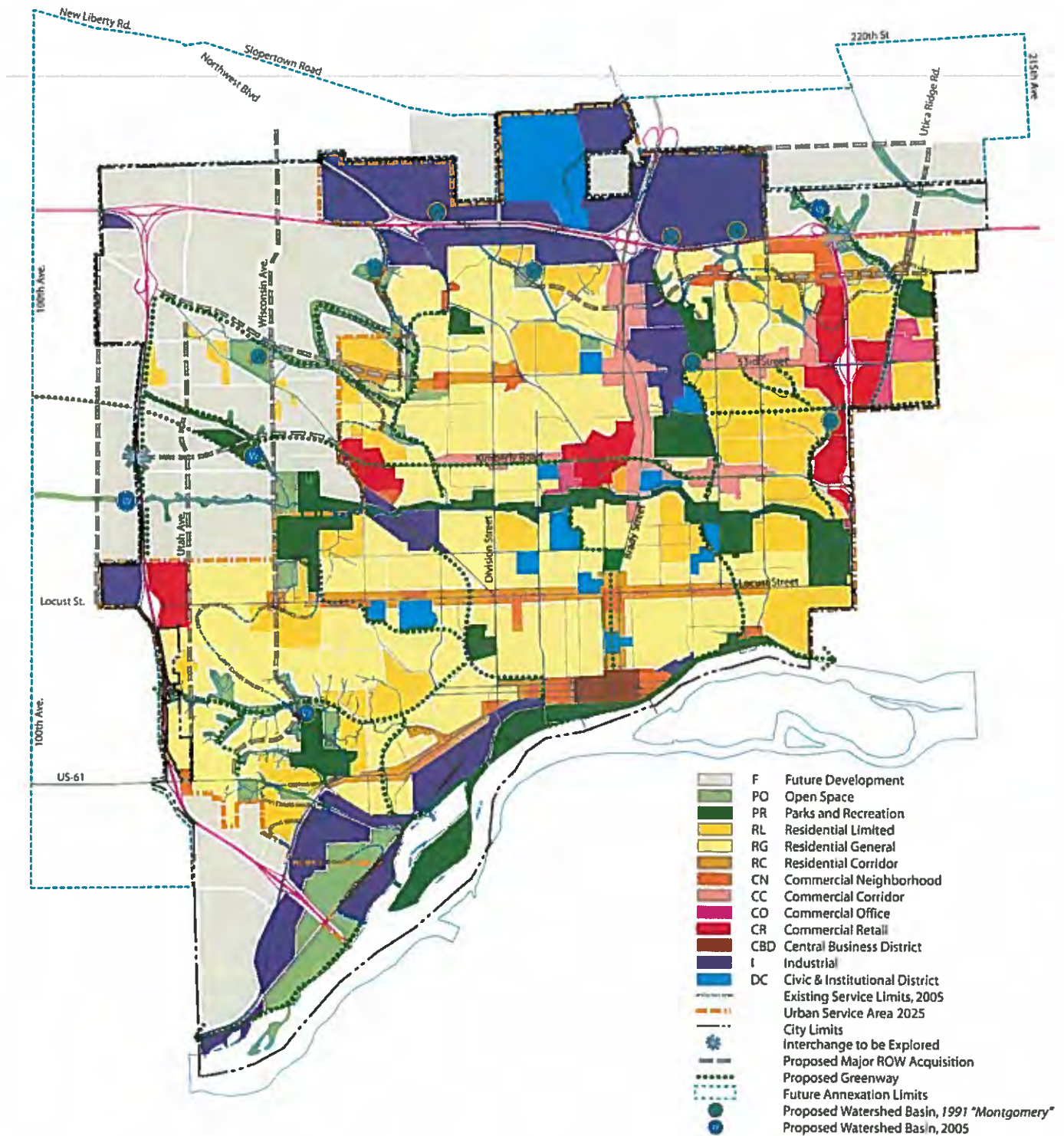


FIGURE LU-8  
PROPOSED LAND USE MAP - 2025

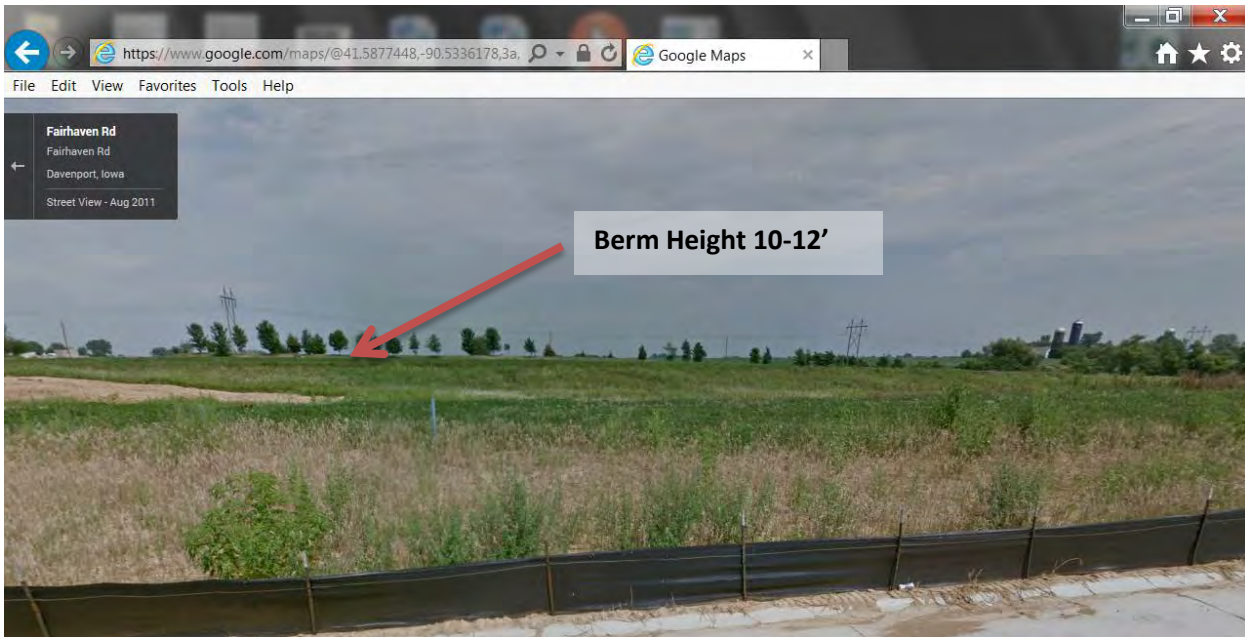


DAVENPORT POTENTIAL CASINO CORRIDOR



APPROXIMATE DISTANCES TO EXISTING RESIDENTIAL

## REZ 14-09 Photo Gallery



View north-northeast towards casino site. Proposed entrance is approximately 2700 feet (0.51 miles) from this location. Elevation is approximately the same.



Kahl Home from southwest



Berm on south side of VMP looking south



View to the west showing berm



Homes on Fairhaven Road from proposed Jersey Farms 11<sup>th</sup> Addition approximately 10 below grade

# RIVER 80 Traffic Study Summary

## **Summary and Recommendations**

Based on the analysis above, it is our recommendation that the proposed development's west entrance intersection of Elmore Avenue and Jersey Ridge Road be constructed as a signalized intersection at full build out of the development. A separate traffic study will be prepared analyzing the development with casino only traffic to analyze this scenario to determine when the signalized intersection will need to be installed.

The basis of this recommendation is that the projected traffic volumes for 2015 will negatively impact the traffic flow on Jersey Ridge Road. Acceptable Level of Services are not obtained for the proposed entrance for the project.

The proposed private casino entrances onto Elmore Avenue should all be built as unsignalized intersections with both right and left turn lanes into and out of each intersection.

The south intersection of Elmore Avenue and Veteran's Memorial Parkway was not analyzed as part of this traffic study.

Additional auxiliary lanes other than the proposed right and left lanes shown in the plans are not warranted or recommended for each of the four intersections that were analyzed. Level of Service will not be substantially affected for through traffic on the existing roadway. Motorist behavior and expectations of conflicting traffic movements throughout the entire length of Jersey Ridge, Elmore Avenue, and Veteran's Memorial Parkway will create a level of awareness that minimizes rear end collisions caused by right and left turning vehicles.

In addition, Jersey Ridge Road adequately functions as a two-lane, two-way collector street and the addition of the new traffic to this development is not enough to warrant widening the street to a four-lane, two-way collector street even at the full build out condition of the development.

# Rhythm City Casino Traffic Study Summary

## **Summary and Recommendations**

Based on the analysis above, it is our recommendation that the proposed development's west entrance intersection of Elmore Avenue and Jersey Ridge Road be constructed as an unsignalized intersection initially when the casino is the only development in the residential and commercial park. A separate traffic study will be prepared analyzing the development with full build up traffic to analyze this scenario to determine when or if the signalized intersection will need to be installed.

The basis of this recommendation is that the projected traffic volumes for 2015 will not negatively impact the traffic flow on Jersey Ridge Road. Acceptable Level of Services are obtained for the proposed entrance for the project and signals are not warranted by the requirements detailed in the MUTCD.

The proposed private casino entrances onto Elmore Avenue should all be built as unsignalized intersections with both right and left turn lanes into and out of each intersection.

The south intersection of Elmore Avenue and Veteran's Memorial Parkway was not analyzed as part of this traffic study.

Additional auxiliary lanes other than the proposed right and left lanes shown in the plans are not warranted or recommended for each of the four intersections that were analyzed. Level of Service will not be substantially affected for through traffic on the existing roadway. Motorist behavior and expectations of conflicting traffic movements throughout the entire length of Jersey Ridge, Elmore Avenue, and Veteran's Memorial Parkway will create a level of awareness that minimizes rear end collisions caused by right and left turning vehicles.

In addition, Jersey Ridge Road adequately functions as a two-lane, two-way collector street and the addition of the new traffic to this development is not enough to warrant widening the street to a four-lane, two-way collector street even at the full build out condition of the development.

# **Jersey Farms Neighborhood Association**

**(In cooperation with Cromwell Cr. and surrounding neighborhoods)**

---

## **Exhibits for Planning Board Presentation on**

**16 September 2014**

The two St. Louis area casinos are also depicted in Figure 1. The St. Charles Casino is located along the Missouri River immediately north of I-70/Missouri River junction and about five miles to the west of I-270/I-70 junction in the City of St. Charles. The 1998 ADT along I-70 was 188,000 vehicles. The Casino Queen is located along the Mississippi River immediately east of the Gateway Arch and immediately north of the I-70/I-64/I-55 junction in the City of East St. Louis, Illinois. The ADT of these three interstates are 117,300 vehicles. The estimated 1999 population is 2,637,000 people within a 50-mile radius of the St. Louis area casinos.

#### GAMING REVENUES OF STUDY CASINOS

This section discusses the gaming revenues of the tri-state region where the five casinos presented in this paper are located. Between the years 1994-1999, St. Charles Casino had the second highest attendance of the eleven riverboat casinos within the state of Missouri. During the fiscal year 2000 the eleven riverboat casinos made over \$1.0 billion in adjusted gross revenues (AGRs). In Illinois, the nine riverboat casinos made over \$1.66 billion AGRs in 2000, with the Casino Queen ranked fifth out of the nine riverboats. In Iowa, Harvey's Casino and Ameristar Casino ranked one and two of out ten casinos in AGRs, respectively. The ten casinos in Iowa combined for over \$575 million in AGRs. Casinos within the State of Iowa that also have pari-mutuel wagering are accounted for separately in terms of their AGRs. Bluffs Run Casino was ranked two out of three casinos in AGRs. The three racetrack casinos, as they are called in Iowa, combined for over \$300 million in AGRs in 2000.

#### TRIP GENERATION CHARACTERISTICS OF STUDY CASINOS

Most of the available information concerning trip generation of casinos is related to large casinos or clusters of several casinos, such as those in Las Vegas. In order to determine the trip generation characteristics of small to medium sized casinos, HDR collected traffic information at three casinos in Council Bluffs, Iowa. Once the trip generation rates were computed, they were compared to trip generation rates of two St. Louis area casinos documented in a March 1998 issue of the ITE Journal.

Table 1 documents the five casinos' characteristics. It should be noted that the information for the Council Bluffs casinos is for the year 2000, while the information for the St. Louis casinos was collected in 1998.

Table 1 – General Casino Information

| Amenities                 | Council Bluffs, Iowa |           |            | St. Louis Metro Area  |                       |
|---------------------------|----------------------|-----------|------------|-----------------------|-----------------------|
|                           | Harvey's             | Ameristar | Bluffs Run | St. Charles           | Casino Queen          |
| Slots                     | 1169                 | 1446      | 1479       | 1847                  | 1020                  |
| Total Tables              | 53                   | 51        | 0          | 90                    | 51                    |
| Gaming sq. ft.            | 28,250               | 38,000    | 34,280     | 50,000                | 27,500                |
| Hotel Rooms               | 251                  | 356       | 0          | <i>Not Applicable</i> | <i>Not Applicable</i> |
| Employees                 | 1257                 | 1329      | 1046       | <i>Not Available</i>  | 1079                  |
| Pari-mutuel Wagering      | No                   | No        | Yes        | No                    | No                    |
| Convention Center (seats) | 900                  | 170       | No         | <i>Not Available</i>  | <i>Not Available</i>  |



9/8/2014

Harrah's Council Bluffs Hotel & Casino - Google Maps



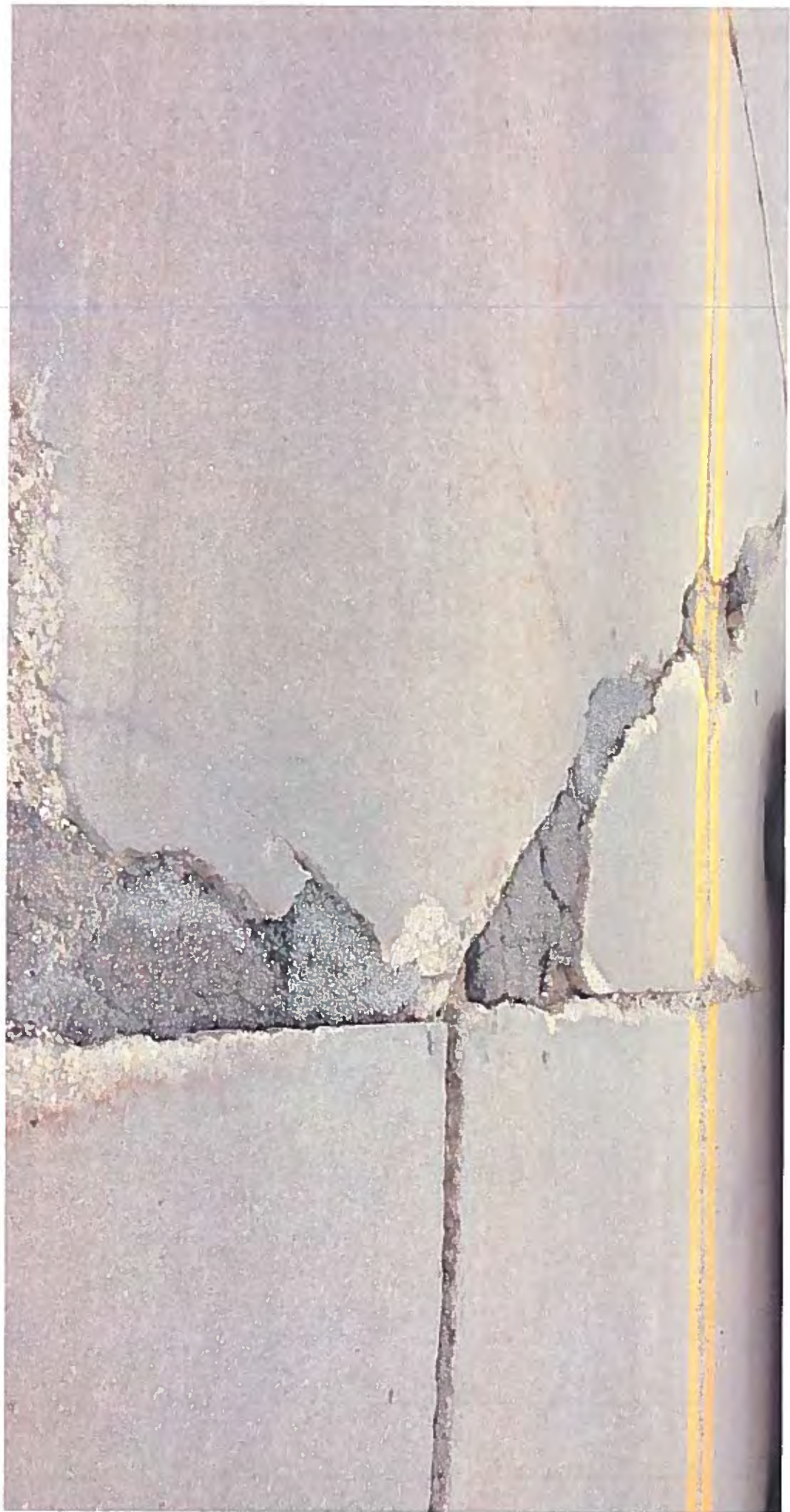












## Legal Considerations and Related Questions

**Is this site suitable for large scale commercial development and can its impacts be adequately addressed to preserve the interests of nearby property owners?**

**We believe, unequivocally, that the answer is no to both questions.**

**SUITABILITY:** PLAN AND ZONING COMMISSION August 19, 2014 – Preview Report, Comprehensive Plan: ... Staff is of the opinion that a large casino complex is not consistent with the Future Land use Map for the area.....

**IMPACTS:**

### Relevant statutes and ordinances

- **Davenport 2025: Comprehensive Plan for the City**

.....Proposed Land Use Map is an illustration of the entire comprehensive plan, recording the community's desired vision and setting a target for which to strive. The map, therefore, should not be changed unless the principles set forth in the greater document change first.

Davenport should seek to maintain and make the best use of both existing infrastructure and future investments. (There is no mention of "highest and best use" anywhere in the 508 pages of the Plan).

- **17.32.010 (PDD) Intent.** The development shall relate to abutting traffic facilities and be compatible with surrounding areas
- **17.32.052 Land use plan - Procedure.** The plan shall be accompanied by evidence concerning the feasibility of the project and its effects on surrounding property and other physical conditions
- **17.31.010 (COD) Intent.** The COD casino overlay district is intended to establish standards and conditions for the development and operation of gambling structures or casinos and appropriate primary and accessory uses which may accompany them while protecting the public health, safety and general welfare and minimizing the secondary negative effects of such uses by insuring they are compatible with existing and anticipated land uses.
- **17.31.020 Zoning district limitations...** In addition, in the PDD planned development district zone the overlay district is restricted to property located within one mile of an interstate highway (I-280, I-80 or I-74)... If an applicant applies for a zoning change to PDD planned development district or to C-4 central business district in anticipation of the development of a gambling structure, then the PDD or C-4 rezoning petition and the COD casino overlay district petition shall be combined
- **17.31.090 Design review required.** All projects within the COD casino overlay district require project design review and approval by the appropriate city board committee. A. Design review and approval for COD casino overlay district projects located in the PDD planned development district zone shall be processed by the design review committee of the city plan and zoning commission. Said review shall be based on the requirements of Chapter 17.41 of the City of Davenport Municipal Code entitled COD highway corridor overlay district and, in particular, the performance standards listed in Section 17.41.050 A. entitled "Open space and landscaping requirements" and Section 17.41.050 B. entitled "Architectural standards."
- **17.41.050 Performance standards.**  
All uses and buildings permitted within the "HCOD" highway corridor overlay district shall comply in total with the following performance standards:  
Open space and landscaping requirements. The total ground area devoted to open space for natural landscape and landscape beautification shall not be less than twenty percent on any development site within the "HCOD" highway corridor overlay district.....  
D. Environmental performance standards. Complete abatement, elimination, or reduction of all generally offensive characteristics such as odors, gases, noise, vibration, pollution of air or water or soil, excessive lighting intensity, hazardous activity, etc. which may be detrimental to the general welfare of the community shall be accomplished.
- **State of Iowa - 414.3 Regulations and comprehensive plan.** The regulations shall be made in accordance with a comprehensive plan and designed to preserve availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to prevent congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

**What can be done to ensure that the needs of the community as a whole are protected while considering other relevant factors?**

- Deny the PDD as proposed and make recommendations relating to a more suitable site.
- Require a complete plan such as the RiverVision 2014 Plan prior to any consideration on this proposal. The RiverVision Plan is being put up for Resolution this week at City Council, as CP14-05, and is set to become an element of the 2025 Comprehensive Plan for the City. Its primary purpose is for "Repurposing areas to be vacated by the Rhythm City Casino and former Dock restaurant" per the Community Planning and Economic Development notations. CP14-05 is only 1/2 of the solution.
- Limit the PDD to 40 acres plus the 10 acres of retention, and to condition the PDD to best meet the principles of the comprehensive plan in keeping with current ordinances and statutes noted above, as there is no plan for the other ~58 acres.

# Davenport 2025: Comprehensive Plan for the City

... Proposed Land Use Map is an illustration of the entire comprehensive plan, recording the community's desired vision and setting a target for which to strive. The map herefore, should not be changed unless the principles set forth in the greater document change first. Page 417

.... The connections between transportation and other quality of life issues should be kept in mind as transportation projects are designed. For instance, transportation affects parking which affects drainage, and neighborhood aesthetics. Rather than trying to create all-new pavement for bicycles, or buses, or pedestrians, Davenport should seek to maintain and make the best use of both existing infrastructure and future investments. Page 321

## Chapter 17.32 PDD PLANNED DEVELOPMENT DISTRICT\*

### 17.32.010 Intent.

This district is intended to provide for development of modern commercial and mixed use planned developments designed as a unit and constructed in one or more phases. The development shall relate to abutting traffic facilities and be compatible with surrounding areas (Ord. 94180 § 1 (part)).

### 17.32.052 Land use plan - Procedure.

The owner or owners of a tract of land shall submit to the city plan and zoning commission a plan for the use of such tract for the purpose stated above. The land use plan is to be submitted with the rezoning petition. The plan shall be accompanied by evidence concerning the feasibility of the project and its effects on surrounding properties and other physical conditions. Said plan and supporting evidence shall include the following:

1. A drawing or set of drawings and other materials that include, but may not be limited to, the following:

1. The existing land use and zoning surrounding the proposed development and the distance from the subject property line to the nearest structures on all abutting properties within two hundred feet of the perimeter of the site.

2. The location of existing services, including: water, sanitary and storm sewer, electric, gas, streets, the capacity of those services and the service requirements of the development.

3. The site constraints including:

1. Slopes in excess of ten percent;

2. Drainage ways that carry water from abutting properties, drainage ways that drain areas on the site in excess of one acre and any area designated as a flood plain or floodway as defined in Chapter 15.44

3. Soils that are unsuitable or require special treatment to support urban development as determined by the Soil Conservation Service Soil Survey. If unsuitable conditions are indicated field testing may be required.

4. The total area in square feet of uses proposed for the site and the percentage of the site that is to be used for parking and building (impervious surface).

5. A two foot interval topographic map of the site on a scale base of one inch equals fifty feet or other scale as approved by the development official.

6. A traffic study which analyzes the aggregate trip generation to and from the site and the ability of the existing street system to accommodate the anticipated generation. Specific improvements should be proposed if the development causes the projected level of service to be less than level "C," as defined by the most recent version of the Highway Capacity Manual by the Transportation Research Board of The National Safety Research Council.

The city council delegates authority to the city staff's development official to waive, at his or her discretion, any of the required submissions stated in Section 17.32.052A, through Section 17.32.052A, 6 if the scale of the project, topography of the site or other reasons make them unnecessary. The city plan and zoning commission will be notified of any requirements that have been waived. (Ord. 94180

§ 1 (part)).

## Chapter 17.31 COD CASINO OVERLAY DISTRICT

### 17.31.010 Intent.

The COD casino overlay district is intended to establish standards and conditions for the development and operation of gambling structures or casinos and appropriate primary and accessory uses which may accompany them while protecting the public health, safety and general welfare and minimizing the secondary negative effects of such uses by insuring they are compatible with existing and anticipated land uses. (Ord. 2007182 § 1 (part)).

### 17.31.020 Zoning district limitations.

The COD casino overlay district shall be used in conjunction with only two underlying zoning classifications: the C-4 central business district zone and the PDD planned development district zone. In addition, in the PDD planned development district zone the overlay district is restricted to property located within one mile of an interstate highway (I-280, I-80 or I-74). If the COD casino overlay district is to be used in conjunction with property previously zoned PDD planned development district classification, the existing land use plan and any existing final development plans shall be abandoned and a new land use plan and final development plan or plans shall be submitted to the city for approval. If an applicant applies for a zoning change to PDD planned development district or to C-4 central business district in anticipation of the development of a gambling structure, then the PDD or C-4 rezoning petition and the COD casino overlay district petition shall be combined. No gambling structure shall be permitted except within the COD casino overlay district. (Ord. 2007182

§ 1 (part)).

### 17.31.080 Procedures for processing.

1. The procedure for processing a COD casino overlay district rezoning in conjunction with a PDD planned development district rezoning or as an overlay of land currently zoned PDD planned development district shall be as listed in Chapter 17.32 entitled PDD planned development district.

### 17.31.090 Design review required.

All projects within the COD casino overlay district require project design review and approval by the appropriate city board or committee.

1. Design review and approval for COD casino overlay district projects located in the PDD planned development district zone shall be processed by the design review committee of the city plan and zoning commission. Said review shall be based on the requirements of Chapter 17.41 of the City of Davenport Municipal Code entitled "COD highway corridor overlay district and, in particular, the performance standards listed in Section 17.41.050 A. entitled "Open space and landscaping requirements" and Section 17.41.050 B. entitled "Architectural standards." All signage shall be in compliance with Chapter 17.45 of the City of Davenport Municipal Code entitled Sign Regulations and more specifically subsection 17.45.090 K. entitled Highway Corridor Overlay District. In addition, the design guidelines listed in the publication entitled "The Highway Corridor Overlay District: Performance Standards and Design Guidelines" shall apply. Submission requirements and processing procedures for the design review of the project shall be the same as those listed in Subsection 17.41.045 C. entitled "Procedure" and Subsection 17.41.045 D. entitled "Additional Provisions" and 17.41.045 E. entitled "Appeal."

2. Design review and approval for COD casino overlay district projects located in the C-4 central business district zone shall be processed by the downtown design review board. Said review shall be based on the requirements listed in Chapter 17.29 of the Davenport Municipal Code entitled "Downtown design overlay district." Signe

shall be in compliance with Chapter 17.45 of the City of Davenport Municipal Code entitled "Sign Regulations" and more specifically Subsection 17.45.090M entitled "DDOD" downtown design overlay district." In addition, all projects shall comply with the requirements listed in the publication entitled "Downtown Design Standards." Submission requirements and processing procedures shall be the same as those listed in Section 17.29.090 entitled "Certificate of design approval" and its subsections. In the event that a COD casino overlay district project in the C-4 central business district zone necessitates the demolition of existing buildings the procedures listed in Sections 17.29.100 entitled "The Board's Demolition Review Process" and 17.29.110 entitled "Appeal of Board's Decision on Demolition" shall also apply. (Ord. 2007-11 (part)).

## **Chapter 17.41 HCOD HIGHWAY CORRIDOR OVERLAY DISTRICT**

### **17.41.050 Performance standards.**

All uses and buildings permitted within the "HCOD" highway corridor overlay district shall comply in total with the following performance standards:

A. Open space and landscaping requirements. The total ground area devoted to open space for natural landscape and landscape beautification shall not be less than twenty percent on any development site within the "HCOD" highway corridor overlay district. Such open spaces will be free of all drives, parking areas, structures, buildings, except for those walkways, monuments, and ornamental features considered to be necessary and essential to the central landscape theme. In the case of underlying zones which require more restrictive standards, the more restrictive standard shall apply.

D. Environmental performance standards. Complete abatement, elimination, or reduction of all generally offensive characteristics such as odors, gases, noise, vibration, pollution of air or water or soil, excessive lighting intensity, hazardous activity, etc. which may be detrimental to the general welfare of the community shall be accomplished. The standards for compliance with this paragraph shall be as follows:

1. Air pollution. The use shall not emit any smoke, dust, odorous gases, or other matter in such quantities as to be readily detectable at any point beyond the perimeter of the site area.

2. Noise. Davenport Municipal Code, Chapter 8.16, "Noise Abatement," shall be used to regulate noise within the "HCOD" highway corridor overlay district.

3. Vibration. The use shall not include vibration which is discernible without instruments on any adjoining lot or property.

4. Site lighting and glare. All lights, other than street lights, shall be so situated and installed as to reflect away from adjacent streets and residential areas. Light and pole designs shall be compatible with the overall design of the building(s) and site. In large parking lots, poles are to be located within the landscape islands. The scale of parking area shall be considered in the selection of pole height and spacing. Pole height shall decrease, where possible, near property lines and in low intensity use areas to further reduce glare. Uplighting trees and fountains, accent lighting on shrubs and entrances, and silhouette lighting may be used to create special effects.

5. Traffic hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets to a point that capacity and safety limitations are exceeded unless procedures are instituted to limit traffic hazards and congestion.

6. Storm water detention. Davenport Municipal Code, Chapter 13.34, "Storm Water Management" shall be used to regulate storm water run-off and provide detention where required.

7. Erosion control. Davenport Municipal Code 13.34.310–360, "Erosion Control" shall be used to regulate erosion on development sites. All development within a

disturbed site in excess of five acres shall submit a copy of State of Iowa Department of Natural Resources Permit Number 2 with accompanying plans. Similarly, sites less than five acres shall submit a copy of the permit and plans if they are part of a larger development, the whole of which exceeds five acres. On sites less than five acres, an erosion control plan shall be required if, in the opinion of the city engineer, it is necessary to protect off-site properties. An approved grading plan shall be required prior to the commencement of any grading.

8. Overtax public utilities and facilities. The use shall not involve any activity substantially increasing the burden on any public facilities or utilities, unless provisions are made for necessary adjustments.

9. All utilities provided as new installation shall be underground and comply in full with the regulations set forth in Section 16.24.110 of the city of Davenport's Municipal Code entitled "Subdivision."

## **2014 Iowa Code**

### **114.3 Regulations and comprehensive plan — considerations and objectives — notice, adoption, distribution.**

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy do not void any zoning regulation existing on July 1, 1981, or require zoning in a city that did not have zoning prior to July 1, 1981.

2. The regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

**From:** [Berger, Bruce](#)  
**To:** [Flynn, Matt](#)  
**Subject:** FW: Casino  
**Date:** Tuesday, September 02, 2014 4:08:26 PM

---

Matt: Please make sure that these comments (below) become part of the public hearing "record" today. Thanks.

Bruce

**From:** gordon\_forward **On Behalf Of** Gordon, Jason  
**Sent:** Tuesday, September 02, 2014 4:05 PM  
**To:** Heuer, Ryan M.  
**Cc:** Berger, Bruce  
**Subject:** Re: Casino

Mr. Heuer -

Thank you for sharing your comments with me.

Bruce, can you see that his comments get to the appropriate CPED staff and that the P&Z member see it as well?

Thanks, ;  
Jason

On Tue, Sep 2, 2014 at 1:46 PM, Heuer, Ryan M. <[Ryan.Heuer@unitypoint.org](mailto:Ryan.Heuer@unitypoint.org)> wrote:  
Hello,

My name is Ryan Heuer. I live in Lakehurst, near the possible casino site. My wife, Carla Heuer and I are strongly against this project. This will disrupt our peaceful neighborhood, increase traffic, decrease safety, and adversely affect property values. I feel our tax dollars could be better spent in the community than building a new multi-million dollar road for the casino. We are unable to attend the council meeting tonight but wanted to make our feelings known. We hope the council will find an alternative site for a project such as this.

Thank you,  
Ryan Heuer

This message and accompanying documents are covered by the Electronic Communications Privacy Act, 18 U.S.C. sections 2510-2521, and contain information intended for the specified individual(s) only. This information is confidential. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

--

Jason Gordon

Alderman At Large, Davenport, IA

563/529-4468 (cell)

563/888-2070 (City Council Office)

[jgordon@ci.davenport.ia.us](mailto:jgordon@ci.davenport.ia.us)

[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

## PUBLIC HEARING NOTICE

The Davenport City Council – Committee of the Whole will conduct a Public Hearing on Case No REZ14-09, Petition of Jersey Roads, LC, QC Equity Investments, LLC and Ridges LC for the rezoning of 108.7 acres, more or less, of property currently zoned A-1, Agricultural District and R-1, Low Density Dwelling District to PDD, Planned Development District, for the purpose of constructing a land-based casino complex and companion commercial development for the following described property:

### Rhythm City/I-80 Reinvestment District Rezoning Description

Part of the northeast quarter of Section 6 and the Northwest quarter of Section 5, all in Township 78 North, Range 4 East of the 5th Principal Meridian; more particularly described as follows:

Beginning at the intersection of the westerly Right of Way line of Interstate 74 and the northerly Right of Way line of Veterans Memorial Parkway, thence, along said northerly line, South 87 degrees 38 minutes 26 seconds West, a distance of 147.35 feet; thence, continuing along said northerly line, South 80 degrees 53 minutes 55 seconds West, a distance of 553.77 feet; thence, continuing along said northerly line, South 77 degrees 51 minutes 09 seconds West a distance of 441.41 feet; thence, continuing along said northerly line, South 87 degrees 38 minutes 17 seconds West, to the East line of the Northeast quarter of Section 6, a distance of 1105.44; thence, north along said east line, North 02 degrees 01 minutes 00 seconds West, a distance of 1323.03 feet; thence, South 88 degrees 06 minutes 10 seconds West, a distance of 621.99 feet; thence North 01 degrees 54 minutes 55 seconds West, to the southerly Right of Way line of Interstate 80, a distance of 905.34 feet; thence, along said southerly line North 87 degrees 27 minutes 29 seconds East, a distance of 1416.16 feet; thence, continuing along said southerly line, South 83 degrees 56 minutes 39 seconds East, a distance of 220.28 feet; thence, continuing along said southerly line, South 76 degrees 33 minutes 44 seconds East, a distance of 184.22 feet, to an arc and the transition to westerly Right of Way line of Interstate 74; thence, along said arc and Right of Way, a distance of 815.17 feet, said arc being concave southwesterly, having a radius of 1076.00 feet and a delta angle of 43 degrees 24 minutes 25 seconds, a chord bearing of South 52 degrees 52 minutes 09 seconds East, and a chord length of 795.82 feet; thence, along said westerly line, South 19 degrees 20 minutes 53 seconds East, a distance of 78.60 feet; thence, continuing along said westerly line, South 16 degrees 08 minutes 55 seconds East, a distance of 217.00 feet; thence, continuing along said westerly line, South 25 degrees 08 minutes 44 seconds East, a distance of 252.87; thence, continuing along said westerly, South 16 degrees 20 minutes 49 seconds East, a distance of 1020.46 feet, to the point of beginning.

The above described tract contains 108.692 acres, more or less. For the purposes of the above description the east line of the northeast quarter of Section 6 is assumed to have a bearing of North 02 degrees 01 minutes 00 second West.

This property is located generally south of I-80 and west of I-74, north of Veteran's Memorial Parkway and east of Jersey Ridge Road.

The Public Hearing will be held on Wednesday, October 1, 2014, 5:30 p.m. in the Council Chambers, Davenport City Hall, 226 West 4<sup>th</sup> Street. Interested persons are invited to attend the Public Hearing and provide comments for or against the proposal.

Written comments or questions in advance can be directed to Matt Flynn, Senior Planning Manager, City of Davenport, phone 563-326-7743 or email [mflynn@ci.davenport.ia.us](mailto:mflynn@ci.davenport.ia.us)

Questions forwarded by Aldermen Justin and Boom 9-22-14.

Will Elmore be extended to Jersey Ridge Road at the time of the casino development **Yes** or will that be after the adjacent land to the north and south of the proposed road is developed? Suggest a condition that will implement Jersey Ridge traffic control at this intersection **addressed in Traffic Studies, practical and legal issues of installing traffic control devices before they are warranted** and address road surface condition prior to extension of Elmore to Jersey Ridge. This would address a major traffic concern for the neighborhoods. **PW**

Rezone Jersey Farms 11<sup>th</sup> to R-1 to buffer the neighborhood **inconsistent with future land use map and general planning principles** or purchase the property for green space and/or Jersey Farms Park. Property cost is approximately \$280K. The preference is for a Jersey Farms Park. Would this negate the need for the extension of 65<sup>th</sup> Street to Veterans? **No** This has been a neighborhood concern that this would be a high volume short cut through the neighborhood for traffic trying to avoid the proposed stop light at Veterans and Jersey Ridge. **Multiple points of access to neighborhoods are essential for service delivery, including emergency response.**

Parcel P – buffer and limit building height and density similar to what was proposed at the Sophie Foster property. Consider a residential component on the south end. Foster rezoning requires a 1 story commercial building adjacent to residential areas, there is no residential area adjacent in this case. **Can be addressed as part of Final Development Plans for this property. Kahl Home is approximately 45 feet high at its tallest point. It is Council's decision ultimately; Planning staff would prefer heights be expressed in feet rather than stories.**

For the property immediately east of Jersey Farms and south of Veterans – place some conditions on the parcel to limit height and density. If Jersey Farms 11<sup>th</sup> can't be dedicated at green space/park, consider setting aside similar sized area at this parcel for same. **See above.**

Construct sidewalk on the west side of Utica Ridge Road south of Walsh Point. **Not relevant to these cases**

Considerations: Does the hotel have to be 100' tall? Could a shorter version be considered? **Developer decision, height is permitted under PDD. Considerable design work has been done and changing it would alter the site plan significantly.**

Visibility, noise abatement, water runoff and lighting issues remain neighborhood concerns. **Are being addressed through conditions of both the Rezoning and Final Development Plans**

City of Davenport

Committee: Public Safety Committee  
Department: Legal  
Contact Info: Brian Heyer x7735  
Wards: All

**Action / Date**  
**10/15/2014**

Subject:

Second Consideration: AN ORDINANCE AMENDING SECTION 9.40.010 ENTITLED "UNLAWFUL USE" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA (Coyote hunting)

Relationship to Goals:

Background:

As with the increase in the urban deer population, there has been an increase in the urban coyote population. There is no hunting season designated for coyotes which means it is always 'open season'. There are no DNR possession limits on coyotes. All this means they are an unprotected species in Iowa. After discussion with the Department of Natural Resources it was determined that the best approach would be to allow for bow hunting of coyotes in conjunction with the bow hunting of deer. The DNR also suggested that shotgun hunting of coyotes would be an acceptable practice on the large tract agriculturally zoned areas within the city. Both suggestions are incorporated into the proposed ordinance for the council to consider.

ATTACHMENTS:

| Type                                                                                         | Description    |
|----------------------------------------------------------------------------------------------|----------------|
|  Cover Memo | Coyote Hunting |

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 9.40.010 ENTITLED "UNLAWFUL USE" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA.

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

Section 1. That Section 9.40.010 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

9.40.010 Unlawful use.

It is unlawful for any person to play ball, throw stones or snowballs or other things in any street, alley or public place; or to shoot with or use a bow and arrow, or use any toy commonly known as a slingshot or rubber band gun or any other dangerous toy or instrument anywhere within the limits of the city; provided however, that the foregoing shall not apply to playing ball in public parks. Any person violating this section shall be guilty of a simple misdemeanor.

Nothing in this section shall prohibit the hunting of deer or coyotes with bow and arrow pursuant to and during a municipally declared urban deer control hunt in accordance with the city's deer management program provided the bow hunter has obtained proper licensing from the State of Iowa and been issued a permit to bow hunt by the city prior to engaging in a deer hunt. Bow hunters shall at all times abide by the city's deer management plan while engaged in a deer control hunt within the city.

Section 2. That Section 9.44.010 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

9.44.010 Discharge of firearm prohibited.

Any person who anywhere in the limits of the city, fires or discharges any cannon, gun, pistol, or other firearm or who explodes any cannon firecracker, or places upon the tracks of any railway or place where the same are exploded or liable to be exploded, any fulminating or other explosives, caps or substance, shall be guilty of a simple misdemeanor, except that a duly organized nonprofit club may by special permit issued by the chief of police, subject to the approval of the public safety committee of the city council, discharge firearms in the city.

This section does not apply to law enforcement officers engaged in law enforcement activity.

Nothing in this section shall prohibit the hunting of coyotes with a shotgun upon non-public property not less than 10 acres in size and zoned for use as "A-1" Agricultural District by the owner of the property or persons hunting with the owner's permission provided (1) shotguns are not being discharged toward and within 1500 feet of structures located on the property or within 1500 feet and toward the property's boundary line or a public right of way unless the discharge is directed downward toward an impervious earthen backstop, and (2) any person hunting coyotes shall, while hunting, possess and show their hunting license, if necessary, and authorization to hunt on the land to any law enforcement officer or conservation officer upon request. No one under the age of eighteen years of age shall hunt pursuant to the provisions of this section unless they are the owner of the land or a lineal descendant of the owner of the land.

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 \_\_\_\_\_

\_\_\_\_\_  
William E. Gluba  
Mayor

Attest: \_\_\_\_\_

Jackie Holecek, MMC  
Deputy City Clerk

Published in the Quad City Times on \_\_\_\_\_

City of Davenport

Committee: CD  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 563-326-7743  
Wards: 6

**Action / Date**  
**10/15/2014**

Subject:

RESOLUTION approving Case No. FDP14-04 being the final development plan for the Rhythm City Casino, located north of Veteran's Memorial Parkway and east of Jersey Ridge Road. [6th Ward]

Relationship to Goals:

Added emphasis on economic development  
Resolve land-based casino

Background:

The final development plan provides design details for the proposed Rhythm City Casino.

The project proposes the following:

- o 33,800 square foot casino floor
- o 7 story, 143 room hotel (95 feet in height)
- o Flexible event center seating up to 1500
- o 298,000 square feet total building envelope
- o 2093 parking spaces

In consideration of the unique impacts associated with the proposed development, several conditions have been recommended by the Plan and Zoning Commission.

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

ATTACHMENTS:

| Type                | Description           |
|---------------------|-----------------------|
| ☐ Resolution Letter | Resolution FDP14-04   |
| ☐ Backup Material   | FDP14-04 P&Z letter   |
| ☐ Backup Material   | FDP14-04 Staff Report |

Resolution No. \_\_\_\_\_

Resolution offered by

RESOLVED by the Community Development Committee of the City of Davenport.

RESOLUTION approving Case No. FDP14-04, being the final development plan for the Rhythm City Casino, located north of Veteran's Memorial Parkway and east of Jersey Ridge Road, containing seven lots for commercial and office development. [6th Ward]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final development plan for the Rhythm City Casino is hereby approved and accepted subject to all the conditions as stated in the Plan and Zoning Commission's letter dated October 1, 2014 as follows:

1. Lighting. All exterior lighting, including drive aisles, parking lots, pedestrian paths and building lighting, shall utilize LED "Dark Sky" fixtures. Overall illumination standards shall not exceed the limits outlined in Chapter 17.56.040 (O) of the Davenport Municipal Code.
2. Connectivity. The interior circulation network includes at least one driveway and sidewalk connection from proposed Lot 2 (Casino Site) and Lot 4 of River 80 First Addition.
3. Outdoor entertainment. Outdoor concerts and other outdoor special events shall be limited to no more than six (6) per calendar year. Stage and PA orientation shall not be oriented to the south. Owner shall obtain any required variances for noise from the City, if required.
4. Signage. A signage plan for proposed Lot 2 (Casino Site) shall meet the requirements of Chapter 17.45 (Sign Regulations) and shall be reviewed by the Plan and Zoning Commission prior to its approval by the City.
5. Buffering. The owners of proposed Lots 5 and 6 of River 80 First Addition shall work with the City to develop an appropriate buffer, including berms and landscaping, complimentary to that which exists immediately south of Veteran's Memorial Parkway. Any berms shall not conflict with existing or future utility easements.
6. Final Design Review shall be completed in conjunction with site plan review as noted above.

Note that standard condition 1 listed on the Commission's October 1, 2014 letter (included in background information) are standard requirements of City Ordinances and not repeated here; and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

Approved:

---

William E. Gluba, Mayor

Attest:

---

Jackie E. Holecek, City Clerk



**Plan and Zoning Commission  
City of Davenport**

October 1, 2014

Mayor and City Council  
City of Davenport Iowa  
City Hall, 226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801

Subject: FDP14-04

Dear Mayor Gluba and Council Members:

At its September 30, 2014 meeting, the Plan and Zoning Commission voted 7-yes (Elgatian, Tallman, Gere, Connell, d'Autremont, Cartee, Martinez) 2-no (Martin, Lammers) 1-abstention (Kelling) to recommend the City Council approve Case No. F14-04, the Final Development Plan of the Rhythm City Casino, with the following conditions:

**Standard Conditions:**

1. All development shall meet the requirements of Chapters 13.34 (Stormwater Management), 15.44 (Flood Damage Protection), 17.56 (Site Plans), and all applicable Chapters of the Davenport Municipal Code

**Non-Standard Conditions:**

1. Lighting. All exterior lighting, including drive aisles, parking lots, pedestrian paths and building lighting, shall utilize LED "Dark Sky" fixtures. Overall illumination standards shall not exceed the limits outlined in Chapter 17.56.040 (O) of the Davenport Municipal Code.
2. Connectivity. The interior circulation network includes at least one driveway and sidewalk connection from proposed Lot 2 (Casino Site) and Lot 4 of River 80 First Addition.
3. Outdoor entertainment. Outdoor concerts and other outdoor special events shall be limited to no more than six (6) per calendar year. Stage and PA orientation shall not be oriented to the south. Owner shall obtain any required variances for noise from the City, if required.

4. Signage. A signage plan for proposed Lot 2 (Casino Site) shall meet the requirements of Chapter 17.45 (Sign Regulations) and shall be reviewed by the Plan and Zoning Commission prior to its approval by the City.

5. Buffering. The owners of proposed Lots 5 and 6 of River 80 First Addition shall work with the City to develop an appropriate buffer, including berms and landscaping, complimentary to that which exists immediately south of Veteran's Memorial Parkway. Any berms shall not conflict with existing or future utility easements.

6. Final Design Review shall be completed in conjunction with site plan review as noted above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Ingram', with a stylized flourish extending to the right.

Bob Ingram, Chair  
Davenport Plan and Zoning Commission



## **PLAN AND ZONING COMMISSION**

**Meeting Date:** September 30, 2014  
**Request:** Final Development Plan for Rhythm City Casino  
**Location:** 40.00 Acres, more or less located north of Veteran's Memorial Parkway, east of Jersey Ridge Road, south of Interstate 80, and west of Interstate 74 (along Elmore Avenue, extended).  
**Project Name:** Rhythm City Casino  
**Case No.:** FDP14-11  
**Petitioner:** Scott County Casino, LLC  
  
**Prepared By:** Matthew G. Flynn, AICP, Senior Planning Manager  
Tel: (563) 326-7743  
E-mail: mflynn@ci.davenport.ia.us

## **STAFF RECOMMENDATION**

1. **Staff recommends the Final Development Plan for the Rhythm City Casino be forwarded to the City Council with a recommendation for approval, including the conditions listed herein.**

## **BACKGROUND**

### **Overview:**

Scott County Casino, LLC, has announced plans for a new land-based Rhythm City Casino Complex. The project proposes the following:

- 33,800 square foot casino floor
- 7 story, 143 room hotel (95 feet in height)
- Flexible event center seating up to 1500
- 298,000 square feet total building envelope
- 2093 parking spaces

In addition to the casino complex, and beyond the scope of the proposed PDD, the concept plan includes the following in the proposed River 80 development:

- 200 room resort hotel
- 250,000 square foot shopping center
- 150,000 square foot shopping center
- 100,000 square feet of office space

These developments will occur in the future. Final Development Plans will be required. Conditions specific to those future developments will be drafted at that time to address specific design issues.

Refer to the attachments included with the staff report for CP14-04 for detailed maps, illustrations and other information.

**Technical Review:**

See the staff report for F14-11 for technical review comments.

**PUBLIC INPUT**

See the staff report for REZ14-09 for a summary of public comments received to date.

**DISCUSSION**

Approval of the final development plan should be contingent upon the rezoning being approved. To address specific issues associated with the proposed development, a number of conditions are suggested. They are:

1. Lighting. Concerns about the degree of lighting have been expressed. Suggested condition: All exterior lighting, including drive aisles, parking lots, pedestrian paths and building lighting, shall utilize LED "Dark Sky" fixtures. Overall illumination standards shall not exceed the limits outlined in Chapter 17.56.040 (O) of the Davenport Municipal Code.
2. Connectivity. In order to support connectivity throughout the commercial development, staff suggests this condition: The interior circulation network includes at least one driveway and sidewalk connection from proposed Lot 2 (Casino Site) and Lot 4 of River 80 First Addition.
3. Outdoor entertainment. The developer's other casinos hold occasional outdoor concerts and other events. Proposed Condition: Outdoor concerts and other outdoor special events shall be limited to no more than six (6) per calendar year. Stage and PA orientation shall not be oriented to the south. Owner shall obtain any required variances for noise from the City, if required.
4. Signage. No sign details have been provided yet. Proposed Condition: A signage plan for proposed Lot 2 (Casino Site) shall meet the requirements of Chapter 17.45 (Sign Regulations) and shall be reviewed by the Plan and Zoning Commission prior to its approval by the City.
5. Buffering. Concern has been expressed about buffering the entire commercial development to the south. While not impacting the proposed casino site directly, this condition puts all parties on notice that particular attention to buffering will be expected when the closest lots move forward with development plans. Proposed condition: The owners of proposed Lots 5 and 6 of River 80 First Addition shall work with the City to develop an appropriate buffer, including berms and landscaping, complimentary to that which exists immediately south of Veteran's Memorial Parkway. Any berms shall not conflict with existing or future utility easements.
6. The final non-standard condition stipulates that design details will be coordinated with site plan review (a standard element of the building permit process) at a later time. Proposed Condition: Final Design Review shall be completed in conjunction with site plan review as noted above.

## **STAFF RECOMMENDATION**

### **Findings:**

1. The proposed development is consistent with the Comprehensive Plan Designation of CR, Commercial Retail and the PDD zoning.

### **Recommendation:**

#### Standard Conditions:

1. All development shall meet the requirements of Chapters 13.34 (Stormwater Management), 15.44 (Flood Damage Protection), 17.56 (Site Plans), and all applicable Chapters of the Davenport Municipal Code

#### Non-Standard Conditions:

1. Lighting. All exterior lighting, including drive aisles, parking lots, pedestrian paths and building lighting, shall utilize LED "Dark Sky" fixtures. Overall illumination standards shall not exceed the limits outlined in Chapter 17.56.040 (O) of the Davenport Municipal Code.
2. Connectivity. The interior circulation network includes at least one driveway and sidewalk connection from proposed Lot 2 (Casino Site) and Lot 4 of River 80 First Addition.
3. Outdoor entertainment. Outdoor concerts and other outdoor special events shall be limited to no more than six (6) per calendar year. Stage and PA orientation shall not be oriented to the south. Owner shall obtain any required variances for noise from the City, if required.
4. Signage. A signage plan for proposed Lot 2 (Casino Site) shall meet the requirements of Chapter 17.45 (Sign Regulations) and shall be reviewed by the Plan and Zoning Commission prior to its approval by the City.
5. Buffering. The owners of proposed Lots 5 and 6 of River 80 First Addition shall work with the City to develop an appropriate buffer, including berms and landscaping, complimentary to that which exists immediately south of Veteran's Memorial Parkway. Any berms shall not conflict with existing or future utility easements.
6. Final Design Review shall be completed in conjunction with site plan review as noted above.

City of Davenport

Committee: CD  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 563-326-7743  
Wards: 6

**Action / Date**  
**10/15/2014**

Subject:

RESOLUTION approving Case No. P14-02 being the preliminary plat of River 80 First Addition, located north of Veteran's Memorial Parkway and east of Jersey Ridge Road, containing seven lots for commercial and office development. [6th Ward]

Relationship to Goals:

Added emphasis on economic development  
Resolve land-based casino

Background:

This preliminary plat establishes the basis for lots for the development of the Rhythm City Casino and associated commercial development known as River 80. Included in the seven new lots will be one devoted to storm water management for the property. The plat also facilitates the dedication of a 120 foot right-o-way for the construction of the extension of Elmore Avenue.

The City Plan and Zoning Commission also recommends approval of the Preliminary Plat for River 80 First addition and also finds that:

- Upon rezoning, will be consistent with the Comprehensive Plan
- Urban services are available
- Readies land for development.

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

ATTACHMENTS:

| Type                | Description                             |
|---------------------|-----------------------------------------|
| ☐ Resolution Letter | Resolution P14-02                       |
| ☐ Backup Material   | Resolution P14-02 P&Z Commission letter |
| ☐ Backup Material   | Resolution P14-02 Staff Report          |

Resolution No. \_\_\_\_\_

Resolution offered by

RESOLVED by the Community Development Committee of the City of Davenport.

RESOLUTION approving Case No. P14-02 being the preliminary plat of River 80 First Addition, located north of Veteran's Memorial Parkway and east of Jersey Ridge Road, containing seven lots for commercial and office development. [6th Ward]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the preliminary plat of River 80 First Addition is hereby approved and accepted subject to all the conditions as stated in the Plan and Zoning Commission's letter dated October 1, 2014 as follows:

1. The City of Davenport is listed as owner/developer of Lot 3 (storm water detention). This is not correct. The developer must discuss the ownership and maintenance of Lot 3 with the City Natural Resources Division to determine what is acceptable to the City.
2. Note number 3 which refers to detention on Lot 3 is to be reviewed by the City Natural Resources Division and corrections made as necessary.
3. Existing streets are shown along with their right-of-way dimensions and pavement widths.
4. Only the existing pavement is to be shown on Veterans Memorial parkway, the proposed pavement should be removed.
5. The name of the surveyor is shown.
6. Current zoning is shown.
7. The boundaries and owners of adjacent land is shown.
8. Existing culverts are shown.
9. Existing storm and sanitary sewers with size are shown.
10. Building setback lines are shown.
11. The surveyor signs the plat.

Note that standard conditions 1 listed on the Commission's October 1, 2014 letter (included in background information) are standard requirements of City Ordinances and not repeated here; and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

Approved:

Attest:

\_\_\_\_\_  
William E. Gluba, Mayor

\_\_\_\_\_  
Jackie E. Holecek, City Clerk





**Plan and Zoning Commission  
City of Davenport**

October 1, 2014

Mayor and City Council  
City of Davenport Iowa  
City Hall, 226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801

Subject: P14-02

Dear Mayor Gluba and Council Members:

At its September 30, 2014 meeting, the Plan and Zoning Commission voted 5-yes (Elgatian, Tallman, Gere, Connell, d'Autremont) 4-no (Cartee, Martin, Lammers, Martinez) 1-abstention (Kelling) to recommend the City Council approve Case No. P14-02, the Preliminary Plat of River 80 First Addition with the following conditions:

**Standard Conditions:**

1. Upon final platting the required right-of-way and easements are dedicated. This shall include temporary and permanent easements and right-of-way necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway.

**Non-Standard Conditions:**

1. The City of Davenport is listed as owner/developer of Lot 3 (storm water detention). This is not correct. The developer must discuss the ownership and maintenance of Lot 3 with the City Natural Resources Division to determine what is acceptable to the City.
2. Note number 3 which refers to detention on Lot 3 is to be reviewed by the City Natural Resources Division and corrections made as necessary.
3. Existing streets are shown along with their right-of-way dimensions and pavement widths.
4. Only the existing pavement is to be shown on Veterans Memorial parkway, the proposed pavement should be removed.

5. The name of the surveyor is shown.
6. Current zoning is shown.
7. The boundaries and owners of adjacent land is shown.
8. Existing culverts are shown.
9. Existing storm and sanitary sewers with size are shown.
10. Building setback lines are shown.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Ingram', with a stylized flourish extending to the right.

Bob Ingram, Chair  
Davenport Plan and Zoning Commission



## **PLAN AND ZONING COMMISSION**

**Meeting Date:** September 30, 2014  
**Request:** Preliminary Plat of River 80 First Addition  
**Location:** 108.738 Acres, more or less located north of Veteran's Memorial Parkway, east of Jersey Ridge Road, south of Interstate 80, and west of Interstate 74.  
**Project Name:** Rhythm City Casino, River 80 Reinvestment District  
**Case No.:** P14-02  
**Petitioner:** Jersey Roads, LC, QC Equity Investments LLC, Ridges LC  
  
**Prepared By:** Matthew G. Flynn, AICP, Senior Planning Manager  
Tel: (563) 326-7743  
E-mail: [mflynn@ci.davenport.ia.us](mailto:mflynn@ci.davenport.ia.us)

## **STAFF RECOMMENDATION**

1. **Staff recommends the Preliminary Plat of River 80 First Addition be forwarded to the Community Development Committee for approval with the conditions stipulated below.**

## **BACKGROUND**

### **Overview:**

Because this property has never been platted and involves the dedication of a new street (Elmore Avenue), a preliminary plat is required. A Preliminary Plat is designed to present a generalized concept on how an area is to be developed, in advance of consideration of the Final Plat.

River 80 First Addition provides for seven lots, one being devoted to regional stormwater detention, as well as 120 feet of right-of-way for an extension of Elmore Avenue.

In this case, the final plat is immediately forthcoming, but nonetheless, a preliminary plat provides important base information staff deemed necessary as part of the overall review of this development.

### **Technical Review:**

Technical review comments have been requested. A summary of technical review comments are included in the staff report for F14-11.

### **Public Comments:**

Public comments are not specifically requested for platting applications.

## **RECOMMENDATION**

### **Findings:**

1. Upon rezoning, will be consistent with the Comprehensive Plan
2. Urban services are available
3. Readies land for development.

### **Recommendation:**

Staff recommends the Plan and Zoning Commission forward Case No. P14-02, the Preliminary Plat of River80 First Addition, to the Community Development Committee for approval with the following conditions:

#### Standard Conditions:

1. Upon final platting the required right-of-way and easements are dedicated. This shall include temporary and permanent easements and right-of-way necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway.

#### Non-Standard Conditions:

1. The City of Davenport is listed as owner/developer of Lot 3 (storm water detention). This is not correct. The developer must discuss the ownership and maintenance of Lot 3 with the City Natural Resources Division to determine what is acceptable to the City.
2. Note number 3 which refers to detention on Lot 3 is to be reviewed by the City Natural Resources Division and corrections made as necessary.
3. Existing streets are shown along with their right-of-way dimensions and pavement widths.
4. Only the existing pavement is to be shown on Veterans Memorial parkway, the proposed pavement should be removed.
5. The name of the surveyor is shown.
6. Current zoning is shown.
7. The boundaries and owners of adjacent land is shown.
8. Existing culverts are shown.
9. Existing storm and sanitary sewers with size are shown.
10. Building setback lines are shown.

City of Davenport

Committee: CD  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 563-326-7743  
Wards: 6

**Action / Date**  
**10/15/2014**

Subject:

RESOLUTION approving Case No. F14-11 being the final plat of River 80 First Addition, located north of Veteran's Memorial Parkway and east of Jersey Ridge Road, containing seven lots for commercial and office development. [6th Ward]

Relationship to Goals:

Added emphasis on economic development  
Resolve land-based casino

Background:

This final plat prepares the lots for the development of the Rhythm City Casino and associated commercial development known as River 80. Included in the seven new lots will be one devoted to storm water management for the property. The plat also facilitates the dedication of a 120 foot right-o-way for the construction of the extension of Elmore Avenue.

The City Plan and Zoning Commission also recommends approval of the Preliminary Plat for River 80 First addition and also finds that:

- Upon rezoning, will be consistent with the Comprehensive Plan
- Urban services are available
- Readies land for development.

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

ATTACHMENTS:

| Type                | Description                             |
|---------------------|-----------------------------------------|
| ☐ Resolution Letter | Resolution F14-11                       |
| ☐ Backup Material   | Resolution F14-11 P&Z Commission letter |
| ☐ Backup Material   | Resolution F14-11 Staff Report          |

Resolution No. \_\_\_\_\_

Resolution offered by

RESOLVED by the Community Development Committee of the City of Davenport.

RESOLUTION approving Case No. F14-11 being the final plat of River 80 First Addition, located north of Veteran's Memorial Parkway and east of Jersey Ridge Road, containing seven lots for commercial and office development. [6th Ward]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of River 80 First Addition is hereby approved and accepted subject to all the conditions as stated in the Plan and Zoning Commission's letter dated October 1, 2014 as follows:

1. The surveyor signs the plat.
2. The utility companies sign the plat when their easement needs have been met.
3. The Natural Resources Division of the Public Works Department is notified prior to any construction and that the storm water requirements of City Code Section 13.34 are followed.
4. A note is added to the plat stating that sidewalks shall be constructed along the public right-of-way prior to the issuance of occupancy permits.
5. The required right-of-way and easements are dedicated. This shall include temporary and permanent easements and right-of-way necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway. There is a minimal amount of additional right-of-way needed at the intersection of Elmore and Veteran's Memorial Parkway and some additional right-of-way along Jersey Ridge Road. The Engineering Division will provide the surveyor with details of these right-of-ways needs.
6. The City of Davenport is listed as owner/developer of Lot 3 (storm water detention). This is not correct. The developer must discuss the ownership and maintenance of Lot 3 with the City Natural Resources Division to determine what is acceptable to the City.
7. Stormwater detention calculations are to be submitted to and approved by the City Natural Resources Division.
8. The graphic scale is corrected.
9. Building setback lines are shown.
10. Existing right-of-way lines are shown and dimensioned.
11. Three elements of all curved lines including radii, arcs and central angles are shown.

12. All lot lines and easement lines have bearings and distances shown.
13. Ties to two quarter corners or two previously established lot corners are shown and identified.
14. Plans for public sanitary sewer are provided to Publics Works for review and approval prior to acceptance of the plat by Council. Street and storm sewer plans are on file. The developer will need to extend sanitary sewer from the existing sewer south of Veteran's Memorial Parkway of to the site
15. A note is added to the plat stating that the location of access points to Veteran's Memorial Parkway and Elmore Avenue shall be approved by the City Traffic Engineer and in no case be closer than 350 feet to the centerline of the intersection of Veteran's Memorial Parkway and Elmore Avenue.
16. A red-lined copy of the plat has been returned to the surveyor along with other miscellaneous review comments. The plat is to be updated and then reviewed and approved by the Engineering Division prior to acceptance by Council.
17. Dedication of 20' wide utility easements along the front of all lots fronting public streets.
18. Dedication of a minimum 25'x25' "power only" easement area at the front lot lines on the north side of proposed Elmore Avenue.
19. Note 2 is amended to indicate that the developer is responsible for construction and stabilization of the detention basin along with installation of native vegetation selected and as directed by the City of Davenport. After a three year maintenance bond, guarantee, or contract, the city will assume responsibility for maintenance of the basin.
20. If the developer requests signalization in the future for any of the entrances in this development, the cost of signalization shall be completely paid for by the developer. Traffic signal warrants from the Manual on Uniform Traffic Control Devices (MUTCD) must be met before signalization is approved. All locations must be approved by the City Traffic Engineer. All traffic signals for this development can be designed and bid by City staff if the developer wishes and the signals will be owned and maintained by the City after installation.
21. If traffic signals meet MUTCD warrants in the future at the intersection of Elmore Avenue and Jersey Ridge Road, the developer shall pay 100% of the cost of signalization. This cost share percentage was calculated based on the fact that the intersection would not have existed if not for the development. These signals will be designed and bid by the City.
22. If traffic signals meet MUTCD warrants in the future at the intersection of Veterans Memorial Parkway and Jersey Ridge Road, the developer shall pay 33% of the cost of signalization, which will also include the changes in the roadway design and paving at the intersection. This

cost share percentage was calculated based on the percentage of traffic from the intersection that was generated by the development. This project will be designed and bid by the City.

23. The developer shall pay 20% of the cost of signalization at the intersection of Elmore Avenue and Veterans Memorial Parkway. These signals are being designed by the City and will be constructed with the Veterans Memorial Parkway project. The cost share has a cap of 20% due to the 80% federal funding for the project.
24. The developer shall install a 2-inch PVC conduit near the back of curb along Elmore Avenue from Veterans Memorial Parkway south to the existing dead end of Elmore. This will be used for future communication to the new signals at the intersection.

Note that standard conditions 1 through 4 listed on the Commission's October 1, 2014 letter (included in background information) are standard requirements of City Ordinances and not repeated here; and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

Approved:

Attest:

---

William E. Gluba, Mayor

---

Jackie E. Holecek, City Clerk



**Plan and Zoning Commission  
City of Davenport**

October 1, 2014

Mayor and City Council  
City of Davenport Iowa  
City Hall, 226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801

Subject: F14-11

Dear Mayor Gluba and Council Members:

At its September 30, 2014 meeting, the Plan and Zoning Commission voted 5-yes (Elgatian, Tallman, Gere, Connell, d'Autremont) 4-no (Cartee, Martin, Lammers, Martinez) 1-abstention (Kelling) to recommend the City Council approve Case No. F14-11, the Final Plat of River 80 First Addition with the following conditions:

Standard Conditions:

1. The developer shall continue to work with the Engineering Division in the design and construction of public streets, sanitary sewer and storm sewer. Public infrastructure shall be constructed in conformance with the City's Standard Specifications.
2. With platting necessary street right-of-way and easements are to be dedicated. This shall include temporary easements necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway.
3. The developer shall continue to work with the Natural Resources Division and shall comply with Chapters 13.34 (Stormwater Management), and 15.44 (Flood Damage Prevention), of the Davenport Municipal Code.
4. Owner shall pay the required reforestation fee as stipulated in Chapter 16.20.040(G) of the Davenport Municipal Code.

Non-Standard Conditions:

1. The surveyor signs the plat.
2. The utility companies sign the plat when their easement needs have been met.
3. The Natural Resources Division of the Public Works Department is notified prior to any construction and that the stormwater requirements of City Code Section 13.34 are followed.
4. A note is added to the plat stating that sidewalks shall be constructed along the public right-of-way prior to the issuance of occupancy permits.
5. The required right-of-way and easements are dedicated. This shall include temporary and permanent easements and right-of-way necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway. There is a minimal amount of additional right-of-way needed at the intersection of Elmore and Veteran's Memorial Parkway and some additional right-of-way along Jersey Ridge Road. The Engineering Division will provide the surveyor with details of these right-of-ways needs.
6. The City of Davenport is listed as owner/developer of Lot 3 (storm water detention). This is not correct. The developer must discuss the ownership and maintenance of Lot 3 with the City Natural Resources Division to determine what is acceptable to the City.
7. Stormwater detention calculations are to be submitted to and approved by the City Natural Resources Division.
8. The graphic scale is corrected.
9. Building setback lines are shown.
10. Existing right-of-way lines are shown and dimensioned.
11. Three elements of all curved lines including radii, arcs and central angles are shown.
12. All lot lines and easement lines have bearings and distances shown.
13. Ties to two quarter corners or two previously established lot corners are shown and identified.
14. Plans for public sanitary sewer are provided to Publics Works for review and approval prior to acceptance of the plat by Council. Street and storm sewer plans are on file. The developer will need to extend sanitary sewer from the existing sewer south of Veteran's Memorial Parkway to the site
15. A note is added to the plat stating that the location of access points to Veteran's Memorial Parkway and Elmore Avenue shall be approved by the City Traffic Engineer and in no

case be closer than 350 feet to the centerline of the intersection of Veteran's Memorial Parkway and Elmore Avenue.

16. A red-lined copy of the plat has been returned to the surveyor along with other miscellaneous review comments. The plat is to be updated and then reviewed and approved by the Engineering Division prior to acceptance by Council.
17. Dedication of 20' wide utility easements along the front of all lots fronting public streets.
18. Dedication of a minimum 25'x25' "power only" easement area at the front lot lines on the north side of proposed Elmore Avenue.
19. Note 2 is amended to indicate that the developer is responsible for construction and stabilization of the detention basin along with installation of native vegetation selected and as directed by the City of Davenport. After a three year maintenance bond, guarantee, or contract, the city will assume responsibility for maintenance of the basin.
20. If the developer requests signalization in the future for any of the entrances in this development, the cost of signalization shall be completely paid for by the developer. Traffic signal warrants from the Manual on Uniform Traffic Control devices (MUTCD) must be met before signalization is approved. All locations must be approved by the City Traffic Engineer. All traffic signals for this development can be designed and bid by City staff if the developer wishes and the signals will be owned and maintained by the City after installation.
21. If traffic signals meet MUTCD warrants in the future at the intersection of Elmore Avenue and Jersey Ridge Road, the developer shall pay 100% of the cost of signalization. This cost share percentage was calculated based on the fact that the intersection would not have existed if not for the development. These signals will be designed and bid by the City.
22. If traffic signals meet MUTCD warrants in the future at the intersection of Veterans Memorial Parkway and Jersey Ridge Road, the developer shall pay 33% of the cost of signalization, which will also include the changes in the roadway design and paving at the intersection. This cost share percentage was calculated based on the percentage of traffic from the intersection that was generated by the development. This project will be designed and bid by the City.
23. The developer shall pay 20% of the cost of signalization at the intersection of Elmore Avenue and Veterans Memorial Parkway. These signals are being designed by the City and will be constructed with the Veterans Memorial Parkway project. The cost share has a cap of 20% due to the 80% federal funding for the project.
24. The developer shall install a 2-inch PVC conduit near the back of curb along Elmore Avenue from Veterans Memorial Parkway south to the existing dead end of Elmore. This will be used for future communication to the new signals at the intersection.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Ingram', with a stylized, cursive script.

Bob Ingram, Chair  
Davenport Plan and Zoning Commission



## **PLAN AND ZONING COMMISSION**

**Meeting Date:** September 30, 2014  
**Request:** Final Plat of River 80 First Addition  
**Location:** 108.738 Acres, more or less located north of Veteran's Memorial Parkway, east of Jersey Ridge Road, south of Interstate 80, and west of Interstate 74.  
**Project Name:** Rhythm City Casino, River 80 Reinvestment District  
**Case No.:** F14-11  
**Petitioner:** Jersey Roads, LC, QC Equity Investments LLC, Ridges LC  
  
**Prepared By:** Matthew G. Flynn, AICP, Senior Planning Manager  
Tel: (563) 326-7743  
E-mail: [mflynn@ci.davenport.ia.us](mailto:mflynn@ci.davenport.ia.us)

## **STAFF RECOMMENDATION**

1. Staff recommends the Final Plat of River 80 First Addition be forwarded to the Community Development Committee for approval with the conditions stipulated below.

## **BACKGROUND**

### **Overview:**

Because this property has never been platted and involves the dedication of a new street (Elmore Avenue), a preliminary plat is required. A Preliminary Plat is designed to present a generalized concept on how an area is to be developed, in advance of consideration of the Final Plat. (See P14-02)

River 80 First Addition provides for seven lots, one being devoted to regional stormwater detention, as well as 120 feet of right-of-way for an extension of Elmore Avenue.

### **Technical Review:**

The property is located within the Urban Service Area of the City and, with incremental extensions of existing utilities, is deemed ready for development.

**Streets:** Via a development agreement between the City and Scott County Casino, LLC, Elmore Avenue will be extended north from its current terminus approximately ½ mile south of Veteran's Memorial Parkway. It will extend through the site providing access to all lots in the subdivision. It will be constructed as a four lane road with turn lanes. No direct access to either Veteran's Memorial Parkway or Jersey Ridge Road is anticipated.

Traffic studies completed as part of this project identify the eventual need for signalization of the Jersey Ridge Road/Elmore Avenue intersection. Signalization of Elmore Avenue/Veteran's Memorial Parkway will be completed immediately through the development agreement.

Sanitary Sewer: The developer will be required to extend sanitary sewer (sewer) to the site and construct the sewer needed within the site. The developer is responsible for both design and construction costs.

The sewer extension will begin near the north east corner of Jersey Farms 10th addition connecting into an existing 15" main line sewer and continue north and east along the drainage way, cross under Veteran's Memorial Parkway to the site. This is a distance of approximately 2,300 feet.

The sewer must be designed to meet City of Davenport and Iowa DNR Specifications. The developer is required to submit plans and specifications to the Public Works Department and Iowa Department of Natural Resources for review and approval. The developer is responsible for all permitting. Public Works staff will inspect the construction in order to insure specification compliance. Once the sewer is completed and accepted by City Council it will become a public sewer owned by the City.

Stormwater: Stormwater will be directed to a regional basin located on Lot 3 and discharged to the east, eventually depositing into Crow Creek. Little, if any, Stormwater will end up in Pheasant Creek.

Stormwater management, in general, will need to meet the new, stringent, City Stormwater Management Ordinance.

Water: Iowa American Water has indicated that this development will allow the utility to loop the water system, which will provide better service for not only the project, but nearby neighborhoods as well.

Other Utilities: Mid-American Energy is working with the developer to provide electrical service. No unusual problems are anticipated.

Emergency Services: Fire Station #8, located on East 53rd Street, is located less than 2 miles to the south. With the completion of the Elmore Avenue extension, at least two ways for emergency vehicles to service the development will be available.

#### **Public Comments:**

Public comments are not specifically requested for platting applications.

### **RECOMMENDATION**

#### **Findings:**

1. Upon rezoning, will be consistent with the Comprehensive Plan
2. Urban services are available
3. Readies land for development.

#### **Recommendation:**

Staff recommends the Plan and Zoning Commission forward Case No. F14-11, the Final Plat of River 80 First Addition, to the City Council for approval with the following conditions:

Standard Conditions:

1. The developer shall continue to work with the Engineering Division in the design and construction of public streets, sanitary sewer and storm sewer. Public infrastructure shall be constructed in conformance with the City's Standard Specifications.
2. With platting necessary street right-of-way and easements are to be dedicated. This shall include temporary easements necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway.
3. The developer shall continue to work with the Natural Resources Division and shall comply with Chapters 13.34 (Stormwater Management), and 15.44 (Flood Damage Prevention), of the Davenport Municipal Code.
4. Owner shall pay the required reforestation fee as stipulated in Chapter 16.20.040(G) of the Davenport Municipal Code.

Non-Standard Conditions:

1. The surveyor signs the plat.
2. The utility companies sign the plat when their easement needs have been met.
3. The Natural Resources Division of the Public Works Department is notified prior to any construction and that the stormwater requirements of City Code Section 13.34 are followed.
4. A note is added to the plat stating that sidewalks shall be constructed along the public right-of-way prior to the issuance of occupancy permits.
5. The required right-of-way and easements are dedicated. This shall include temporary and permanent easements and right-of-way necessary for the construction of Elmore Avenue and Veteran's Memorial Parkway. There is a minimal amount of additional right-of-way needed at the intersection of Elmore and Veteran's Memorial Parkway and some additional right-of-way along Jersey Ridge Road. The Engineering Division will provide the surveyor with details of these right-of-ways needs.
6. The City of Davenport is listed as owner/developer of Lot 3 (storm water detention). This is not correct. The developer must discuss the ownership and maintenance of Lot 3 with the City Natural Resources Division to determine what is acceptable to the City.
7. Stormwater detention calculations are to be submitted to and approved by the City Natural Resources Division.
8. The graphic scale is corrected.
9. Building setback lines are shown.
10. Existing right-of-way lines are shown and dimensioned.
11. Three elements of all curved lines including radii, arcs and central angles are shown.
12. All lot lines and easement lines have bearings and distances shown.
13. Ties to two quarter corners or two previously established lot corners are shown and identified.
14. Plans for public sanitary sewer are provided to Publics Works for review and approval prior to acceptance of the plat by Council. Street and storm sewer plans are on file. The developer will need to extend sanitary sewer from the existing sewer south of Veteran's Memorial Parkway of to the site
15. A note is added to the plat stating that the location of access points to Veteran's Memorial Parkway and Elmore Avenue shall be approved by the City Traffic Engineer and in no case be closer than 350 feet to the centerline of the intersection of Veteran's Memorial Parkway and Elmore Avenue.
16. A red-lined copy of the plat has been returned to the surveyor along with other miscellaneous review comments. The plat is to be updated and then reviewed and approved by the Engineering Division prior to acceptance by Council.

17. Dedication of 20' wide utility easements along the front of all lots fronting public streets.
18. Dedication of a minimum 25'x25' "power only" easement area at the front lot lines on the north side of proposed Elmore Avenue.
19. Note 2 is amended to indicate that the developer is responsible for construction and stabilization of the detention basin along with installation of native vegetation selected and as directed by the City of Davenport. After a three year maintenance bond, guarantee, or contract, the city will assume responsibility for maintenance of the basin.
20. If the developer requests signalization in the future for any of the entrances in this development, the cost of signalization shall be completely paid for by the developer. Traffic signal warrants from the Manual on Uniform Traffic Control Devices (MUTCD) must be met before signalization is approved. All locations must be approved by the City Traffic Engineer. All traffic signals for this development can be designed and bid by City staff if the developer wishes and the signals will be owned and maintained by the City after installation.
21. If traffic signals meet MUTCD warrants in the future at the intersection of Elmore Avenue and Jersey Ridge Road, the developer shall pay 100% of the cost of signalization. This cost share percentage was calculated based on the fact that the intersection would not have existed if not for the development. These signals will be designed and bid by the City.
22. If traffic signals meet MUTCD warrants in the future at the intersection of Veterans Memorial Parkway and Jersey Ridge Road, the developer shall pay 33% of the cost of signalization, which will also include the changes in the roadway design and paving at the intersection. This cost share percentage was calculated based on the percentage of traffic from the intersection that was generated by the development. This project will be designed and bid by the City.
23. The developer shall pay 20% of the cost of signalization at the intersection of Elmore Avenue and Veterans Memorial Parkway. These signals are being designed by the City and will be constructed with the Veterans Memorial Parkway project. The cost share has a cap of 20% due to the 80% federal funding for the project.
24. The developer shall install a 2-inch PVC conduit near the back of curb along Elmore Avenue from Veterans Memorial Parkway south to the existing dead end of Elmore. This will be used for future communication to the new signals at the intersection.

CITY OF DAVENPORT  
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
SUBDIVISION REFERENCE FILE

PRELIM FINAL PUD (circle the appropriate designation)

SUBDIVISION NAME: River 80 First Addition

LOCATION: SW Corner of I-80 + I-74, East of Jersey Ridge Rd

DEVELOPER: Name: See Attached  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_ Email: \_\_\_\_\_

ENGINEER: Name: See Attached  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_ Email: \_\_\_\_\_

ATTORNEY: Name: See Attached  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_ Email: \_\_\_\_\_

OWNER: Name: See Attached  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
Mobile Phone: \_\_\_\_\_ Email: \_\_\_\_\_

NUMBER OF LOTS: \_\_\_\_\_ 5 ACRES: 162.49  
SF 2F MF & EST. UNITS COMM IND

STREETS ADDED: 3,815 LINEAR FEET

| Fee per Plat                                                                  | Fee                                         |
|-------------------------------------------------------------------------------|---------------------------------------------|
| Ten or fewer lots ( < 10 lots )                                               | \$400 plus \$25/lot                         |
| Eleven to twenty-five lots ( $\geq 11$ lots $\leq 25$ lots )                  | \$700 plus \$25/lot                         |
| More than twenty-five lots ( > 25 lots )                                      | \$1,000 plus \$25/lot                       |
| Reforestation fee (submit to Land Use Office<br>Prior to City Council review) | \$150 per 50 feet of<br>lineal lot frontage |

NOTE: THE PLAT WILL NOT BE PROCESSED UNTIL THE FEE AND COMPLETED REFERENCE FILE ARE RECEIVED BY THE PLANNING AND LAND DEVELOPMENT OFFICE.

**Developer:**

Baxter Construction Co., LLC

Attn: Tony Baxter

3225 Ave. N, Fort Madison, IA 52627

Phone: 319-372-7285

Email: [tbaxter@baxterconstructionco.com](mailto:tbaxter@baxterconstructionco.com)

**Engineer:**

McClure Engineering Associates, Inc.

Attn: Brent O. Morlok, P.E., LEED AP

4700 Kennedy Drive, East Moline, IL 61244

Phone: 309-792-9350

Email: [b.morlok@mcclureengineering.com](mailto:b.morlok@mcclureengineering.com)

**Owner(s) & Attorney (s):**

Owner: Scott County Casino LLC

Attn: Dan Kehl

3184 Highway 22, Riverside, IA 52327

Phone: 319-648-0012

Email: [dan.kehl@riversidecasinoandresort.com](mailto:dan.kehl@riversidecasinoandresort.com)

Attorney: Lane and Waterman

Attn: Curtis Beason

220 N. Main Street, Suite 600, Davenport, IA 52801

Phone: 563-324-3246

Owner: Kahl Home for the Aged & Infirm, Inc.

Attn: Rosalie Thomas

6701 Jersey Ridge Road, Davenport, IA 52807

Phone: 563-324-1621

Attorney: Joseph Polaschek

101 W. 2<sup>nd</sup> Street, Suite 400, Davenport, IA 52801

Phone: 563-326-1008

Owner: QC Equity Investments LLC

Attn: Rodney Blackwell

201 N. Harrison St, Suite 402, Davenport, IA 52801

Phone: 563-324-9898

Email: [rodblackwell@yahoo.com](mailto:rodblackwell@yahoo.com)

Attorney: Bush, Motto, Creen, Koury & Halligan, P.L.C.

Attn: Mike Koury

5505 Victoria Ave, Suite 100, Davenport, IA 52807

Phone: 563-344-4900

Email: [makoury@bmcklaw.com](mailto:makoury@bmcklaw.com)

Attorney: Pastrnak Law Firm, PC

Attn: Tom Pastrnak

313 W. 3<sup>rd</sup> Street, Davenport, IA 52801

Phone: 563-323-7737

Email: [tpastrnak@pastrnak.com](mailto:tpastrnak@pastrnak.com)

PLAT of SUBDIVISION  
of  
RIVER 80 FIRST ADDITION

PART OF THE NORTHEAST QUARTER OF SECTION 6 & NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 78 NORTH RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, DAVENPORT, SCOTT COUNTY, IOWA

NOTES:

- 1.) DEDICATED RIGHT OF WAY FOR ROADWAY AND UTILITY PURPOSES, AS SHOWN.
- 2.) DETENTION IS REQUIRED FOR THIS ADDITION; THE CITY OF DAVENPORT IS RESPONSIBLE FOR MAINTENANCE OF THE DETENTION BASIN TO BE LOCATED WITHIN LOT 3; AN EASEMENT HAS ALSO BEEN DEDICATED AS SHOWN;
- 3.) A BUFFERYARD IS REQUIRED BY ORDINANCE AND RESOLUTION ALONG LOTS 1 & 2 OF JERSEY FARMS THIRD ADDITION
- 4.) ANY OCCUPANCY PERMIT SHALL NOT BE ISSUED UNTIL THIS PLAT IS RECORDED.
- 5.) LOT 3 HAS A BLANKET DRAINAGE & UTILITY EASEMENT

Lot 2  
OWNER/DEVELOPER

SCOTT COUNTY CASINO LLC  
3333 IOWA 20  
DAVENPORT, IOWA 52327  
(319) 646-0012

ATTORNEY

LANE & WATERMAN  
220 N. MAIN STREET SUITE 600  
DAVENPORT, IOWA 52801  
563-324-3246

Lot 3  
OWNER/DEVELOPER

CITY OF DAVENPORT

Lot 6  
OWNER/DEVELOPER

KAHL HOME FOR THE AGED & INFIRM, INC.

ATTN: ROSALE THOMAS  
6701 JERSEY RIDGE ROAD  
DAVENPORT, IA 52807

ATTORNEY

JOSEPH A. POLASCHKE  
101 W. SECOND STREET, SUITE 400  
DAVENPORT, IOWA 52801  
563-326-1008

Lots 1, 4, 5, & 7

OWNER/DEVELOPER

OC EQUITY INVESTMENTS LLC  
201 N. HARRISON STREET SUITE 402  
DAVENPORT, IOWA 52801  
563-324-9898

ATTORNEY

MIKE KOURT  
5505 KENNEDY AVE. SUITE 100  
DAVENPORT, IOWA 52807  
563-344-4900

ZONING AND LOT INFORMATION

CURRENT ZONING: R-1 & PUD  
TOTAL NUMBER OF LOTS: 7  
FRONT YARD BUILDING SETBACK: 25' AND VARIES  
REAR YARD BUILDING SETBACK: 30'  
SIDE YARD BUILDING SETBACK: 7'  
TOTAL AREA: 173.04 ACRES

MID-AMERICAN ENERGY COMPANY

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
Approved subject to encumbrances of record by Mid-American Energy Co.

MEDIACOM

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

CENTURY LINK

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

IOWA-AMERICAN WATER COMPANY

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

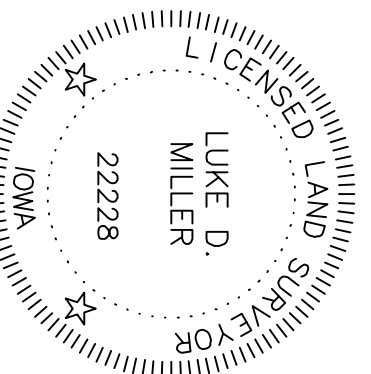
PLANNING AND ZONING COMMISSION

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

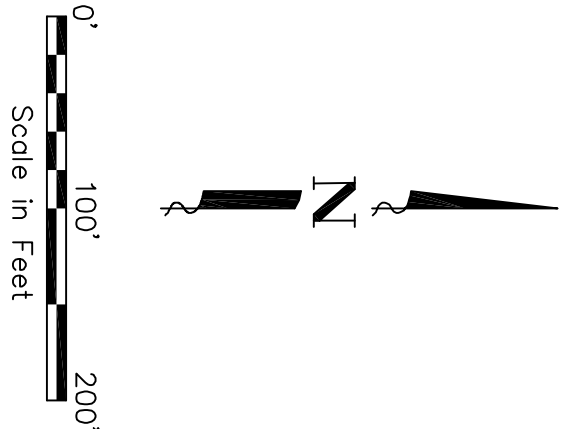
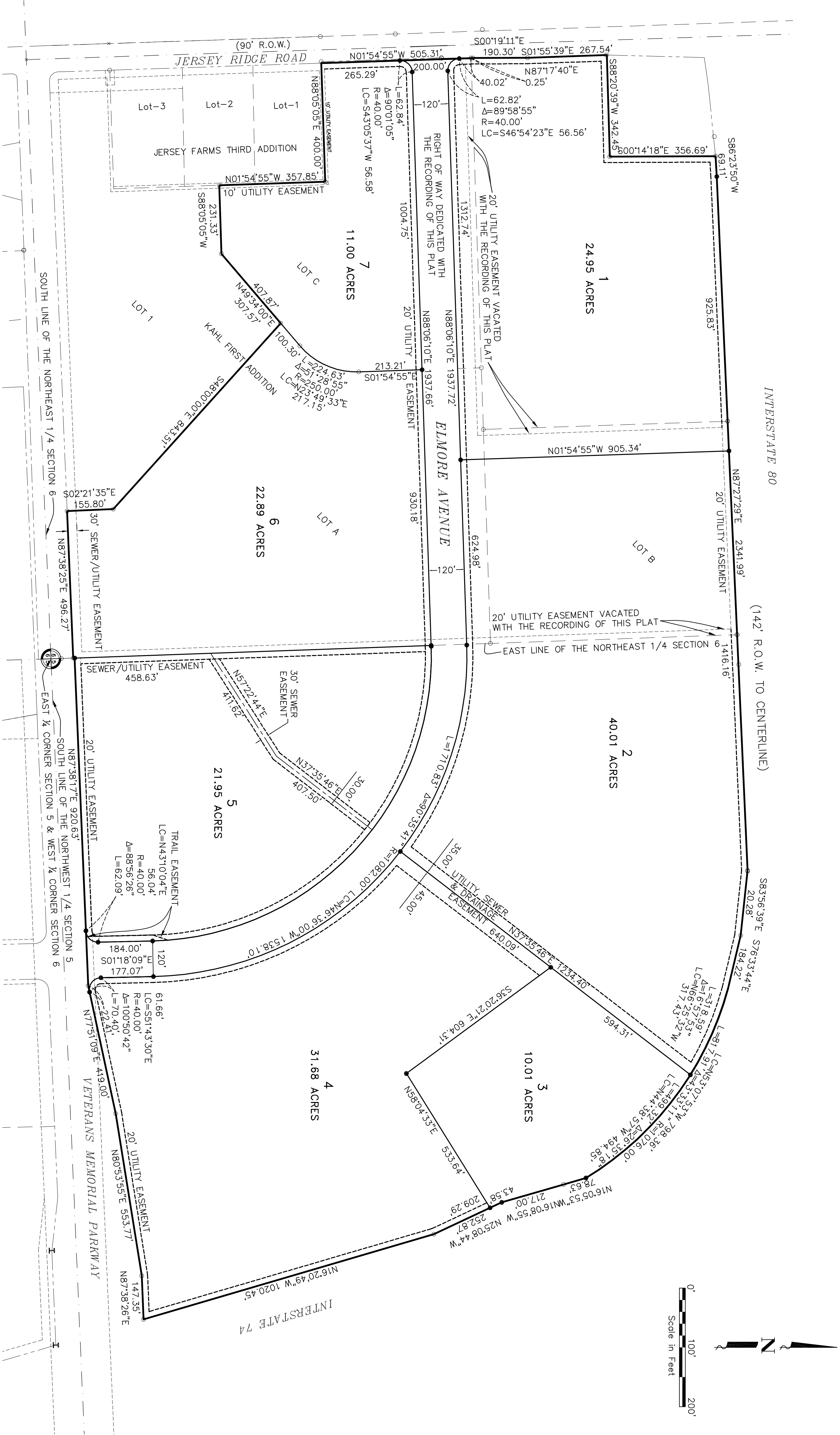
DAVENPORT CITY COUNCIL

BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_



I hereby certify that this land surveying document was prepared and my professional seal was paid that I am a duly licensed Land Surveyor under the laws of the State of Iowa.  
Signature: \_\_\_\_\_ Luke D. Miller  
Date: \_\_\_\_\_ Reg. No. 22228  
My license renewal date is December 31, 2014.  
Pages or sheets covered by this seal: \_\_\_\_\_  
THIS SHEET ONLY.



LEGEND

- FOUND 5/8" IRON ROD
- (100') BOUNDARY LINE
- DEED OR PLATTED MEASURED DIT
- EASEMENT LINE
- SET 5/8" IRON ROD W/ORANGE PLASTIC CAP 22228

PRELIMINARY - DO NOT RECORD

Barter Construction Co. LLC  
3225 Ave. N, Fort Madison, IA 52627

| REVISIONS |      |      |
|-----------|------|------|
| NO.       | ITEM | DATE |
|           |      |      |
|           |      |      |
|           |      |      |

|     |      |
|-----|------|
| NO. | DATE |
|     |      |
|     |      |
|     |      |
|     |      |

McClure Engineering Associates, Inc.  
4700 Kennedy Drive  
(309) 792-5350  
Copyright 2014 By McClure Engineering Associates, Inc.

| PLAT of SUBDIVISION                                     |                          |
|---------------------------------------------------------|--------------------------|
| RIVER 80 FIRST ADDITION                                 | DAVENPORT, IOWA          |
| FILE NAME: T:\VAD\14\134\DWG\14134-SUBDIVISION PLAT.dwg | JOB NUMBER: 01-15-14-134 |

City of Davenport

Committee: Community Development  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 563-326-7741  
Wards: 2

**Action / Date**  
**10/15/2014**

Subject:

Second Consideration: An ORDINANCE for Case No. REZ14-01 being the petition of First Central State Bank for the rezoning of 1.63 acres, more or less, of real property located at 6425 West Kimberly Road from "C-2" General Commercial District to "M-1" Light Industrial District for redevelopment of the property to accommodate a trucking dispatch center and truck parking. [2nd Ward]

Relationship to Goals:

Relationship to Goals:

- a) reduce the number of under occupied, abandoned, or vacant buildings/properties through adaptive reuse
- d) increase the number of mixed-use neighborhoods and districts

Background:

The petitioner is proposing the rezoning to accommodate a trucking dispatch center and truck parking. For further background information please refer to the background materials.

ATTACHMENTS:

| Type                                     | Description                            |
|------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Ordinance       | REZ14-01 Ordinance                     |
| <input type="checkbox"/> Backup Material | REZ14-01 Ordinance background material |

## ORDINANCE NO.

An ORDINANCE (Case No REZ14-01) for the rezoning of 1.63 acre, more or less, of real property located at 6425 West Kimberly Road from "C-2" General Commercial District to "M-1" Light Industrial District for redevelopment of the property to accommodate a trucking dispatch center and truck parking. [2<sup>nd</sup> 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:

Lot 2 in Fennelly's 1<sup>st</sup> Addition to the City of Davenport, Scott County, Iowa. This parcel contains 33,627 square feet (1.63 acres), more or less.

The City Plan and Zoning Commission accepted the listed findings and forwards Case No. REZ14-01 to the City Council for approval with the following conditions:

1. No trucks shall be allowed to idle between 10:00 PM and 7:00 AM; and
2. A site plan shall be reviewed and approved by Community Planning for a continuous screen row of evergreen trees which shall be planted along the southern property line where the subject property abuts "A-1" zoned land (this requirement shall block access to the western portion of land which is being purchased by the petitioner but not subject to this rezoning).

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 \_\_\_\_\_

\_\_\_\_\_  
William E. Gluba  
Mayor

Attest: \_\_\_\_\_  
Jackie Holecek, CMC  
Deputy City Clerk

Published in the *Quad City Times* on \_\_\_\_\_

September 17, 2014

Honorable Mayor and City Council  
City Hall  
Davenport, Iowa 52801

Honorable Mayor and City Council:

At its regular meeting of September 16, 2014, the City Plan and Zoning Commission considered Case No. REZ14-01, Petition of First Central State Bank for the rezoning of 1.63 acres, more or less, of real property located at 6425 West Kimberly Road from "C-2" General Commercial District to "M-1" Light Industrial District for redevelopment of the property to accommodate trucking dispatch center and truck parking.

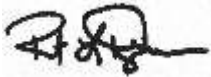
The City Plan and Zoning Commission adopted the following staff findings as the findings of the Commission:

- the rezoning will reduce the number of under occupied, abandoned, or vacant buildings/properties through adaptive reuse
- the rezoning will increase the number of mixed-use neighborhoods and districts

By a roll call vote of 8-yes, 1-no, and 0-abstain, the City Plan and Zoning Commission forwards Case No. REZ14-01 to the City Council with a recommendation of approval of the request subject to the following conditions:

1. No trucks shall be allowed to operate/idle between 10:00 PM and 7:00 AM; and
2. A site plan shall be reviewed and approved by Community Planning for a continuous screen row of evergreen trees which shall be planted along the southern property line where the subject property abuts "A-1" zoned land (this requirement shall block access to the western portion of land which is being purchased by the petitioner but not subject to this rezoning).

Respectfully submitted,



Robert Inghram, Chairperson  
City Plan and Zoning Commission

|             |           | APPROVED                          | TABLED                            |  |  |  |  |  |  |
|-------------|-----------|-----------------------------------|-----------------------------------|--|--|--|--|--|--|
| Name:       | Roll Call | REZ14-01<br>6425 W<br>KIMBERLY RD | REZ14-08<br>3616 W<br>KIMBERLY RD |  |  |  |  |  |  |
| Cartee      | P         | Y                                 | Y                                 |  |  |  |  |  |  |
| Connell     | P         | Y                                 | Y                                 |  |  |  |  |  |  |
| D'Autremont | P         | Y                                 | Y                                 |  |  |  |  |  |  |
| Elgatian    | EX        | N                                 | Y                                 |  |  |  |  |  |  |
| Gere        | P         | Y                                 | Y                                 |  |  |  |  |  |  |
| Inghram     | P         |                                   |                                   |  |  |  |  |  |  |
| Kelling     | P         | Y                                 | Y                                 |  |  |  |  |  |  |
| Lammers     | P         | Y                                 | Y                                 |  |  |  |  |  |  |
| Martin      | P         | Y                                 | Y                                 |  |  |  |  |  |  |
| Martinez    | P         | Y                                 | Y                                 |  |  |  |  |  |  |
| Tallman     | P         | Y                                 | Y                                 |  |  |  |  |  |  |
|             |           | 8-YES<br>1-NO<br>0-ABSTAIN        | 9-YES<br>0-NO<br>0-ABSTAIN        |  |  |  |  |  |  |



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

---

## **PLAN AND ZONING COMMISSION**

**Hearing Date:** September 16, 2014  
**Request:** Rezoning: "C-2" to "M-1"  
**Location:** 6425 W Kimberly Rd  
**Case No.:** REZ14-01  
**Applicant:** First Central State Bank

### **Recommendation:**

Staff recommends the City Plan and Zoning Commission forward Case No. REZ14-01 to the City Council for approval with the conditions listed in this report.

### **Request:**

Petition of First Central State Bank for the rezoning of 1.63 acres, more or less, of real property located at 6425 West Kimberly Road from "C-2" General Commercial District to "M-1" Light Industrial District for redevelopment of the property to accommodate trucking dispatch center and truck parking.



**AREA CHARACTERISTICS:**

***Zoning Map***



## ***Davenport 2025 Proposed Land Use Map***



### **Background:**

#### **Comprehensive Plan:**

Within Urban Service Area: No (it is in the 2025 Urban Services area)

Proposed Land Use Designation:

*Residential Limited Neighborhood* (RL) designates neighborhoods that are composed of primarily residential uses; commercial and other uses are generally prohibited. These uses are commonly "stand-alone" subdivisions or neighborhoods. Some RL neighborhoods are close or adjacent to commercial (and other neighborhood) land uses, but are separated by a natural or infrastructure barrier. Additionally, neighborhoods are typically designated as a whole. For all Residential land use classifications, *Davenport 2025* encourages the creation of neighborhood planning documents to guide development appropriate for each neighborhood.

This site is not residential, but exists as a commercial site and is part of a light industrial/commercial area along the West Kimberly corridor which is separated from residential dwellings located along West 60<sup>th</sup> Street. The homes along West 60<sup>th</sup> Street are in Linn's Subdivision which was subdivided in 1950's. The area was annexed into the City of Davenport in 1959.

Relevant Goals to be considered in this Case:

Strengthen the built environment

- a) reduce the number of under occupied, abandoned, or vacant buildings/properties through adaptive reuse
- d) increase the number of mixed-use neighborhoods and districts

Iowa Smart Planning Principles:

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

Revitalization

Remediation and reuse of existing sites, structures, and infrastructure is preferred over new construction in undeveloped areas.

### **Technical Review:**

Streets. The property utilizes the existing street pattern.

Storm Water. Storm water collection is supplied for this property. Should any ground disturbance occur, the property owner would be subject to all applicable codes including but not limited to Site Plan Review and land disturbance permits as required by the State and Davenport DNR Offices.

Sanitary Sewer. Sanitary sewer services are not provided for this property. No changes are proposed.

Other Utilities. This area does have access to water and electric utility services.

Emergency Services. The property is located approximately 3 miles from Fire Station #7 at 2302 W 67<sup>th</sup> Street.

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

### **PUBLIC INPUT**

Notices have been sent to the owners of the twelve (12) surrounding properties. Three responses to the request have been submitted in opposition to the request (14.2% protest).

## DISCUSSION

Given the rezoning history of industrial/commercial development in this area (the existing industrial and commercial zoning dates back to 1985 and earlier), it is clear that the Council over time has approved commercial and industrial uses along this section of West Kimberly Road.

The proposed land use map designates this area as *Residential Limited Neighborhood* (RL) which primarily (but not exclusively) allows for residential uses, and indicates that other uses may occur in these areas where separated by natural or infrastructure barriers. Given these allowances and the existence of commercial and industrial uses in this area, the proposed use does not warrant a change to the *Davenport 2025* - Proposed Land Use Map.

Teo's Trucking will use the site as a dispatch center for the seven refrigeration trailers in their fleet.

Other uses on the site would include light maintenance of the trucks and trailers, and parking of the trailers when they are not in use. All of the trailers in the fleet are refrigeration trailers ('refer' trailers). All of the trailers are newer models which have a 'whisper' technology which limits the noise generated from these units to 65 decibels or less, which is slightly louder than a conversation at three feet away.

| Sound sources (noise)<br>Examples with distance | Sound pressure<br>Level $L_p$ dB SPL |
|-------------------------------------------------|--------------------------------------|
| Jet aircraft, 50 m away                         | 140                                  |
| Threshold of pain                               | 130                                  |
| Threshold of discomfort                         | 120                                  |
| Chainsaw, 1 m distance                          | 110                                  |
| Disco, 1 m from speaker                         | 100                                  |
| Diesel truck, 10 m away                         | 90                                   |
| Kerbside of busy road, 5 m                      | 80                                   |
| Vacuum cleaner, distance 1 m                    | 70                                   |
| Conversational speech, 1 m                      | 60                                   |
| Average home                                    | 50                                   |
| Quiet library                                   | 40                                   |
| Quiet bedroom at night                          | 30                                   |
| Background in TV studio                         | 20                                   |
| Rustling leaves in the distance                 | 10                                   |
| Hearing threshold                               | 0                                    |

## Findings:

- the rezoning will reduce the number of under occupied, abandoned, or vacant buildings/properties through adaptive reuse
- the rezoning will increase the number of mixed-use neighborhoods and districts

## Staff Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. REZ14-01 to the City Council for approval with the following conditions:

1. No trucks or refrigeration units shall be allowed to operate/idle between 10:00 PM and 7:00 AM; and
2. A site plan shall be reviewed and approved by Community Planning for a continuous screen row of evergreen trees which shall be planted along the southern property line where the subject property abuts "A-1" zoned land (this requirement shall block access to the western portion of land which is being purchased by the petitioner but not subject to this rezoning).

Prepared by:



Scott Koops, AICP, Planner II

PUBLIC HEARING NOTICE  
DAVENPORT PLAN & ZONING COMMISSION  
**TUESDAY – SEPTEMBER 2, 2014 5:00 P.M.**  
**COUNCIL CHAMBERS - DAVENPORT CITY HALL**  
226 WEST 4TH STREET – DAVENPORT, IOWA

**Case No. REZ14-01:** Petition of Pastrnak Law Firm for the rezoning of 1.63 acres, more or less, of real property located at 6425 West Kimberly Road from "C-2" General Commercial District to "M-1" Light Industrial District for redevelopment of the property to accommodate a truck dispatch center and parking facility.

The City Plan and Zoning Commission will conduct a public hearing concerning this matter at **5:00 p.m., Tuesday SEPTEMBER 2, 2014** in the **Council Chambers of Davenport City Hall at 226 West 4<sup>th</sup> Street,** Davenport, Iowa.

This public hearing is the first step in the review/approval process. The City plan and Zoning Commission will then consider the petition at its regular meeting on Tuesday September 16, 2014. The Commission's report and recommendation will then be forwarded to the City Council. The City Council will then hold its own public hearing, as required by state law. You should also receive a notice of the City Council's public hearing. For the ordinance to be approved, it must be read/considered at three (3) separate City Council meetings. For the specific dates and times of subsequent meetings, please call the phone number below.

It is your privilege to submit written/mailed comments on this petition and/or to attend the public hearing to express your views. All protests within the 200 foot notice area or the area being considered must be emailed or in writing to be valid. Any written comments to be reported at the Commission's public hearing should be received in the office of Land Use Regulations, City Hall, not later than 12:00 noon, on the day of the public hearing, though protests may be received through the City Council's public hearing.

Community Planning & Economic Development  
Phone: (563) 326-7765    **Email: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)**

---

The undersigned – **opposes / does not oppose (circle one)** the petition of REZ14-01

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Email to **[planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)** or Mail to:

Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801

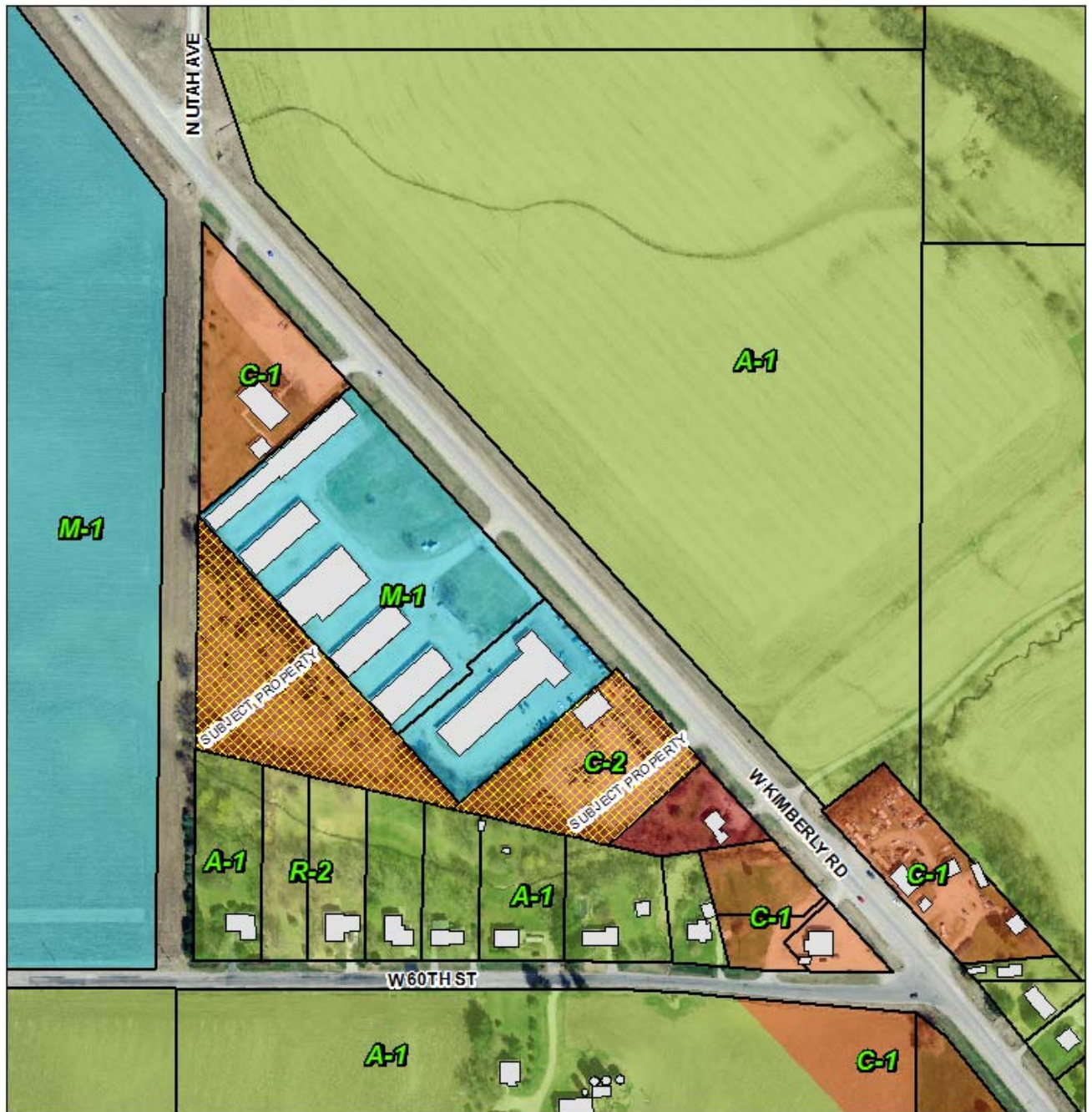
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
DATE \_\_\_\_\_

***(please write legibly)***

---

ADDRESS OF PROPERTY IN NOTICE AREA *IF OTHER THAN MAILING ADDRESS*

*Zoning Map*



**Davenport 2025 Proposed Land Use Map**



PUBLIC HEARING NOTICE  
DAVENPORT PLAN & ZONING COMMISSION  
**TUESDAY -- SEPTEMBER 2, 2014 5:00 P.M.**  
**COUNCIL CHAMBERS - DAVENPORT CITY HALL**  
226 WEST 4TH STREET - DAVENPORT, IOWA

**Case No. REZ14-01:** Petition of Pastrnak Law Firm for the rezoning of 1.63 acres, more or less, of real property located at 6425 West Kimberly Road from "C-2" General Commercial District to "M-1" Light Industrial District for redevelopment of the property to accommodate a truck dispatch center and parking facility.

The City Plan and Zoning Commission will conduct a public hearing concerning this matter at **5:00 p.m., Tuesday SEPTEMBER 2, 2014** in the **Council Chambers of Davenport City Hall at 226 West 4<sup>th</sup> Street**, Davenport, Iowa.

This public hearing is the first step in the review/approval process. The City plan and Zoning Commission will then consider the petition at its regular meeting on Tuesday September 16, 2014. The Commission's report and recommendation will then be forwarded to the City Council. The City Council will then hold its own public hearing, as required by state law. You should also receive a notice of the City Council's public hearing. For the ordinance to be approved, it must be read/considered at three (3) separate City Council meetings. For the specific dates and times of subsequent meetings, please call the phone number below.

It is your privilege to submit written/emailed comments on this petition and/or to attend the public hearing to express your views. All protests within the 200 foot notice area or the area being considered must be emailed or in writing to be valid. Any written comments to be reported at the Commission's public hearing should be received in the office of Land Use Regulations, City Hall, not later than 12:00 noon, on the day of the public hearing, though protests may be received through the City Council's public hearing.

Community Planning & Economic Development  
Phone: (563) 326-7765 Email: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

The undersigned - opposes / does not oppose (circle one) the petition of REZ14-01

Comments: I oppose do to large trucks coming and going  
at all times and also the building of a house with the only  
to drive to it would be to drive along our back yard.

Email to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or Mail to:

Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801

NAME Shirley M Woolson  
ADDRESS 6530 west 60<sup>th</sup> St Dav.  
DATE 8-29-14  
(please write legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

PUBLIC HEARING NOTICE  
DAVENPORT PLAN & ZONING COMMISSION  
**TUESDAY – SEPTEMBER 2, 2014 5:00 P.M.**  
**COUNCIL CHAMBERS - DAVENPORT CITY HALL**  
226 WEST 4TH STREET – DAVENPORT, IOWA

**Case No. REZ14-01:** Petition of Pastrnak Law Firm for the rezoning of 1.63 acres, more or less, of real property located at 6425 West Kimberly Road from "C-2" General Commercial District to "M-1" Light Industrial District for redevelopment of the property to accommodate a truck dispatch center and parking facility.

The City Plan and Zoning Commission will conduct a public hearing concerning this matter at **5:00 p.m., Tuesday SEPTEMBER 2, 2014** in the **Council Chambers of Davenport City Hall at 226 West 4<sup>th</sup> Street**, Davenport, Iowa.

This public hearing is the first step in the review/approval process. The City plan and Zoning Commission will then consider the petition at its regular meeting on Tuesday September 16, 2014. The Commission's report and recommendation will then be forwarded to the City Council. The City Council will then hold its own public hearing, as required by state law. You should also receive a notice of the City Council's public hearing. For the ordinance to be approved, it must be read/considered at three (3) separate City Council meetings. For the specific dates and times of subsequent meetings, please call the phone number below.

It is your privilege to submit written/emailed comments on this petition and/or to attend the public hearing to express your views. All protests within the 200 foot notice area or the area being considered must be emailed or in writing to be valid. Any written comments to be reported at the Commission's public hearing should be received in the office of Land Use Regulations, City Hall, not later than 12:00 noon, on the day of the public hearing, though protests may be received through the City Council's public hearing.

Community Planning & Economic Development  
Phone: (563) 326-7765 Email: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

The undersigned opposes / does not oppose (circle one) the petition of REZ14-01

Comments: We had a good meeting and I fully understand the rezoning request. However, we remain opposed. Trucks coming & going and the potential of a residence with traffic going along our back yard goes against all the reasons we bought our property in the first place.  
Email to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or Mail to:

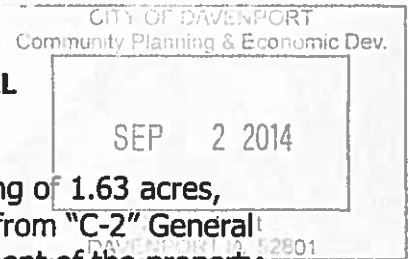
Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801

NAME Larry & Kay Hendershot  
ADDRESS 6520 W. 160<sup>th</sup> St.  
DATE Davenport 8-28-14  
(please write legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

It seems to us that there are other options for this property that would not require rezoning.

PUBLIC HEARING NOTICE  
DAVENPORT PLAN & ZONING COMMISSION  
**TUESDAY – SEPTEMBER 2, 2014 5:00 P.M.**  
**COUNCIL CHAMBERS - DAVENPORT CITY HALL**  
226 WEST 4TH STREET – DAVENPORT, IOWA



**Case No. REZ14-01:** Petition of Pastrnak Law Firm for the rezoning of 1.63 acres, more or less, of real property located at 6425 West Kimberly Road from "C-2" General Commercial District to "M-1" Light Industrial District for redevelopment of the property to accommodate a truck dispatch center and parking facility.

The City Plan and Zoning Commission will conduct a public hearing concerning this matter at **5:00 p.m., Tuesday SEPTEMBER 2, 2014** in the **Council Chambers of Davenport City Hall at 226 West 4<sup>th</sup> Street**, Davenport, Iowa.

This public hearing is the first step in the review/approval process. The City plan and Zoning Commission will then consider the petition at its regular meeting on Tuesday September 16, 2014. The Commission's report and recommendation will then be forwarded to the City Council. The City Council will then hold its own public hearing, as required by state law. You should also receive a notice of the City Council's public hearing. For the ordinance to be approved, it must be read/considered at three (3) separate City Council meetings. For the specific dates and times of subsequent meetings, please call the phone number below.

It is your privilege to submit written/mailed comments on this petition and/or to attend the public hearing to express your views. All protests within the 200 foot notice area or the area being considered must be emailed or in writing to be valid. Any written comments to be reported at the Commission's public hearing should be received in the office of Land Use Regulations, City Hall, not later than 12:00 noon, on the day of the public hearing, though protests may be received through the City Council's public hearing.

Community Planning & Economic Development  
Phone: (563) 326-7765 Email: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

The undersigned opposes **does not oppose (circle one)** the petition of REZ14-01

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Email to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or Mail to:

Plan and Zoning Commission  
City Hall  
Davenport, Iowa 52801

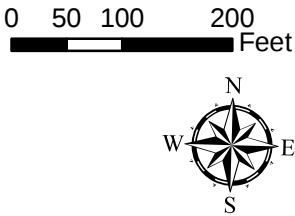
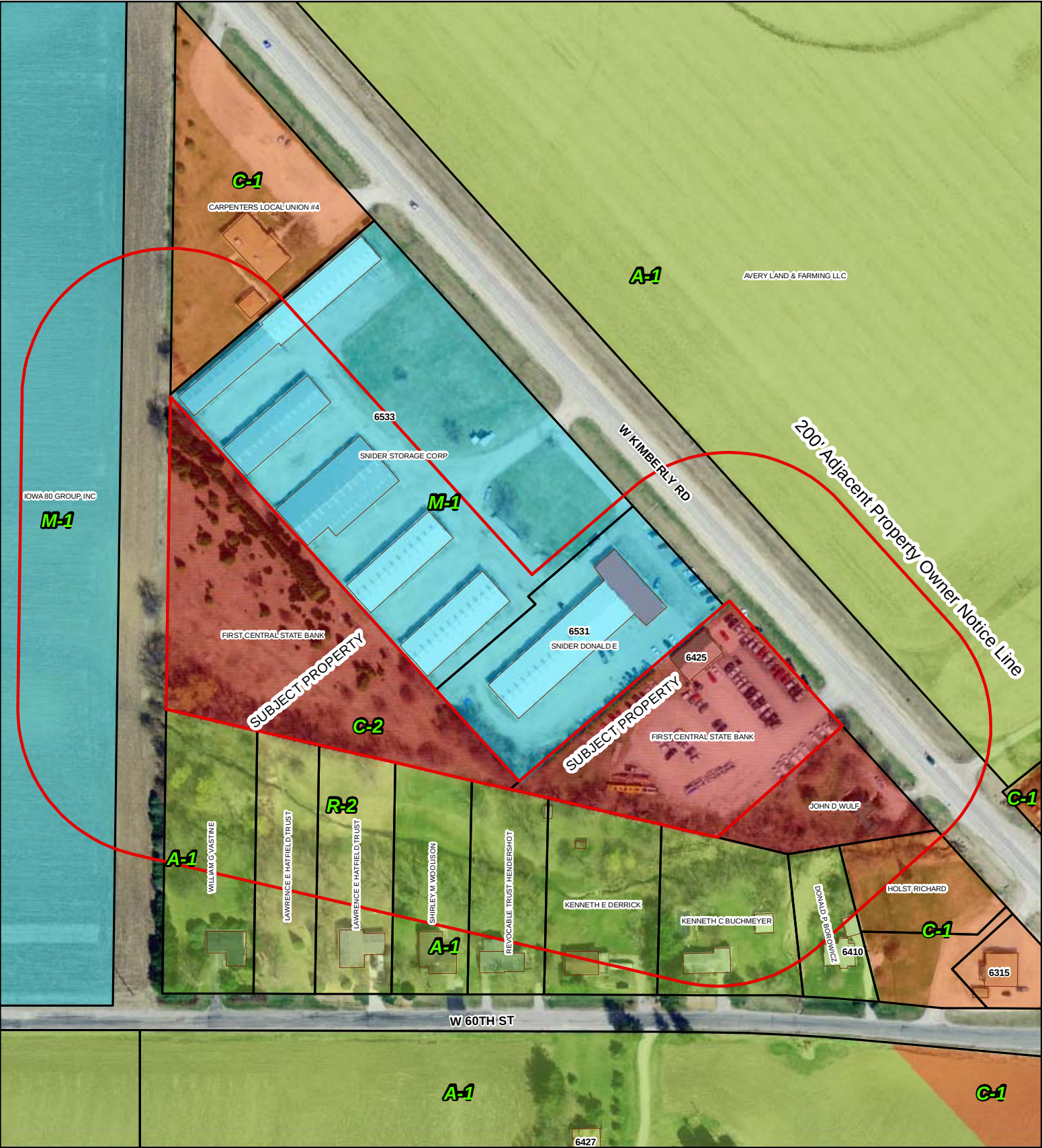
NAME Donald Borowicz  
ADDRESS 6410 West 60th St.  
DATE 8-30-2014  
(please write legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

# REZ14-01 Propety Owner Protest List

| PARCEL                       | NOTICE<br>AREA        | NOTICE %       | PROTEST<br>(YES/NO) | PROTEST<br>%              | PROPERTY ADDRESS   | PROPERTY OWNER(S)          | OWNER ADDRESS             | OWNER CSZ          |
|------------------------------|-----------------------|----------------|---------------------|---------------------------|--------------------|----------------------------|---------------------------|--------------------|
| V0649-02B                    | 9410.09693            | 2.7%           |                     | 0.0%                      | 6533 W KIMBERLY RD | SNIDER STORAGE CORP        | 2723 GRAND AV             | DAVENPORT IA 52803 |
| V0649-01                     | 41549.0855            | 11.8%          |                     | 0.0%                      |                    | AVERY LAND & FARMING LLC   | 515 W STERLING RD Box 639 | WALCOTT IA 52773   |
| V0649-01A                    | 25150.2696            | 7.2%           |                     | 0.0%                      | 6401 W KIMBERLY RD | JOHN D WULF                | 21905 MAYSVILLE RD        | WALCOTT IA 52773   |
| V0649-01B                    | 63219.2822            | 18.0%          |                     | 0.0%                      | 6531 W KIMBERLY RD | SNIDER DONALD E            | 6531 W KIMBERLY RD        | DAVENPORT IA 52806 |
| V0649-10                     | 31322.1972            | 8.9%           |                     | 0.0%                      | 6510 W 60TH ST     | KENNETH E DERRICK          | 6510 W 60TH ST            | DAVENPORT IA 52806 |
| V0649-11                     | 34275.0877            | 9.8%           |                     | 0.0%                      | 6430 W 60TH ST     | KENNETH C BUCHMEYER        | 320 N CENTURY ST          | WALCOTT IA 52773   |
| V0649-14                     | 6985.68477            | 2.0%           |                     | 0.0%                      | 6333 W KIMBERLY RD | HOLST RICHARD              | 6023 W KIMBERLY RD        | DAVENPORT IA 52806 |
| V0649-03A                    | 15350.3236            | 4.4%           |                     | 0.0%                      |                    | FIRST CENTRAL STATE BANK   | 914 6TH ST                | DEWITT IA 52742    |
| V0649-07                     | 5515.23595            | 1.6%           |                     | 0.0%                      | 6606 W 60TH ST     | LAWRENCE E HATFIELD TRUST  | 6606 W 60TH ST            | DAVENPORT IA 52806 |
| V0649-08                     | 19527.5229            | 5.6%           | YES                 | 5.6%                      | 6530 W 60TH ST     | SHIRLEY M WOOLISON         | 6530 W 60TH ST            | DAVENPORT IA 52806 |
| V0649-09                     | 21072.4981            | 6.0%           | YES                 | 6.0%                      | 6520 W 60TH ST     | REVOCABLE TRUST HENDERSHOT | 6520 W 60TH ST            | DAVENPORT IA 52806 |
| V0649-12                     | 9343.45844            | 2.7%           | YES                 | 2.7%                      | 6410 W 60TH ST     | DONALD P BOROWICZ          | 6410 W 60TH ST            | DAVENPORT IA 52806 |
| <b>PARCELS<br/>ROW</b>       | 282,720.7<br>68,630.0 | 80.5%<br>19.5% |                     |                           |                    |                            |                           | Alderman: Edmond   |
| <b>TOTAL<br/>NOTICE AREA</b> | 351,350.8             | 100%           |                     | <b>14.2% PROTEST RATE</b> |                    | Protests: 3                |                           | Properties: 12     |

Plan & Zoning Commission Rezoning: Adjacent Property Owner Notice Area



REZ14-01 Propety Owner Protest List2

| PARCEL      | NOTICE<br>AREA | NOTICE % | PROTEST<br>(YES/NO) | PROTEST<br>% | PROPERTY ADDRESS   |                            | PROPERTY OWNER(S) | OWNER ADDRESS             | OWNER CSZ          |
|-------------|----------------|----------|---------------------|--------------|--------------------|----------------------------|-------------------|---------------------------|--------------------|
| V0649-02B   | 9410.09693     | 2.7%     |                     | 0.0%         | 6533 W KIMBERLY RD | SNIDER STORAGE CORP        |                   | 2723 GRAND AV             | DAVENPORT IA 52803 |
| V0649-01    | 41549.0855     | 11.8%    |                     | 0.0%         |                    | AVERY LAND & FARMING LLC   |                   | 515 W STERLING RD Box 639 | WALCOTT IA 52773   |
| V0649-01A   | 25150.2696     | 7.2%     |                     | 0.0%         | 6401 W KIMBERLY RD | JOHN D WULF                |                   | 21905 MAYSVILLE RD        | WALCOTT IA 52773   |
| V0649-01B   | 63219.2822     | 18.0%    |                     | 0.0%         | 6531 W KIMBERLY RD | SNIDER DONALD E            | SNIDER ORLENE K   | 6531 W KIMBERLY RD        | DAVENPORT IA 52806 |
| V0649-10    | 31322.1972     | 8.9%     |                     | 0.0%         | 6510 W 60TH ST     | KENNETH E DERRICK          | DERRICK JO L      | 6510 W 60TH ST            | DAVENPORT IA 52806 |
| V0649-11    | 34275.0877     | 9.8%     |                     | 0.0%         | 6430 W 60TH ST     | KENNETH C BUCHMEYER        | CASTRO BEATRICE A | 320 N CENTURY ST          | WALCOTT IA 52773   |
| V0649-14    | 6985.68477     | 2.0%     | YES                 | 2.0%         | 6333 W KIMBERLY RD | HOLST RICHARD              |                   | 6023 W KIMBERLY RD        | DAVENPORT IA 52806 |
| V0649-03A   | 15350.3236     | 4.4%     |                     | 0.0%         |                    | FIRST CENTRAL STATE BANK   |                   | 914 6TH ST                | DEWITT IA 52742    |
| V0649-07    | 5515.23595     | 1.6%     |                     | 0.0%         | 6606 W 60TH ST     | LAWRENCE E HATFIELD TRUST  |                   | 6606 W 60TH ST            | DAVENPORT IA 52806 |
| V0649-08    | 19527.5229     | 5.6%     | YES                 | 5.6%         | 6530 W 60TH ST     | SHIRLEY M WOOLISON         |                   | 6530 W 60TH ST            | DAVENPORT IA 52806 |
| V0649-09    | 21072.4981     | 6.0%     | YES                 | 6.0%         | 6520 W 60TH ST     | REVOCABLE TRUST HENDERSHOT |                   | 6520 W 60TH ST            | DAVENPORT IA 52806 |
| V0649-12    | 9343.45844     | 2.7%     | YES                 | 2.7%         | 6410 W 60TH ST     | DONALD P BOROWICZ          |                   | 6410 W 60TH ST            | DAVENPORT IA 52806 |
| PARCELS     | 282,720.7      | 80.5%    |                     |              |                    |                            |                   |                           |                    |
| ROW         | 68,630.0       | 19.5%    |                     |              |                    |                            |                   |                           | Alderman: Edmond   |
| TOTAL       |                |          |                     |              |                    |                            |                   |                           |                    |
| NOTICE AREA | 351,350.8      | 100%     |                     | 16.2%        | PROTEST RATE       |                            | Protests: 4       |                           | Properties: 12     |

City of Davenport

Committee: Community Development  
Department: CPED  
Contact Info: Matt Flynn 563-326-7743  
Wards: 3

**Action / Date**  
**10/15/2014**

Subject:

First Consideration: An ORDINANCE for Case No. REZ14-10 being the petition of Naval Station LLC/Richard Davidson for a rezoning of 1.29 acres, more or less, of real property known as 2104 West 6th Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District. The rezoning is to facilitate the conversion of a former two-story school building to 18 senior housing apartment units. [3rd Ward]

Relationship to Goals:

*Neighborhood Improvements*

Background:

The rezoning is to facilitate the conversion a former two-story school building to 18 senior housing apartment units.

For further background information please refer to the background attachments.

ATTACHMENTS:

| Type |                 | Description                  |
|------|-----------------|------------------------------|
| ☐    | Ordinance       | Ordinance REZ14-10           |
| ☐    | Backup Material | REZ14-10 background material |

## ORDINANCE NO.

An ORDINANCE (Case No REZ14-10) for a rezoning of 1.29 acres, more or less, of real property from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District, located at 2104 West 6<sup>th</sup> Street, to facilitate renovation of the building to 18 senior residential units. [3rd 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 27- Township 78 North – Range 3 East of the 5<sup>th</sup> P.M. being more particularly described as follows:

Lots 1 through 7 of Block 6 of Glaspell's 2<sup>nd</sup> Addition to the City of Davenport, Scott County, Iowa, also known as 2104 West 6<sup>th</sup> Street with Parcel No. H0049-06 being more particularly described as follows:

Beginning at a point in the Southeast Corner of Lot 6 of said Block 6 of Glaspell's 2<sup>nd</sup> Addition, said point also being the Northwest Corner of the intersection of Oak and West 6<sup>th</sup> Streets; thence West along the North Line of said West 6<sup>th</sup> Street and the South Line of said Block 6 of Glaspell's 2<sup>nd</sup> Addition a distance of 350.05 feet, more or less, to the Southwest Corner of Lot 1 of said Block 6 of Glaspell's 2<sup>nd</sup> Addition; thence Northwesterly a distance of 33.4 feet, more or less, to the Northwesterly Corner of said Lot 1, said Corner also being in the Southerly Line of Telegraph Road; thence Northeasterly along said Southerly Line of Telegraph Road and the Northwesterly Line of Lots 1, 2 and 7 of said Block 6 of Glaspell's 2<sup>nd</sup> Addition a distance of 276.6 feet, more or less, to the Northwesterly Corner of said Lot 7; thence East along the North Line of said Lot 7 a distance of 151.7 feet, more or less, to the Northeast Corner of said Lot 7, said Corner also being in the West Line of Oak Street; thence South along the West Line of said Oak Street also being the East Line of Lots 7 and 1 of said Block 6 of Glaspell's 2<sup>nd</sup> Addition a distance of 215 feet, more or less to the point of beginning. Said tract contains 1.29 acres, more or less.

The City Plan and Zoning Commission accepted the listed finding and forwards Case No. REZ14-10 to the City Council for approval. There are no 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 \_\_\_\_\_

\_\_\_\_\_  
William E. Gluba  
Mayor

Attest: \_\_\_\_\_  
Jackie Holecek, CMC  
Deputy City Clerk

Published in the *Quad City Times* on \_\_\_\_\_

September 3, 2014

Honorable Mayor and City Council  
City Hall  
Davenport, Iowa 52801

Honorable Mayor and City Council:

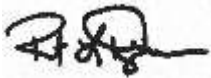
At its regular meeting of October 2, 2014, the City Plan and Zoning Commission considered Case No. REZ14-10, Petition of Naval Station LLC for a rezoning of 1.29 acres, more or less, of real property known as 2104 West 6th Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District. The rezoning is to facilitate the conversion a former two-story school building to 18 senior housing apartment units. [3rd Ward]

The City Plan and Zoning Commission adopted the following staff findings as the findings of the Commission:

- The rezoning will reduce the number of under occupied, abandoned, or vacant buildings/properties through adaptive reuse
- The rezoning will increase the number of mixed-use neighborhoods and districts

By a roll call vote of 10-yes, 0-no, and 0-abstain, the City Plan and Zoning Commission forwards Case No. REZ14-10 to the City Council with a recommendation of approval of the request.

Respectfully submitted,



Robert Inghram, Chairperson  
City Plan and Zoning Commission

|             |           | APPROVED                         | APPROVED                          | APPROVED                    | APPROVED                           | APPROVED                                     | APPROVED                   | APPROVED                   |  |
|-------------|-----------|----------------------------------|-----------------------------------|-----------------------------|------------------------------------|----------------------------------------------|----------------------------|----------------------------|--|
| Name:       | Roll Call | CP14-06<br>Amend Land Use<br>Map | REZ14-08<br>3616 W<br>KIMBERLY RD | REZ14-10<br>2104 W 6th St   | REZ14-09<br>N of VMP &<br>E of JRR | FDP14-04<br>Scott Co Casino<br>LLC<br>Rhythm | P14-02<br>River 80 1st     | F14-11<br>River 80 1st     |  |
| Cartee      | P         | N                                | Y                                 | Y                           | Y                                  | Y                                            | N                          | N                          |  |
| Connell     | P         | Y                                | Y                                 | Y                           | Y                                  | Y                                            | Y                          | Y                          |  |
| D'Autremont | P         | Y                                | Y                                 | Y                           | Y                                  | Y                                            | Y                          | Y                          |  |
| Elgatian    | EX        | Y                                | Y                                 | Y                           | Y                                  | Y                                            | Y                          | Y                          |  |
| Gere        | P         | Y                                | Y                                 | Y                           | Y                                  | Y                                            | Y                          | Y                          |  |
| Inghram     | P         | Y                                |                                   |                             |                                    |                                              |                            |                            |  |
| Kelling     | P         | N                                | Y                                 | Y                           | Ab                                 | Ab                                           | Ab                         | Ab                         |  |
| Lammers     | P         | N                                | Y                                 | Y                           | N                                  | N                                            | N                          | N                          |  |
| Martin      | P         | N                                | Y                                 | Y                           | N                                  | N                                            | N                          | N                          |  |
| Martinez    | P         | N                                | Y                                 | Y                           | N                                  | Y                                            | N                          | N                          |  |
| Tallman     | P         | Y                                | Y                                 | Y                           | Y                                  | Y                                            | Y                          | Y                          |  |
|             |           | 6-YES<br>5-NO<br>0-ABSTAIN       | 10-YES<br>0-NO<br>0-ABSTAIN       | 10-YES<br>0-NO<br>0-ABSTAIN | 6-YES<br>3-NO<br>1-ABSTAIN         | 7-YES<br>2-NO<br>1-ABSTAIN                   | 5-YES<br>4-NO<br>1-ABSTAIN | 5-YES<br>4-NO<br>1-ABSTAIN |  |



## **PLAN AND ZONING COMMISSION**

**Public Hearing:** September 30, 2014  
**Request:** Rezoning: From R-4 Low Density To: R-5M Medium Density Dwelling  
**Location:** 2104 W 6<sup>th</sup> St  
**Case No.:** REZ14-10  
**Applicant:** Naval Station, LLC/Richard Davidson

### **Recommendation:**

Staff recommends the Plan and Zoning Commission accept this report's findings and forward Case No. REZ14-10 to the City Council with a recommendation of approval.

### **Introduction:**

Petition of Naval Station LLC/Richard Davidson for a rezoning of 1.29 acres, more or less, of real property known as 2104 West 6<sup>th</sup> Street from "R-4" Moderate Density Dwelling District to "R-5M" Medium Density Dwelling District. The rezoning is to facilitate the conversion of a former two-story school building to 18 senior housing apartment units.

### **AREA CHARACTERISTICS:**



## AREA CHARACTERISTICS: (cont.)

**Zoning Map**



**R-4: Moderate Density Dwelling**  
**C-1: Neighborhood Shopping**

**Davenport 2025 Proposed Land Use**



**RG: Residential General Neighborhood**  
**PR: Parks and Recreation**



## Background:

### **Comprehensive Plan:**

Within Urban Service Area: Yes

Proposed Land Use Designation:

*Residential General Neighborhood (RG) designates mixed-use 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.*

Relevant Goals to be considered in this Case:  
Neighborhood Improvements

**Technical Review:**

Streets. The property utilizes the existing street pattern. No physical changes should occur.

Storm Water. Storm water will need to meet the City's new stormwater requirements.

Sanitary Sewer. The property is serviced by existing sanitary sewer lines.

Other Utilities. This is an urban area serviced by all utilities.

Emergency Services. The property is all located less than one (1) mile from Fire Station No. 5 at 2808 Telegraph Road.

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

**PUBLIC INPUT**

The applicant held the neighborhood meeting on September 9<sup>th</sup>. Two property owners attended the meeting and were in favor of the request. Notices have been sent to the 42 owners within 200 feet of the subject property. Two have been submitted in support of the request.

**DISCUSSION**

The owner is proposing to convert the former school to 18 senior apartments using Historic Tax Credits, CDBG funding and Iowa Green Streets funding, along with conventional financing.

**Findings:**

- the rezoning will reduce the number of under occupied, abandoned, or vacant buildings/properties through adaptive reuse
- the rezoning will increase the number of mixed-use neighborhoods and districts

**Staff Recommendation:**

Staff recommends the Plan and Zoning Commission accepts this report's findings and forward Case No. REZ14-10 to the City Council with a recommendation of approval.

Prepared by:



Scott Koops, AICP  
Planner II

City of Davenport

Committee: Public Safety Committee  
Department: City Clerk  
Contact Info: Jackie Holecek x6163  
Wards: Various

**Action / Date**  
**10/15/2014**

Subject:

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

Relationship to Goals:

Support of local activities

Background:

The attached resolution list(s) various requests received for street(s), lane(s) or public grounds to be temporarily closed to hold outdoor events.

Maps of all streets closures are listed on the city's website under City Services – Street Closures, Detours and Special Events Maps.

ATTACHMENTS:

| Type                                                                                         | Description |
|----------------------------------------------------------------------------------------------|-------------|
|  Cover Memo | Resolution  |

CITY OF DAVENPORT

RESOLUTION NO. 2014-

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: East Bluff Neighborhood Association*

*Event: Halloween Celebration*

*Date: October 30th*

*Time: 4:30 PM – 8:30 PM*

*Closure Location: 14<sup>th</sup> Street between Arlington and Carey*

*Ward: 5*

*Entity: All Veteran's Memorial Association*

*Event: Veterans Day Parade*

*Dates: November 11th*

*Time: 10 – 11 AM*

*Closure Location: 3<sup>rd</sup> and 4th Streets from Main to Western, 2<sup>nd</sup> Street from Main to Scott Street, Ripley and Harrison Streets between 2<sup>nd</sup> and 4<sup>th</sup> and Western between 3<sup>rd</sup> and 4<sup>th</sup> Streets*

*Ward: 3*

*Entity: Genesis Health System*

*Event: Remembrance Tree Lighting Ceremony*

*Date: Friday, November 14*

*Time: 10:00 am – 10:00 p.m.*

*Closure Location: Iowa Street south of 2<sup>nd</sup> Street to River Drive*

*Ward: 3*

*Entity: Scott County Family Y*

*Event: Annual Turkey Trot*

*Date: Thursday, November 27th*

*Time: 5:30 AM to 11:30 AM*

*Closure Location: 2nd Street from Gaines to Main Street, Main Street to Lombard, Lombard between Harrison & Brady Street, Central Park between Brady & Harrison; west lane of Brady Street between Lombard and Central Park; east lane of Harrison Street between Lombard and Central Park; and park road in Vander Veer Park.*

*Ward: 3, 5*

Approved this 8<sup>th</sup> day of October, 2014.

Approved:

Attest:



\_\_\_\_\_  
William E. Gluba, Mayor

\_\_\_\_\_  
Jackie E. Holecek, MMC, Deputy City Clerk

City of Davenport

Committee: Public Safety  
Department: Finance/Revenue  
Contact Info: Sherry Eastman 326-7795  
Wards: Various

**Action / Date**  
**10/15/2014**

Subject:  
Motion approving beer and liquor license applications

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

Ward 4

The Pour House (Boss Lady Inc.) - 1502 W Locust - Outdoor Area - November 15, 2014 - License Type: C Liquor

Ward 6

R Bar (KJT Holdings LLC) - 4907 Utica Ridge Rd - Outdoor Area - License Type: C Liquor

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

Ward 3

Reggie's Fox Den (Reginald Hathaway Jr.) - 729 Marquette St. - License Type: C Liquor

River Drive Smoke Shop (AB Kazi LLC) - 828 W River Dr. - License Type: E Liquor/C Beer/B Wine

Ward 4

Cozy Mart (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

Ward 6

Bad Boyz Pizza & Pub (3 Bad Girl'Z LTD.) - 5266 Utica Ridge Rd. - Outdoor Area - License Type: C Liquor

Chili's Southwest Grill (ERJ Dining IV, LLC) - 4020 E 53rd St. - License Type: C Liquor

Wise Guys Pizza (Wise Guys Pizza & More Inc.) - 2408 E 53rd St. - License Type: C Liquor

Ward 7

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

Ward 8

Casey's General Store #2168 (Casey's Marketing Company) - 1691 W 53rd St. - License Type: C Beer/B Native Wine

Relationship to Goals:  
Support local businesses

Background:  
The following applications have been reviewed by the Police, Fire and Zoning Departments

City of Davenport

Committee: Public Works Committee  
Department: Public Works  
Contact Info: Mike Atchley 563-327-5149  
Wards: 2

**Action / Date**  
**10/15/2014**

**Subject:**

Resolution authorizing transfer of ownership of vacated city right-of-way, on the north side of the 4000 block of West Kimberly Road, to Spring Auto Sales, LLC located at 4004 West Kimberly Road, Lot 2.

**Relationship to Goals:**

Financially Responsible City Government

**Background:**

The petitioner, Sam Ukaj, is seeking ownership of city right-of way that was vacated by Council resolution July 2, 2014. The 3,147 square feet of vacated right-of-way is located on the north side of the 4000 Block of West Kimberly Road. The parcel adjacent to it on two sides is currently developed with an automotive sales facility. Obtaining ownership would allow the petitioner to expand the business. When vacating the right-of-way, notices were sent to property owners within 200 feet of the subject property prior to the Plan and Zoning Commission and City Council public hearings. No protests were submitted. The petitioner proposes to acquire the property from the City for \$1 and pay recording cost.

**ATTACHMENTS:**

| Type         | Description |
|--------------|-------------|
| □ Cover Memo | Resolution  |

Resolution No. \_\_\_\_\_

RESOLUTION offered by Alderman Ambrose

RESOLUTION authorizing transfer of ownership of vacated city right-of-way, on the north side of the 4000 block of West Kimberly Road, to Spring Auto Sales, LLC located at 4004 West Kimberly Road, Lot 2.

RESOLVED by the City Council of the City of Davenport.

WHEREAS, the City of Davenport owns a certain vacant parcel legally described as:

Part of the Northeast Quarter of Section 17, Township 78 North, Range 3 East of the 5th Principle Meridian, being more particularly described as follows:

Commencing at a point, which is the intersection of the west line of Lot 1 and Lot 2 of Williams First Addition to the City of Davenport as extended southwesterly and the West Kimberly Road (U.S. Highway 6) right of way as it currently exists, also being the Point the Beginning, thence North 43 degrees, 53 ¼ Minutes East 54.5 feet along said extended Lot Line of Lot 1 and Lot 2, thence southeasterly 57.2 feet along a 3699.7 foot radius curve, concave northeasterly, and having a chord bearing South 46 degrees 51 ½ Minutes East 57.2 feet, thence South 42 Degrees 42 Minutes West 54.5 Feet to the West Kimberly Road (U.S. Highway 6) right of way, thence Northwesterly 58.3 feet along the West Kimberly Road (U.S. Highway 6) right of way being a 3754.2 foot radius curve, concave northeasterly, and having a chord bearing North 46 Degrees 51 ½ Minutes West 58.3 feet to the Point of Beginning, containing 3147 square feet, more or less.

WHEREAS, the City of Davenport was deeded this excess right-of-way in 1981 from Iowa DOT and desires to quit claim deed it to petitioner, who is maintaining the lot.

WHEREAS, the petitioner owns and operates an automotive sales facility adjacent to the vacated right-of-way on two sides and desires to own the property to expand the business.

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 real estate to Spring Auto Sale, LLC.

Passed and approved this 22<sup>nd</sup> day of October, 2014

Approved:

Attest:

\_\_\_\_\_  
William E. Gluba, Mayor

\_\_\_\_\_  
Jackie E. Holecek, City Clerk

City of Davenport

Committee: Public Works Committee  
Department: Public Works  
Contact Info: Jim Bengé 563-327-5141  
Wards: 1

**Action / Date**  
**10/15/2014**

Subject:

Resolution of acceptance for the roofing installation at the Water Pollution Control Plant (WPCP) completed by Sterling Commercial Roofing of Sterling, IL.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

The existing roof on the WPCP Digester Tanks and Control Building were removed and replaced with new roofing and insulation. The final contract amount was \$244,739 paid from the WPCP general replacement / maintenance operating fund.

ATTACHMENTS:

| Type         | Description |
|--------------|-------------|
| ☐ Cover Memo | Resolution  |

Resolution No. \_\_\_\_\_

RESOLUTION offered by Alderman Ambrose

RESOLUTION of acceptance for the roofing installation at the Water Pollution Control Plant (WPCP) completed by Sterling Commercial Roofing of Sterling, IL.

WHEREAS, the City of Davenport entered into a contract with Sterling Commercial Roofing, Inc. of Sterling Illinois for roofing installation work; and

WHEREAS, work on the project has been satisfactorily completed

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa: that the roofing installation at the WPCP is hereby accepted.

Passed and approved this 22<sup>nd</sup> day of October, 2014.

Approved:

Attest:

\_\_\_\_\_  
William E. Gluba, Mayor

\_\_\_\_\_  
Jackie E. Holecek, Deputy City Clerk

City of Davenport

Committee: Public Works Committee  
Department: Public Works  
Contact Info: Joe Balge 563-370-8382  
Wards: 2, 7, 8

**Action / Date**  
**10/15/2014**

Subject:  
Resolution of acceptance for the Pine Street Reconstruction Project, CIP Project #02290.

Relationship to Goals:  
Upgraded City Infrastructure & Public Facilities.

Background:  
This project reconstructed Pine Street from Kimberly Road through the intersection of West 49<sup>th</sup> Street and extending 49<sup>th</sup> Street Eastward from Pine Street approximately 300'.

The existing pavement was removed and replaced with new 42' wide pavement. During the course of this work, retaining walls, driveways, and sidewalks were constructed.

Work has been satisfactorily completed by Valley Construction, Rock Island, IL. The final cost for this project is \$2,099,891 with 80% (\$1,679,912) funded from Federal Aid STP and 20% (\$419,978) funded from City GO Bonds.

**ATTACHMENTS:**

| Type         | Description |
|--------------|-------------|
| ☐ Cover Memo | Resolution  |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION of acceptance for the Pine Street Reconstruction Project, CIP Project #02290.

WHEREAS, the engineers have duly filed a certificate in accordance with Section 384.58 of the Code of Iowa, 2013, as amended, showing that they have inspected the completed work for the Pine Street Reconstruction Project - Kimberly Road to W. 49<sup>th</sup> Street and that the same has been performed in compliance with the terms of the contract and showing the total cost thereof;

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

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

Section 2. That it is hereby found and determined that the total construction cost of said project is in the total amount of \$2,099,891.02.

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

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

Passed and approved this 22<sup>nd</sup> day of October, 2014.

---

William E. Gluba, Mayor

---

Jackie E. Holecek, City Clerk

City of Davenport

Committee: Public Works  
Department: Public Works  
Contact Info: Ron Hocker, x5169  
Wards: All

**Action / Date**  
**10/15/2014**

Subject:  
Resolution of acceptance for the FY2013 Contract Sewer Repair Program for Langman Construction, Inc.

Relationship to Goals:  
Upgraded City Infrastructure & Public Facilities

Background:  
This program is to repair damages to sewer infrastructure by contract. All work has been satisfactorily completed. The total cost was \$641,835.07 paid out of CIP #10405.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▣ Resolution Letter | Resolution  |

Resolution No. \_\_\_\_\_

RESOLUTION offered by Alderman Ambrose

RESOLUTION of acceptance for the FY2013 Contract Sewer Repair Program for  
Langman Construction, Inc.

WHEREAS, the FY2013 Contract Sewer Repair Program has been satisfactorily  
completed:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that  
the FY2013 Contract Sewer Repair Program, which work was completed by Langman  
Construction, Inc. of Rock Island, IL, having been satisfactorily completed, be and the  
same is hereby formally accepted. The final cost totals \$641,835.07.

Passed and approved this 22<sup>nd</sup> day of October, 2014.

Approved:

Attest:

\_\_\_\_\_  
William E. Gluba, Mayor

\_\_\_\_\_  
Jackie E. Holecek, City Clerk

City of Davenport

Committee: Public Works Committee  
Department: Public Works  
Contact Info: Mike Atchley 563-327-5149  
Wards: 3

**Action / Date**  
**10/15/2014**

Subject:

Resolution authorizing MidAmerican Energy to place utilities within the City's right-of-way on East 5<sup>th</sup> Street between Pershing Avenue and Iowa Street.

Relationship to Goals:

Revitalized Neighborhoods & Corridors

Background:

This agreement will allow MidAmerican Energy to place a new underground transformer in the City right-of-way on East 5<sup>th</sup> Street between Pershing Avenue and Iowa Street. Exhibit A shows the proposed 30' x 185' area where the utilities will be installed.

The City will be financially responsible if the utilities will need to be relocated.

ATTACHMENTS:

| Type         | Description           |
|--------------|-----------------------|
| ☐ Cover Memo | Resolution            |
| ☐ Cover Memo | MAE License Agreement |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Ambrose

RESOLUTION authorizing MidAmerican Energy to place utilities within the City's right-of-way on East 5<sup>th</sup> Street between Pershing Avenue and Iowa Street.

RESOLVED by the City Council of the City of Davenport.

WHEREAS, it is Mid-American Energy Company policy to put high dollar apparatus within dedicated easements to avoid relocation costs;

WHEREAS, Market Lofts need electrical service;

WHEREAS, 5<sup>th</sup> Street between Pershing Avenue and Iowa Street is dedicated city right-of-way;

WHEREAS, the City tries to avoid the overlapping of utility easements and right-of-way;  
and

WHEREAS, a license will allow MidAmerican Energy Company to avoid relocation costs should the City ever require them to relocate the electrical service;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor and City Clerk are authorized to execute a license allowing MidAmerican Energy to use city right-of-way for the placement of utilities.

Passed and approved this 22<sup>nd</sup> day of October, 2014

Approved:

Attest:

\_\_\_\_\_  
William E. Gluba, Mayor

\_\_\_\_\_  
Jackie E. Holecek, City Clerk

**LICENSE granted by  
THE CITY OF DAVENPORT to  
MIDAMERICAN ENERGY**

The City of Davenport, Iowa ("City") does hereby grant to MidAmerican Energy Company ("Licensee"), an exclusive license to use a certain area of land for the placement of electrical and gas lines:

*See attached Exhibit A showing the subject area*

Subject to the following terms and conditions:

1. This license shall be effective upon its execution by both parties and shall continue in force and effect thereafter until 12:01 AM on January 1, 2114 unless earlier revoked. 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.

2. The Licensee shall pay, upon execution, to City for use of the Premises One dollar (\$1.00).

3. Licensee agrees to save, defend and hold harmless City, its officers, employees, or agents, 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 them by any person or entity on account of the negligent acts or omissions of Licensee, its 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 City, its officers, employees, or agents, in respect to acts or things which shall have been done or which happened before the date fixed for such termination.

4. Licensee accepts the premises in its present condition and agrees that they will not dispose of waste oil, tires, batteries, paint, oil from a transformer or other chemicals, or hazardous waste as defined by statute or ordinance anywhere on the licensed premises. Licensee shall incur the cost to remedy and notify City of any chemical discharge, leak or spill or hazardous waste exposure event that occurs on the premises on or after the date of execution of this License Agreement.

5. City, including its officers, employees, or agents, maintains its right to enter upon said premises for any purpose.

6. Licensee shall yield possession of the premises to the City 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 or revocation by City whichever occurs first.

7. Licensee is not an agent of the City.

8. Licensee shall not locate any improvements upon said premises aside from those shown in Exhibit B or replacements therefor. Said improvements shall not be considered to become part of the real estate, but shall remain personal property.

9. Neither Licensee nor anyone claiming by, through, or under Licensee shall have the right to file or place any mechanic's lien or other lien of any kind or character whatsoever, upon said premises, and notice is hereby given that no contractor, subcontractor, or anyone else who may furnish any material, service or labor for any improvements, alteration, repairs or any part thereof, shall at any time be or become entitled to any lien thereon.

10. This agreement grants a mere license and 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 an exclusive right to use and go upon the property as specified herein and is not a grant of a real property interest in the land. Any improvements erected or placed upon the area of the license shall remain personal property and not become part of the real estate.

11. Licensee agrees to replace according to city specifications any road or sidewalk that may be removed during the installation of any electric or gas line. City may take corrective action at Licensee's expense if in the City's sole discretion it is necessary.

12. City may revoke this license at any time with or without cause upon 60-day notice delivered either personally or telephonically to the representative designated under this agreement. Any item of Licensee's remaining upon the property after the license has been revoked will be deemed abandoned and subject to disposal as City deems fit, unless Licensee and City have committed to a written format plan of removal. Notwithstanding the foregoing, the City will allow the Licensee a commercially reasonable time for the Licensee to relocate at the City's expense any electric or gas lines within the licensed area. The City shall assist MidAmerican in finding comparable real estate interests for the relocated facilities and shall pay any reasonable costs associated therewith.

13. For the purposes of notice the parties designate the following contacts:

Dawn M. Carlson - Right of Way Services  
MidAmerican Energy Company  
PO Box 4350  
Davenport, Iowa 52808-9986  
563.333.8150

City Attorney  
City Hall  
226 W 4<sup>th</sup> ST  
Davenport, IA 52801  
563.326.7735

14. The license herein created is non-transferable and unassignable, in part or in whole, without written permission of the City which may be withheld in its sole discretion, reasonably exercised. Notwithstanding any other terms or provisions to the contrary, no provision of this license shall be construed to limit Licensee's authority or right to assign all of its authority, rights or obligations under this license to any corporation or any other business entity which is the result of or the survivor of a merger, consolidation or other business combination to which Licensee is a party or is a successor or assignee to substantially all of its gas or electric delivery assets.

Page four is the signature/notary page.

IN WITNESS WHEREOF, the undersigned has executed this License this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

City of Davenport

\_\_\_\_\_  
Bill Gluba  
Mayor, City of Davenport

State of Iowa                    )  
                                          )       ss.  
County of Scott                )

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Bill Gluba, who executed this agreement and acknowledged the same to be his voluntary act and deed.

\_\_\_\_\_  
Notary Public in and for State of Iowa

For the purposes of acknowledging the terms and conditions of this License and consenting to hold the City harmless as provided in Section 3,

MidAmerican Energy Company

\_\_\_\_\_  
Please print name

State of Iowa                    )  
                                          )       ss.  
County of Polk                 )

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared \_\_\_\_\_, who executed this acknowledgment, and state that he is authorized by MidAmerican Energy Company to sign this acknowledgment and the execution of this acknowledgment is a voluntary act and deed of the MidAmerican Energy Company and himself.

\_\_\_\_\_  
Notary Public in and for State of Iowa

City of Davenport

Committee: Finance  
Department: Community Planning and Economic Development  
Contact Info: Bruce Berger  
Wards: All

**Action / Date**  
**10/15/2014**

Subject:  
Resolution approving an internal advance to the Tax Increment Fund for Administrative Costs.

Relationship to Goals:  
Added emphasis on economic development.

Background:

By law, Davenport can certify with Scott County an internal monetary advance to our Tax Increment Fund. On the advice of City's bond counsel, Bob Josten of Dorsey and Whitney, in 2010, the City Council initiated the program to fund Economic Development Staff and administrative activities through TIF proceeds. This process works like a typical Tax Increment Financing (TIF) project, with the internal advance based upon an increase in the base assessed valuation in Urban Renewal Areas. This request must be approved by the City Council annually. Funding of the internal TIF comes from the increment generated from the 53rd Street Urban Renewal Area and the North Davenport Urban Renewal Area. Staff estimates \$1,900,000 will be necessary to fund operations in the urban renewal areas in the coming Fiscal Year. This amount includes an estimated \$1,625,000 to rebate to companies in the urban renewal districts pursuant to previously executed economic development agreements and the \$275,000 requested under this internal TIF request. In order to offset Economic Development related personnel costs, currently paid from the City's General Fund, staff is recommending an internal advance of TIF funding of \$275,000. This money will then be utilized to reimburse the General Fund for Economic Development staff costs and other economic development related activities. Staff costs spent administratively each year include activities such as current TIF project monitoring, debt certification and working with new TIF projects. These funds are critical to ensure program staffing given continued cutbacks in federal allocations and a greater emphasis on economic development.

ATTACHMENTS:

| Type         | Description                 |
|--------------|-----------------------------|
| □ Cover Memo | Resolution for Internal TIF |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman \_\_\_\_\_

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving an internal advance to the Tax Increment Fund for Administrative Costs.

WHEREAS, the City of Davenport, Iowa (the "City"), has established the 53<sup>rd</sup> Street Urban Renewal Area and the North Davenport Urban Renewal Area (the "Urban Renewal Areas") and has established the Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund") in connection therewith; and

WHEREAS, the City has undertaken various urban renewal projects (the "Projects") within the Urban Renewal Areas for the promotion of economic development and has incurred in the 2014 Fiscal Year, and will incur in the 2015 Fiscal Year, substantial administrative costs (the "Administrative Costs") in connection with carrying out these projects; and

WHEREAS, in order to make the Administrative Costs (including staff salaries and associated economic development related activities such as special studies, consultants, marketing and technical assistance) eligible to be reimbursed from future incremental property tax revenues, it is necessary to make an internal advance to the Tax Increment Fund;

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Davenport, Iowa, as follows:

Section 1. It is hereby directed that an amount not to exceed Two Hundred and Seventy Five Thousand Dollars (\$275,000) be advanced to the Tax Increment Fund from the General Fund (the "Advance") for the payment of the Administrative Costs. The Advance shall be repaid to the General Fund without interest out of future incremental property tax revenues received into the Tax Increment Fund. This amount authorized to ensure continuity of programming in the event of a future reduction of federal funding and to cover additional marketing efforts.

To the extent that there are funds available for this purpose in the Tax Increment Fund, payments on the Advance may be made on June 1 of each year. Repayment of the Advance is subject to the determination of the City Council each year that there are incremental property tax revenues available for such purpose which have been allocated to or accrued in the Tax Increment Fund relative to the Advance, and the City Council reserves the right to appropriate funds, or to withhold such appropriation, at its discretion.

Section 2. A copy of this Resolution shall be filed in the office of the County Auditor of Scott County, Iowa to evidence the Advance. Pursuant to Section 403.19 of the Code of

Iowa, the City Clerk is hereby directed to certify, no later than December 1, 2014, the full original amount of the Advance as provided for herein.

Section 3. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

Approved:

Attest:

---

William E. Gluba, Mayor

---

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Committee: Finance Committee  
Department: Public Works  
Contact Info: Kurt Scheible, Citibus Manager  
Wards: All

**Action / Date**  
**10/15/2014**

Subject:

MOTION to amend the current contract for Saturday service and service route to APAC to include Job Access Reverse Commute (JARC) bus service contract with River Bend Transit of Davenport, IA in an amount not to exceed \$240,000.

Relationship to Goals:

Financially Responsible City Government

Background:

A change in the MAP 21 Transportation Bill through the Federal Transit Authority (FTA) eliminated the award of Job Access Reverse Commute (JARC) funding for not-for-profit entities. In Davenport, this service has historically been provided by River Bend Transit through their receipt of JARC funding. As of July 1, 2014, River Bend Transit is no longer eligible to be the recipient of these funds and is unable to continue the service without outside funding.

The JARC service provides daytime and evening transportation service for low- and medium-income persons to get to work. Historically, JARC service provides approximately 15,000 rides annually to those who need assistance to maintain employment. Utilizing a vendor to focus on this service reduces overall costs for the City.

The estimated annual cost for this service is \$240,000. Federal grants and passenger fares are anticipated to pay for \$157,000 of that amount bringing the City's contribution to \$83,000. The City Council approved a budget amendment for this item on August 13, 2014 to allocate funding for this contract.

City of Davenport

Committee: Finance  
Department: Finance  
Contact Info: Brandon Wright  
Wards: 3

**Action / Date**  
**10/15/2014**

**Subject:**

MOTION authorizing the Finance Director to seek competitive quotes with negotiation for the carousel foundation project at Modern Woodmen Park.

**Relationship to Goals:**

Financially responsible city government.

**Background:**

In February 2013, the City Council approved an amendment to the Modern Woodmen Park lease agreement with Main Street Iowa, LLC for the construction of a Ferris wheel and a carousel area at the ballpark. In May 2015, the City Council approved spending up to \$25,000 of unspent downtown TIF proceeds as funding for the City's portion of this project. In accordance with these Council actions, the City recently solicited sealed bids for the construction of the carousel area. Purchasing received two bids with the lowest bid significantly more than the \$50,000 budget for this project. In an effort to determine if this project can be successfully completed within budget, the Finance Director recommends that the City reject all bids and attempt to obtain lower results through a process of competitive quotes with separate negotiation for this project. This same process was utilized for the fireplace deck bid and resulted in total savings of \$65,169, or 39%, from the sealed bid pricing.

Section 2.12.130 of the Davenport Municipal Code allows for an exemption of the competitive bidding process, so long as applicable state and federal laws are not violated, on a case by case basis when the Finance Director recommends such action and successfully demonstrates good cause. Listed below are the conditions under which good cause is established.

- The lowest bid for the two projects was received at \$115,738, more than double the budget for this project.
- State procurement law sets the competitive bid threshold for horizontal infrastructure at \$72,000. If the process of competitive quotes with negotiation yields a result less than the State's bid threshold and closer to the budget amount, it can be awarded. If quotes remain above the threshold amount, the City will likely reject all bids and wait until sufficient funds are available to complete the project.

City of Davenport

Committee: Finance Committee  
Department: IT  
Contact Info: Ron Perkins 888-2002  
Wards: All

**Action / Date**  
**10/15/2014**

Subject:

MOTION approving payment of \$126,197.74 to Tyler Technologies, Inc of Falmouth, ME for the support and maintenance of the Munis software system for the period of 11/01/14 through 10/31/15.

Relationship to Goals:

Financially Responsible City Government

Background:

The Munis software system is the system which enables the Finance Department to track and administer the accounting functions of all departments within the City. The Munis software requires a yearly support contract for technical assistance and fundamental upgrades. This contract supplies the City with the appropriate coverage for our vital HR Management, Fleet and Facilities Management, Payroll, Accounts Payable, and Accounts Receivable systems. This contract also supplies the City with all new upgrades to the Munis software automatically.

Funding is available in the IT operating expense account.

City of Davenport

Committee: Finance  
Department: Police  
Contact Info: Jason Smith  
Wards: All

**Action / Date**  
**10/15/2014**

**Subject:**

Motion awarding the purchase of recording equipment and installation for the Police Department to Coban Technologies, Inc. of Houston, TX in the amount of \$59,318.

**Relationship to Goals:**

Financially Responsible City Government

**Background:**

A Request for Proposals was issued on July 31, 2014 and sent to 72 vendors. Electronic proposals were opened on August 25, 2014. Purchasing received and opened eight responsive and responsible proposals.

The Police Department is in need of an upgrade to the current system which is original to the construction of the building. The proposed system is a new reliable system that will allow additional current-technology enhancements and user-friendly options. The audio/visual equipment will be for 14 interview rooms.

The proposals were evaluated on the following criteria: (1) Proposed pricing – 30%; (2) Products, warranty, and user simplicity – 35%; (3) References – 15%; (4) Quality and thoroughness of the proposal – 20%. After the proposal evaluations were tallied, the top three firms were interviewed and demonstrations were evaluated. Coban Technologies, Inc. was determined to provide the best system to meet the City's needs.

Funding for the project is from CIP #10447 with an available balance of \$85,000. The proceeds for the account were from the sale of bonds.