COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, October 4, 2023; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

REVISED OCTOBER 3, 2023

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

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

B. Finance

1. Public Hearing on granting an overhead electric easement across City-owned property south of River Drive at East 4th Street (Parcel L0004A01B) to MidAmerican Energy. [Ward 3]

2. Public Hearing on granting a gas and regulator station easement on City-owned property located at 3000 East Locust Street (Parcel N2009-01) to MidAmerican Energy. [Ward 6]

VII. Proclamations

A. Indigenous Peoples' Day | October 9, 2023

VIII. Petitions and Communications from Council Members and the Mayor

IX. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chair; Judith Lee, Vice Chair

I. COMMUNITY DEVELOPMENT

1. Second Consideration: Ordinance for Case REZ23-03 being the request of 53rd

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

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

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

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Ben Jobgen, Chair; Maria Dickmann, Vice Chair

III. PUBLIC SAFETY

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

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

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

4. Resolution approving street, lane, or public ground closures on the listed dates and times for outdoor events.

   Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; 2:00 p.m. - 6:00 p.m. Wednesday, October 25, 2023; **Closures:** West 6th Street from Warren Street to Myrtle Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]

   Tom Simmons; Veterans Day Parade; Downtown (see attached parade route); 10:00 a.m. - 12:00 p.m. Saturday, November 11, 2023; **Closures:** Western Avenue from 5th Street to 2nd Street; 2nd Street from Western Avenue to Main Street; Main Street from 2nd Street to 4th Street; 4th Street from Main Street to the finish at the Scott County Courthouse (400 West 4th Street). [Ward 3]

   Quad City Arts; Festival of Trees Holiday Parade; Downtown (see attached parade route); 4:00 a.m. - 12:30 p.m. Saturday, November 18, 2023; **Staging area closures**

(beginning at 4:00 a.m.): East 3rd Street from Pershing Avenue to LeClaire Street; Pershing Avenue and Iowa Street from East 2nd Street to East 4th Street; **Parade route (in place by 9:15 a.m.):** 3rd Street from Pershing Avenue to Scott Street; Scott Street from West 3rd Street to West 2nd Street; 2nd Street from Scott Street to the finish at Iowa Street. [Ward 3]

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 3:00 p.m. - 10:00 p.m. Friday, December 1, 2023 and Saturday, December 2, 2023; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

5. Motion approving noise variance requests on the listed dates and times for outdoor events.

   Downtown Davenport Partnership; German Fest; Kaiserslautern Square | 119 East 3rd Street; 12:00 p.m. - 8:00 p.m. Saturday, October 21, 2023; Outdoor music/band, over 50 dBA. [Ward 3]

   Tom Simmons; Veterans Day Parade; Downtown (see attached parade route); 10:00 a.m. - 12:00 p.m. Saturday, November 11, 2023; Outdoor music, over 50 dBA. [Ward 3]

   Quad City Arts; Festival of Trees Holiday Parade; Downtown (see attached parade route); 9:00 a.m. - 12:00 p.m. Saturday, November 18, 2023; Outdoor music/performances, over 50 dBA. [Ward 3]

   Davenport Parks and Recreation; Fejervary Holiday Lights; Fejervary Learning Center | 1800 West 12th Street; 5:00 p.m. - 10:00 p.m. every evening Saturday, November 25, 2023 - Sunday, January 7, 2024; Outdoor music, over 50 dBA. [Ward 4]

6. Motion approving beer and liquor license applications.

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

   Ward 3

   Miracle at the Freight House (River Craft, Inc) - 421 West River Drive #2 - New License - License Type: Class C Liquor (On-Premises)

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

   Ward 2

   Walgreens #03595 (Walgreen Co) - 1720 West Kimberly Road - License Type: Class E Liquor (Carry-Out)

   Wal-Mart Supercenter #5115 (Wal-Mart Stores, Inc) - 3101 West Kimberly Road - License Type: Class E Liquor (Carry-Out)

   Ward 3

Frick's Tap (LBLN, LLC) - 1402 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Moti’s Food (Qc Diner, LLC) - 1717 West 3rd Street - License Type: Class E Liquor (Carry-Out)

The Renwick Mansion, LLC (The Renwick Mansion, LLC) - 901 Tremont Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

Yoshi's Bar and Filipino Canteen (Yoshi's Bar and Filipino Canteen, LLC) - 831 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

STAFF RECOMMENDS DENIAL OF THE OUTDOOR AREA

Ward 4

MC’s Happy Hallow (DMC Corporation) - 1502 West 14th Street - License Type: Class C Liquor (On-Premises)

Walgreens #05239 (Walgreen Co) - 1660 West Locust Street - License Type: Class E Liquor (Carry-Out)

Ward 5

D'Ville (Aba East Village, LLC) - 2228 East 11th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

The Outing Club (The Outing Club, Inc) - 2109 Brady Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Walgreens #11709 (Walgreen Co) - 1805 Brady Street - License Type: Class E Liquor (Carry-Out)

Ward 6

Walgreens #06186 (Walgreen Co) - 4011 East 53rd Street - License Type: Class E Liquor (Carry-Out)

Wal-Mart Supercenter #1241 (Wal-Mart Stores, Inc) - 5811 Elmore Avenue - License Type: Class E Liquor (Carry-Out)

Ward 7

Phil & Larry’s Saloon (P & L, Inc) - 4811 North Brady Street #2 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Walgreens #04041 (Walgreen Co) - 1525 East Kimberly Road - License Type: Class E Liquor (Carry-Out)

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Rick Dunn, Chair; Tim Kelly, Vice Chair

V. PUBLIC WORKS

1. Resolution approving and authorizing the use of condemnation and commencement of condemnation proceedings, if necessary, for rights-of-way and easements associated with the Goose Creek Trail Phase III project, CIP #ARP17. [Wards 7 & 8]
2. Resolution authorizing and approving the use of condemnation and commencement of condemnation proceedings, if necessary, for temporary construction easements associated with the Flood Mitigation | River Drive from Carey Avenue to 3rd Street project, CIP #ARP14. [Ward 3]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

JJ Condon, Chair

VII. FINANCE

1. Resolution authorizing the Mayor to execute the necessary documents to grant an overhead electric easement across City-owned property south of River Drive at East 4th Street (Parcel L0004A01B) to MidAmerican Energy. [Ward 3]
2. Resolution authorizing the Mayor to execute the necessary documents to grant a gas and regulator station easement on City-owned property located at 3000 East Locust Street (Parcel N2009-01) to MidAmerican Energy. [Ward 6]
3. Resolution awarding a contract for the purchase of splash equipment for the Dohse Splash and Play project to Waterplay Solutions Corp of British Columbia, Canada in the amount of $118,994.37 using Sourcewell contract #010521-WTR, CIP #ARP10. [Ward 1]
4. Resolution awarding a contract for the purchase of play equipment for the Dohse Splash and Play project to Landscape Structures, Inc of Delano, Minnesota in the amount of $110,042.40 using Sourcewell contract #010521-LSI, CIP #ARP10. [Ward 1]
5. Resolution authorizing the Chief Financial Officer to make the appropriate inter-fund transfers for the City's FY 2023 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2. [All Wards]
6. Resolution setting a Public Hearing on the proposed amendment to the North Urban Renewal Plan to include the Internal TIF. [Wards 2, 6, 7, & 8]
7. Resolution adopting the FY 2025 Budget Policies. [All Wards]
8. Resolution naming the community room located at the new Fire Station 3 as the Chief

Michael J. Hayman Community Room. [Ward 7]

VIII. Motion recommending discussion or consent for Finance items

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

1. Tri State Crane | cranes for 324 Main Street | Amount: $12,080
2. Daupler, Inc | after hours incident response system | Amount: $12,900
3. Paragon Commercial Interiors Inc | Fire Station 3 furniture | Amount: $13,442.68
4. Chemung Supply Corp | snowplow blades | Amount: $13,800
5. WRS Construction Inc | shore & board up Station 3 | Amount: $15,000
6. Johnson Hauling & Excavating LLC | 1224/1226 Perry Street demolition | Amount: $16,500
7. CES Computers Inc | 10ZiG repurposing software | Amount: $17,572
8. Keltek Inc | new police vehicle upfitting | Amount: $21,762.93
9. Impact LLC | Fire Station 3 furniture | Amount: $24,562.90
10. Green Buick GMC Inc | GMC Terrain | Amount: $30,610
11. RACOM Corporation Inc | dispatch system maintenance and support renewal | Amount: $34,040

XI. Other Ordinances, Resolutions and Motions

XII. Public with Business

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

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

XIII. Reports of City Officials

XIV. Executive Session

1. To discuss strategy with counsel in matters involving litigation pursuant to Iowa Code Section 21.5(1)(c).

XV. Adjourn

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **10/4/2023**

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

Recommendation:
Hold the Hearing.

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

Findings:

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

Discussion:

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

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

Comprehensive Plan:

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

Zoning:

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

Technical Review:

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

Approval Standards for Map Amendments (Chapter 17.14.040):

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

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

Staff response: The property is designated Residential General (RG) which provides for neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible services. Neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

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

b. The compatibility with the zoning of nearby property.

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

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

c. The compatibility with established neighborhood character.

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

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

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

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

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

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

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

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

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

Public Input:

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

No official comments have been received regarding this request.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	9/27/2023 - 8:39 AM

ORDINANCE NO. _____

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

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

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

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

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

Findings:

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

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

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

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

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

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

Approval Standards for Map Amendments (Chapter 17.14.040):
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a. The consistency of the proposed rezoning (map amendment) with the Comprehensive Plan and any adopted land use policies.

Staff Response: The property is designated Residential General (RG) which provides for neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible services. Neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

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

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

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

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

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

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

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

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

THE CITY OF DAVENPORT
IOWA | USA

VICINITY MAP



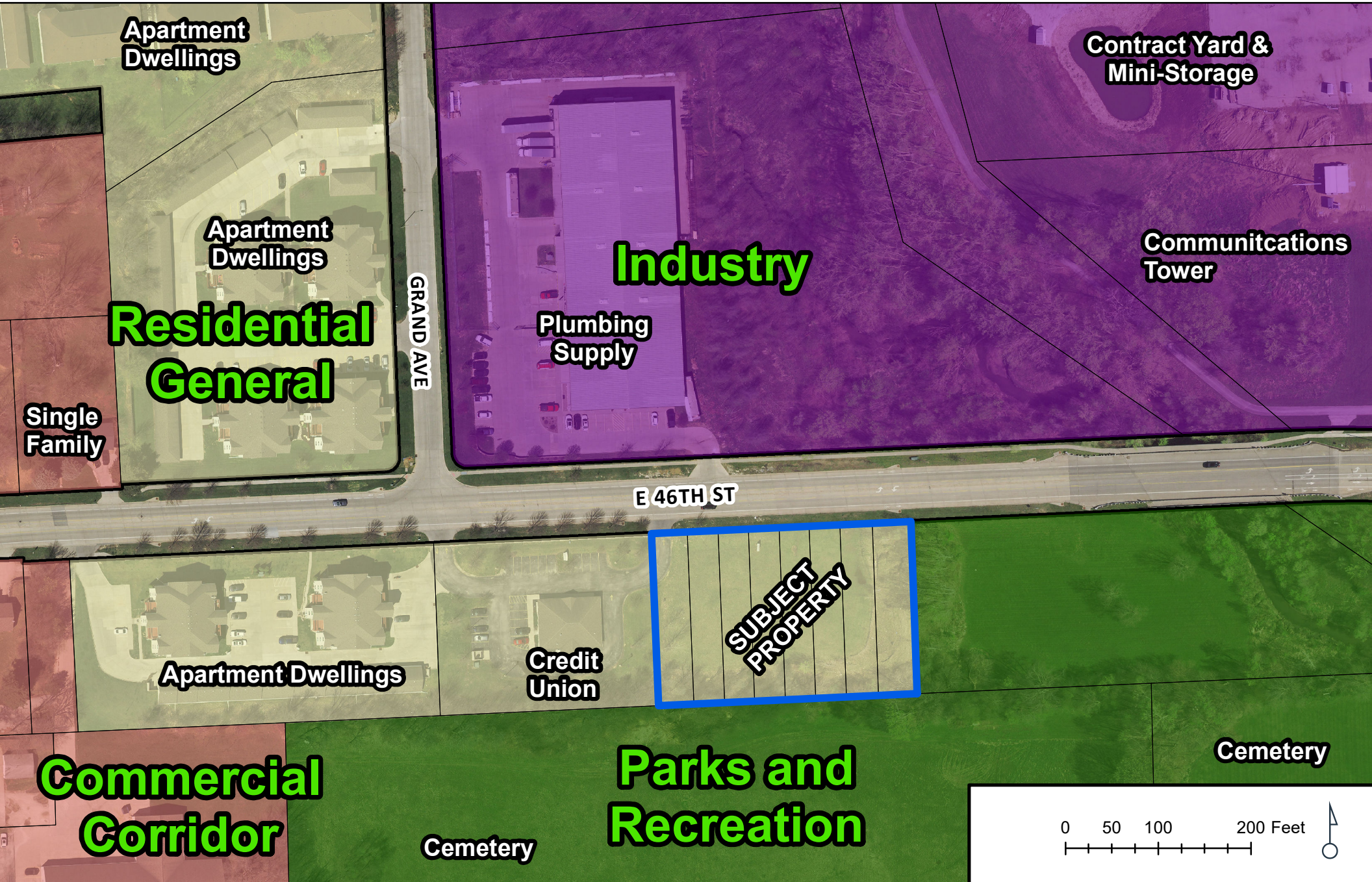
THE CITY OF DAVENPORT
IOWA | USA

ZONING MAP



THE CITY OF DAVENPORT
IOWA | USA

DAVENPORT +2035
FUTURE LAND USE MAP



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

REZONING

(MAP AMENDMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

PROJECT TITLE

APPLICANT INFORMATION

Applicant Name

Address

City | State | Zip

Phone

Secondary Phone

E-Mail Address

Acceptance of Applicant

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

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

Type Applicant's Name

Applicant's Signature

Date

DEVELOPMENT TEAM

Property Owner

Address

Phone | Secondary Phone

E-Mail Address

Project Manager/Other

Address

Phone | Secondary Phone

E-Mail Address

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICTS	EXISTING	PROPOSED	SQ. AREA

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

Concept/Development Plan

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

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

Legal Description Dimensioned Sketch

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

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

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

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

Authorization to Act as Applicant

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

authorize Jason Cousineau
[the above person(s)]

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

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

Signature(s)*

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

8/9/23
Date

Notarization:

State of Iowa,

County of Scott,

Sworn and subscribed before me

this 9 day of August, 2023

Drivers License
[identification type]

Notary Public

My Commission Expires:

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

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* *Application Form by Board Type*

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

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

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request

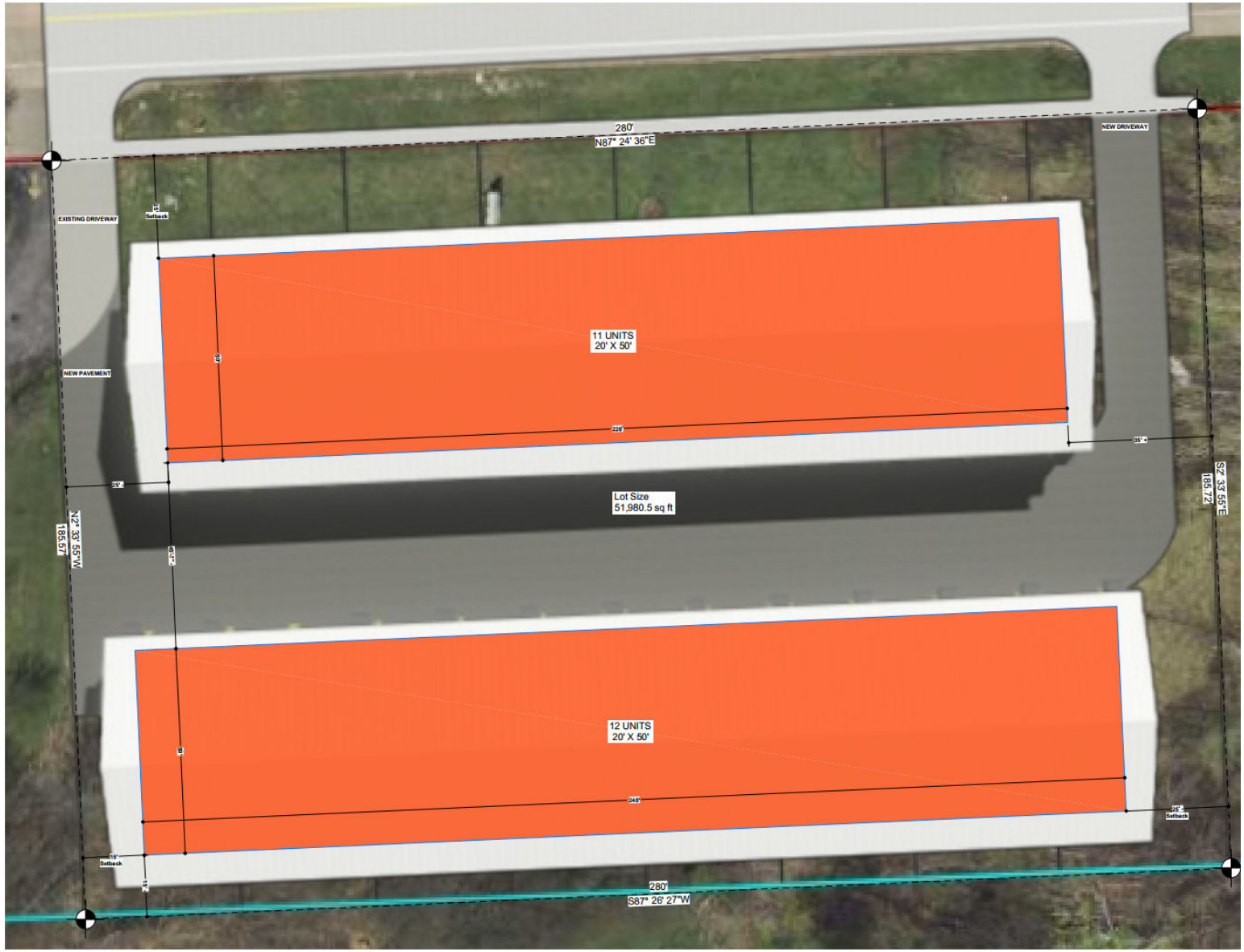
LEGAL DESCRIPTION

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

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

END OF DESCRIPTION

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



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



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



Drive Aisle (view facing west)



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



DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan & Zoning Commission

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

EXAMPLE NOTICE
LETTER
4 NOTICES SENT

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

What is this About?

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

Request/Case Description

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

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

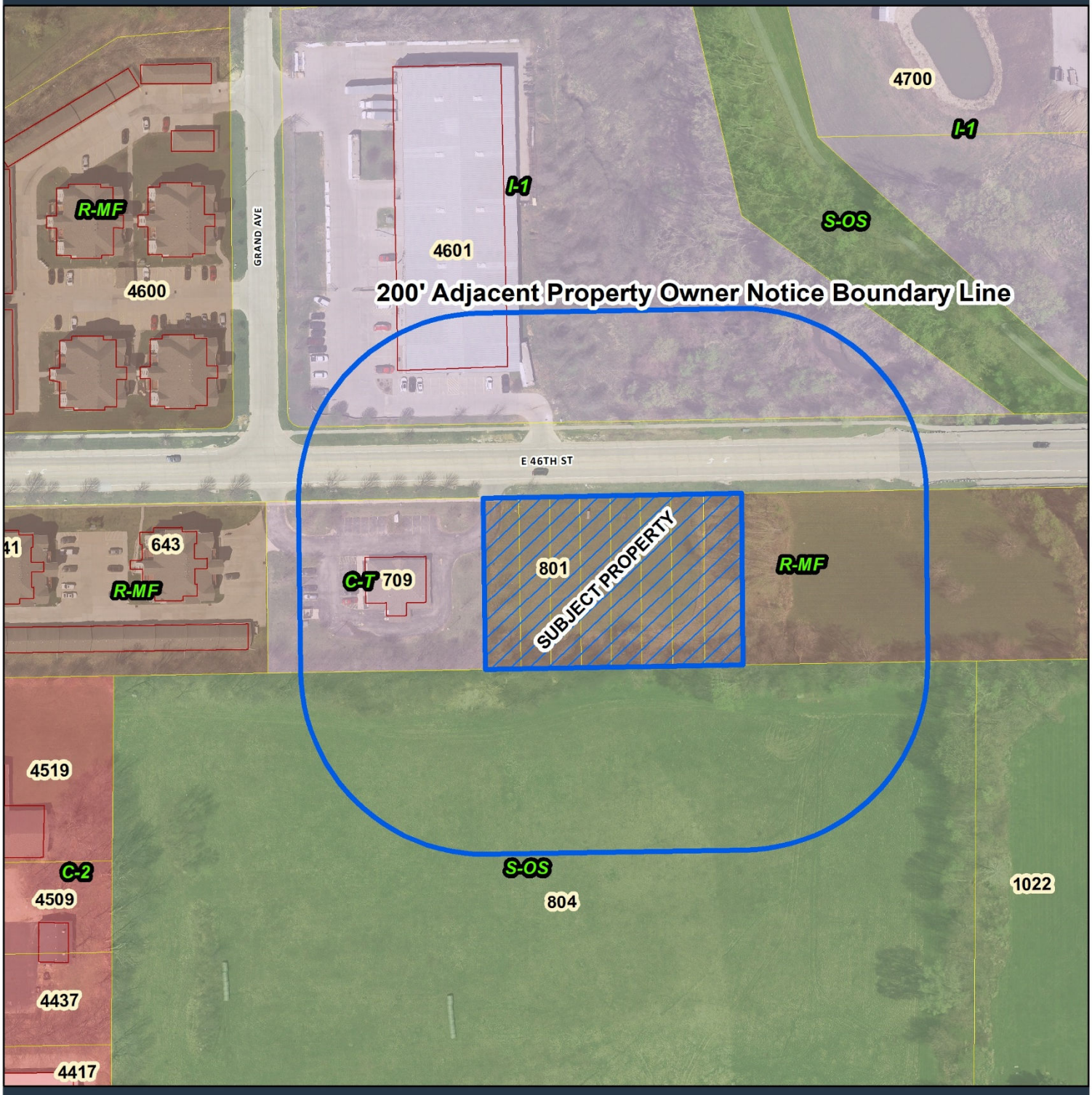
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701 . Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

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

THE CITY OF DAVENPORT
IOWA | USA

Rezoning Notice Map
REZ23-04

Adjacent Property Owner Notice Area



Rezone R-MF to I-1

0 50 100 200 Feet

*** Proof of Publication ***

STATE OF IOWA
SCOTT COUNTY, } ss.

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

CITY OF DAVENPORT

226 W 4TH ST
DAVENPORT, IA 52801

ORDER NUMBER 162732

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

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

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

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

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

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

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

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

Notary Public in and for Scott County, Iowa

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

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

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

City of Davenport

Department: Public Works - Engineering
Contact Info: Jonathan Robnett | 563-888-2022

Action / Date
10/4/2023

Subject:
Public Hearing on granting an overhead electric easement across City-owned property south of River Drive at East 4th Street (Parcel L0004A01B) to MidAmerican Energy. [Ward 3]

Recommendation:
Hold the Hearing.

Background:
The purpose of the easement is to facilitate the City of Davenport Flood Mitigation project along River Drive between Carey Avenue and East 3rd Street. MidAmerican Energy is moving their pole line into the requested easement to allow for the installation of a new storm sewer system.

ATTACHMENTS:

	Type	Description
	Exhibit	Easement Agreement
	Exhibit	Easement Plat
	Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	9/27/2023 - 9:31 AM

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

MIDAMERICAN ENERGY COMPANY
OVERHEAD ELECTRIC EASEMENT

		State of	Iowa	
Folder No.	123101	County of	Scott	
Work Req. No.	DR3028985X	Section	36	
Project No.	N/A	Township	78	North
		Range	3	East of the 5th P.M.

For and in consideration of the sum of One and no/100----------Dollar ($1.00), and other valuable consideration, in hand paid by MIDAMERICAN ENERGY COMPANY, an Iowa corporation, receipt of which is hereby acknowledged, the undersigned owner(s) **The City of Davenport, Iowa, a Municipal Corporation**, its successors and assigns ("Grantor"), does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, non-exclusive easement to construct, reconstruct, operate, maintain, replace or remove electric supply line(s) for the transmission and distribution of electric energy and for communication and electrical controls, including other necessary poles, wires, guys, guy stubs, anchors, including other reasonably necessary equipment incident thereto (collectively "Facilities") upon, over, along, and across certain property described below, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area").

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

Part of the Southwest Quarter of Section 25 and part of the Northwest Quarter of Section 36, Township 78 North, Range 3 East of the 5th P.M., City of Davenport, Scott County, Iowa.

EASEMENT AREA:

An overhead electric easement described as follows:

Said easement area is generally depicted on Exhibit "A", attached hereto, and made a part hereof.

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants, undergrowth, buildings, fences and structures that interfere with the proper maintenance of said Facilities and equipment.

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants, or other objects on the easement area described above, or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's right to operate and maintain its Facilities, and that no act shall be performed which violates the clearance requirements of the National Electrical Safety Code and/or the rules of the state utility regulatory authority where the Facilities are located.

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

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

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

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

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

(Acknowledgments on following page)

Dated this ____ day of _____, 2023

The City of Davenport, Iowa, a Municipal Corporation

By:_____

Name Printed:_____

Title:_____

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

This record was acknowledged before me on _____, 2023,

by_____as_____

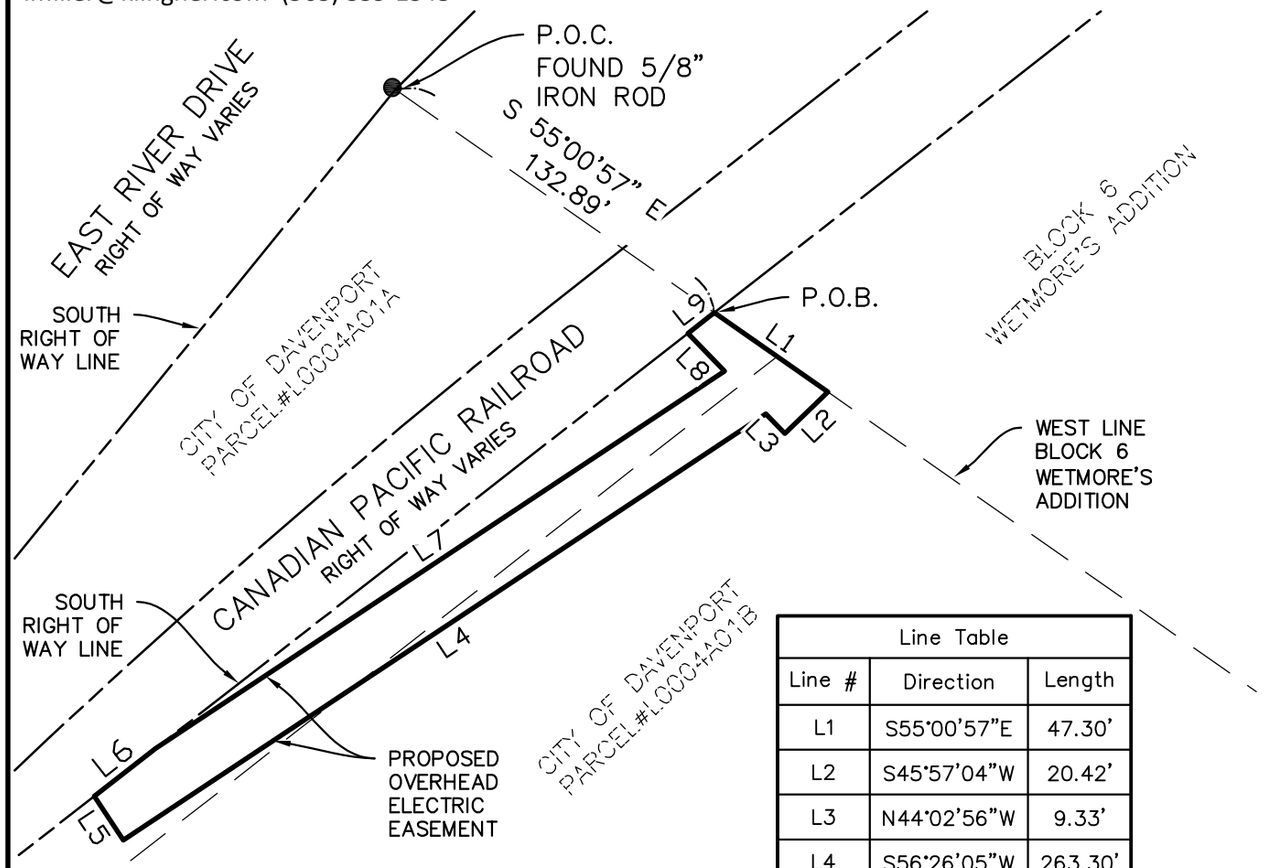
of The City of Davenport, Iowa, a Municipal Corporation.

_____
Signature of Notary Public

Description: Part S.W. 1/4 Sec. 25 & Part N.W. 1/4 Sec. 36
Township 78N., Range 3 East
Requestor: Mid-American Energy
Proprietor: City of Davenport
Surveyor: Luke D. Miller
Survey Company: Klingner & Associates, P.C.
Return To: Klingner & Associates, P.C.
4111 East 60th Street, Davenport, Iowa 52807
lmiller@klingner.com (563) 359-1348

OVERHEAD ELECTRIC EASEMENT PLAT

PART OF SOUTHWEST 1/4 SECTION 25 &
PART OF NORTHWEST 1/4 SECTION 36,
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M.
CITY OF DAVENPORT, SCOTT COUNTY, IOWA



Line Table		
Line #	Direction	Length
L1	S55°00'57"E	47.30'
L2	S45°57'04"W	20.42'
L3	N44°02'56"W	9.33'
L4	S56°26'05"W	263.30'
L5	N33°33'55"W	17.96'
L6	N52°02'03"E	26.58'
L7	N56°26'05"E	233.10'
L8	N44°02'56"W	17.99'
L9	N52°02'03"E	11.48'

LEGEND

- FOUND MONUMENT AS NOTED
- PROPOSED OVERHEAD ELECTRIC EASEMENT
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINES
- 12.34' MEASURED DISTANCE

N

0 30' 60'

PRELIMINARY DO NOT RECORD

LEGAL DESCRIPTION:

PART OF THE SOUTHWEST QUARTER SECTION 25 & PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 6, WETMORE'S ADDITION; THENCE, ALONG THE WEST LINE OF SAID BLOCK 6, SOUTH 55 DEGREES 00 MINUTES 57 SECONDS EAST, TO THE INTERSECTION OF THE WEST LINE OF SAID BLOCK 6 & THE SOUTH RIGHT OF WAY LINE OF THE CANADIAN PACIFIC RAILROAD, ALSO BEING THE POINT OF BEGINNING, A DISTANCE OF 132.89 FEET; THENCE, CONTINUING ALONG THE WEST LINE OF SAID BLOCK 6, SOUTH 55 DEGREES 00 MINUTES 57 SECONDS EAST, A DISTANCE OF 47.30 FEET; THENCE, SOUTH 45 DEGREES 57 MINUTES 04 SECONDS WEST, A DISTANCE OF 20.42 FEET; THENCE, NORTH 44 DEGREES 02 MINUTES 56 SECONDS EAST, A DISTANCE OF 9.33 FEET; THENCE, SOUTH 56 DEGREES 26 MINUTES 05 SECONDS WEST, A DISTANCE OF 263.30 FEET; THENCE, NORTH 33 DEGREES 33 MINUTES 55 SECONDS WEST, TO THE SOUTH RIGHT OF WAY LINE OF THE CANADIAN PACIFIC RAILROAD, A DISTANCE OF 17.96 FEET; THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 52 DEGREES 02 MINUTES 03 SECONDS EAST, A DISTANCE OF 26.58 FEET; THENCE, NORTH 56 DEGREES 26 MINUTES 05 SECONDS EAST, A DISTANCE OF 233.10 FEET; THENCE, NORTH 44 DEGREES 02 MINUTES 56 SECONDS WEST, TO SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 17.99 FEET; THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 52 DEGREES 02 MINUTES 03 SECONDS EAST, A DISTANCE OF 11.48, TO THE POINT OF BEGINNING, CONTAINING 5,948 SQUARE FEET, MORE OR LESS.

FOR THE ABOVE DESCRIPTION THE WEST LINE OF BLOCK 6, WETMORE'S ADDITION HAS A BEARING OF SOUTH 55 DEGREES 00 MINUTES 57 SECONDS EAST.

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

LICENSED LAND SURVEYOR
LUKE D. MILLER
22228
IOWA

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

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

Date: 09-06-2023
My license renewal date is December 31, 2023

THIS SHEET ONLY
Pages or sheets covered by this seal:

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

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REVISION HISTORY

ANN	DESCRIPTION	DATE	APPR

PRELIMINARY DO NOT RECORD

OVERHEAD ELECTRIC EASEMENT PLAT
MID-AMERICAN ENERGY
2811 FIFTH AVENUE
ROCK ISLAND, IL 61201

Non-Reduced Sheet Size: 14" x 8.5"

DESIGNED	DRAWN JLR
FIELD	FIELD BOOK
CHECKED LDM	CHECK DATE

OVERHEAD ELECTRIC EASEMENT PLAT

PROJECT NO. 22-6002.028 RIVER HERITAGE
DRAWING ISSUED DATE: 9-1-2023

SHEET 1 OF 1

Notice of Hearing

On a Resolution to Grant MidAmerican Energy Company an Easement on City Property, Parcel L0004A01B

Notice is hereby given that at 5:30 P.M., on Wednesday, October 4, 2023, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on a RESOLUTION granting MidAmerican Energy Company an Easement across city property located at the following described location:

Part of the southwest quarter section 25 & part of the northwest quarter of section 36, township 78 north, range 3 east of the 5th P.M., City of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Commencing at the northwest corner of block 6, Wetmore's addition; Thence, along the west line of said block 6, south 55 degrees 00 minutes 57 seconds east, tot the intersection of the west line of said block 6 & the south right of way line of the Canadian Pacific Railroad, also being the point of beginning, a distance of 132.89 feet; Thence, continuing along the west line of said block 6, south 55 degrees 00 minutes 57 seconds east, a distance of 47.30 feet; Thence, south 45 degrees 57 minutes 04 second west, a distance of 20.42 feet; Thence north 44 degrees 02 minutes 56 seconds east, a distance of 9.33 feet; Thence, south 56 degrees 26 minutes 05 seconds west, a distance of 263.30 feet; Thence, north 33 degrees 33 minutes 55 seconds west, to the south right of way line of the Canadian Pacific Railroad, a distance of 17.96 feet; Thence, along said south right of way line, north 52 degrees 02 minutes 03 seconds east, a distance of 26.58 feet; Thence, north 56 degrees 26 minutes 05 seconds east, a distance of 233.10 feet; Thence, north 44 degrees 02 minutes 56 seconds west, to said south right of way line, a distance of 17.99 feet; Thence, along said south right of way line, north 52 degrees 02 minutes 03 seconds east, a distance of 11.48 , to the point of beginning, containing 5,948 square feet, more or less.

For the above description the west line of block 6, Wetmore's addition has a bearing of south 55 degrees 00 minutes 57 seconds east.

At said hearing any interested person may file written objection or comments with respect to the proposed granting MidAmerican Energy Company an Easement on City Property, Parcel L0004A01B.

Brian J. Krup
Deputy City Clerk

Davenport, Iowa
September 29, 2023

Publish once September 29, 2023
QUAD-CITY TIMES

City of Davenport

Department: Public Works - Engineering
Contact Info: Jonathan Robnett | 563-888-2022

Action / Date
10/4/2023

Subject:
Public Hearing on granting a gas and regulator station easement on City-owned property located at 3000 East Locust Street (Parcel N2009-01) to MidAmerican Energy. [Ward 6]

Recommendation:
Hold the Hearing.

Background:
The purpose of the easement is to allow the installation of a gas and regulator station for a low pressure gas project.

ATTACHMENTS:

	Type	Description
🗋	Exhibit	Easement Agreement
🗋	Exhibit	Easement Plat
🗋	Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	9/27/2023 - 9:31 AM

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

MIDAMERICAN ENERGY COMPANY
GAS AND REGULATOR STATION EASEMENT

		State of	Iowa	
Folder No.	120920	County of	Scott	
Work Req. No.	DR2922082	Section	20	
Project No.	G9BBF	Township	78	North
		Range	4	East of the 5th P.M.

1. For and in consideration of the sum of One and no/100------Dollar ($1.00), and other valuable consideration, in hand paid by MIDAMERICAN ENERGY COMPANY, an Iowa corporation, receipt of which is hereby acknowledged, the undersigned owner(s) **The City of Davenport, Iowa, a Municipal Corporation**, its successors and assigns ("Grantor"),does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, exclusive easement to construct, attach, reconstruct, operate, maintain, replace or remove line(s) and facilities for the transportation of natural gas, including but not limited, regulators, meters, valves, blow-offs, pipe fittings, fencing, protective post barriers, support brackets, piping, line markers and other reasonably necessary above or below ground equipment incident thereto (collectively "Facilities") under, upon, and on the surface of the ground, through and across certain property described below, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area").

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

Part of the Southwest Quarter of Section 20 Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott, State of Iowa.

EASEMENT AREA:

A gas and gas regulator station described as follows:

Said easement area is generally depicted on Exhibit "A", attached hereto and made a part hereof.

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants undergrowth, buildings, fences, and structures that interfere with the proper maintenance of said Facilities and equipment.

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

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

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

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

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

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

(Acknowledgments on following page)

Dated this ____ day of _____, 2023

The City of Davenport, Iowa, a Municipal Corporation

By:_____

Name Printed:_____

Title:_____

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

This record was acknowledged before me on _____, 2023,

by_____as_____

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

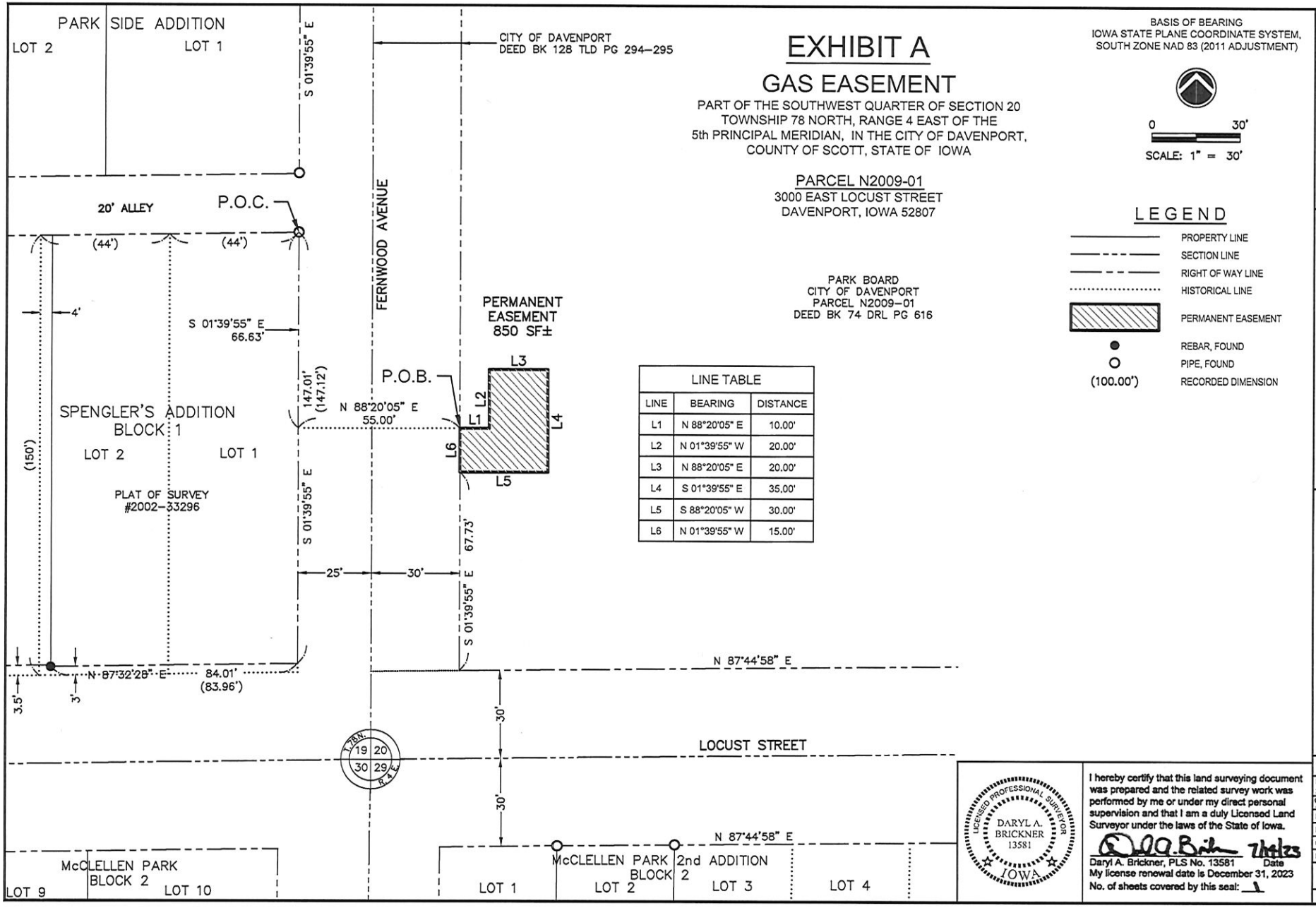
_____
Signature of Notary Public

EXHIBIT A

GAS EASEMENT

PART OF THE SOUTHWEST QUARTER OF SECTION 20
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE
5th PRINCIPAL MERIDIAN, IN THE CITY OF DAVENPORT,
COUNTY OF SCOTT, STATE OF IOWA

PARCEL N2009-01
3000 EAST LOCUST STREET
DAVENPORT, IOWA 52807



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 88°20'05" E	10.00'
L2	N 01°39'55" W	20.00'
L3	N 88°20'05" E	20.00'
L4	S 01°39'55" E	35.00'
L5	S 88°20'05" W	30.00'
L6	N 01°39'55" W	15.00'

PARK BOARD
CITY OF DAVENPORT
PARCEL N2009–01
DEED BK 74 DRL PG 616

BASIS OF BEARING
IOWA STATE PLANE COORDINATE SYSTEM,
SOUTH ZONE NAD 83 (2011 ADJUSTMENT)

0 30'
SCALE: 1" = 30'

LEGEND

- PROPERTY LINE
- SECTION LINE
- RIGHT OF WAY LINE
- HISTORICAL LINE
- PERMANENT EASEMENT
- REBAR, FOUND
- PIPE, FOUND
- (100.00') RECORDED DIMENSION

REVISIONS		
No.	DESCRIPTION	DATE

IMEG
PH: 563.344.0200
www.imegcorp.com
1717 STATE STREET
SUITE 201
BETTENDORF, IA 52722

Park Board / City of Davenport
Davenport, Iowa

Permanent Easement Plat

LICENSED PROFESSIONAL SURVEYOR
DARYL A. BRICKNER
13581
IOWA

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

Daryl A. Brickner, PLS No. 13581 Date
My license renewal date is December 31, 2023
No. of sheets covered by this seal: 1

IMEG Project No:	20000099.44
File Name:	20000099.44 Property.dwg
© COPYRIGHT 2023 ALL RIGHTS RESERVED	
Field Book No:	
Drawn By:	DAB
Checked By:	BDO
Date:	7/14/2023
Sheet	1 of 1

Wednesday, July 19, 2023 8:05:10 AM
G:\2020\20000099.44\DESIGN\CIVIL\C3D\SURVEY\20000099.44 PROPERTY.DWG

Notice of Hearing

On a Resolution to Grant MidAmerican Energy Company an Easement on City Property, Parcel N2009-01

Notice is hereby given that at 5:30 P.M., on Wednesday, October 4, 2023, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on a RESOLUTION granting MidAmerican Energy Company an Easement across city property located at the following described location:

Part of the southwest quarter of Section 20 in Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Commencing at the northeast corner of Lot 1 in Block 1 of Spengler's Addition; Thence South 01 degree 39 minutes 55 seconds East along the west right of way line of Fernwood Avenue, a distance of 66.63 feet; Thence North 88 degrees 20 minutes 05 seconds East, a distance of 55.00 feet to the east right of way line of Fernwood Avenue and the Point of Beginning; Thence continuing North 88 degrees 20 minutes 05 seconds East, a distance of 10.00 feet; Thence North 01 degree 39 minutes 55 seconds West, a distance of 20.00 feet; Thence 88 degrees 20 minutes 05 seconds East, a distance of 20.00 feet; Thence South 01 degree 39 minutes 55 seconds East, a distance of 35.00 feet; Thence South 88 degrees 20 minutes 05 seconds West, a distance of 30.00 feet to said east right of way line; Thence North 01 degree 39 minutes 55 seconds West along said east right of way line, a distance of 15.00 feet to the Point of Beginning.

The above-described parcel contains 850 square feet, more or less as shown by the attached Permanent Easement Plat.

For the purpose of this description bearing are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

At said hearing any interested person may file written objection or comments with respect to the proposed granting MidAmerican Energy Company an Easement on City Property, Parcel N2009-01.

Brian J. Krup
Deputy City Clerk

Davenport, Iowa
September 29, 2023

Publish once September 29, 2023
QUAD-CITY TIMES

City of Davenport

Department: Office of the Mayor
Contact Info: Brian Krup | 563-326-6163

Action / Date
10/4/2023

Subject:
Indigenous Peoples' Day | October 9, 2023

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Admin, Default	Approved	9/18/2023 - 10:41 AM

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **10/11/2023**

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

Recommendation:
Hold the Hearing.

Background:
The subject property consists of approximately 16 acres of undeveloped land generally located southeast of 53rd Street and Spring Street. The site is adjacent to the Smart Luxury Motors dealership to the west, Hanlin's Creek to the east, and residential neighborhoods to the south.

The applicant, 53rd Luxury LLC, currently operates the Audi, Volkswagen, and Mercedes dealership at the corner of Eastern Avenue and 53rd Street. If a rezoning were approved, the site will be developed for approximately three vehicle dealerships, including Lexus, Hyundai, and Kia. Four buildings are proposed, one for each dealership brand in addition to an office building. The intent is to create a centralized location of car dealerships within Davenport.

This project is related to Case ROW23-04, being the right-of-way vacation of Spring Street, south of 53rd Street. Vacating this section of right-of-way will better facilitate the development of the site. A concept plan has been submitted by the applicant for review.

The Plan and Zoning Commission reviewed Case REZ23-03 at its September 5, 2023 meeting and have recommended approval subject to the listed findings and conditions. The vote has unanimous.

Findings:

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

Conditions:

1. A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at

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

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 7, 2023 neighborhood meeting and August 15, 2023 Plan and Zoning Commission Public Hearing. In addition, a sign was posted on the property notifying the public of the pending application.

The neighborhood meeting was held at Eastern Avenue Library on August 7th at 5:30pm. There were approximately twelve members of the public in attendance. Topics of conversation and concerns raised by abutting homeowners included development of the site for multiple car dealerships, site layout, traffic, access points, site lighting, landscaping, buffering adjacent homes, stormwater management, and potential development of the southern portion of the property.

The Public Hearing was held on August 15, 2023, where neighbors voiced generally similar concerns as those voiced at the neighborhood meeting.

Approval Standards for Map Amendments (Chapter 17.14.040)

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

The attached staff report from the September 5, 2023 Plan and Zoning Commission meeting includes further review of the the rezoning request and approval standards.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Staff Report - P&Z 9-5-23
🗋	Backup Material	Zoning Map
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Application
🗋	Backup Material	Exhibits
🗋	Exhibit	Building Renderings
🗋	Exhibit	Buffer Yard Existing Conditions
🗋	Backup Material	Public Notice
🗋	Backup Material	Minutes of Neighborhood Meeting-Applicant Copy
🗋	Backup Material	Neighborhood Meeting Attendance List

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	9/28/2023 - 8:43 AM

ORDINANCE NO. _____

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

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

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

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

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

Findings:

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

Conditions:

1. A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
2. A buffer yard shall be established commensurate with the depth of the established buffer yard to the west of the subject property along the north property line of the Stone Gate development.

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport
Plan and Zoning Commission-Staff Report
September 5, 2023

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

Background:
The subject property consists of approximately 16 acres of undeveloped land generally located southeast of 53rd Street and Spring Street. The site is adjacent to the Smart Luxury Motors dealership to the west, Hanlin's Creek to the east, and residential neighborhoods to the south.

The applicant, 53rd Luxury LLC, currently operate the Audi, Volkswagen, and Mercedes dealership at the corner of Eastern Avenue and 53rd Street. If a rezoning were approved, the site will be developed for approximately three vehicle dealerships, including Lexus, Hyundai, and Kia. Four buildings are proposed, one for each dealership brand in addition to an office building. The intent is to create a centralized location of car dealerships within Davenport.

This project is related to Case ROW23-04, being the right-of-way vacation of Spring Street, south of 53rd Street. Vacating this section of right-of-way will better facilitate the development of the site. A concept plan has been submitted by the applicant for review.

Why is a Zoning Map Amendment Required?
The subject property is currently split zoned between C-2 Corridor Commercial District and R-MF Multi-Family Residential District. The applicant is petitioning a rezoning to C-3 General Commercial District for the purpose of developing the site for one or more vehicle dealerships. The principal use 'Vehicle Dealership-With Outdoor Storage/Display' is a special use in the C-3 District. If the rezoning request is approved, the applicant will need to apply for a Special Use Permit, which is reviewed and approved by the Zoning Board of Adjustment.

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

Future Land Use Designation:

1. **Commercial Corridor (CC)** – Well-established corridors located along high-volume major streets dominated by retail and office uses that serve the greater community. Development is generally newer and redevelopment is not anticipated within the 20 year planning horizon. Improvements should focus on façade and site improvements, including pedestrian circulation systems and consolidated/updated signage. (Approximately 5.5 acres)
2. **Residential General (RG)** - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land

use mix and density, with the exception along edges and transition areas, where higher intensity may be considered. (Approximately 10.5 acres)

Zoning:
The subject property is currently split zoned between the following zoning districts:

1. **C-2 Corridor Commercial District** (Approximately 5.5 acres): This district is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along arterial streets and collector streets adjacent to arterials streets in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport's commercial corridors.
2. **R-MF Multi-Family Residential District** (Approximately 10.5 acres): This district is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including single-family dwellings, semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

This district is intended to accommodate higher-intensity commercial development within the City of Davenport that serves both local and regional markets. The C-3 District addresses medium- and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

Technical Review:
City Departments reviewed the proposed Zoning Map Amendment Application for compliance with city ordinances and impacts to regional systems.

Public Input:
Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 7, 2023 neighborhood meeting and August 15, 2023 Plan and Zoning Commission Public Hearing. In addition, a sign was posted on the property notifying the public of the pending application.

The neighborhood meeting was held at Eastern Avenue Library on August 7th at 5:30pm. There were approximately twelve members of the public in attendance. Topics of conversation and concerns raised by abutting homeowners included development of the site for multiple car dealerships, site layout, traffic, access points, site lighting, landscaping, buffering adjacent homes, stormwater management, and potential development of the southern portion of the property.

The Public Hearing was held on August 15, 2023, where neighbors voiced generally similar concerns as those voiced at the neighborhood meeting.

Approval Standards for Map Amendments (Chapter 17.14.040)
The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City

Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

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

Staff Response: The property is designated as both Commercial Corridor and Residential General (RG) in the Davenport +2035 Land Use Plan. Residential General allows for neighborhood compatible uses, such as the proposed use.

It is staff's opinion the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies. An amendment to the Comprehensive Plan is not required with this petition.

b. The compatibility with the zoning of nearby property.

Staff Response: The property to the west is also zoned C-3. Properties to the east are zoned C-T. As conditioned, the land south of the proposed dealership location will be more similar to the C-T zoning district and provide a transition area from the residential to the south of the subject property. As conditioned, the additional buffer yard provides further separation between residential zoning districts and higher intensity commercial uses.

It is staff's opinion the proposed zoning amendment is compatible with the established zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The subject property is located on a high traffic corridor generally surrounded by commercial and medical/office uses, with multiple-family and single-family zoning and uses adjacent to the southern portion of the property.

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

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

Staff Response: The proposed zoning map amendment will allow for similar uses as those already existing in the neighborhood. Police, Fire, and emergency crews will be able to adequately service the subject property should the proposed zoning change be granted. Public health and safety shall be not be impacted.

Traffic:
The most recent IA DOT traffic counts for this section of E 53rd Street 27,500 vehicles per day. Due to the ongoing 53rd Street expansion project there are not recent traffic counts.

Crash data can sometimes indicate if there is a problem not clear from data or from observations. At 53rd Street and Spring Street, there were 13 reported crashes in the last 5 years. Approximately 1

crash per year was an angle-type crash that might be eliminated with a traffic signal. There was also approximately 1 crash per year that was a rear-end type of crash. These types of crashes are expected to increase with a traffic signal. The crash data does not indicate any type of on-going problems.

By requiring a traffic study, city staff will have the information needed to determine what level of traffic safety measures are required in order to balance the needs for the development and traffic flow on 53rd Street. The following information has been provided by Engineering:
1. There will be left turn lanes in both directions on 53rd Street at Spring Street as part of the ongoing 53rd Street expansion project.
2. No right turn lanes are shown in the 53rd Street project plans. While a car dealership is unlikely to generate enough traffic to warrant a right turn lane, if the developer is installing the turn lane at their expense, the city would not object to its construction.
3. While there are benefits to traffic signals, a traffic signal causes delays, increases emissions, and increases rear-end crashes. If the traffic study determines a traffic signal is not warranted, Engineering Staff is not supportive of a traffic signal installation/ If a traffic signal is warranted as a result of this development, the developer would be required to install the signal at their expense.

Stormwater: Stormwater for this development will be addressed by utilizing the regional detention basin within the subject property and stormwater detention and water quality will be part of the site plan and civil review of the development. In addition, as part of the 53rd Street expansion project currently underway, stormwater detention was installed under 53rd Street to address stormwater collected by 53rd Street that is eventually released into Hanlin's Creek.

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

Staff Response:
The land along 53rd Street is a heavily used arterial corridor. As such, higher end uses, such as those allowed by the C-3 district should be permitted for orderly development and consistency with development needs.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner consistent with Davenport's neighborhoods and commercial corridors.

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

Staff Response: The proposed rezoning will not create any nonconformities.

Dimensional standards, such as lot area, lot width, setbacks, building coverage, and impervious surface will be addressed during the site plan/development process.

It is staff’s opinion that the proposed amendment will not create any nonconformities as the property is developed.

Staff Recommendation:
Staff recommends Case REZ23-03 be forwarded to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings:

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

Conditions:

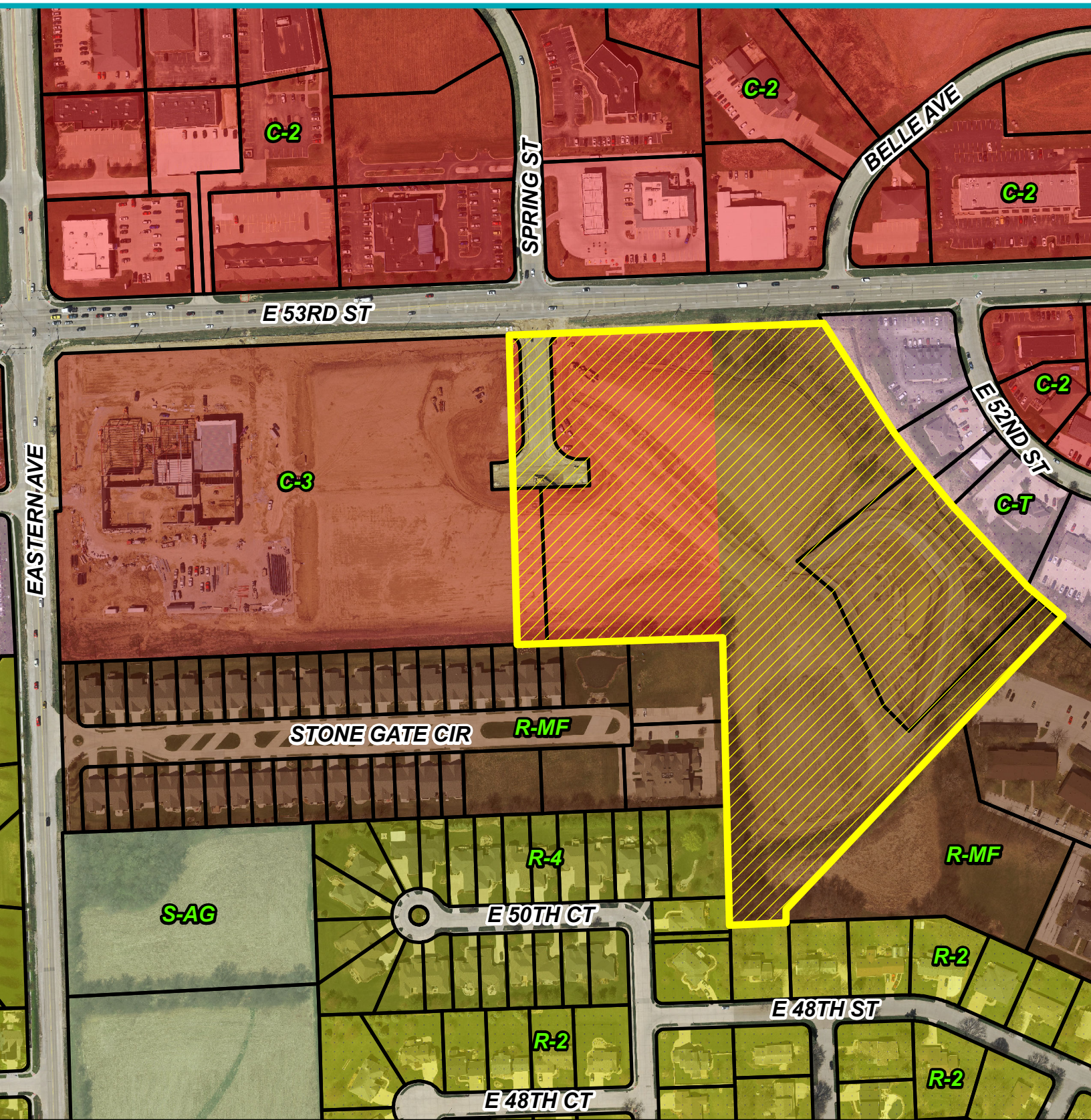
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3. Any non-residential use development south of the northern boundary of the Stone Gate development extended, a fifty-foot buffer yard shall be established as required by code. Any multi-family development shall provide buffer yards as required by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

Rezoning Request

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

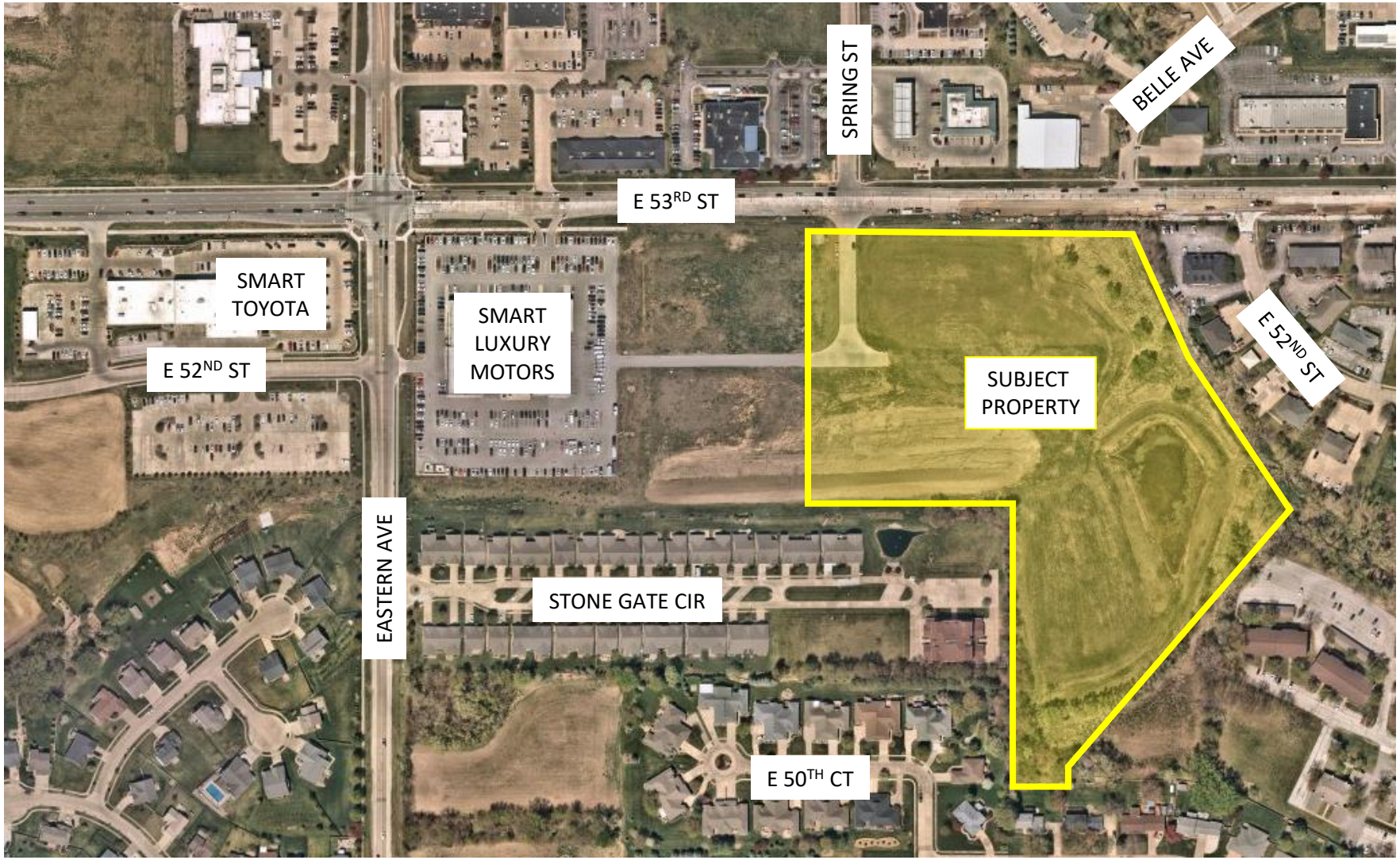
Subject Property

0 250 500
Feet



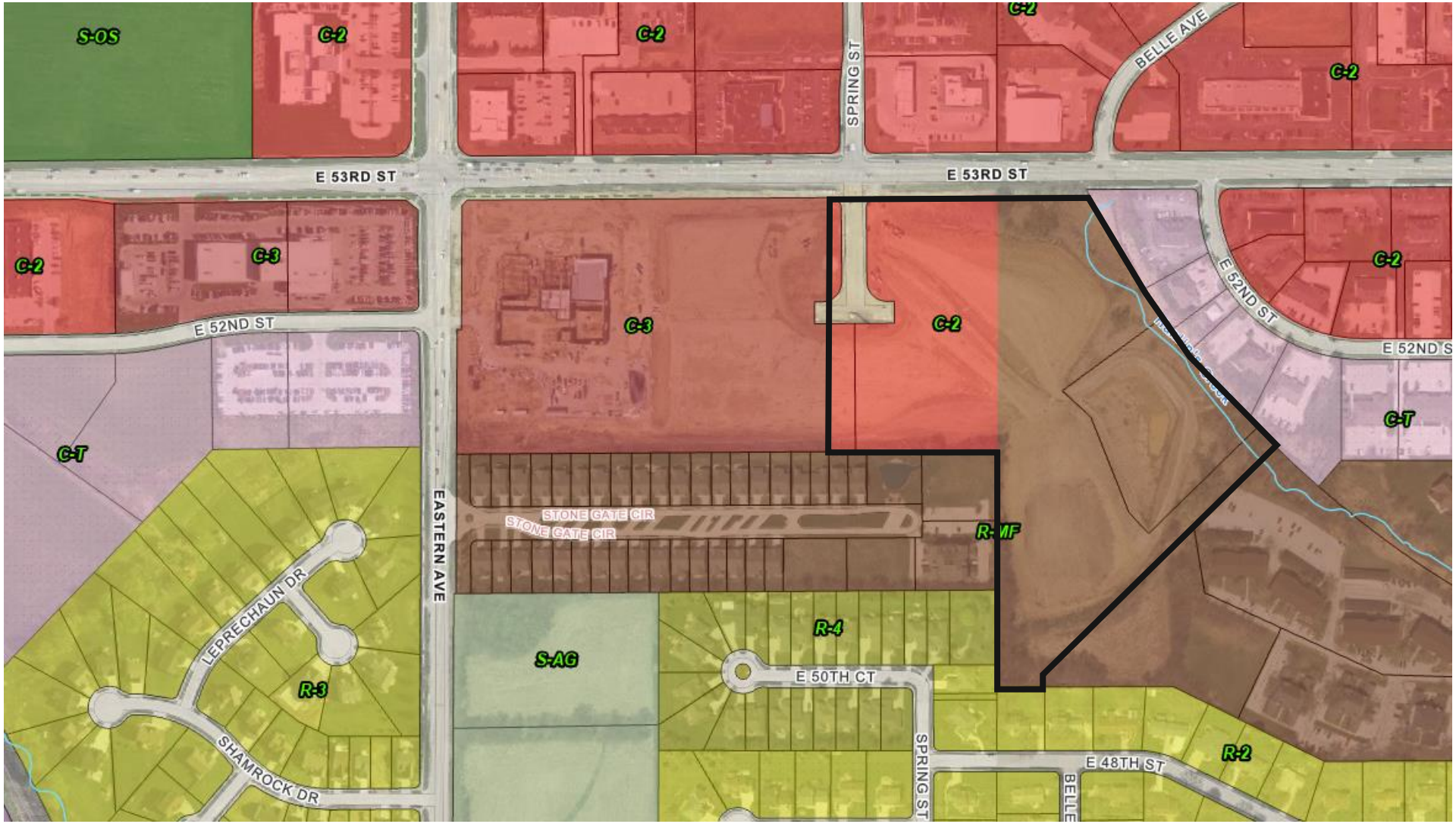
Vicinity Map

DAVENPORT
IOWA | USA



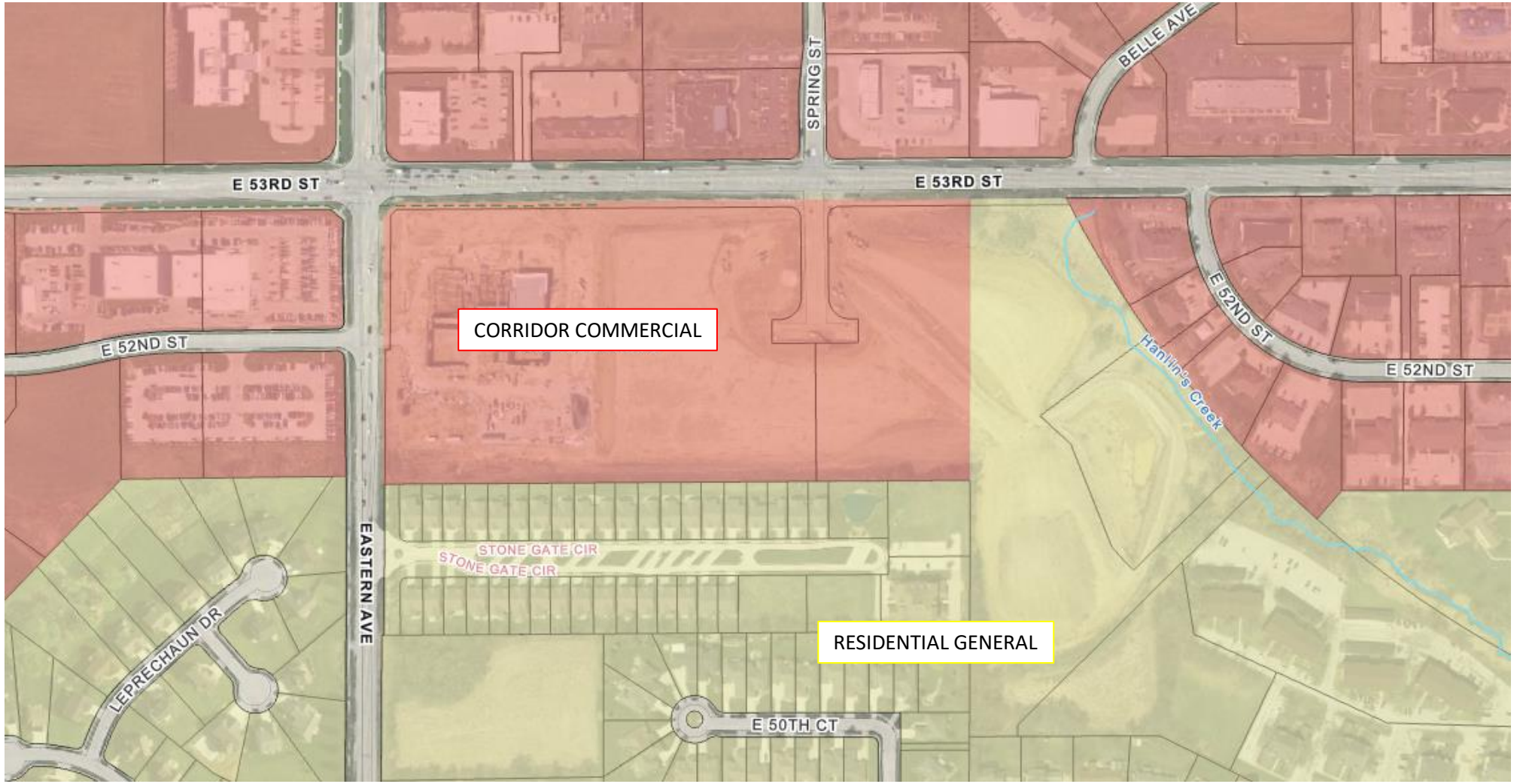
Zoning Map

DAVENPORT
IOWA | USA



Future Land Use Map

DAVENPORT
IOWA | USA



CITY OF DAVENPORT
Public Works - DNS Planning
1200 E. 46th St.
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com
davenportiowa.com/citycode

APPLICATION FOR

REZONING

(Map Amendment)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

PROJECT TITLE

APPLICANT INFORMATION

APPLICANT NAME

ADDRESS

CITY, STATE, ZIP

PHONE

SECONDARY PHONE

E-MAIL ADDRESS

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICT	EXISTING	PROPOSED	SQ. AREA

Acceptance of Applicant

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

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

Type Applicant's Name

Applicant's Signature

Date

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

Concept/Development Plan

Consent to Rezone/legal interest Affidavit*
*shall include owner contact information

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

Legal Description Dimensioned Sketch

Application Fee*
*required for a complete application

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

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

DEVELOPMENT TEAM

Property Owner

Address

Phone | Secondary Phone

E-Mail Address

Project Manager/Other

Address

Phone | Secondary Phone

E-Mail Address

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

Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.

Supplemental Answer to "Property Owners" (p.1)

Property Owner 1

Address

Phone 1 Phone 2

Email

Property Owner 2

Address

Phone 1 Phone 2

Email

Authorization to Act as Applicant

I/We,

[as property owner(s)]

authorize

[the above person(s)]

to act as applicant, representing me/us before the following board:

for the property located at .

Signature(s)*

*Please note: original signature(s) or images of them are required.

Date

Application Form Types

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

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

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request

Authorization to Act as Applicant

I/We,

[as property owner(s)]

authorize

[the above person(s)]

to act as applicant, representing me/us before the following board:

for the property located at .

Signature(s)*

*Please note: original signature(s) or images of them are required.

Date

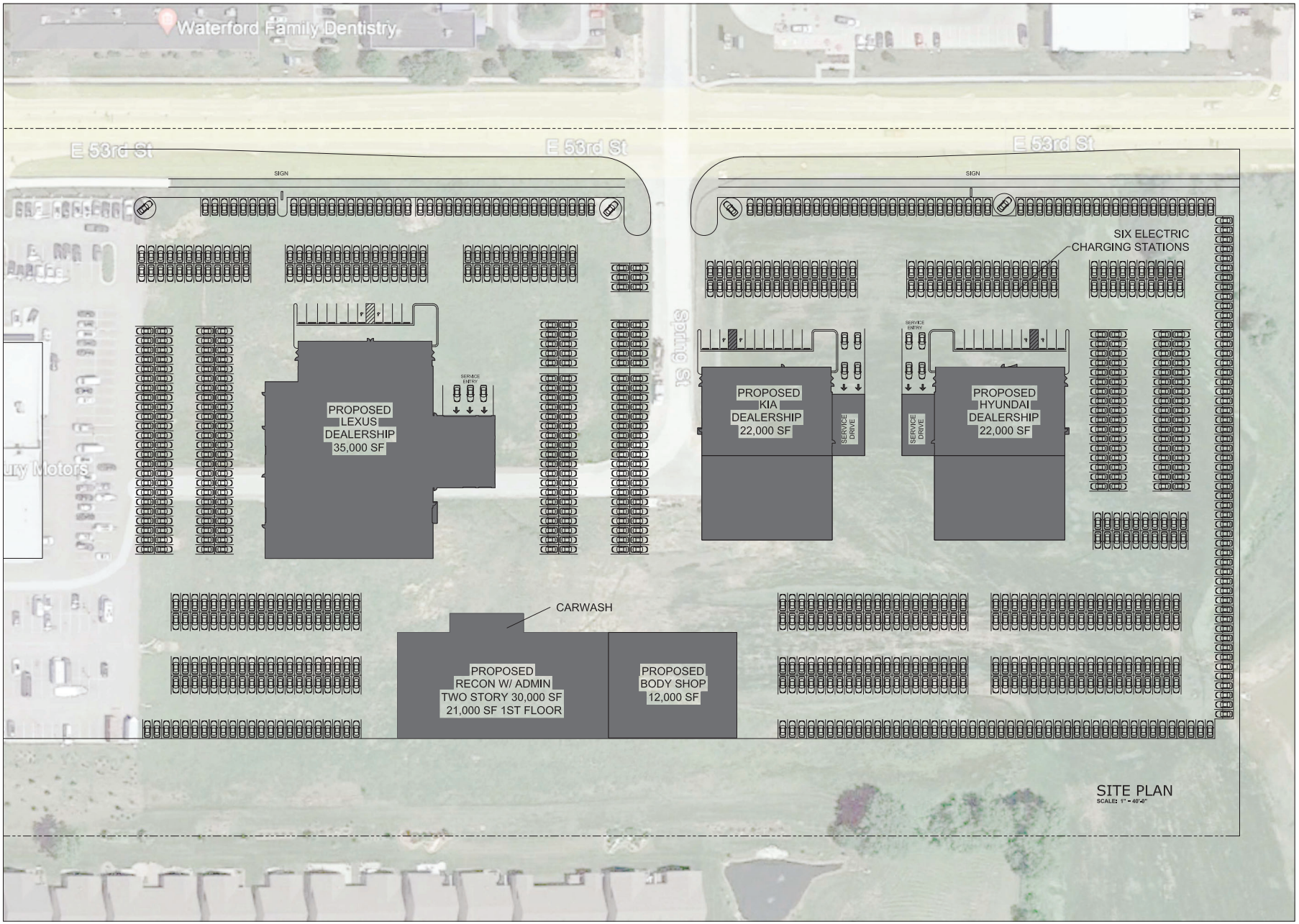
Application Form Types

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

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

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request



CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-4486
TEL 317-259-6038
FAX 317-259-4783
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

NEW AUTO SITE

1777 East 53rd Street
Davenport, Iowa
52807

06/29/2023
Seal

Project No.: 20021
Drawn By: KTM
Checked By: KTM

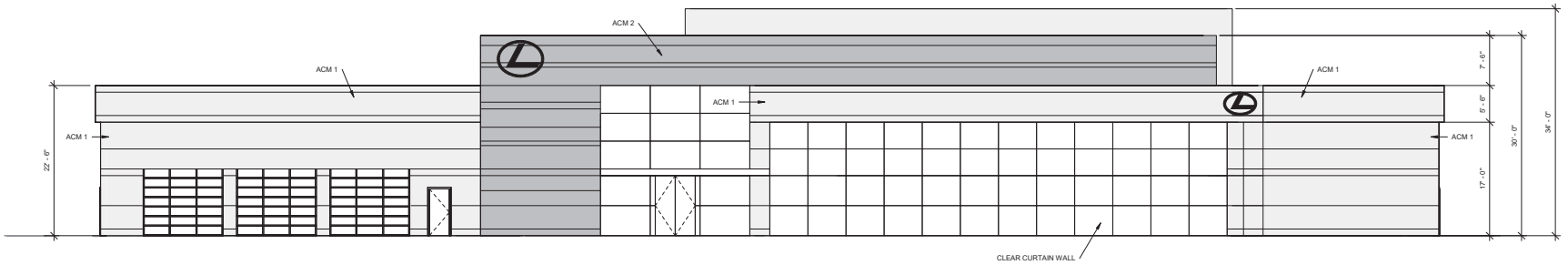
Revisions

Mark	Date	Remarks

DO NOT SCALE DRAWINGS.
Custom Facilities shall be notified immediately should any errors, omissions, discrepancies inconsistencies be discovered and/or on the drawings.

SITE PLAN

ST-1



1 Front Elevation
1/8" = 1'-0"

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6266 Rucker Road
Suite C
Indianapolis, IN
46220-4566
TEL 317-259-6018
FAX 317-259-6183
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Lexus

Davenport, Iowa

Project 21122
Drawn By: KTM
Checked KTM

Revision
Mark | Date | Remark

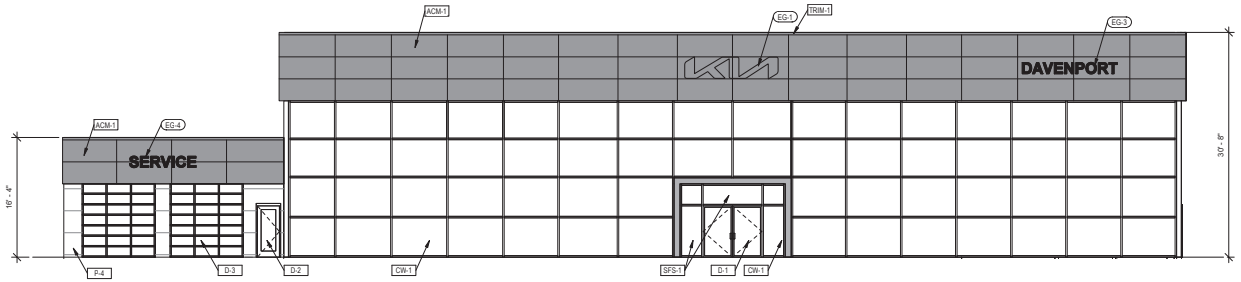
DO NOT SCALE

Custom Facilities shall be notified immediately should any errors, omissions, discrepancies inconsistencies be discovered the drawings.

Elevations

A4-1

6/29/2023 3:59:53 PM



3 A4-1 Front Elevation
1/8" = 1'-0"

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6266 Rucker Road
Suite C
Indianapolis, IN
46220-4566
TEL 317-259-0018
FAX 317-259-4785

CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Davenport Kia

Davenport, Iowa

6/29/2023 3:24:56 PM

Seal

Project	20021
Drawn By:	KTM
Checked	KTM

Revision

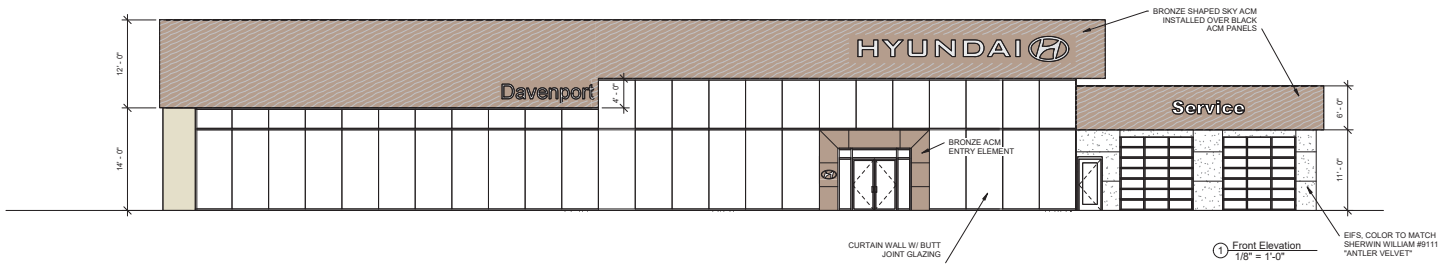
Mark	Date	Remark

DO NOT SCALE

Custom Facilities shall be notified immediately should any errors, omissions, discrepancies inconsistencies be discovered the drawings.

Exterior Elevations

A4-1



1 Front Elevation
1/8" = 1'-0"

6/29/2023 3:36:43 PM

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6266 Rucker Road
Suite C
Indianapolis, IN
46220-4566
TEL 317-259-0018
FAX 317-259-4785
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Hyundai of Davenport

Davenport, Iowa

Project	21122
Drawn By:	KTM
Checked	KTM

Revision

Mark	Date	Remark

DO NOT SCALE

Custom Facilities shall be notified immediately should any errors, omissions, discrepancies inconsistencies be discovered the drawings.

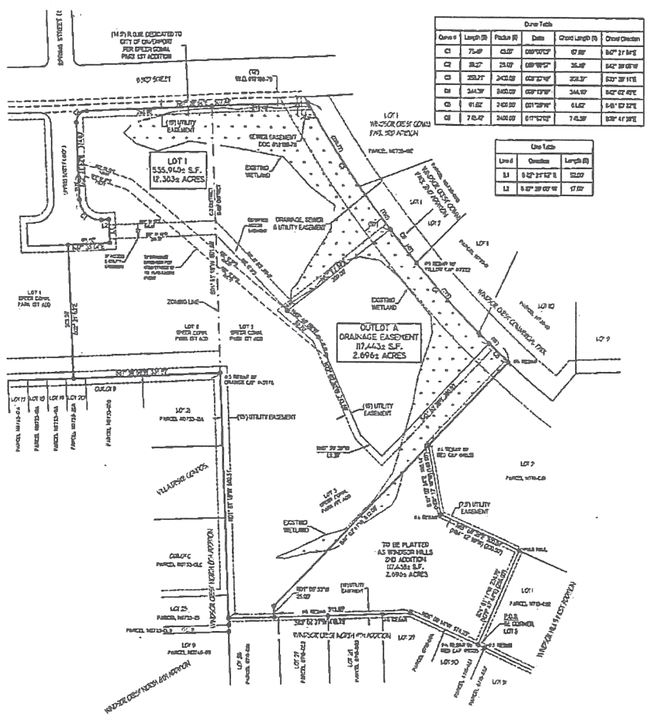
Elevations

A4-1

Legal Description

Lot 1 and Outlot A of Speer Commercial Park 2nd Addition to the City of Davenport, Scott County, Iowa.

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



Curve Table					
Curve #	Length (ft)	Radius (ft)	Delta	Chord Length (ft)	Chord Direction
C1	75.49'	45.00'	096°07'07"	67.00'	S47° 21' 54"E
C2	39.27'	25.00'	090°00'00"	35.36'	S42° 38' 06"W
C3	253.27'	2402.00'	006°02'46"	253.15'	S37° 39' 11"E
C4	344.39'	2402.00'	008°12'59"	344.10'	S40° 42' 49"E
C5	41.62'	2402.00'	001°11'26"	41.62'	S45° 53' 32"E
C6	7 45.49'	2402.00'	017°46'52"	7 45.39'	S39° 41' 39"E

Line Table		
Line #	Direction	Length (ft)
L1	S 42° 21' 52" E	52.00'
L2	S 37° 38' 08" W	17.00'

FINAL PLAT OF:
SPEER COMMERCIAL PARK 2nd ADDITION

Being a Replat of Lots 2 and 3 and Outlot 1 of Speer Commercial Park 1st Addition to the City of Davenport.

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

NOTES
1. ALL STREET RIGHTS OF WAY TO BE DEDICATED WITH THIS PLAT TO THE CITY OF DAVENPORT.
2. SIDEWALKS SHALL BE CONSTRUCTED ALONG THE FRONTAGE OF EACH LOT WHEN THE LOT IS DEVELOPED OR WHEN SO ORDERED BY THE CITY OF DAVENPORT.
3. ALL LOTS WILL BE CONNECTED TO THE PRIVATE WATER SUPPLY SYSTEM OF IOWA AMERICAN WATER COMPANY, AND TO THE PUBLIC SANITARY SEWER SYSTEM OF DAVENPORT.
4. AN UNDERGROUND UTILITY EASEMENT ACROSS THE FRONT OF ALL LOTS TO BE GRANTED TO THE CITY OF DAVENPORT, IOWA AND TO OTHER PUBLIC UTILITY COMPANIES
5. BLANKET UNDERGROUND EASEMENTS GRANTED TO RESPECTIVE UTILITY COMPANY FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THIS LOT WHERE THE STRUCTURE IS LOCATED. BLANKET EASEMENTS FOR STREET LIGHTING WITHIN THE SUBDIVISION.
6. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY OF DAVENPORT STANDARD SPECIFICATIONS (SUDAS WITH CITY SUPPLEMENTAL).
7. ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
8. OUTLOT A SHALL BE DESIGNATED FOR STORM WATER DETENTION. SAID OUTLOT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION OF SUBDIVISION.
9. OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED AS A STORM WATER PASSAGEWAY SHALL MAINTAIN SAID EASEMENT AS A LAWN, PLANTED IN GRASS AND FREE OF STRUCTURES, FENCES, FILL, BUSHES, TREES, SHRUBS OR OTHER LANDSCAPING THAT WOULD IMPEDE THE FLOW OF WATER.
10. OWNERS OF LOTS ON WHICH A WETLAND HAS BEEN ESTABLISHED SHALL NOT DISTURB FLORA, FAUNA AND/OR SOIL WITHIN DESIGNATED BOUNDARIES.
11. OWNERS OF LOTS ON WHICH A STREAM OR WATER COURSE IS LOCATED SHALL PRESERVE A DEDICATED FIFTY (50) FOOT MINIMUM VEGETATED BUFFER ON BOTH SIDES OF THE STREAM AS MEASURED LANDWARD HORIZONTALLY ON A LINE PERPENDICULAR TO A VERTICAL LINE MARKING THE TOP OF THE EXISTING BANKS OF THE STREAM OR DRAINAGE WAY. VEGETATION SHALL NOT BE CUT TO A HEIGHT OF LESS THAN NINE INCHES WITHOUT AUTHORIZATION OF THE CITY OF DAVENPORT NATURAL RESOURCES DIVISION. IN THE EVENT THAT THE AREA DELINEATED AS A DRAINAGE EASEMENT IS RESHAPED OR OTHERWISE RESTRICTED FOR USE AS A DRAINAGE EASEMENT, THE CITY WILL CAUSE THE RESTRICTIONS TO BE REMOVED AT THE EXPENSE OF THE PARTIES CAUSING THE RESTRICTION.
12. LOT 1 PLATTED HEREON HAS SPLIT-ZONING DISTRICTS AND WILL BE SUBJECT TO USE RESTRICTIONS WITHIN THOSE RESPECTIVE DISTRICTS UNTIL REZONED. (SEE CONDITIONS AS OUTLINED IN ORD. 2017-520)
13. STORMWATER DETENTION AND WATER QUALITY TREATMENT ARE REQUIRED WITH THIS SUBDIVISION AND WILL BE SUBJECT TO THE APPLICABLE ORDINANCES IN PLACE AT THE TIME OF DEVELOPMENT.

CONDITIONS AS OUTLINED IN ORDINANCE 2017-520.
Section 17.17.010J.

[Amended 6-10-2020 by Ord. No. 2020-233; Ord. No. 2019-193 § 10]
Condition 6. Lighting shall consist of LED dark-sky fixtures not higher than 25 feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within 1/2 hour of closing to a level necessary to provide security lighting only.

Condition 7. Routine use of PA systems outside of buildings on the property shall not be permitted.

Condition 8. Car washes on the property shall not be located closer than 125 feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.

Condition 9. The following uses shall not be closer than 300 feet from the south property line:
a. Automobile and service and oil change facilities not part of an automobile dealership.
b. Any use utilizing drive-through window(s).

APPROVED BY:
CITY OF DAVENPORT, IOWA
BY: _____ DATE: 24 JAN 23 ATTEST: Brian Krup

CITY PLAN & ZONING COMMISSION
BY: _____ DATE: 1-20-23

MEDIACOM
_____ DATE: 1-10-2023

IOWA AMERICAN WATER COMPANY
_____ DATE: 1-11-2023

CENTURY LINK
_____ DATE: 1 10 2023

MIDAMERICAN ENERGY
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN
_____ DATE: 1-10-2023

METRONET
_____ DATE 1 10 2023

LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
#5 REBAR W/ YELLOW CAP #23503 UNLESS OTHERWISE NOTED = ●
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE =
ROAD CENTER LINE =
EASEMENT LINE =
WETLAND LINE=
SECTION LINE=

1. Area of Subdivision-
Total: 14.999 Acres +/-
Lot 1: 12.303 Acres +/-
Outlot A: 2.696 Acres +/-

2. Engineer:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236

3. Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236

4. Attorney:
R. Doug Wells
Gomez May, LLP
Davenport, Iowa 52807
Ph: (563) 359-3591

GRAPHIC SCALE
100 0 50 100
(IN FEET)
1" = 100' (24x36)

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
Pages or sheets covered by this seal: 1

TOWNSEND ENGINEERING
2224 East 12th Street, Davenport, IA 52803
563 388.4238 p/fax 386.4237 fx

DATE: 9-22-21 TE PROJECT NO: EASTERN & 53RD
DRAWN BY: KLC
CHECKED BY: MDR
DRAWING LOCATION: S:\SPEER\EASTERN 53RD\SUBDIVISION

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT: FINAL PLAT
SPEER COMMERCIAL PARK 2nd ADDITION
DAVENPORT, IOWA

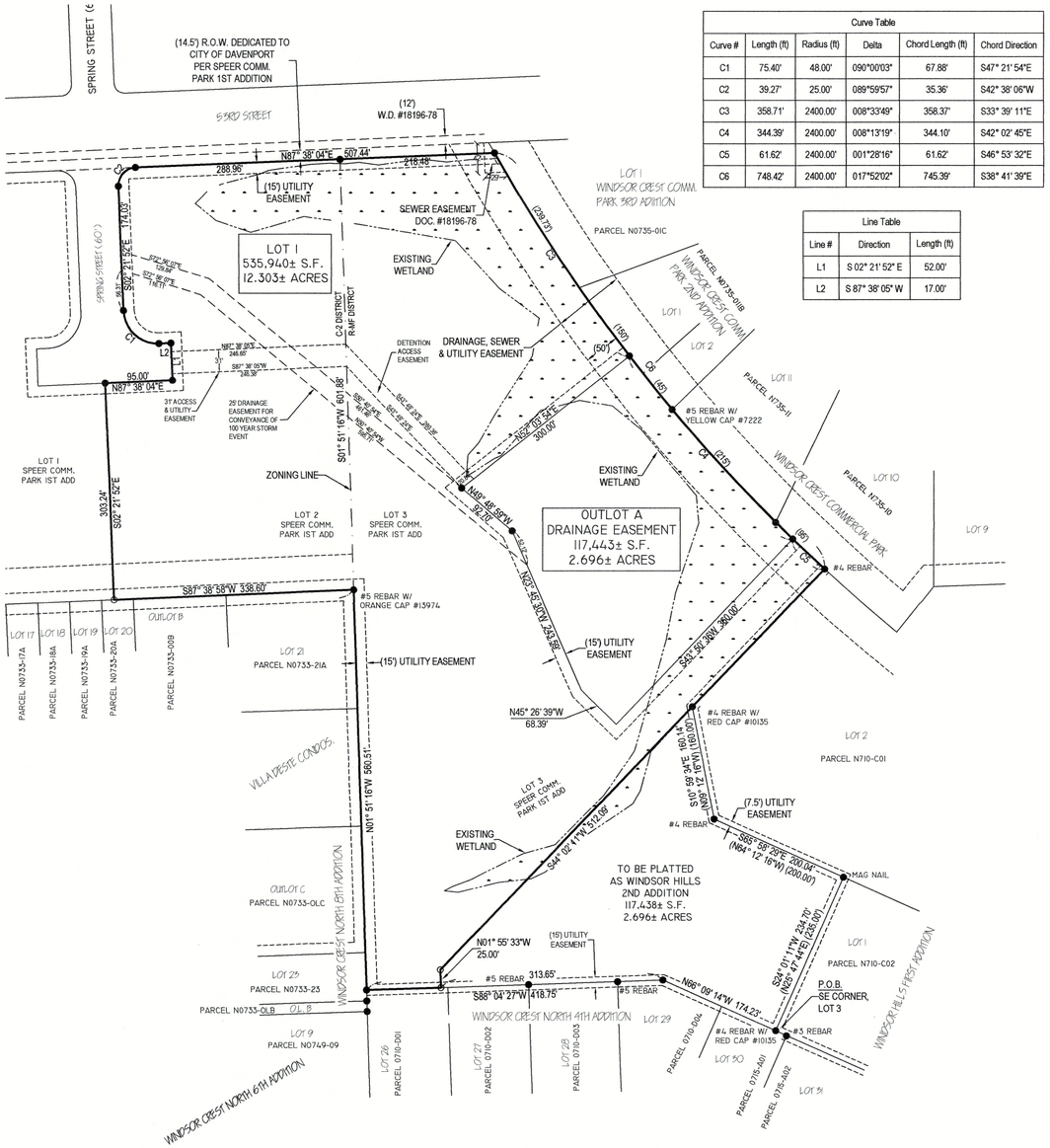
PREPARED FOR: SPEER DEVELOPMENT
2231 EAST 45th STREET
DAVENPORT, IA 52807

SHEET NO. 1 OF 1

RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803 (563) 386-4236

Page 1 of 10

Doc ID: 023406030010 Type: PLA
Recorded: 01/27/2023 at 10:37:39 AM
Fee Amt: $52.00 Page 1 of 10
Scott County Iowa
Rita A. Vargas Recorder
File 2023-00001524



Curve Table					
Curve #	Length (ft)	Radius (ft)	Delta	Chord Length (ft)	Chord Direction
C1	75.40'	48.00'	090°00'03"	67.88'	S47° 21' 54"E
C2	39.27'	25.00'	089°59'57"	35.36'	S42° 38' 06"W
C3	358.71'	2400.00'	008°33'49"	358.37'	S33° 39' 11"E
C4	344.39'	2400.00'	008°13'19"	344.10'	S42° 02' 45"E
C5	61.62'	2400.00'	001°28'16"	61.62'	S46° 53' 32"E
C6	748.42'	2400.00'	017°52'02"	745.39'	S38° 41' 39"E

Line Table		
Line #	Direction	Length (ft)
L1	S 02° 21' 52" E	52.00'
L2	S 87° 38' 05" W	17.00'

FINAL PLAT OF:

SPEER COMMERCIAL PARK 2nd ADDITION

Being a Replat of Lots 2 and 3 and Outlot 1 of Speer Commercial Park 1st Addition to the City of Davenport.

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

NOTES

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CONDITIONS AS OUTLINED IN ORDINANCE 2017-520.
Section 17.17.010J.

[Amended 6-10-2020 by Ord. No. 2020-233; Ord. No. 2019-195 § 10]
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a. Automobile and service and oil change facilities not part of an automobile dealership.
b. Any use utilizing drive-through window(s).

APPROVED BY:
CITY OF DAVENPORT, IOWA

BY: _____

DATE: _____ ATTEST: _____

CITY PLAN & ZONE COMMISSION

BY: _____ DATE: _____

MEDIACOM — DATE: 1-10-2023

IOWA - AMERICAN WATER COMPANY — DATE: 1-11-2023

CENTURY LINK — DATE: 1 10 2023

MIDAMERICAN ENERGY — DATE: 1-10-2023
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN

METRONET — DATE 1 10 2023

LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
#5 REBAR W/ YELLOW CAP #23503
UNLESS OTHERWISE NOTED = ●
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE =
ROAD CENTER LINE =
EASEMENT LINE =
WETLAND LINE=
SECTION LINE=

1. Area of Subdivision-
   Total: 14.999 Acres +/-
   Lot 1: 12.303 Acres +/-
   Outlot A: 2.696 Acres +/-

2. Engineer:
   Townsend Engineering
   2224 East 12th Street
   Davenport, Iowa 52803
   Ph: (563) 386-4236

3. Surveyor:
   Michael D. Richmond
   2224 East 12th Street
   Davenport, Iowa 5280
   Ph: (563) 386-4236

4. Attorney:
   R. Doug Wells
   Gomez May, LLP
   Davenport, Iowa 52807
   Ph: (563) 359-3591

N W E S

GRAPHIC SCALE
100 0 50 100
(IN FEET)
1" = 100' (24x36)

LICENSED LAND SURVEYOR
MICHAEL D. RICHMOND
23503
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
Michael Richmond 12/29/2023
MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

TOWNSEND ENGINEERING
CIVIL ○ STRUCTURAL ○ LAND DEVELOPMENT

DATE: 9-22-21 TE PROJECT NO: EASTERN & 53RD

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: MDR

DRAWING LOCATION
S: \SPEER\EASTERN 53RD\SUBDIVISION

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT
FINAL PLAT
SPEER COMMERCIAL PARK 2nd ADDITION
DAVENPORT, IOWA

PREPARED FOR:
SPEER DEVELOPMENT
2231 EAST 45th STREET
DAVENPORT, IA 52807

SHEET NO.
1 OF 1

RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803 (563) 386-4236


HYUNDAI
Smart
Service


Smart
SERVICE
DELIVERY


LEXUS OF ANYTOWN


Smart Luxury Motors
5043 Eastern Ave
Davenport, Iowa
Google Street View
May 2023
See more dates
Spring St
Stone Gate Cir
Google
Image capture: May 2023 © 2023 Google United States Terms Privacy Report a problem









DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property generally located southeast of 53rd Street and Spring Street.

Neighborhood Meeting
Date: 8/7/2023 Time: 5:30 PM Location: Eastern Avenue Library | 6000 Eastern Avenue

Plan & Zoning Commission Public Hearing Meeting
Date: 8/15/202 Time: 5:00 PM Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?
This notice is being sent to inform you that a neighborhood meeting and a public hearing will be held for a Rezoning Request. The subject property is currently zoned C-2 Corridor Commercial District and R-MF Multi-Family Residential District. The property owner is requesting a rezoning to C-3 General Commercial District to develop the site for one or more motor vehicle dealerships, including outdoor storage.

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

What are the Next Steps after the Neighborhood Meeting and Public Hearing?
The Plan and Zoning Commission will hold a formal public hearing at their meeting on August 15, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on September 5, 2023. The Commission's recommendation will be forwarded to the City Council, which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

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

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

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

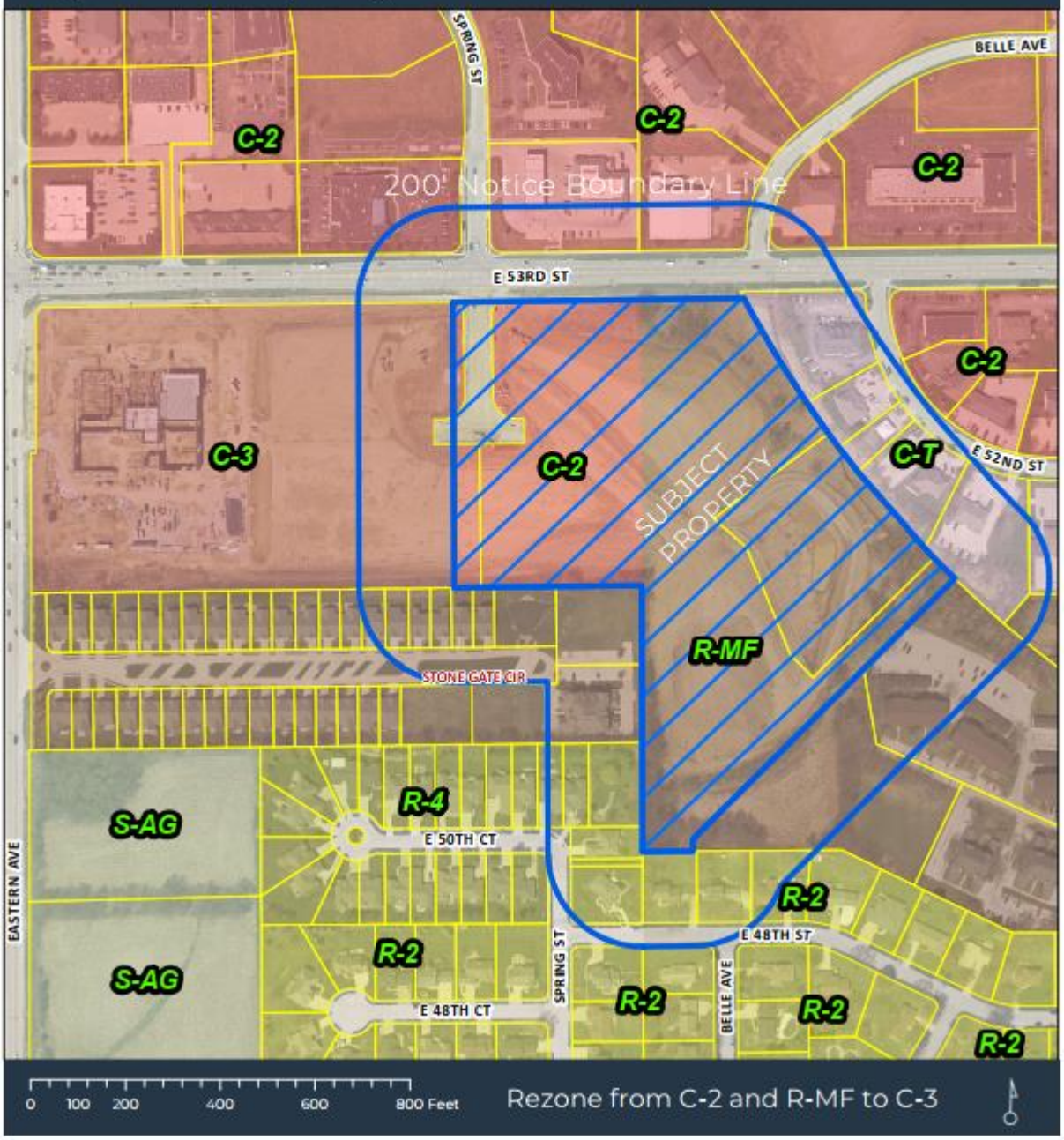
Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

THE CITY OF DAVENPORT
IOWA | USA

P&Z Notice

CASE#: REZ23-03

Adjacent Property Owner Notice Area



Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

MINUTES OF NEIGHBORHOOD MEETING

Case No: REZ23-03; ROW23-04
Date: Monday, August 7, 2023
Time: 5:30 PM
Location: Eastern Avenue Library, 6000 Eastern Avenue, Davenport, Iowa

John Hofmeyer, IV opened the meeting and identified the city personnel present: Judith Lee, 8th Ward Alderwoman; Kyle Gripp, At-Large Alderman; JJ Condon, At-Large Alderman, and Inghram, Planning and Zoning Commission Chair. Werderitch, Koops, and Berley from the city were also present at the meeting.

Developer gave its presentation as follows:

> Michael Leep, Jr., President of applicant/developer, provided information and background on the applicant/developer.
>
> Chip Walker, architect for applicant/developer, made a presentation regarding the preliminary design proposal for the development including three motor vehicle dealerships and supporting buildings.
>
> Eric Cannon, engineer for applicant/developer, made a presentation regarding steps taken to address stormwater runoff and environmental considerations at the site.

The floor was open for questioning and a general discussion was had. Multiple attendees asked questions regarding the following general topics:

1. Why applicant/developer was rezoning the whole parcel for C-3 zoning if only using the northern portion. Applicant/developer advised that there are no current plans to develop the southern portion of the parcel.

2. Whether C-3 zoning would allow development of the southern portion of the parcel for multi-family apartments if rezoned to C-3. City staff advised that multi-family apartments are a permitted use in the C-3 zoning.

3. Stormwater runoff to the east. Applicant/developer advised that all stormwater runoff would be handled through a comprehensive stormwater retention and mitigation system utilizing the existing reservoir and that decisions would be made after detailed analysis to determine the best course of action. Applicant/developer advised further that the site would not utilize “sheet” drainage and would instead utilize inlet (drains) that would take stormwater to the reservoir.

4. An attendee asked about drainage from the Stone Gate Cir. development to the SW, across the property to the reservoir. Another attendee identified that there was a culvert that takes water across between the two reservoirs. Applicant/developer did not provide an opinion on this.

5. A question was presented regarding lighting of the site and spillage. Applicant/developer discussed dark-sky initiatives and the technology that allows new lighting systems to mitigate, if not prevent, light pollution and spillage beyond the property boundaries.

When there were no further questions, John Hofmeyer, IV closed the meeting. City staff took a list of the neighborhood attendees.

Neighborhood Meeting Attendance List

Date: Time: Location:

Case:

The purpose of this meeting is to provide an **informal setting to allow courteous discussion** between the developer and adjacent owners, and to answer any questions and concerns about the proposed action. This meeting does not replace the Public Hearing.

	NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1	Scott Bliss	taylorclexm0421@gmail.com		1871 Stone Gate Cir Unit 8
2	Carrie Bliss	"		"
3	Mary Ann Damann			1822 STONE GATE
4	Steve Damann			" " "
5	Bob Ingraham	BINGHRAM55@GMAIL		
6	Lucy Moss	gmoss47@hotmail.com		1871 Stone Gate Cir Unit 10
7	Carla Osborn	cmmosborne@gmail.com		1820 Stone Gate Circle
8	MIKE OSBORN	OSBORNMCM@YMOL.COM		" "
9				
10				
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20				
21				
22				
23				
24				
25				

Neighborhood Meeting Attendance List

Date: Time: Location:

Case:

The purpose of this meeting is to provide an **informal setting to allow courteous discussion** between the developer and adjacent owners, and to answer any questions and concerns about the proposed action. This meeting does not replace the Public Hearing.

	NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1	Darren Courville	dcourville@mchsi.com		2026 E. 48th St.
2	Ann Lausen	aslausen@gmail.com		1742 Stone Gate Cir.
3	Cheryl Luders	caluders@gmail		1871 Stone Gate Cir.
4	JJ GNDON			ALDERMAN AT LARGE
5				
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City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **10/11/2023**

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

Recommendation:
Hold the Hearing.

Background:
The petitioner has requested a vacation for the portion of Spring Street located south of 53rd Street. The area to be vacated is approximately 25,900 square feet (.59 acres). The purpose of the vacation is to better facilitate development of the abutting property for one or more vehicle dealerships. This project is closely related to Case REZ23-03, being the rezoning of abutting property to C-3 General Commercial District. The Plan and Zoning Commission reviewed Case ROW23-03 at its September 5, 2023 meeting and have recommended approval, subject to the following findings and condition. The vote was unanimous.

Findings:

1. The existing public right-of-way is not required for City purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Condition:

1. All existing utilities located in the right-of-way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.

Comprehensive Plan:

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

Future Land Use Designation:

The abutting property is currently designated as Commercial Corridor in the Davenport +2035 Future Land Use Map. Commercial Corridor (CC)

Abutting Zoning:

The abutting property is currently zoned C-2 Corridor Commercial District to the east and C-3 General Commercial District to the west of the subject right-of-way.

Technical Review:

The following technical review comments were received from City Departments and utility companies:

- Streets: If vacated, the street will be converted into a private driveway for a shared business access from 53rd Street.
- Natural Resources/Storm Water: No issues with the proposed vacation. Stormwater sewer is located within the ROW. A blanket utility and access easement is necessary until any infrastructure is relocated with the proposed development.
- Sanitary Sewer: There is no sewer infrastructure within the subject right-of-way. Future development is anticipated to connect to the existing sanitary sewer main on East 53rd Street.
- Other Utilities: No comments were received.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 7, 2023 neighborhood meeting and August 15, 2023 Plan and Zoning Commission Public Hearing.

The neighborhood meeting was held at Eastern Avenue Library on August 7th at 5:30pm. The purpose of the neighborhood meeting was to discuss both the right-of-way vacation and rezoning of abutting property. There were approximately twelve members of the public in attendance. No comments specific to the vacation request were received.

The vacation of public right-of-way is a two step process:

1. Determine if the right-of-way is needed for public purposes.
2. Negotiate and determine terms of conveyance to adjacent property owners.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Subject Right-of-Way Map
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Application
🗋	Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	9/28/2023 - 8:43 AM

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Right-Of-Way Vacation | Public Hearing Notice

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

ROW Vacation

0 200 400
Feet



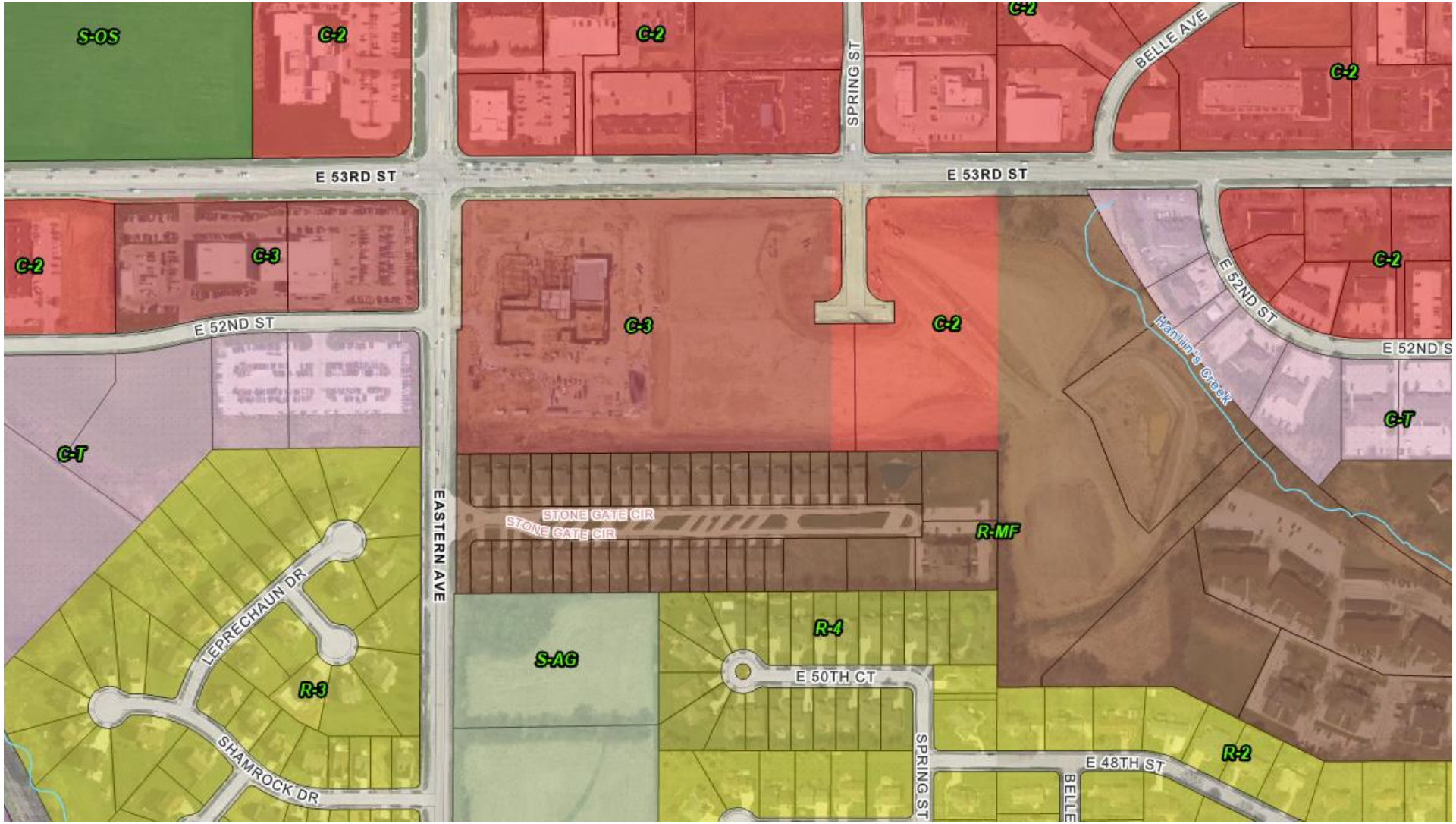
Vicinity Map

DAVENPORT
IOWA | USA

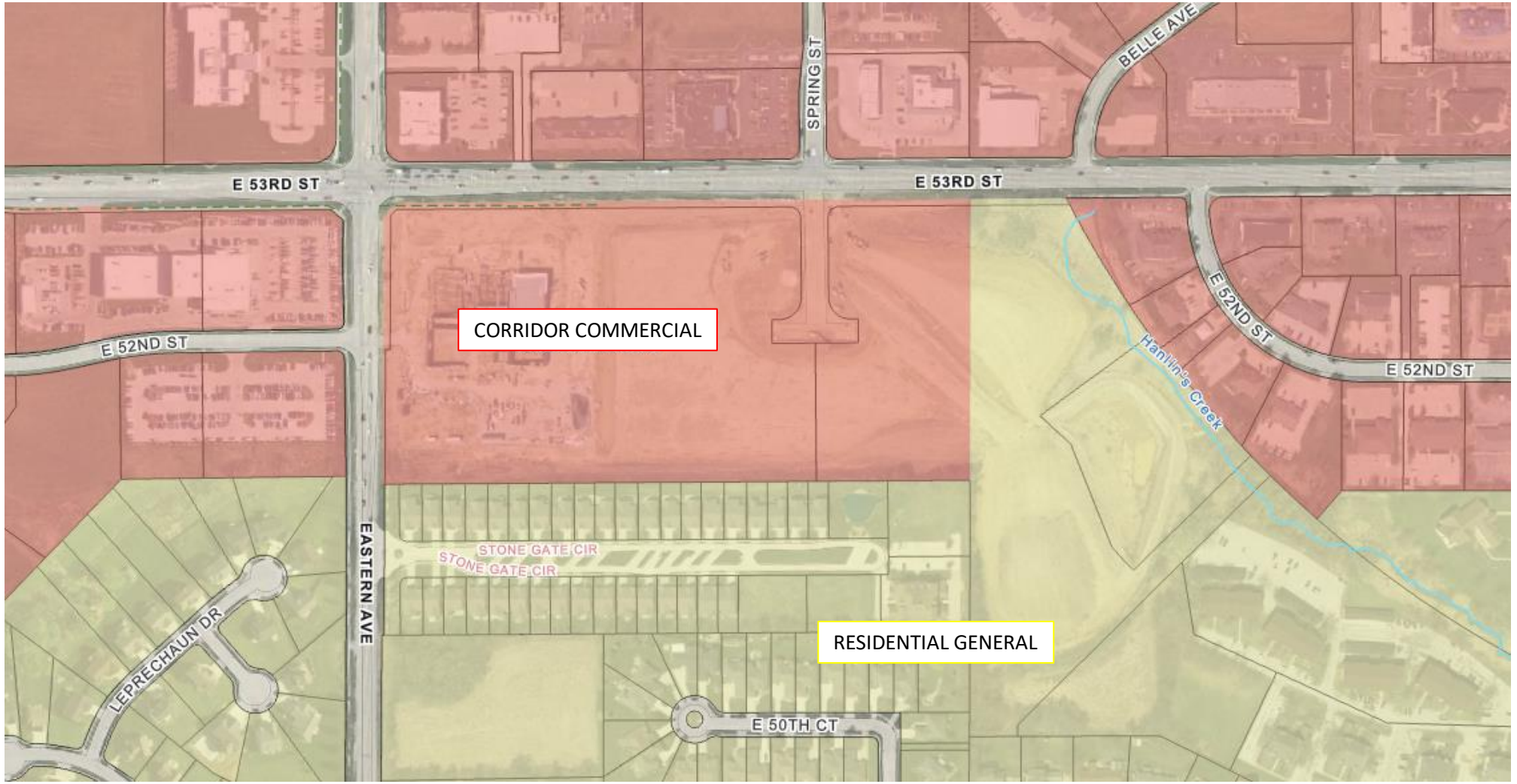


Zoning Map

DAVENPORT
IOWA | USA



Future Land Use Map



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

RIGHT-OF-WAY VACATION

(EASEMENT ABANDONMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

PROJECT TITLE
Tip of the Speer

GENERAL LOCATION DESCRIPTION
S of E 53rd St at Spring St and E of Spring St

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

AREA OF VACATION	EXISTING USE	PROPOSED USE	SQUARE AREA

APPLICANT INFORMATION

Applicant Name
53rd Luxury LLC

Address
5201 N. Grape Road

City | State | Zip
Mishawaka, IN 46545

Phone
(574) 272-2009

Secondary Phone
(480) 334-4323

E-Mail Address
cpustelak@gurleyleep.com

Acceptance of Applicant

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

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

Chris Pustelak, VP of 53rd Luxury LLC
Type Applicant's Name

Applicant's Signature

07/12/2023
Date

DEVELOPMENT TEAM

Surveyor

Address

Phone | Secondary Phone

E-Mail Address

Attorney/Other
John W. Hofmeyer IV, Attorney with Arenson Law Gr

Address
425 2nd St SE, STE 900, Cedar Rapids, IA 52401

Phone
(319) 731-0543

Secondary Phone
(319) 400-8785

E-Mail Address
jhofmeyer@arensonlaw.com

COMPLETE SUBMITTALS SHALL INCLUDE:	SUBMITTED
Concept/Development Plan, if applicable	☑
Authorization to Act as Applicant	☑
Legal Description* (bearing & distance) * shall include a MS Word or Text file	☑
Legal Description Dimensioned Sketch	☑
Application Fee: (REQUIRED) **$400*** * check payable to 'City of Davenport'	☑

PROJECT NARRATIVE: (submit separate sheet if needed)

Applicant seeks to develop the lots, after rezoning and special use permit obtained, for use with one or more motor vehicle dealerships. This would include development of the space currently designated for right of way. The applicant has already submitted special use permit request and application for rezoning.

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

Authorization to Act as Applicant

I/We, Sheila M Speer Living Trust
[as property owner(s)]

authorize Chris Pustelak, VP, and John Hofmeyer, attorney, for 53rd Luxury LLC
[the above person(s)]

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

for the property located at Auditor's Parcel No. N0709A02.

Signature(s)*

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

7/12/23
Date

Notarization:

State of Iowa,

County of Johnson,

Driver License
[identification type]

Sworn and subscribed before me

this 12 day of July, 2023

Notary Public

My Commission Expires: 4/29/2025

JENNIFER A. CROKER
Commission Number 839579
My Commission Expires
4-29-2025

---

* *Application Form by Board Type*

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

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

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request

Authorization to Act as Applicant

I/We, Ed Speer Construction, Inc.
[as property owner(s)]

authorize Chris Pustelak, VP, and John Hofmeyer, attorney, for 53rd Luxury LLC
[the above person(s)]

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

for the property located at Auditor's Parcel Nos. N0710AOLA and N0710A04.

Signature(s)*

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

7/12/23
Date

Notarization:

State of Iowa,

County of Johnson,

Sworn and subscribed before me

this 12th day of July 2023

Notary Public

Driver License
[identification type]

My Commission Expires:

JENNIFER A. CROKER
Commission Number 839579
My Commission Expires
4-29-2025

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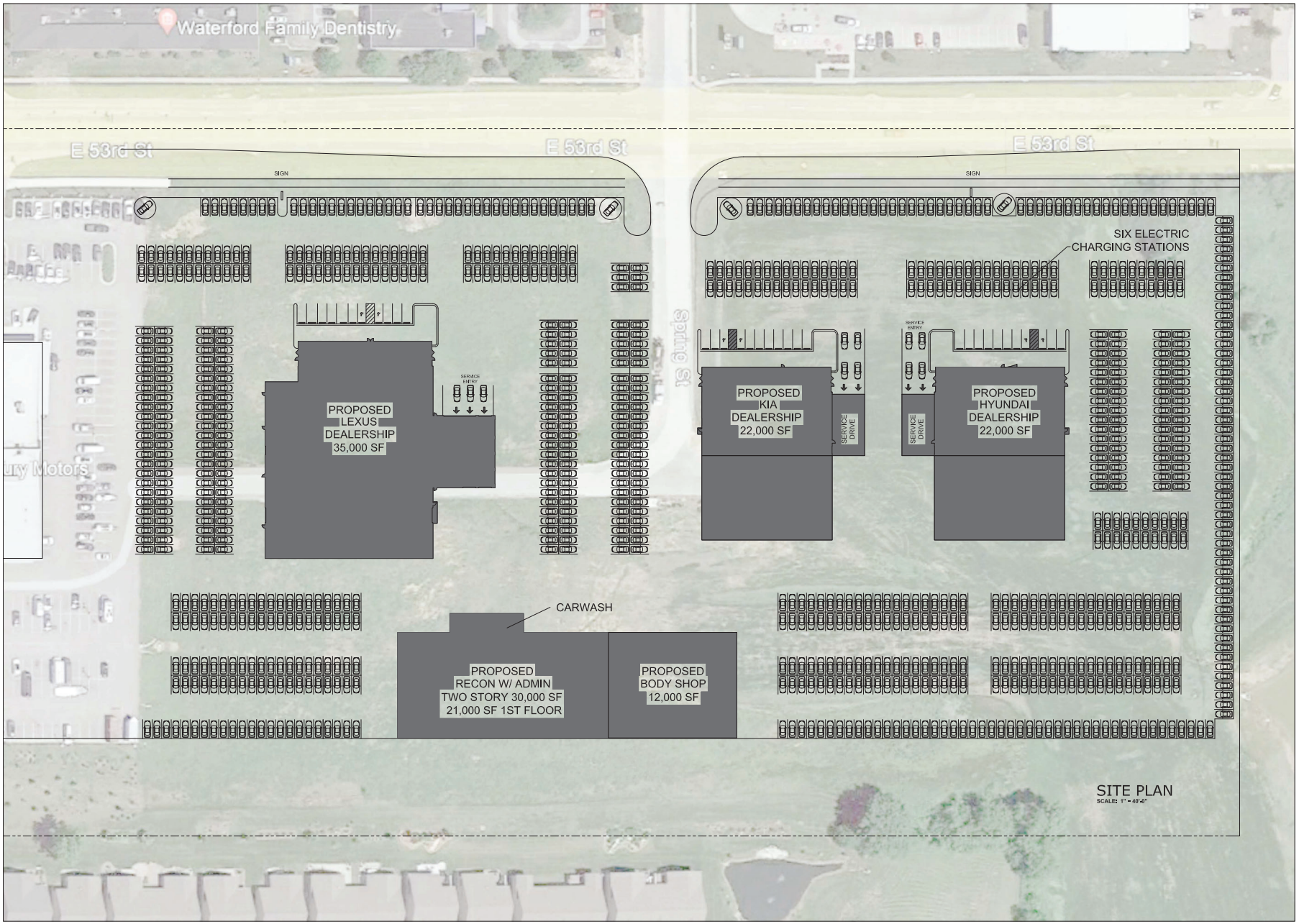
* *Application Form by Board Type*

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

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

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request



CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-4486
TEL 317-259-6038
FAX 317-259-4383
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

NEW AUTO SITE

1777 East 53rd Street
Davenport, Iowa
52807

06/29/2023

Seal

Project No.: 20021

Drawn By: KTM

Checked By: KTM

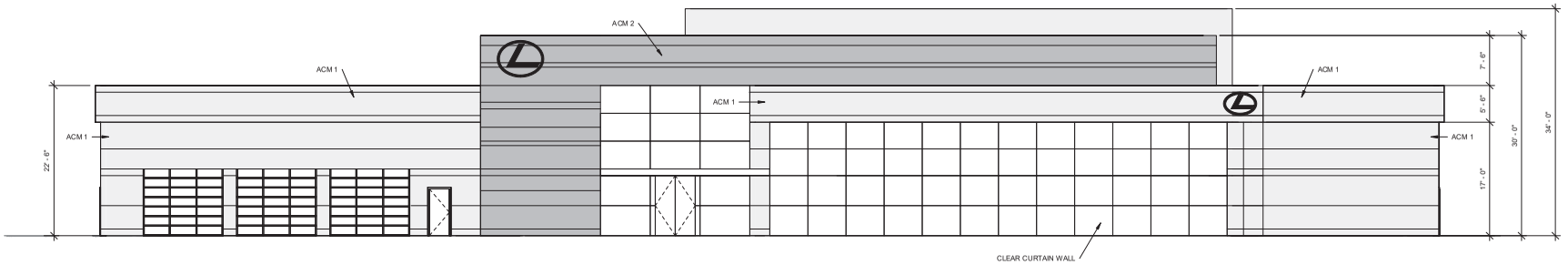
Revisions

Mark	Date	Remarks

DO NOT SCALE DRAWINGS.
Custom Facilities shall be notified immediately should any errors, omissions, discrepancies inconsistencies be discovered and/or on the drawings.

SITE PLAN

ST-1



1 Front Elevation
1/8" = 1'-0"

6/29/2023 3:59:53 PM

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-4486
TEL 317-259-0458
FAX 317-259-0785
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Lexus

Davenport, Iowa

Project	21122
Drawn By:	KTM
Checked	KTM

Revision

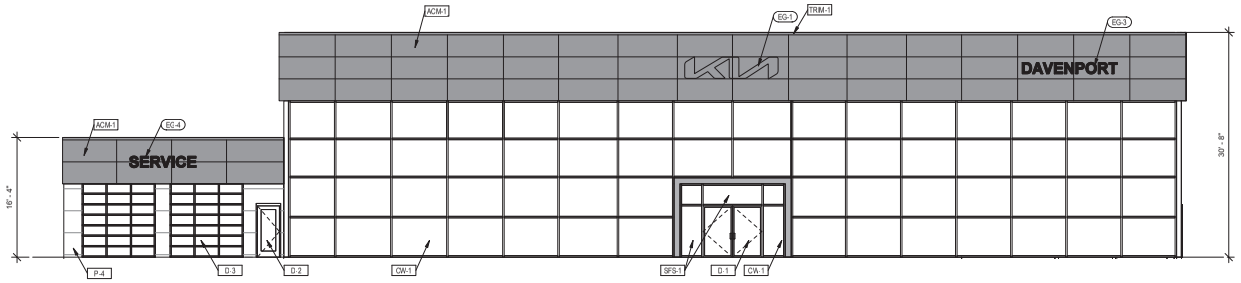
Mark	Date	Remark

DO NOT SCALE

Custom Facilities shall be notified immediately should any errors, omissions, discrepancies inconsistencies be discovered the drawings.

Elevations

A4-1



3 A4-1 Front Elevation
1/8" = 1'-0"

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-4486
TEL 317-259-0458
FAX 317-259-4785
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Davenport Kia

Davenport, Iowa

6/29/2023 3:24:56 PM

Seal

Project	20021
Drawn By:	KTM
Checked	KTM

Revision

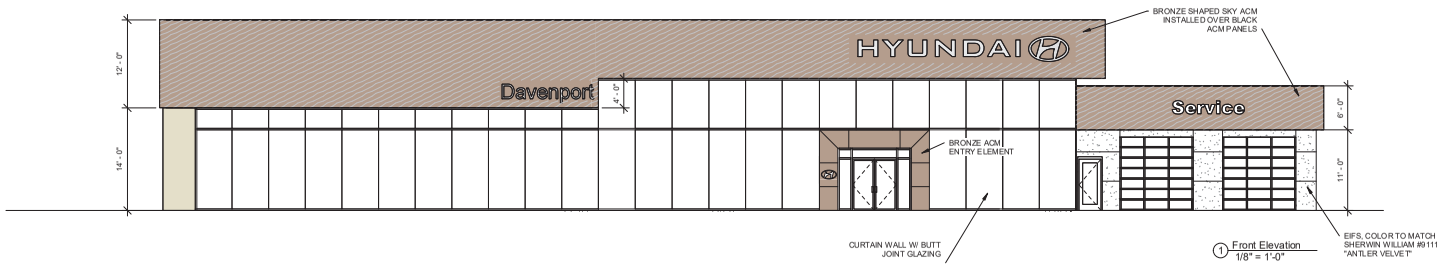
Mark	Date	Remark

DO NOT SCALE

Custom Facilities shall be notified immediately should any errors, omissions, discrepancies inconsistencies be discovered the drawings.

Exterior Elevations

A4-1



1 Front Elevation
1/8" = 1'-0"

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CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-4486
TEL 317-259-0458
FAX 317-259-0785
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Hyundai of Davenport

Davenport, Iowa

Project	21122
Drawn By:	KTM
Checked	KTM

Revision

Mark	Date	Remark

DO NOT SCALE

Custom Facilities shall be notified immediately should any errors, omissions, discrepancies inconsistencies be discovered the drawings.

Elevations

A4-1

Legal Description

Lot 1 and Outlot A of Speer Commercial Park 2nd Addition to the City of Davenport, Scott County, Iowa.

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

Doc ID: 023406030010 Type: PLA
Recorded: 01/27/2023 at 10:37:39 AM
Fee Amt: $52.00 Page 1 of 10
Scott County Iowa
Rita A. Vargas Recorder
File 2023-00001524

RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803 (563) 386-4236 GOM

FINAL PLAT OF SPEER COMMERCIAL PARK 2nd ADDITION

Being a Replat of Lots 2 and 3 and Outlot 1 of Speer Commercial Park 1st Addition to the City of Davenport.
Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.

NOTES
1. ALL STREET RIGHTS OF WAY TO BE DEDICATED WITH THIS PLAT TO THE CITY OF DAVENPORT.
2. SIDEWALKS SHALL BE CONSTRUCTED ALONG THE FRONTAGE OF EACH LOT WHEN THE LOT IS DEVELOPED OR WHEN SO ORDERED BY THE CITY OF DAVENPORT.
3. ALL LOTS WILL BE CONNECTED TO THE SANITARY SEWER SYSTEM OF IOWA AMERICAN WATER COMPANY, AND TO THE PUBLIC WATER SUPPLY SYSTEM OF IOWA AMERICAN WATER COMPANY.
4. AN UNDERGROUND UTILITY EASEMENT ACROSS THE FRONT OF ALL LOTS TO BE GRANTED TO THE CITY OF DAVENPORT, IOWA, AND TO OTHER PUBLIC UTILITY COMPANIES
5. BLANKET UNDERGROUND EASEMENTS GRANTED TO RESPECTIVE UTILITY COMPANY FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED. BLANKET EASEMENTS FOR SUCH UTILITIES SHALL BE GRANTED WITHIN THE SUBDIVISION.
6. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY OF DAVENPORT STANDARD SPECIFICATIONS AND AS WITH CITY SUPPLEMENTAL).
7. ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
8. OUTLOT A SHALL BE DESIGNATED FOR STORM WATER DETENTION. SAID OUTLOT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION OF SUBDIVISION.
9. OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED AS A STORM WATER PASSAGEWAY SHALL MAINTAIN SAID EASEMENT AS A LAWN, PLANTED IN GRASS AND WEED SUPPRESSING GROUND COVER. TREES, BUSHES, FREES, SHRUBS OR OTHER LANDSCAPING THAT WOULD IMPEDE THE FLOW OF WATER SHALL NOT BE PLANTED IN THE EASEMENT.
10. OWNERS OF LOTS ON WHICH A WETLAND HAS BEEN ESTABLISHED SHALL NOT DISTURB FLORA, FAUNA AND/OR SOIL WITHIN DESIGNATED BOUNDARIES.
11. OWNERS OF LOTS ON WHICH A STREAM OR WATER COURSE IS LOCATED SHALL PRESERVE A DEDICATED FIFTY (50) FOOT MINIMUM VEGETATED BUFFER ON BOTH SIDES OF THE STREAM AS MEASURED LANDWARD HORIZONTALLY ON A LINE PERPENDICULAR TO A VERTICAL LINE MARKING THE TOP OF THE EXISTING BANKS OF THE STREAM OR DRAINAGE WAY. VEGETATION CITY OF DAVENPORT TO A HEIGHT OF LESS THAN NINE INCHES WITHOUT AUTHORIZATION OF THE DELINEATED AS A DRAINAGE EASEMENT IS RESHAPED OR OTHERWISE RESTRICTED FOR USE AS A DRAINAGE EASEMENT, THE CITY WILL CAUSE THE RESTRICTIONS TO BE REMOVED AT THE EXPENSE OF THE PARTIES CAUSING THE RESTRICTION.
12. LOT 1 PLATTED HEREON HAS SPLIT- ZONING DISTRICTS AND WILL BE SUBJECT TO USE RESTRICTIONS WITHIN THOSE RESPECTIVE DISTRICTS UNTIL REZONED. (SEE CONDITIONS AS OUTLINED IN ORDINANCE 2017-320)
13. STORMWATER DETENTION AND WATER QUALITY TREATMENT ARE REQUIRED WITH THIS SUBDIVISION AND WILL BE SUBJECT TO THE APPLICABLE ORDINANCES IN PLACE AT THE TIME OF DEVELOPMENT.

CONDITIONS AS OUTLINED IN ORDINANCE 2017-320.
Section 17.17.010J.

(Amended 6-10-2020 by Ord. No. 2020-233; Ord. No. 2019-193 § 10)
Condition 6. Lighting shall consist of LED dark-sky fixtures not higher than 25 feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within 1/2 hour of closing to a level necessary to provide security lighting only.

Condition 7. Reuses use of PA systems outside of buildings on the property shall not be permitted.

Condition 8. Car washes on the property shall not be located closer than 125 feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.

Condition 9. The following uses shall not be closer than 300 feet from the south property line:
a. Automobile and service and oil change facilities not part of an automobile dealership.
b. Any use utilizing drive-through window(s).

APPROVED BY:
CITY OF DAVENPORT, IOWA
BY: [signature] ATTEST: [signature]
DATE: 1-20-23

CITY PLAN & ZONING COMMISSION
BY: [signature] DATE: 1-20-23
CHAIRMAN

[signature] DATE: 1-16-2023
SECRETARY

IOWA AMERICAN WATER COMPANY
[signature] DATE: 1-11-2023

CENTURY LINK
[signature] DATE: 1-10-2023

MIDAMERICAN ENERGY
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN
[signature] DATE: 1-10-2023
METRONET

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa. Pages or sheets covered by this seal: 1
[signature] 12/5/2022
GERALD D. RICHMOND
My License Number is 12365
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

GRAPHIC SCALE
100 0 50 100
(IN FEET)
1" = 100' (24x36)

PREPARED FOR:
SPEER DEVELOPMENT
2231 EAST 45th STREET
DAVENPORT, IA 52807

SHEET NO.
1 OF 1

Curve #	Length (ft)	Radius (ft)	Delta	Chord Length (ft)	Chord Bearing
C1	75.49'	45.00'	096°06'07"	67.08'	N42°19'14"E
C2	39.27'	25.00'	090°00'00"	35.36'	S42°39'07"E
C3	253.21'	240.00'	060°26'54"	241.71'	S59°39'07"E
C4	344.79'	240.00'	082°18'06"	315.72'	S42°48'24"E
C5	91.52'	240.00'	021°50'48"	91.00'	S11°52'27"E
C6	218.42'	240.00'	052°08'12"	210.91'	S36°47'33"E

Line #	Direction	Length (ft)
L1	S 42°39'07" E	35.00'
L2	S 42°39'07" E	17.00'

1. Area of Subdivision-
Total: 14.999 Acres +/-
Lot 1: 12.303 Acres +/-
Outlot A: 2.696 Acres +/-

2. Engineer:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236

3. Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236

4. Attorney:
R. Doug Wells
Gomez May, LLP
Davenport, Iowa 52807
Ph: (563) 359-3591

LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
#5 REBAR W/YELLOW CAP #22503 =
UNLESS OTHERWISE NOTED =
MONUMENTS SET:
#5 REBAR W/YELLOW CAP #22503 = O
BOUNDARY LINE =
ROAD CENTER LINE =
EASEMENT LINE =
WETLAND LINE =
SECTION LINE =

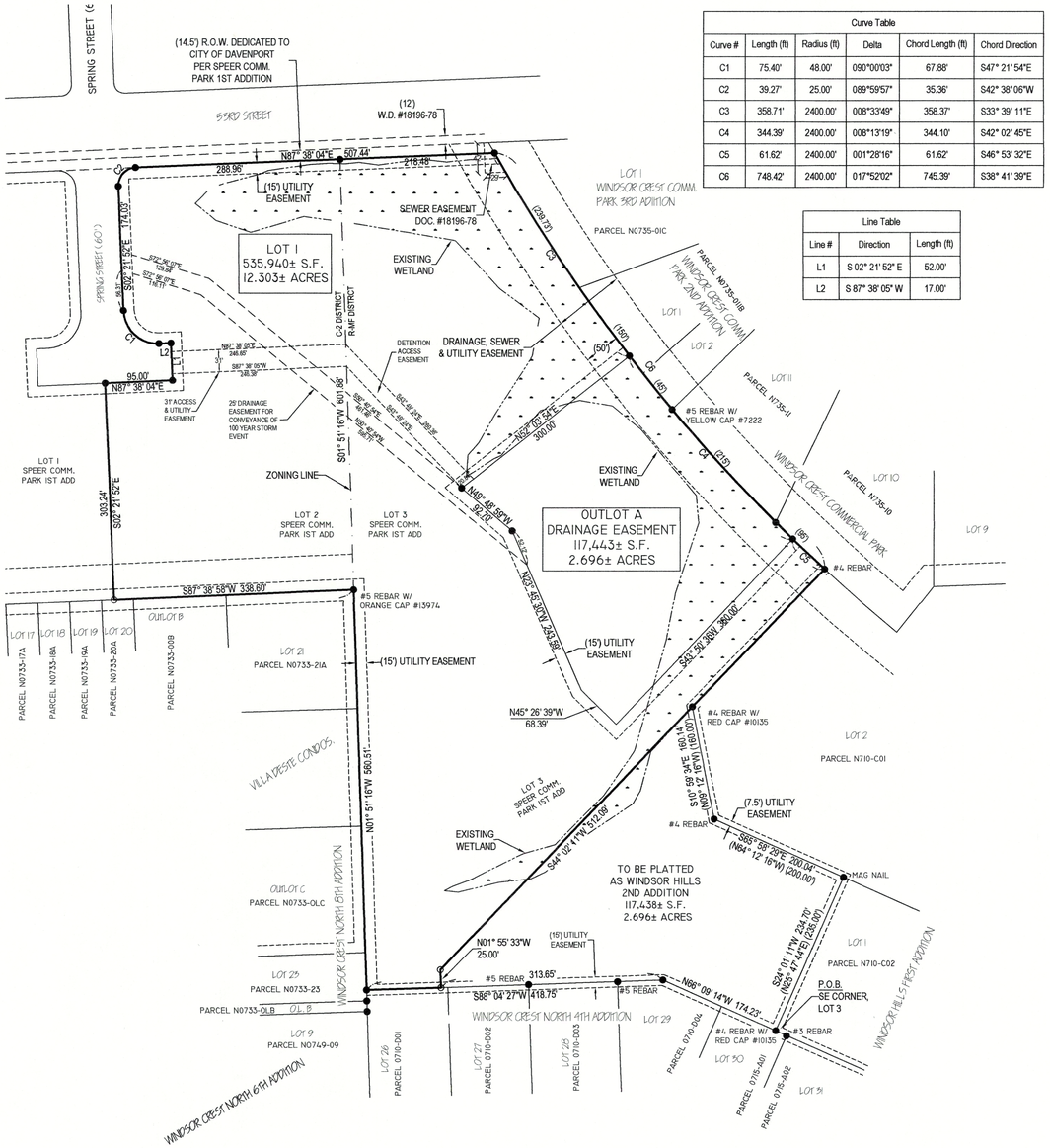
REVISIONS:	
NO.	DESCRIPTION

DATE

PROJECT
FINAL PLAT
SPEER COMMERCIAL PARK 2nd ADDITION
DAVENPORT, IOWA

DRAWN BY: KLC
CHECKED BY: MDR
DRAWING LOCATION
S:\SPEER\EASTERN 53RD\SUBDIVISION

TOWNSEND ENGINEERING
DATE: 9-22-21 TE PROJECT NO: EASTERN & 53RD
(563) 386-4236 FAX 386-4237
2224 East 12th Street, Davenport, IA 52803



Curve Table					
Curve #	Length (ft)	Radius (ft)	Delta	Chord Length (ft)	Chord Direction
C1	75.40'	48.00'	090°00'03"	67.88'	S47° 21' 54"E
C2	39.27'	25.00'	089°59'57"	35.36'	S42° 38' 06"W
C3	358.71'	2400.00'	008°33'49"	358.37'	S33° 39' 11"E
C4	344.39'	2400.00'	008°13'19"	344.10'	S42° 02' 45"E
C5	61.62'	2400.00'	001°28'16"	61.62'	S46° 53' 32"E
C6	748.42'	2400.00'	017°52'02"	745.39'	S38° 41' 39"E

Line Table		
Line #	Direction	Length (ft)
L1	S 02° 21' 52" E	52.00'
L2	S 87° 38' 05" W	17.00'

FINAL PLAT OF:

SPEER COMMERCIAL PARK 2nd ADDITION

Being a Replat of Lots 2 and 3 and Outlot 1 of Speer Commercial Park 1st Addition to the City of Davenport.

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

NOTES

1. ALL STREET RIGHTS OF WAY TO BE DEDICATED WITH THIS PLAT TO THE CITY OF DAVENPORT.
2. SIDEWALKS SHALL BE CONSTRUCTED ALONG THE FRONTAGE OF EACH LOT WHEN THE LOT IS DEVELOPED OR WHEN SO ORDERED BY THE CITY OF DAVENPORT.
3. ALL LOTS WILL BE CONNECTED TO THE PRIVATE WATER SUPPLY SYSTEM OF IOWA AMERICAN WATER COMPANY, AND TO THE PUBLIC SANITARY SEWER SYSTEM OF DAVENPORT.
4. AN UNDERGROUND UTILITY EASEMENT ACROSS THE FRONT OF ALL LOTS TO BE GRANTED TO THE CITY OF DAVENPORT, IOWA AND TO OTHER PUBLIC UTILITY COMPANIES
5. BLANKET UNDERGROUND EASEMENTS GRANTED TO RESPECTIVE UTILITY COMPANY FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED. BLANKET EASEMENTS FOR STREET LIGHTING WITHIN THE SUBDIVISION.
6. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY OF DAVENPORT STANDARD SPECIFICATIONS (SUDAS WITH CITY SUPPLEMENTAL).
7. ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEROF.
8. OUTLOT A SHALL BE DESIGNATED FOR STORM WATER DETENTION. SAID OUTLOT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION OF SUBDIVISION.
9. OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED AS A STORM WATER PASSAGEWAY SHALL MAINTAIN SAID EASEMENT AS A LAWN, PLANTED IN GRASS AND FREE OF STRUCTURES, FENCES, FILL, BUSHES, TREES, SHRUBS OR OTHER LANDSCAPING THAT WOULD IMPEDE THE FLOW OF WATER.
10. OWNERS OF LOTS ON WHICH A WETLAND HAS BEEN ESTABLISHED SHALL NOT DISTURB FLORA, FAUNA AND/OR SOIL WITHIN DESIGNATED BOUNDARIES.
11. OWNERS OF LOTS ON WHICH A STREAM OR WATER COURSE IS LOCATED SHALL PRESERVE A DEDICATED FIFTY (50) FOOT MINIMUM VEGETATED BUFFER ON BOTH SIDES OF THE STREAM AS MEASURED LANDWARD HORIZONTALLY ON A LINE PERPENDICULAR TO A VERTICAL LINE MARKING THE TOP OF THE EXISTING BANKS OF THE STREAM OR DRAINAGE WAY. VEGETATION SHALL NOT BE CUT TO A HEIGHT OF LESS THAN NINE INCHES WITHOUT AUTHORIZATION OF THE CITY OF DAVENPORT NATURAL RESOURCES DIVISION. IN THE EVENT THAT THE AREA DELINEATED AS A DRAINAGE EASEMENT IS RESHAPED OR OTHERWISE RESTRICTED FOR USE AS A DRAINAGE EASEMENT, THE CITY WILL CAUSE THE RESTRICTIONS TO BE REMOVED AT THE EXPENSE OF THE PARTIES CAUSING THE RESTRICTION.
12. LOT 1 PLATTED HEREON HAS SPLIT-ZONING DISTRICTS AND WILL BE SUBJECT TO USE RESTRICTIONS WITHIN THOSE RESPECTIVE DISTRICTS UNTIL REZONED. (SEE CONDITIONS AS OUTLINED IN ORD. 2017-520)
13. STORMWATER DETENTION AND WATER QUALITY TREATMENT ARE REQUIRED WITH THIS SUBDIVISION AND WILL BE SUBJECT TO THE APPLICABLE ORDINANCES IN PLACE AT THE TIME OF DEVELOPMENT.

CONDITIONS AS OUTLINED IN ORDINANCE 2017-520.
Section 17.17.010J.

[Amended 6-10-2020 by Ord. No. 2020-233; Ord. No. 2019-195 § 10]
Condition 6. Lighting shall consist of LED dark-sky fixtures not higher than 25 feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within 1/2 hour of closing to a level necessary to provide security lighting only.

Condition 7. Routine use of PA systems outside of buildings on the property shall not be permitted.

Condition 8. Car washes on the property shall not be located closer than 125 feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.

Condition 9. The following uses shall not be closer than 300 feet from the south property line:
a. Automobile and service and oil change facilities not part of an automobile dealership.
b. Any use utilizing drive-through window(s).

APPROVED BY:
CITY OF DAVENPORT, IOWA

BY: _____

DATE: _____ ATTEST: _____

CITY PLAN & ZONE COMMISSION

BY: _____ DATE: _____

MEDIACOM — DATE: 1-10-2023

IOWA - AMERICAN WATER COMPANY — DATE: 1-11-2023

CENTURY LINK — DATE: 1 10 2023

MIDAMERICAN ENERGY — DATE: 1-10-2023
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN

METRONET — DATE 1 10 2023

LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
#5 REBAR W/ YELLOW CAP #23503
UNLESS OTHERWISE NOTED = ●
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE =
ROAD CENTER LINE =
EASEMENT LINE =
WETLAND LINE=
SECTION LINE=

1. Area of Subdivision-
   Total: 14.999 Acres +/-
   Lot 1: 12.303 Acres +/-
   Outlot A: 2.696 Acres +/-

2. Engineer:
   Townsend Engineering
   2224 East 12th Street
   Davenport, Iowa 52803
   Ph: (563) 386-4236

3. Surveyor:
   Michael D. Richmond
   2224 East 12th Street
   Davenport, Iowa 5280
   Ph: (563) 386-4236

4. Attorney:
   R. Doug Wells
   Gomez May, LLP
   Davenport, Iowa 52807
   Ph: (563) 359-3591

N W E S

GRAPHIC SCALE
100 0 50 100
(IN FEET)
1" = 100' (24x36)

LICENSED LAND SURVEYOR
MICHAEL D. RICHMOND
23503
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
Michael Richmond 12/29/2023
MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

TOWNSEND ENGINEERING
CIVIL ○ STRUCTURAL ○ LAND DEVELOPMENT

DATE: 9-22-21 TE PROJECT NO: EASTERN & 53RD

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: MDR

DRAWING LOCATION
S: \SPEER\EASTERN 53RD\SUBDIVISION

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT
FINAL PLAT
SPEER COMMERCIAL PARK 2nd ADDITION
DAVENPORT, IOWA

PREPARED FOR:
SPEER DEVELOPMENT
2231 EAST 45th STREET
DAVENPORT, IA 52807

SHEET NO.
1 OF 1

RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803 (563) 386-4236

DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 8/15/2023
Time: 5 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Right-Of-Way Vacation

To: All property owners within 200 feet of the Spring Street right-of-way located south of 53rd Street.

What is this About?
This notice is being sent to inform you that a public hearing will be held for a request to vacate alley right-of-way. The purpose of the vacation request is to facilitate development.

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

What are the Next Steps after the Public Hearing?
The Plan and Zoning Commission will hold a formal public hearing at their meeting on August 15, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on September 5, 2023. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. The City Council will ultimately decide if the property is no longer needed for City purposes, and is eligible for vacation. At that point, the City Attorney's office will negotiate with adjacent property owners to determine the appropriate way to convey the property, and possibly, purchase price. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?
As a neighboring property owner you may have an interest in commenting on the proposed request via email or in person at the public hearing. Send written comments to planning@davenportiowa.com (no later than 12:00 PM one day before the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

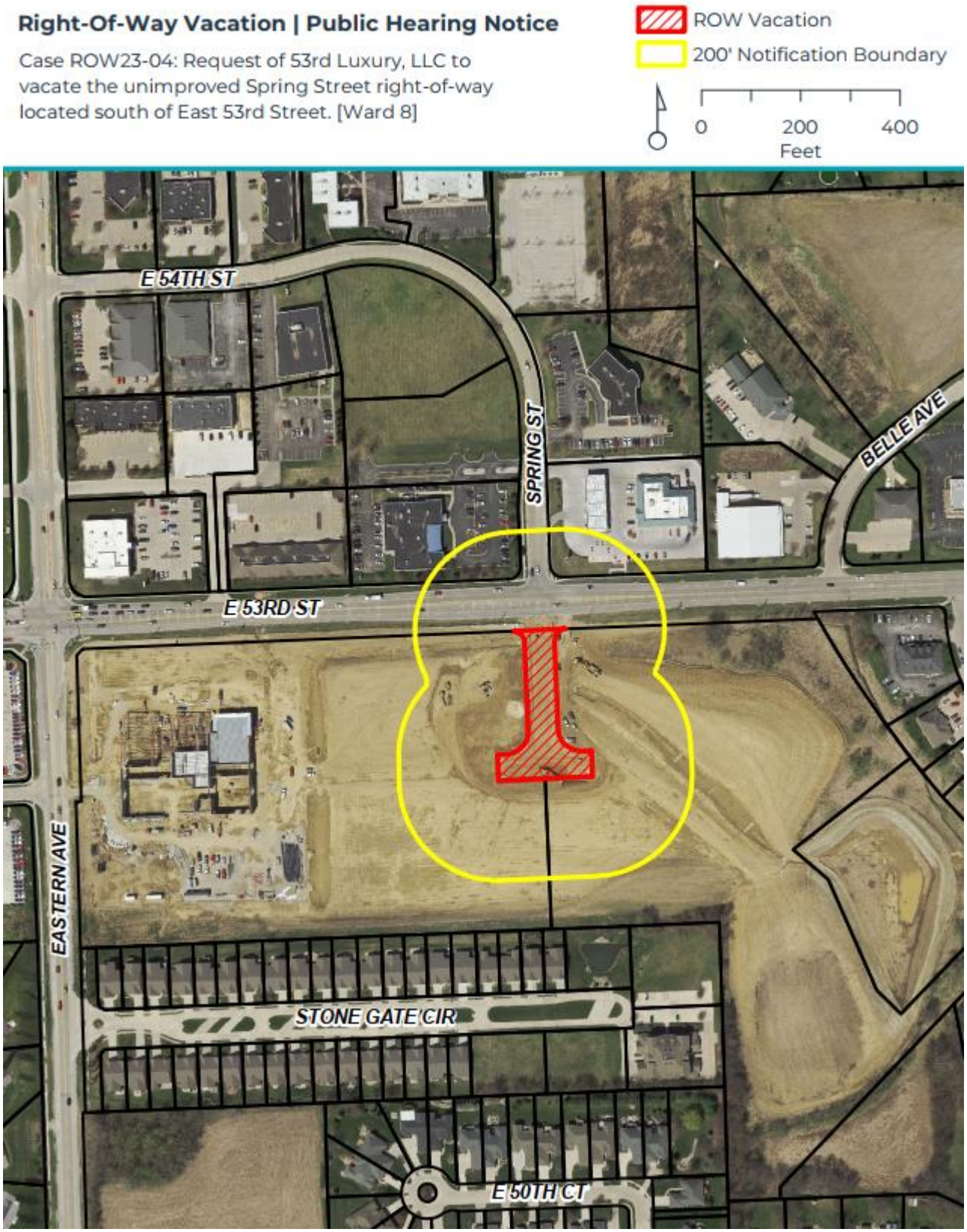
All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": http://www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Laura Berkley) at laura.berkley@davenportiowa.com or 563-888-3553. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

Right-Of-Way Vacation | Public Hearing Notice

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



Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **10/11/2023**

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

Recommendation:
Adopt the Ordinance.

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

Findings:

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

Discussion:

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

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

Comprehensive Plan:

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

Zoning:

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

Technical Review:

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

Approval Standards for Map Amendments (Chapter 17.14.040):

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

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

Staff response: The property is designated Residential General (RG) which provides for neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible services. Neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

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

b. The compatibility with the zoning of nearby property.

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

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

c. The compatibility with established neighborhood character.

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

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

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

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

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

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

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

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

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

Public Input:

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

No official comments have been received regarding this request.

ATTACHMENTS:

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

REVIEWERS:

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

ORDINANCE NO. _____

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

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

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

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

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

Findings:

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

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

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

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

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

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

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

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

Staff Response: The property is designated Residential General (RG) which provides for neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible services. Neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

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

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

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

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

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

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

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

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

THE CITY OF DAVENPORT
IOWA | USA

VICINITY MAP



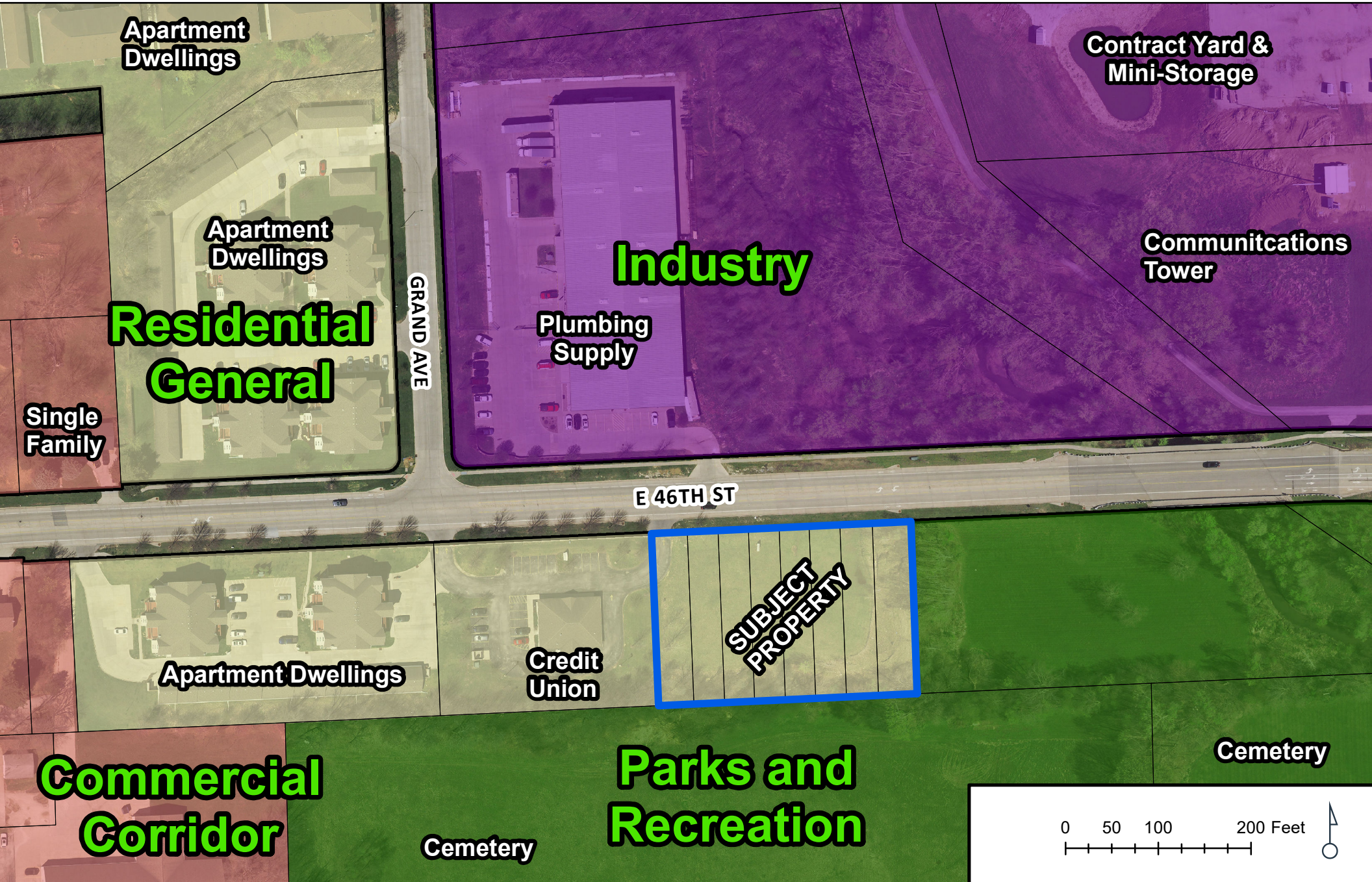
THE CITY OF DAVENPORT
IOWA | USA

ZONING MAP



THE CITY OF DAVENPORT
IOWA | USA

DAVENPORT +2035
FUTURE LAND USE MAP



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

REZONING

(MAP AMENDMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

PROJECT TITLE

APPLICANT INFORMATION

Applicant Name

Address

City | State | Zip

Phone

Secondary Phone

E-Mail Address

Acceptance of Applicant

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

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

Type Applicant's Name

Applicant's Signature

Date

DEVELOPMENT TEAM

Property Owner

Address

Phone | Secondary Phone

E-Mail Address

Project Manager/Other

Address

Phone | Secondary Phone

E-Mail Address

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICTS	EXISTING	PROPOSED	SQ. AREA

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

Concept/Development Plan

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

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

Legal Description Dimensioned Sketch

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

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

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

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

Authorization to Act as Applicant

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

authorize Jason Cousineau
[the above person(s)]

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

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

Signature(s)*

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

8/9/23
Date

Notarization:

State of Iowa,

County of Scott,

Sworn and subscribed before me

this 9 day of August, 2023

Drivers License
[identification type]

Notary Public

My Commission Expires:

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

---

* *Application Form by Board Type*

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

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

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request

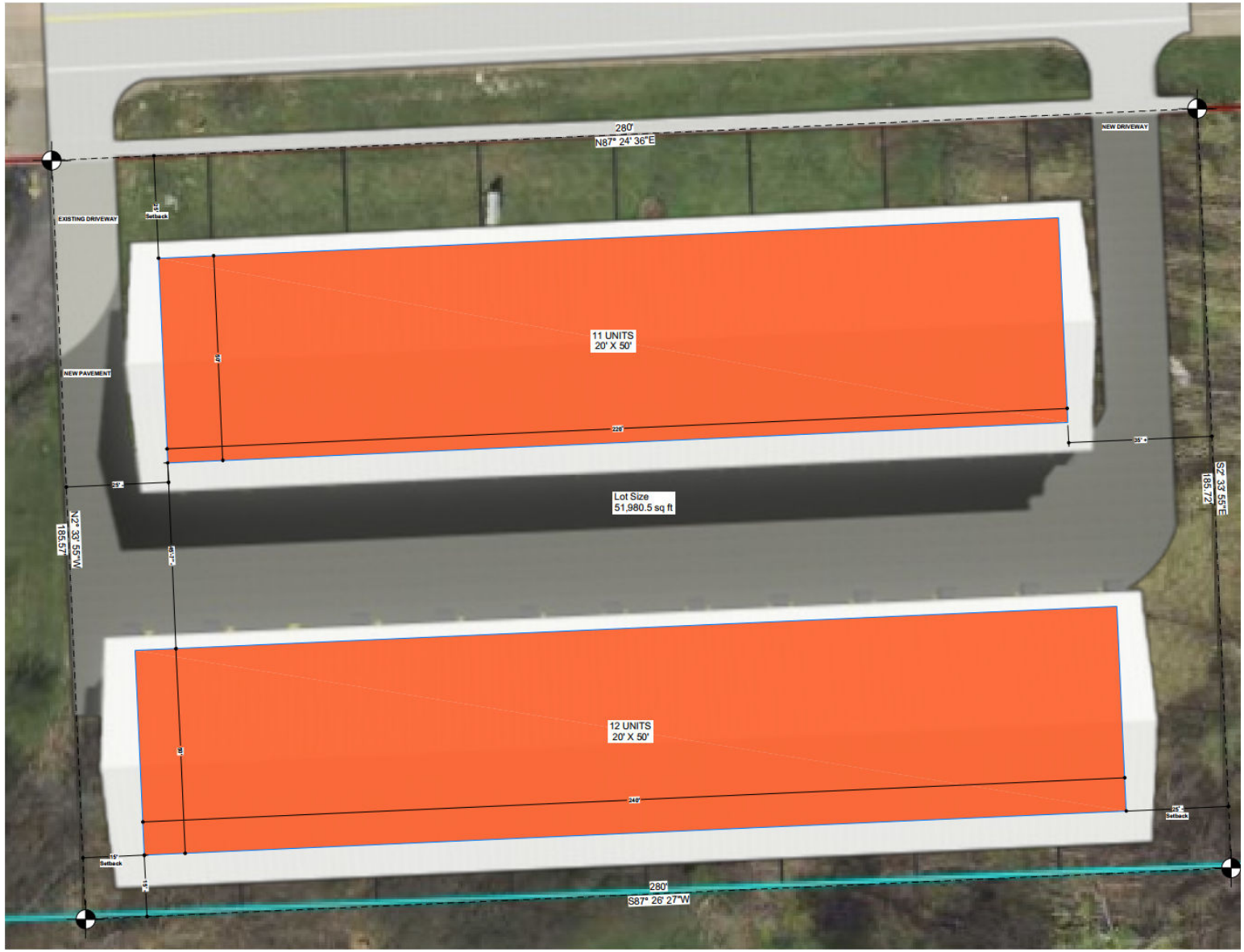
LEGAL DESCRIPTION

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

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

END OF DESCRIPTION

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



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



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



Drive Aisle (view facing west)



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



DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan & Zoning Commission

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

EXAMPLE NOTICE
LETTER
4 NOTICES SENT

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

What is this About?

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

Request/Case Description

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

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

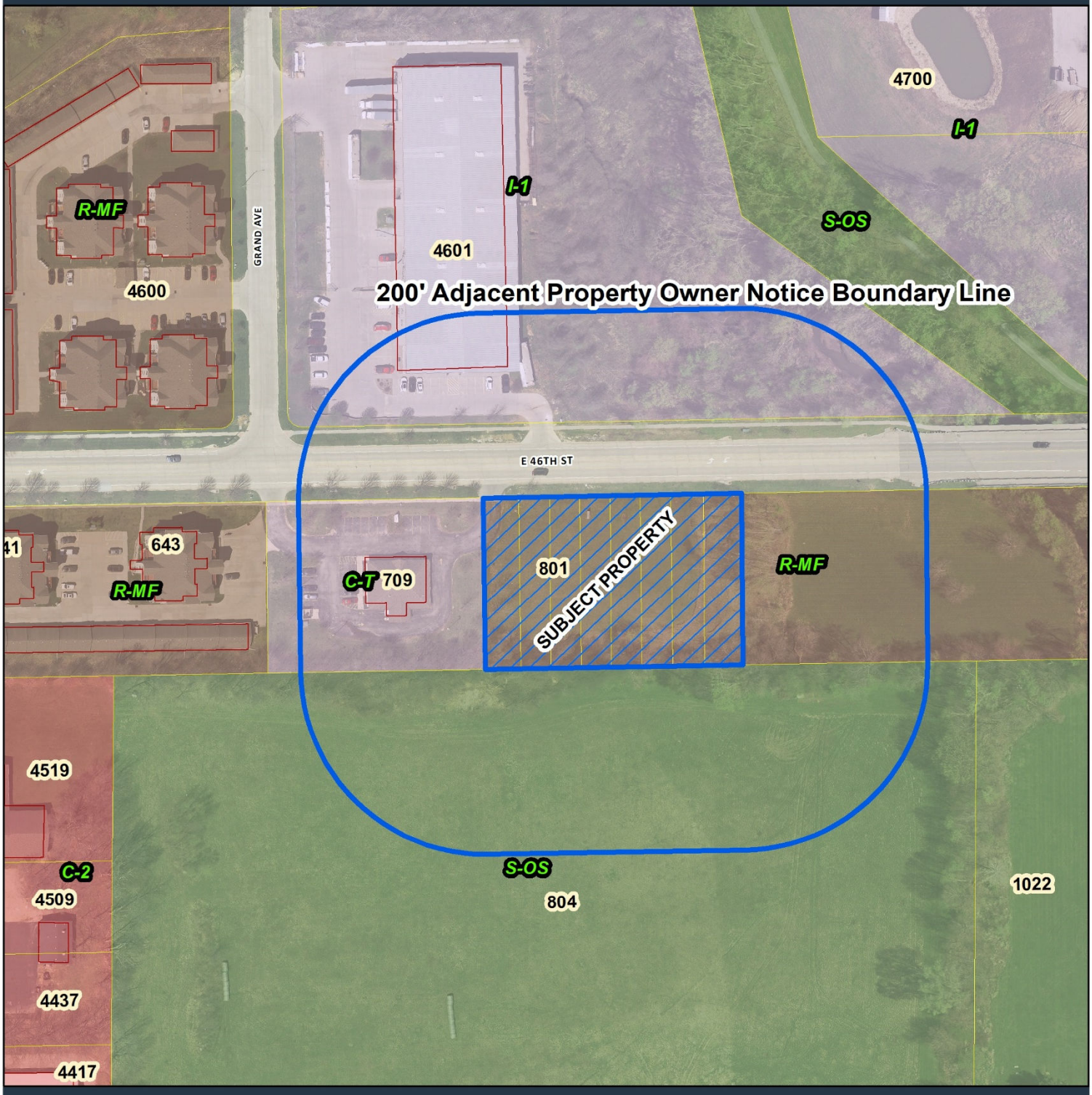
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701 . Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

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

THE CITY OF DAVENPORT
IOWA | USA

Rezoning Notice Map
REZ23-04

Adjacent Property Owner Notice Area



Rezone R-MF to I-1

0 50 100 200 Feet

*** Proof of Publication ***

STATE OF IOWA
SCOTT COUNTY, } ss.

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

CITY OF DAVENPORT

226 W 4TH ST
DAVENPORT, IA 52801

ORDER NUMBER 162732

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

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

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

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

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

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

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

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

Notary Public in and for Scott County, Iowa

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

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

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

City of Davenport

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

Action / Date
10/11/2023

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

Recommendation:
Adopt the Ordinance.

Background:
This section of Jefferson Avenue is between 20 feet to 24 feet wide. Travel is difficult when vehicles are parked on both sides of the street. When there are events at the Davenport Community School District property south of Jefferson Avenue, vehicles are often parked on both sides. The No Parking zone will be 340 feet long.

ATTACHMENTS:

	Type	Description
	Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	9/15/2023 - 10:49 AM

ORDINANCE NO. _____

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
10/11/2023

Subject:
Second Consideration: Ordinance amending Schedule XI Resident Parking of Chapter 10.96 entitled “Schedules” of the Municipal Code of Davenport, Iowa by adding Scott Street along the west side from Rusholme Street to Lombard Street and along the east side from Rusholme Street south 355 feet thereto. [Ward 4]

Recommendation:
Adopt the Ordinance.

Background:
Due to the proximity to St. Ambrose University, the west side of the 2200 block of Scott Street and 2231 and 2227 on the east side of Scott Street already have resident parking only. This Ordinance will add the rest of the residences on the east side of the street, except for 2203 Scott Street on the end. All the residents that currently do not have resident parking only were contacted and asked if they were in favor of, or opposed to, resident parking only. There was no response from residents at 2211 and 2203 Scott Street. The rest of the residents were in favor of resident parking only. The zone will be increased by 240 feet and this new Ordinance will replace the existing one.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	9/15/2023 - 10:49 AM

ORDINANCE NO. _____

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
10/11/2023

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

Recommendation:
Adopt the Ordinance.

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

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Ordinance	Ordinance

REVIEWERS:

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

ORDINANCE NO. _____

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

ORDINANCE NO. _____

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

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

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

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
10/11/2023

Subject:
Resolution approving street, lane, or public ground closures on the listed dates and times for outdoor events.

Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; 2:00 p.m. - 6:00 p.m. Wednesday, October 25, 2023; **Closures:** West 6th Street from Warren Street to Myrtle Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]

Tom Simmons; Veterans Day Parade; Downtown (see attached parade route); 10:00 a.m. - 12:00 p.m. Saturday, November 11, 2023; **Closures:** Western Avenue from 5th Street to 2nd Street; 2nd Street from Western Avenue to Main Street; Main Street from 2nd Street to 4th Street; 4th Street from Main Street to the finish at the Scott County Courthouse (400 West 4th Street). [Ward 3]

Quad City Arts; Festival of Trees Holiday Parade; Downtown (see attached parade route); 4:00 a.m. - 12:30 p.m. Saturday, November 18, 2023; **Staging area closures (beginning at 4:00 a.m.):** East 3rd Street from Pershing Avenue to LeClaire Street; Pershing Avenue and Iowa Street from East 2nd Street to East 4th Street; **Parade route (in place by 9:15 a.m.):** 3rd Street from Pershing Avenue to Scott Street; Scott Street from West 3rd Street to West 2nd Street; 2nd Street from Scott Street to the finish at Iowa Street. [Ward 3]

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 3:00 p.m. - 10:00 p.m. Friday, December 1, 2023 and Saturday, December 2, 2023; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

Recommendation:
Adopt the Resolution.

Background:
Per the City's Special Events Policy, City Council will approve street, lane, and public ground closures based on the recommendation of the Special Events Committee.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Project Renewal Neighborhood Halloween Party Closure Map
🗋	Backup Material	Project Renewal Neighborhood Haloween Party Flyer to Neighbors
🗋	Backup Material	Veterans Day Parade Map
🗋	Backup Material	Festival of Trees Holiday Parade Route
🗋	Backup Material	Christmas in the Village Closure Map
🗋	Backup Material	Christmas in the Village Street Closure Petition

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Admin, Default	Approved	9/28/2023 - 4:48 PM

Resolution No. _____

Resolution offered by Alderman Jobgen.

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

RESOLUTION approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

Project Renewal; Neighborhood Halloween Party; 906 West 5th Street; 2:00 p.m. - 6:00 p.m. Wednesday, October 25, 2023; ***Closures:*** *West 6th Street from Warren Street to Myrtle Street; Vine Street from West 5th Street to West 7th Street. [Ward 3]*

Tom Simmons; Veterans Day Parade; Downtown (see attached parade route); 10:00 a.m. - 12:00 p.m. Saturday, November 11, 2023; ***Closures:*** *Western Avenue from 5th Street to 2nd Street; 2nd Street from Western Avenue to Main Street; Main Street from 2nd Street to 4th Street; 4th Street from Main Street to the finish at the Scott County Courthouse (400 West 4th Street). [Ward 3]*

Quad City Arts; Festival of Trees Holiday Parade; Downtown (see attached parade route); 4:00 a.m. - 12:30 p.m. Saturday, November 18, 2023; ***Staging area closures (beginning at 4:00 a.m.):*** *East 3rd Street from Pershing Avenue to LeClaire Street; Pershing Avenue and Iowa Street from East 2nd Street to East 4th Street;* ***Parade route (in place by 9:15 a.m.):*** *3rd Street from Pershing Avenue to Scott Street; Scott Street from West 3rd Street to West 2nd Street; 2nd Street from Scott Street to the finish at Iowa Street. [Ward 3]*

Village of East Davenport Business Association; Christmas in the Village; Village of East Davenport; 3:00 p.m. - 10:00 p.m. Friday, December 1, 2023 and Saturday, December 2, 2023; ***Closures:*** *East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]*

WHEREAS, the City, through its Special Events Policy, has accepted the above applications for events on the listed dates and times that are requesting street, lane, or public ground closures; and

WHEREAS, upon review of the application, it has been determined that said streets, lanes, or public grounds will need to be closed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the above street, lane, or public ground closures are hereby approved and staff is directed to proceed with the closures.

Passed and approved this 11th day of October, 2022.

Approved:

Mike Matson
Mayor

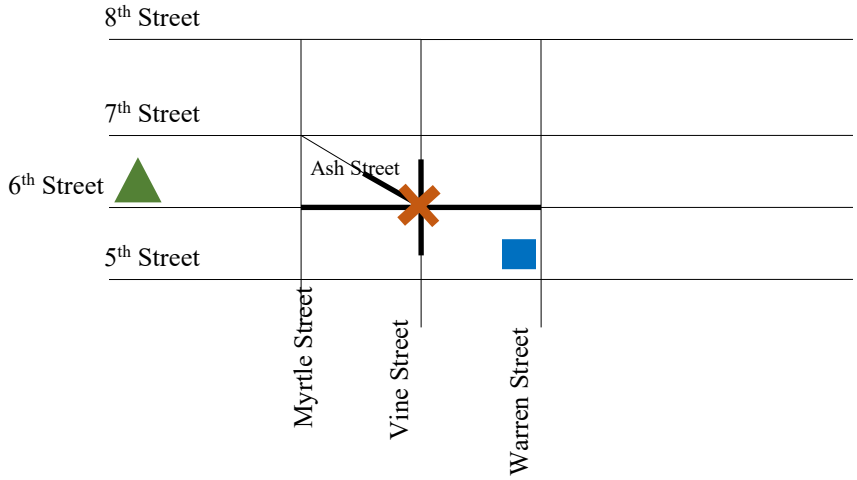
Attest:

Brian Krup
Deputy City Clerk

Project Renewal
Street Closing Plan
Halloween Neighborhood Block Party
Wednesday, October 25, 2023

Street Closing: For safety of participants we would like to have 6th St. closed between Warren and Myrtle Streets, Vine Street between 5th and 7th Streets. (Ash Street is already closed).

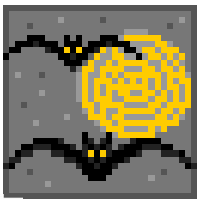
Thank you for your help!



= Party

= Treat House (Project Renewal)

= Rain location, 601 Marquette Street (One Eighty Event Center).



Fall Fun Night

Wednesday, October 25, 2023
3:00 – 5:00 p.m.

Where: Central Community Circle Neighborhood
West 6th, Vine & Ash Street Intersection
Come in costume if you "witch."

treats



FOOD

GAME

face painting

candy walk

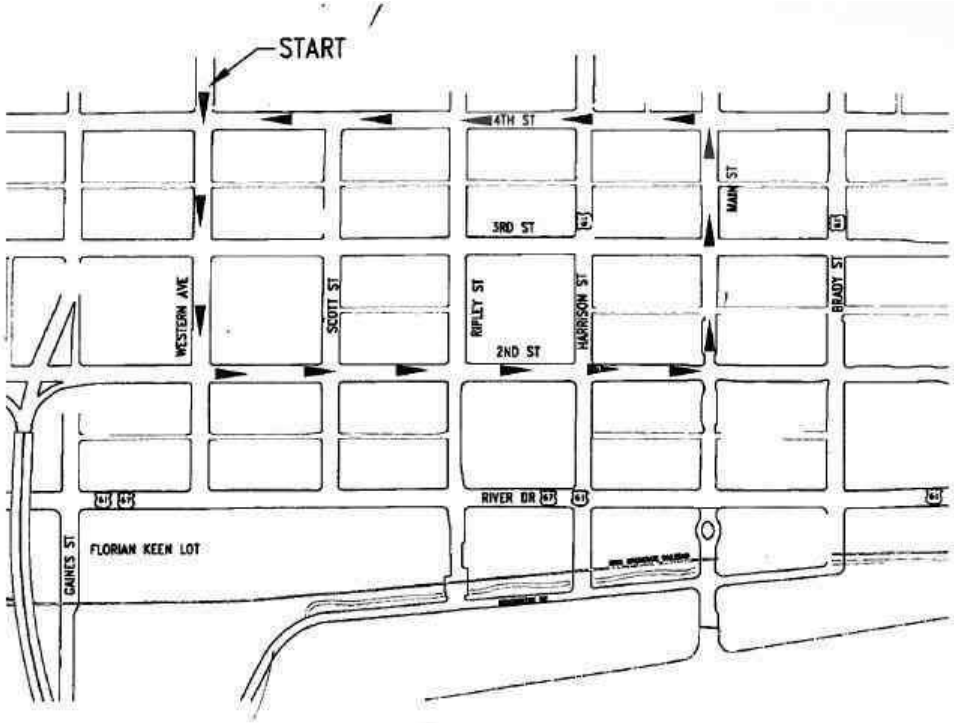
MUSIC





Questions: call Conner at **PROJECT RENEWAL**, *712-635-6364*

RAIN LOCATION: One-Eighty Community Center
601 Marquette Street, Davenport, IA



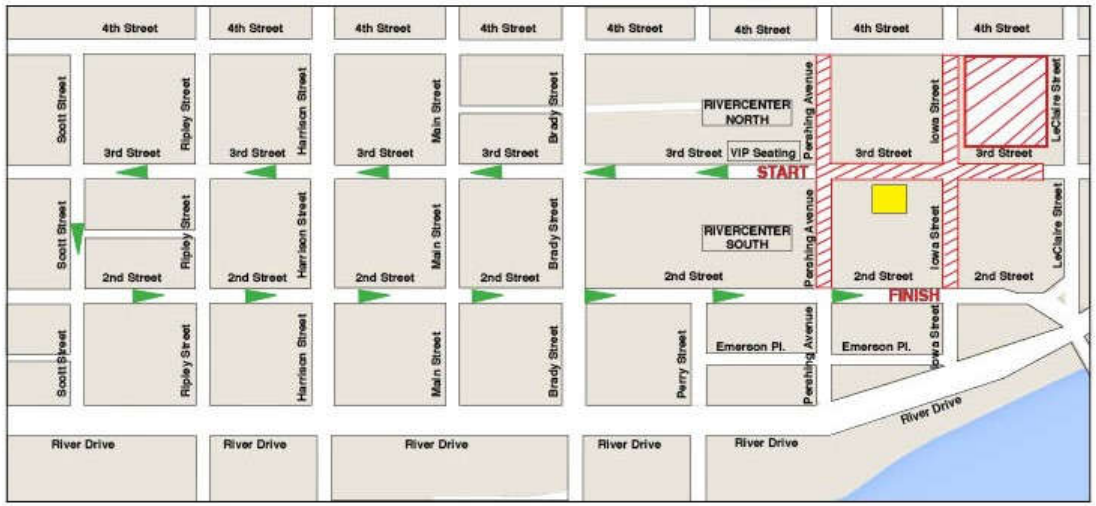
Nov. 11, 2022

Veteran's Day Parade

STAGING AREA

PARADE ROUTE *(Streets closed)*

VOLUNTEER CENTER *(Sergeant Peppers • 323 E. 3rd St.)*




Closure
Kelso's Corner
2115
Mound St
Christie St
Eleven17
1107
2118
The 11th Street Precinct Bar & Grill
Grill · $$
Lagomarcino's Confectionery
Grumpy's Saloon
St Paul Garden
E 11th St
E 11th St
The Heights of the Era
Bubble Tea Company (East Village)
Bubble Tea
Royal T's Beauty Parlor
1108
Mint Green Boutique
2202
Rudy's Tacos
Mexican · $$
Brew
Jersey Ridge Rd
Village of Ea
Shopping mall
Davenport Fire

CITY OF DAVENPORT

VILLAGE OF EAST DAVENPORT BUSINESS ASSOCIATION

STREET CLOSING PETITION FOR SPECIAL EVENTS

Master Business & Address List

NAME & ADDRESS

#1 11th Street Precinct, 1107 Mound Street

#2 Winddancer Boutique, 2114 East 11th Street

#3 Grumpy's Village Saloon, 2120 East 11th Street

#4 McClellan Stockade, 2124 East 11th Street

#5 Lagomarcino's, 2132 East 11th Street

#6 Versailles Jewelry & Gems, 2200 East 11th Street

#7 99 Proof Designs, 1105 Christie Street

#8 Mint Green, 2208 East 11th Street

#9 Rudy's Cantina, 2214 East 11th Street

#10 Bubble Tea Company, 2218 East 11th Street

#11 D'Ville, 2228 East 11th Street

#12 Brew, 1104 Jersey Ridge Road

#13 Edward Jones, 2107 East 11th Street

#14 Camp McClellan Cellars, 2302 East 11th Street

#15 Blevins Brothers Bird Shop, 1108 Jersey Ridge Road

#16 Royal T's, 1114 Jersey Ridge Road

#17 Kaleidoscope Artworks, 2302 East 11th Street

#18 Freddy's Fritters, 1111 Jersey Ridge Road

#19 Sunlight Yoga Studio

CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS - Christmas in the Village

On the **1st and 2nd day of December, 2023**, there is proposed a street closing, requested by **The Village of East Davenport Business Association** , which will require the closing of **East 11th Street** between **Mound Street and Jersey Ridge Road and Christie Streets** between **East 11th Street** and **the alley**, during the hours of **3:00 p.m. to 10:00 p.m.**

SIGNATURE	FAVOR	OPPOSED	NOT CONCERNED
#1__Did not respond to email_____	_____	_____	_____
#2 per email - mhisho@lynchheatingandplumbing.com	__X_	_____	_____
#3 per email - carxp@mchsi.com _____	__X__	_____	_____
#4____Did not respond to email_____	_____	_____	_____
#5 per email - lisa.ambrose5@icloud.com _____	__X___	_____	_____
#6____ _____Vacant _____	_____	_____	_____
#7_____ - Vacant _____ ___	_____	_____	_____
#8 per email - aimeewinslow@yahoo.com _____	__X__	_____	_____
#9 per email - btquijas@msn.com _____	__X__	_____	_____
#10 per email - bubbleteacompanyia@gmail.com__	__X___	_____	_____
#11 per email - dvilleeastvillage@gmail.com _____	__X___	_____	_____
#12 per email - tallmom2@aol.com _____	__X__	_____	_____
#13 per email - paul.schnell@edwardjones.com ___	__X__	_____	_____
#14_____ *Julie Keehn* _____	__X__	_____	_____
#15__Did not respond to email_____	_____	_____	_____
#16 per email - taylorjarrin@me.com _____	_____	_____	__X__
#17 per email - matt@artwithscopes.com_____	__X___	_____	_____
#18 per email - tamberg63@aol.com _____	X	_____	_____
#19 per email - rebecca@sunlightyogatherapy.com	__X__	_____	_____

City of Davenport

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

Action / Date
10/11/2023

Subject:
Motion approving noise variance requests on the listed dates and times for outdoor events.

Downtown Davenport Partnership; German Fest; Kaiserslautern Square | 119 East 3rd Street; 12:00 p.m. - 8:00 p.m. Saturday, October 21, 2023; Outdoor music/band, over 50 dBA. [Ward 3]

Tom Simmons; Veterans Day Parade; Downtown (see attached parade route); 10:00 a.m. - 12:00 p.m. Saturday, November 11, 2023; Outdoor music, over 50 dBA. [Ward 3]

Quad City Arts; Festival of Trees Holiday Parade; Downtown (see attached parade route); 9:00 a.m. - 12:00 p.m. Saturday, November 18, 2023; Outdoor music/performances, over 50 dBA. [Ward 3]

Davenport Parks and Recreation; Fejervary Holiday Lights; Fejervary Learning Center | 1800 West 12th Street; 5:00 p.m. - 10:00 p.m. every evening Saturday, November 25, 2023 - Sunday, January 7, 2024; Outdoor music, over 50 dBA. [Ward 4]

Recommendation:
Pass the Motion.

Background:
Requests for noise variances have been received pursuant to the Davenport Municipal Code, Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

German Fest | DDP has informed Duck City of the event.

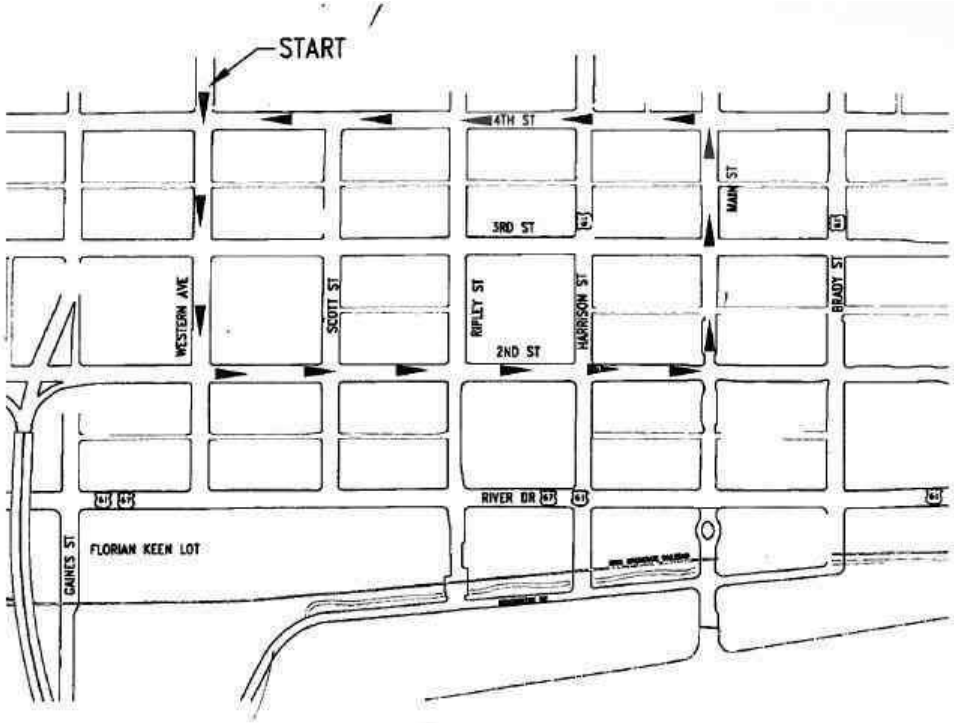
Fejervary Holiday Lights | Shows will last 15 minutes and run every half-hour beginning at 5:00 p.m.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Veterans Day Parade Route
🗋	Backup Material	Festival of Trees Holiday Parade Route

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	9/28/2023 - 4:49 PM



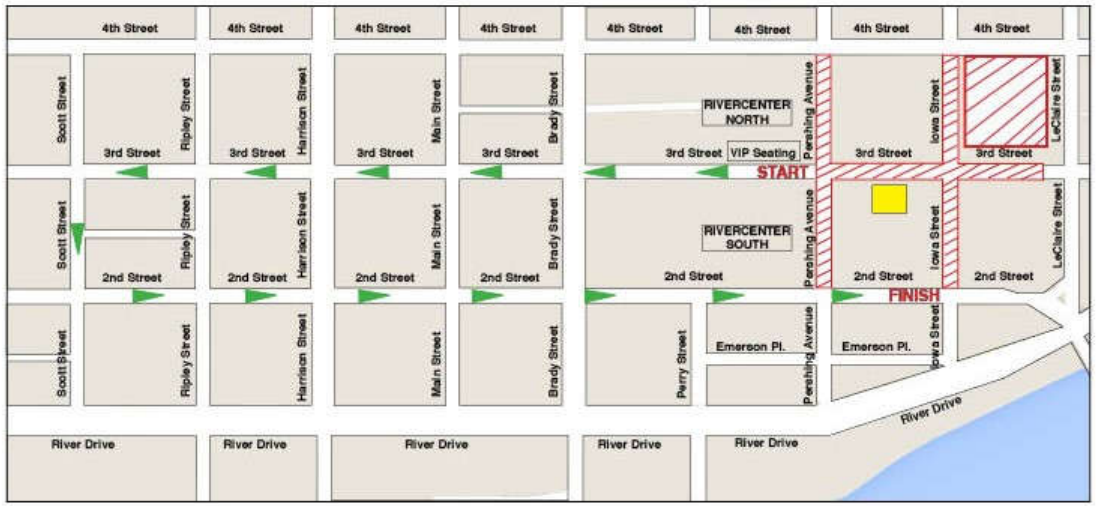
Nov. 11, 2022

Veteran's Day Parade

STAGING AREA

PARADE ROUTE *(Streets closed)*

VOLUNTEER CENTER *(Sergeant Peppers • 323 E. 3rd St.)*



City of Davenport

Department: Finance **Action / Date**
Contact Info: Jamie Swanson | 563-326-7795 **10/11/2023**

Subject:
Motion approving beer and liquor license applications.

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

Ward 3

Miracle at the Freight House (River Craft, Inc) - 421 West River Drive #2 - New License - License Type: Class C Liquor (On-Premises)

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

Ward 2

Walgreens #03595 (Walgreen Co) - 1720 West Kimberly Road - License Type: Class E Liquor (Carry-Out)

Wal-Mart Supercenter #5115 (Wal-Mart Stores, Inc) - 3101 West Kimberly Road - License Type: Class E Liquor (Carry-Out)

Ward 3

Frick's Tap (LBLN, LLC) - 1402 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Moti’s Food (Qc Diner, LLC) - 1717 West 3rd Street - License Type: Class E Liquor (Carry-Out)

The Renwick Mansion, LLC (The Renwick Mansion, LLC) - 901 Tremont Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

Yoshi's Bar and Filipino Canteen (Yoshi's Bar and Filipino Canteen, LLC) - 831 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

STAFF RECOMMENDS DENIAL OF THE OUTDOOR AREA

Ward 4

MC’s Happy Hallow (DMC Corporation) - 1502 West 14th Street - License Type: Class C Liquor (On-Premises)

Walgreens #05239 (Walgreen Co) - 1660 West Locust Street - License Type: Class E Liquor (Carry-Out)

Ward 5

D'Ville (Aba East Village, LLC) - 2228 East 11th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

The Outing Club (The Outing Club, Inc) - 2109 Brady Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Walgreens #11709 (Walgreen Co) - 1805 Brady Street - License Type: Class E Liquor (Carry-Out)

Ward 6

Walgreens #06186 (Walgreen Co) - 4011 East 53rd Street - License Type: Class E Liquor (Carry-Out)

Wal-Mart Supercenter #1241 (Wal-Mart Stores, Inc) - 5811 Elmore Avenue - License Type: Class E Liquor (Carry-Out)

Ward 7

Phil & Larry's Saloon (P & L, Inc) - 4811 North Brady Street #2 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Walgreens #04041 (Walgreen Co) - 1525 East Kimberly Road - License Type: Class E Liquor (Carry-Out)

Recommendation:
Pass the Motion.

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

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	9/29/2023 - 3:15 PM

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-888-3055

Action / Date
10/11/2023

Subject:
Resolution approving and authorizing the use of condemnation and commencement of condemnation proceedings, if necessary, for rights-of-way and easements associated with the Goose Creek Trail Phase III project, CIP #ARP17. [Wards 7 & 8]

Recommendation:
Adopt the Resolution.

Background:
The City of Davenport is looking to construct a north-south oriented multi-use recreational trail that connects the existing trail system along Duck Creek to the Goose Creek trail located north of East 46th Street. A key component of the project is to provide users safe passage underneath East Kimberly at the bridge over Goose Creek. The City has established three distinct phases to accomplish this goal. The southern and northern sections are intended to be a ten-foot-wide off-street trail while the middle section will consist of both an off-street trail and on-street bicycle infrastructure.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/28/2023 - 8:17 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLUTION approving and authorizing the use of condemnation and commencement of condemnation proceedings, if necessary, for rights-of-way and easements associated with the Goose Creek Trail Phase III project, CIP #ARP17.

WHEREAS, City Council has authorized the Goose Creek Trail Phase III in the Capital Improvements Program and budgeted money for said project; and

WHEREAS, this project requires that additional rights-of-way and easements be acquired in accordance with the design plans and the associated construction for said project; and

WHEREAS, Section 6B.2C of the Code of Iowa requires that the governing body specifically provide and confer prior authority and approval to the acquiring agency to condemn and/or commence with the condemnation proceedings associated with such public improvement project; and

WHEREAS, by passing this Resolution, in accordance with Section 6A.5 of the Code of Iowa, authority and approval is automatically conferred, unless otherwise declared, upon the acquiring agency to also purchase property at its fair market value for rights-of-way and/or easements necessary for this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the City Engineer or his representative is hereby authorized and approved to acquire the necessary property and property interest as additional rights-of-way and/or easements required for the construction of the Goose Creek Trail Phase III project by means of condemnation, and may commence with condemnation proceedings, as may be necessary.

Passed and approved this 11th day of October, 2023.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-888-3055

Action / Date
10/11/2023

Subject:
Resolution authorizing and approving the use of condemnation and commencement of condemnation proceedings, if necessary, for temporary construction easements associated with the Flood Mitigation | River Drive from Carey Avenue to 3rd Street project, CIP #ARP14. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
The intention of the project is to improve drainage and prevent the Mississippi River from backflowing into the storm sewer system and flooding East River Driver near the intersections of Carey Avenue and Federal, 4th, and 3rd Streets. The project involves the construction of two gate wells, the replacement and repair of various storm sewers and intakes located within the project area, and various other tasks required to facilitate the project.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/28/2023 - 8:16 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLUTION approving and authorizing the use of condemnation and commencement of condemnation proceedings, if necessary, for temporary construction easements associated with the Flood Mitigation | River Drive from Carey Avenue to 3rd Street project, CIP #ARP14.

WHEREAS, City Council has authorized the Flood Mitigation | River Drive from Carey Avenue to 3rd Street project in the Capital Improvements Program and budgeted money for said project; and

WHEREAS, this project requires that additional temporary construction easements be acquired in accordance with the design plans and the associated construction for said project; and

WHEREAS, Section 6B.2C of the Code of Iowa requires that the governing body specifically provide and confer prior authority and approval to the acquiring agency to condemn and/or commence with the condemnation proceedings associated with such public improvement project; and

WHEREAS, by passing this Resolution, in accordance with Section 6A.5 of the Code of Iowa, authority and approval is automatically conferred, unless otherwise declared, upon the acquiring agency to also purchase property at its fair market value for rights-of-way and/or easements necessary for this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the City Engineer or his representative is hereby authorized and approved to acquire the necessary property and property interest as additional rights-of-way and/or easements required for the construction of the Flood Mitigation | River Drive from Carey Avenue to 3rd Street project by means of condemnation, and may commence with condemnation proceedings, as may be necessary.

Passed and approved this 11th day of October, 2023.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance
Contact Info: Jonathan Robnett | 563-888-2022

Action / Date
10/11/2023

Subject:
Resolution authorizing the Mayor to execute the necessary documents to grant an overhead electric easement across City-owned property south of River Drive at East 4th Street (Parcel L0004A01B) to MidAmerican Energy. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
The purpose of the easement is to facilitate the City of Davenport Flood Mitigation Project along River Drive, between Carey Avenue and East 3rd Street. MidAmerican Energy is moving their pole line into the requested easement to allow for the installation of a new storm sewer system.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution
Exhibit	Easement Agreement
Exhibit	Easement Plat
Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	9/27/2023 - 9:31 AM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION authorizing the Mayor to execute the necessary documents to grant an overhead electric easement across City-owned property south of River Drive at East 4th Street (Parcel L0004A01B) to MidAmerican Energy.

WHEREAS, this overhead electric easement is necessary to facilitate the installation of a new storm sewer system as part of the Flood Mitigation project along River Drive between Carey Avenue and East 3rd Street; and

WHEREAS, MidAmerican Energy needs to relocate lines to provide reliable energy service to the surrounding area and the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Mayor is hereby authorized to execute the necessary documents to grant an overhead electric easement to MidAmerican Energy Company on City-owned property located south of River Drive at East 4th Street (Parcel L0004A01B).

Passed and approved this 11th day of October, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

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

MIDAMERICAN ENERGY COMPANY
OVERHEAD ELECTRIC EASEMENT

		State of	Iowa	
Folder No.	123101	County of	Scott	
Work Req. No.	DR3028985X	Section	36	
Project No.	N/A	Township	78	North
		Range	3	East of the 5th P.M.

For and in consideration of the sum of One and no/100----------Dollar ($1.00), and other valuable consideration, in hand paid by MIDAMERICAN ENERGY COMPANY, an Iowa corporation, receipt of which is hereby acknowledged, the undersigned owner(s) **The City of Davenport, Iowa, a Municipal Corporation**, its successors and assigns ("Grantor"), does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, non-exclusive easement to construct, reconstruct, operate, maintain, replace or remove electric supply line(s) for the transmission and distribution of electric energy and for communication and electrical controls, including other necessary poles, wires, guys, guy stubs, anchors, including other reasonably necessary equipment incident thereto (collectively "Facilities") upon, over, along, and across certain property described below, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area").

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

Part of the Southwest Quarter of Section 25 and part of the Northwest Quarter of Section 36, Township 78 North, Range 3 East of the 5th P.M., City of Davenport, Scott County, Iowa.

EASEMENT AREA:

An overhead electric easement described as follows:

Said easement area is generally depicted on Exhibit "A", attached hereto, and made a part hereof.

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants, undergrowth, buildings, fences and structures that interfere with the proper maintenance of said Facilities and equipment.

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants, or other objects on the easement area described above, or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's right to operate and maintain its Facilities, and that no act shall be performed which violates the clearance requirements of the National Electrical Safety Code and/or the rules of the state utility regulatory authority where the Facilities are located.

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

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

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

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

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

(Acknowledgments on following page)

Dated this ____ day of _____, 2023

The City of Davenport, Iowa, a Municipal Corporation

By:_____

Name Printed:_____

Title:_____

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

This record was acknowledged before me on _____, 2023,

by_____as_____

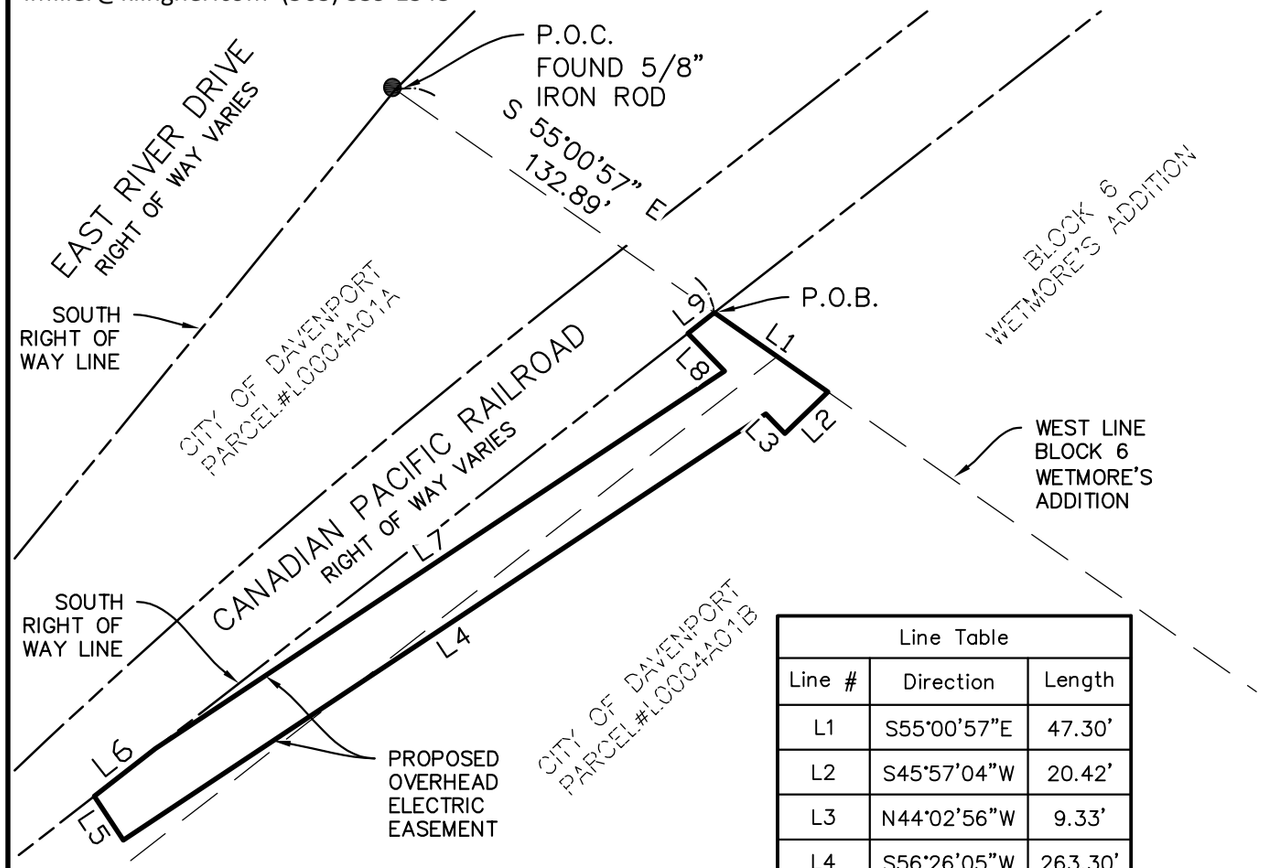
of The City of Davenport, Iowa, a Municipal Corporation.

_____
Signature of Notary Public

Description: Part S.W. 1/4 Sec. 25 & Part N.W. 1/4 Sec. 36
Township 78N., Range 3 East
Requestor: Mid-American Energy
Proprietor: City of Davenport
Surveyor: Luke D. Miller
Survey Company: Klingner & Associates, P.C.
Return To: Klingner & Associates, P.C.
4111 East 60th Street, Davenport, Iowa 52807
lmiller@klingner.com (563) 359-1348

OVERHEAD ELECTRIC EASEMENT PLAT

PART OF SOUTHWEST 1/4 SECTION 25 &
PART OF NORTHWEST 1/4 SECTION 36,
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M.
CITY OF DAVENPORT, SCOTT COUNTY, IOWA



Line Table		
Line #	Direction	Length
L1	S55°00'57"E	47.30'
L2	S45°57'04"W	20.42'
L3	N44°02'56"W	9.33'
L4	S56°26'05"W	263.30'
L5	N33°33'55"W	17.96'
L6	N52°02'03"E	26.58'
L7	N56°26'05"E	233.10'
L8	N44°02'56"W	17.99'
L9	N52°02'03"E	11.48'

LEGEND

- FOUND MONUMENT AS NOTED
- PROPOSED OVERHEAD ELECTRIC EASEMENT
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINES
- 12.34' MEASURED DISTANCE

N

0 30' 60'

PRELIMINARY DO NOT RECORD

LEGAL DESCRIPTION:

PART OF THE SOUTHWEST QUARTER SECTION 25 & PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 6, WETMORE'S ADDITION; THENCE, ALONG THE WEST LINE OF SAID BLOCK 6, SOUTH 55 DEGREES 00 MINUTES 57 SECONDS EAST, TO THE INTERSECTION OF THE WEST LINE OF SAID BLOCK 6 & THE SOUTH RIGHT OF WAY LINE OF THE CANADIAN PACIFIC RAILROAD, ALSO BEING THE POINT OF BEGINNING, A DISTANCE OF 132.89 FEET; THENCE, CONTINUING ALONG THE WEST LINE OF SAID BLOCK 6, SOUTH 55 DEGREES 00 MINUTES 57 SECONDS EAST, A DISTANCE OF 47.30 FEET; THENCE, SOUTH 45 DEGREES 57 MINUTES 04 SECONDS WEST, A DISTANCE OF 20.42 FEET; THENCE, NORTH 44 DEGREES 02 MINUTES 56 SECONDS EAST, A DISTANCE OF 9.33 FEET; THENCE, SOUTH 56 DEGREES 26 MINUTES 05 SECONDS WEST, A DISTANCE OF 263.30 FEET; THENCE, NORTH 33 DEGREES 33 MINUTES 55 SECONDS WEST, TO THE SOUTH RIGHT OF WAY LINE OF THE CANADIAN PACIFIC RAILROAD, A DISTANCE OF 17.96 FEET; THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 52 DEGREES 02 MINUTES 03 SECONDS EAST, A DISTANCE OF 26.58 FEET; THENCE, NORTH 56 DEGREES 26 MINUTES 05 SECONDS EAST, A DISTANCE OF 233.10 FEET; THENCE, NORTH 44 DEGREES 02 MINUTES 56 SECONDS WEST, TO SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 17.99 FEET; THENCE, ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 52 DEGREES 02 MINUTES 03 SECONDS EAST, A DISTANCE OF 11.48, TO THE POINT OF BEGINNING, CONTAINING 5,948 SQUARE FEET, MORE OR LESS.

FOR THE ABOVE DESCRIPTION THE WEST LINE OF BLOCK 6, WETMORE'S ADDITION HAS A BEARING OF SOUTH 55 DEGREES 00 MINUTES 57 SECONDS EAST.

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

LICENSED LAND SURVEYOR
LUKE D. MILLER
22228
IOWA

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

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

Date: 09-06-2023
My license renewal date is December 31, 2023

THIS SHEET ONLY
Pages or sheets covered by this seal:

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

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REVISION HISTORY

ANN	DESCRIPTION	DATE	APPR

PRELIMINARY DO NOT RECORD

OVERHEAD ELECTRIC EASEMENT PLAT
MID-AMERICAN ENERGY
2811 FIFTH AVENUE
ROCK ISLAND, IL 61201

Non-Reduced Sheet Size: 14" x 8.5"

DESIGNED	DRAWN JLR
FIELD	FIELD BOOK
CHECKED LDM	CHECK DATE

OVERHEAD ELECTRIC EASEMENT PLAT

PROJECT NO. 22-6002.028 RIVER HERITAGE
DRAWING ISSUED DATE: 9-1-2023

SHEET 1 OF 1

Notice of Hearing

On a Resolution to Grant MidAmerican Energy Company an Easement on City Property, Parcel L0004A01B

Notice is hereby given that at 5:30 P.M., on Wednesday, October 4, 2023, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on a RESOLUTION granting MidAmerican Energy Company an Easement across city property located at the following described location:

Part of the southwest quarter section 25 & part of the northwest quarter of section 36, township 78 north, range 3 east of the 5th P.M., City of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Commencing at the northwest corner of block 6, Wetmore's addition; Thence, along the west line of said block 6, south 55 degrees 00 minutes 57 seconds east, tot the intersection of the west line of said block 6 & the south right of way line of the Canadian Pacific Railroad, also being the point of beginning, a distance of 132.89 feet; Thence, continuing along the west line of said block 6, south 55 degrees 00 minutes 57 seconds east, a distance of 47.30 feet; Thence, south 45 degrees 57 minutes 04 second west, a distance of 20.42 feet; Thence north 44 degrees 02 minutes 56 seconds east, a distance of 9.33 feet; Thence, south 56 degrees 26 minutes 05 seconds west, a distance of 263.30 feet; Thence, north 33 degrees 33 minutes 55 seconds west, to the south right of way line of the Canadian Pacific Railroad, a distance of 17.96 feet; Thence, along said south right of way line, north 52 degrees 02 minutes 03 seconds east, a distance of 26.58 feet; Thence, north 56 degrees 26 minutes 05 seconds east, a distance of 233.10 feet; Thence, north 44 degrees 02 minutes 56 seconds west, to said south right of way line, a distance of 17.99 feet; Thence, along said south right of way line, north 52 degrees 02 minutes 03 seconds east, a distance of 11.48 , to the point of beginning, containing 5,948 square feet, more or less.

For the above description the west line of block 6, Wetmore's addition has a bearing of south 55 degrees 00 minutes 57 seconds east.

At said hearing any interested person may file written objection or comments with respect to the proposed granting MidAmerican Energy Company an Easement on City Property, Parcel L0004A01B.

Brian J. Krup
Deputy City Clerk

Davenport, Iowa
September 29, 2023

Publish once September 29, 2023
QUAD-CITY TIMES

City of Davenport

Department: Finance
Contact Info: Jonathan Robnett | 563-888-2022

Action / Date
10/11/2023

Subject:
Resolution authorizing the Mayor to execute the necessary documents to grant a gas and regulator station easement on City-owned property located at 3000 East Locust Street (Parcel N2009-01) to MidAmerican Energy. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
The purpose of the easement is to allow the installation of a gas and regulator station for a low pressure gas project.

ATTACHMENTS:

	Type	Description
	Resolution Letter	Resolution
	Exhibit	Easement Agreement
	Exhibit	Easement Plat
	Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	9/27/2023 - 9:32 AM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION authorizing the Mayor to execute the necessary documents to grant a gas and regulator station easement on City-owned property located at 3000 East Locust Street (Parcel N2009-01) to MidAmerican Energy.

WHEREAS, this easement will allow MidAmerican Energy to install a gas and regulator station for the transportation of natural gas to the surrounding area and City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Mayor is hereby authorized to execute the necessary documents to grant a gas and regulator station easement to MidAmerican Energy Company on City-owned property located at 3000 East Locust Street (Parcel N2009-01).

Passed and approved this 11th day of October, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

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

MIDAMERICAN ENERGY COMPANY
GAS AND REGULATOR STATION EASEMENT

		State of	Iowa	
Folder No.	120920	County of	Scott	
Work Req. No.	DR2922082	Section	20	
Project No.	G9BBF	Township	78	North
		Range	4	East of the 5th P.M.

1. For and in consideration of the sum of One and no/100------Dollar ($1.00), and other valuable consideration, in hand paid by MIDAMERICAN ENERGY COMPANY, an Iowa corporation, receipt of which is hereby acknowledged, the undersigned owner(s) **The City of Davenport, Iowa, a Municipal Corporation**, its successors and assigns ("Grantor"),does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, exclusive easement to construct, attach, reconstruct, operate, maintain, replace or remove line(s) and facilities for the transportation of natural gas, including but not limited, regulators, meters, valves, blow-offs, pipe fittings, fencing, protective post barriers, support brackets, piping, line markers and other reasonably necessary above or below ground equipment incident thereto (collectively "Facilities") under, upon, and on the surface of the ground, through and across certain property described below, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area").

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

Part of the Southwest Quarter of Section 20 Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott, State of Iowa.

EASEMENT AREA:

A gas and gas regulator station described as follows:

Said easement area is generally depicted on Exhibit "A", attached hereto and made a part hereof.

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants undergrowth, buildings, fences, and structures that interfere with the proper maintenance of said Facilities and equipment.

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

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

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

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

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

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

(Acknowledgments on following page)

Dated this ____ day of _____, 2023

The City of Davenport, Iowa, a Municipal Corporation

By:_____

Name Printed:_____

Title:_____

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

This record was acknowledged before me on _____, 2023,

by_____as_____

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

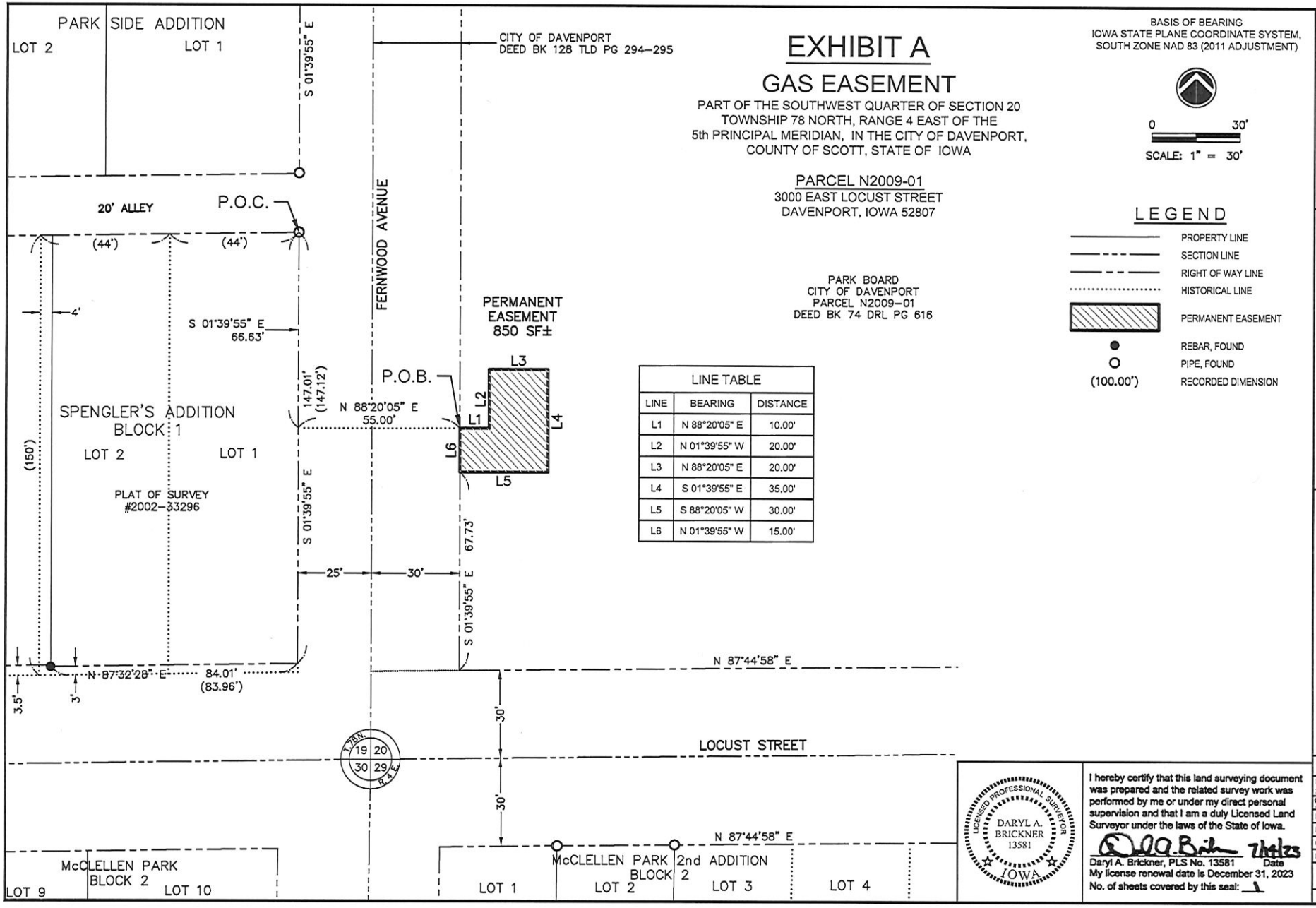
_____
Signature of Notary Public

EXHIBIT A

GAS EASEMENT

PART OF THE SOUTHWEST QUARTER OF SECTION 20
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE
5th PRINCIPAL MERIDIAN, IN THE CITY OF DAVENPORT,
COUNTY OF SCOTT, STATE OF IOWA

PARCEL N2009-01
3000 EAST LOCUST STREET
DAVENPORT, IOWA 52807



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 88°20'05" E	10.00'
L2	N 01°39'55" W	20.00'
L3	N 88°20'05" E	20.00'
L4	S 01°39'55" E	35.00'
L5	S 88°20'05" W	30.00'
L6	N 01°39'55" W	15.00'

PARK BOARD
CITY OF DAVENPORT
PARCEL N2009–01
DEED BK 74 DRL PG 616

BASIS OF BEARING
IOWA STATE PLANE COORDINATE SYSTEM,
SOUTH ZONE NAD 83 (2011 ADJUSTMENT)

0 30'
SCALE: 1" = 30'

LEGEND

- PROPERTY LINE
- SECTION LINE
- RIGHT OF WAY LINE
- HISTORICAL LINE
- PERMANENT EASEMENT
- REBAR, FOUND
- PIPE, FOUND
- (100.00') RECORDED DIMENSION

REVISIONS		
No.	DESCRIPTION	DATE

IMEG
PH: 563.344.0200
www.imegcorp.com
1717 STATE STREET
SUITE 201
BETTENDORF, IA 52722

Park Board / City of Davenport
Davenport, Iowa

Permanent Easement Plat

LICENSED PROFESSIONAL SURVEYOR
DARYL A. BRICKNER
13581
IOWA

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

Daryl A. Brickner, PLS No. 13581 Date
My license renewal date is December 31, 2023
No. of sheets covered by this seal: 1

IMEG Project No:	20000099.44
File Name:	20000099.44 Property.dwg
© COPYRIGHT 2023 ALL RIGHTS RESERVED	
Field Book No:	
Drawn By:	DAB
Checked By:	BDO
Date:	7/14/2023
Sheet	1 of 1

Wednesday, July 19, 2023 8:05:10 AM
G:\2020\20000099.44\DESIGN\CIVIL\C3D\SURVEY\20000099.44 PROPERTY.DWG

Notice of Hearing

On a Resolution to Grant MidAmerican Energy Company an Easement on City Property, Parcel N2009-01

Notice is hereby given that at 5:30 P.M., on Wednesday, October 4, 2023, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on a RESOLUTION granting MidAmerican Energy Company an Easement across city property located at the following described location:

Part of the southwest quarter of Section 20 in Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Commencing at the northeast corner of Lot 1 in Block 1 of Spengler's Addition; Thence South 01 degree 39 minutes 55 seconds East along the west right of way line of Fernwood Avenue, a distance of 66.63 feet; Thence North 88 degrees 20 minutes 05 seconds East, a distance of 55.00 feet to the east right of way line of Fernwood Avenue and the Point of Beginning; Thence continuing North 88 degrees 20 minutes 05 seconds East, a distance of 10.00 feet; Thence North 01 degree 39 minutes 55 seconds West, a distance of 20.00 feet; Thence 88 degrees 20 minutes 05 seconds East, a distance of 20.00 feet; Thence South 01 degree 39 minutes 55 seconds East, a distance of 35.00 feet; Thence South 88 degrees 20 minutes 05 seconds West, a distance of 30.00 feet to said east right of way line; Thence North 01 degree 39 minutes 55 seconds West along said east right of way line, a distance of 15.00 feet to the Point of Beginning.

The above-described parcel contains 850 square feet, more or less as shown by the attached Permanent Easement Plat.

For the purpose of this description bearing are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

At said hearing any interested person may file written objection or comments with respect to the proposed granting MidAmerican Energy Company an Easement on City Property, Parcel N2009-01.

Brian J. Krup
Deputy City Clerk

Davenport, Iowa
September 29, 2023

Publish once September 29, 2023
QUAD-CITY TIMES

City of Davenport

Department: Finance
Contact Info: Chad Dyson | 563-326-7817

Action / Date
10/4/2023

Subject:
Resolution awarding a contract for the purchase of splash equipment for the Dohse Splash and Play project to Waterplay Solutions Corp of British Columbia, Canada in the amount of $118,994.37 using Sourcewell contract #010521-WTR, CIP #ARP10. [Ward 1]

Recommendation:
Adopt the Resolution.

Background:
Construction of a splash pad and playground at the former Dohse Pool site was established as part of the ARPA funded capital improvement projects. This purchase is for the splash equipment that will be installed.

At no cost, the City of Davenport is a member of Sourcewell, a cooperative purchasing group that bids items for public entities. Due to the volume created by purchases from several communities, members see the advantage of lower contracted prices. Waterplay Solutions Corp was awarded the contract for playground, shade, and splash play equipment for Parks via Sourcewell contract #010521-WTR.

Funding for this project is from American Rescue Plan Act Funding, CIP #ARP10.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	9/27/2023 - 10:12 AM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION awarding a contract for the purchase of splash equipment for the Dohse Splash and Play project to Waterplay Solutions Corp of British Columbia, Canada in the amount of $118,994.37 using Sourcewell contract #010521-WTR, CIP #ARP10.

WHEREAS, the City of Davenport needs to purchase splash equipment for the Dohse Splash and Play project; and

WHEREAS, Waterplay Solutions Corp of British Columbia, Canada was awarded a contract by Sourcewell for splash equipment; and

WHEREAS, the applicable purchasing process was followed by Sourcewell resulting in a contract to Waterplay Solutions Corp as a responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the purchase of splash equipment for the Dohse Splash and Play project is hereby awarded to Waterplay Solutions Corp of British Columbia, Canada in the amount of $118,994.37 using Sourcewell contract #010521-WTR.

Passed and approved this 11th day of October, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance
Contact Info: Chad Dyson | 563-326-7817

Action / Date
10/11/2023

Subject:
Resolution awarding a contract for the purchase of play equipment for the Dohse Splash and Play project to Landscape Structures, Inc of Delano, Minnesota in the amount of $110,042.40 using Sourcewell contract #010521-LSI, CIP #ARP10. [Ward 1]

Recommendation:
Adopt the Resolution.

Background:
Construction of a splash pad and playground at the former Dohse Pool site was established as part of the ARPA funded capital improvement projects. This purchase is for the play equipment that will be installed.

At no cost, the City of Davenport is a member of Sourcewell, a cooperative purchasing group that bids items for public entities. Due to the volume created by purchases from several communities, members see the advantage of lower contracted prices. Landscape Structures, Inc was awarded the contract for playground, shade, and splash play equipment for Parks via Sourcewell contract #010521-LSI.

Funding for this project is from American Rescue Plan Act Funding, CIP #ARP10.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	9/27/2023 - 10:09 AM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION awarding a contract for the purchase of play equipment for the Dohse Splash and Play project to Landscape Structures, Inc of Delano, Minnesota in the amount of $110,042.40 using Sourcewell contract #010521-LSI, CIP #ARP10.

WHEREAS, the City of Davenport needs to purchase play equipment for the Dohse Splash and Play project; and

WHEREAS, Landscape Structures, Inc of Delano, Minnesota was awarded a contract by Sourcewell for play equipment; and

WHEREAS, the applicable purchasing process was followed by Sourcewell resulting in a contract to Landscape Structures as a responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the purchase of play equipment for the Dohse Splash and Play project is hereby awarded to Landscape Structures, Inc from Delano, Minnesota in the amount of $110,042.40 using Sourcewell contract #010521-LSI.

Passed and approved this 11th day of October, 2023.

Approved:

Attest:

_____

Mike Matson
Mayor

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance
Contact Info: Mallory Merritt | 563-326-7792

Action / Date
10/11/2023

Subject:
Resolution authorizing the Chief Financial Officer to make the appropriate inter-fund transfers for the City's FY 2023 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The City Finance Committee, established under Iowa Code 384.13, is granted authority to promulgate rules relating to the procedures for transferring money between funds. Chapter 2 of Section 545 of the Iowa Administrative Code states that all transfers of money between funds found in the City budget forms must be approved by a fund transfer resolution.

The City of Davenport regularly and routinely transfers amounts between funds in order to carry out the lawful and public purposes of a municipal government. A list of inter-fund transfers with associated explanations are attached to this Council action for the fiscal year ended June 30, 2023.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Cover Memo	FY 2023 Inter-Fund Transfer List

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	9/27/2023 - 5:08 PM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION authorizing the Chief Financial Officer to make the appropriate inter-fund transfers for the City's FY 2023 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2.

WHEREAS, the City Finance Committee established under Iowa Code 384.13 is granted authority to promulgate rules relating to the procedures for transferring moneys between funds; and

WHEREAS, Chapter 2 of Section 545 of the Iowa Administrative Code states that all transfers of moneys between funds found in the city budget forms must be approved by a fund transfer resolution; and

WHEREAS, the City of Davenport regularly and routinely transfers amounts between funds in order to carry out the lawful and public purposes of a municipal government; and

WHEREAS, the attached list of inter-fund transfers with associated explanations are necessary to satisfy these purposes for the fiscal year ended June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Finance Director is hereby authorized to make the appropriate inter-fund transfers for the City's FY 2023 financial records as required by the Iowa Administrative Code, City Finance Committee Agency Chapter 2.

Passed and approved this 11th day of October, 2023.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

Transfer in:

	General Fund	General Debt Service Fund	Capital Projects Fund	Non-major Governmental Funds	RiverCenter Fund	Non-major Proprietary Funds	Risk Mgmt Internal Service Fund	**Total Transfer**
Transfer out:								
General Fund	$ -	$ -	$ 5,714,861	$ 176,564	$ 880,333	$ 591,500	$ -	$ 7,363,258
Local Option Sales Tax Fund	-	14,035,529	2,663,640	75,000	-	-	-	16,774,169
Road Use Tax Fund	-	-	1,600,000	-	-	-	-	1,600,000
General Debt Service Fund	-	-	-	-	92,241	-	-	92,241
Sewer Fund	-	-	-	-	-	-	62,965	62,965
Other Non-major Proprietary Funds	-	-	-	10,143	-	-	-	10,143
Other Non-major Governmental Funds	327,500	-	30,000	525,223	-	-	-	882,723
Agency Funds								-
Total transfer	$ 327,500	$ 14,035,529	$ 10,008,501	$ 786,930	$ 972,574	$ 591,500	$ 62,965	$ 26,785,499

To General Fund:

$	275,000	Planned transfer from TIF Funds for Administrative Support
	52,500	Planned transfer from Riverfront Improvement Fund in payment of work performed
$	327,500	

To General Debt Service Fund: $14,035,529 Planned transfer from Local Option Sales Tax Fund for property tax relief

To Capital Projects Fund

$	5,404,719	Planned spend down of the General Fund for capital projects
$	33,478	Planned projects funded by the Library Special Levy Fund
	276,664	Planned Rivercenter/Adler Theatre projects funded from Hotel Motel Tax
	30,000	Planned projects funded by the Riverfront Improvement Fund
	2,663,640	Planned projects funded by the Local Option Sales Tax Fund
	1,600,000	Planned projects funded by the Road Use Tax Fund
$	10,008,501	

To Riverfront Improvement Fund	75,000	Planned transfer from Local Option Sales Tax Fund
To Community Development Act Fund	525,223	Planned transfer for Urban revitalization projects
$	600,223	

To Youth Sports Fund: $ 75,793 Planned transfer from the General Fund

To RiverCenter Fund

$	880,333	Planned transfer from the Hotel Motel Tax Fund for operations
	92,241	Planned transfer from the Debt Service Fund for General Obligation Bond expenses
$	972,574	

To River's Edge Fund: 591,500 Planned transfer for operations and transfer to fund enterprise planning

To Risk Fund: $ 62,965 Planned transfer from Sewer Fund for backup fees collected

To Fair Housing Fund: 100,771 Transfer from General Fund to fund revenue shortage

To HUD Section 8: $ 10,143 Transfer from Public Housing for Administrative Support

City of Davenport

Department: Finance
Contact Info: Bruce Berger | 563-326-7769

Action / Date
10/11/2023

Subject:
Resolution setting a Public Hearing on the proposed amendment to the North Urban Renewal Plan to include the Internal TIF. [Wards 2, 6, 7, & 8]

Recommendation:
Adopt the Resolution.

Background:
The City of Davenport is seeking to amend the North Urban Renewal Plan. The amendment will add the 2023 Internal TIF project in the amount of $275,000.

Adoption of this Resolution will set the Public Hearing for October 18, 2023 at the Committee of the Whole Meeting beginning at 5:30 p.m. in Council Chambers at Davenport City Hall, 226 West 4th Street.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	North Urban Renewal Plan Amendment
🗋	Backup Material	Notice of Public Hearing

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	9/27/2023 - 4:11 PM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION setting a Public Hearing on the proposed amendment to the North Urban Renewal Plan to include the Internal TIF.

WHEREAS, the City of Davenport has established the North Urban Renewal Area to support economic development growth for the City; and

WHEREAS, in accordance with Section 403.9 of the Code of Iowa, a Public Hearing must be held prior to amending the Urban Renewal Area Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing on the proposed amendment to the North Urban Renewal Plan to include the Internal TIF will be held on Wednesday, October 18, 2023 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 11th day of October, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

City of Davenport, Iowa

Urban Renewal Plan Amendment
North Urban Renewal Area

October 2023

The Urban Renewal Plan (the “Plan”) for the North Urban Renewal Area (the “Area”) is being amended for the purposes of 1) identifying new urban renewal projects to be undertaken therein.

1) **Identification of Projects** By virtue of this amendment, the list of authorized urban renewal projects in the Plan is hereby amended to include the following described project descriptions:
    a. **Name:** Internal TIF
    Cost: $275,000
    Rationale: To reimburse the General Fund for Economic Development staff costs and other economic development related activities such as economic research tools and training.

2) **Required Financial Information** The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:
    Outstanding General Obligation Debt of the City: $208,670,000
    Remaining Constitutional Debt Capacity of the City: $196,872,672
    Proposed Debt to be incurred in the Urban Renewal Area: $275,000

NOTICE OF PUBLIC HEARING ON PROPOSED URBAN RENEWAL PLAN AMENDMENT

Notice Is Hereby Given: That at 5:30 o'clock p.m., at City Council Chambers on the first floor of City Hall, 226 W. 4th Street, Davenport, Iowa, on the 18th day of October, 2023, there will be conducted a public hearing on the question of amending the North Urban Renewal Area Plan pursuant to Chapter 403, Code of Iowa.

North Urban Renewal Plan Amendment 1) Internal TIF: North Urban Renewal Area: $275,000

The proposed amendment to the urban renewal plan brings the projects described above under the plan and makes it subject to the provisions of the plan.

A copy of the proposed amendment is on file for public inspection in the office of Community & Economic Development. At said hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matters of the hearing. Community & Economic Development CED.info@davenportiowa.com 563-326-7765

City of Davenport

Department: Finance
Contact Info: Mallory Merritt | 563-326-7792

Action / Date
10/11/2023

Subject:
Resolution adopting the FY 2025 Budget Policies. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The Government Finance Officers Association (GFOA) of the United States and Canada recommends that governmental entities include budget guidelines in the budget document to serve as a coherent statement of organization-wide financial and programmatic policies and goals that address long-term concerns and issues. These policies serve as parameters for staff and council in the preparation of the annual budget, and provide a framework for staff to link goals and objectives with resources in the budget document.

The proposed FY 2025 Budget Policies are attached for review. The budget policies will serve as a guide for the City Council, Department Leadership, and Technical Staff in the development, preparation, and adoption of the FY 2025 Budget.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	FY 2025 Budget Policies

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	9/28/2023 - 3:03 PM
Finance Committee	Merritt, Mallory	Approved	9/28/2023 - 3:03 PM
City Clerk	Admin, Default	Approved	9/28/2023 - 3:36 PM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION adopting the FY 2025 Budget Policies.

WHEREAS, the Government Finance Officers Association of the United States and Canada recommends that governmental entities include budget guidelines in the budget document to serve as a coherent statement of organization-wide financial and programmatic policies and goals that address long-term concerns and issues; and

WHEREAS, these policies serve as parameters for staff and Council in the preparation of the annual budget; and

WHEREAS, these policies provide a framework for staff to link goals and objectives with resources in the budget document.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that the document entitled FY 2025 Budget Policies is hereby adopted.

Passed and approved this 11th day of October, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

FY 2025 BUDGET POLICIES

Policy Overview & Purpose

The City's annual budget process is part of an overall policy framework that guides service delivery decisions and determines core functions and priorities of the City of Davenport. The budget serves as an important role in the policy framework by allocating financial resources to deliver and execute the City's core competencies. The budget document serves as a financial plan, an operating guide, a communications device, a statement of values, and a policy document to guide current and future decision-making.

Scope

City Council, City Administrator, Chief Financial Officer, Department Directors, Finance Department, CIP Technical Committee

FY 2025 Budget Policies

1. The FY 2025 Budget development process will be framed by the 2022 community survey results, various forms of public input, City Council goals, and the City Administrator's workplan, along with current service levels. As in prior years, departmental strategies and initiatives will align with the City Administrator's workplan as developed by the City Administrator and guided by the City Council.

2. Two-year budget plans will continue. The FY 2025 Budget will be the first year of a two-year budget plan adopted for FY 2025 and concluding in FY 2026.

3. Budgeted expenditures will be linked to goals and performance-related results. Performance measures will be utilized, monitored, and reported in department budgets.

4. The goal of the City's budgeting process is to minimize the tax burden on Davenport citizens, while meeting demand for City services. To this end, the City will first address budgetary gaps through strategic departmental expenditure reductions that minimize reductions in service levels. If necessary to provide a structurally balanced budget, revenue options will be explored after expenditure reductions.

5. Cities are greatly affected by state and federal codes and regulations, property tax rollback amounts, and state-mandated employee pension contributions. Every effort shall be made to maintain the existing levy rate of $16.78 per $1,000 taxable value.

6. User fee increases will be enacted when necessary to maintain cost recovery rates or to diversify revenue as needed. Where possible, fees will be reviewed with the goal of diversifying General Fund revenues.

7. Existing fees shall be evaluated from time to time for their overall cost-recovery percentage rate, comparisons with other peer entities, and cost delivery for the service area that the fee supports. Recommendations for fee modifications will be brought forward for review by the City Council as part of the budget development process.

8. The budget will be presented as balanced with projected expenditures not-to-exceed recurring revenues. The FY 2025 Budget will be structured such that actual results are realistically anticipated to meet financial policy targets and goals set forth by the City Council.

9. One-time revenues will be used to support one-time expenses where practical and not utilized to support ongoing operations of the City.

10. The budget shall provide a basis for revenue and expenditure projections and shall consider long-range operating implications of any increase over current service levels.

11. The Capital Improvement Budget and the six-year capital improvement plan (CIP) will include projects that are funded within projected available resources. This program of projects is based on the City's comprehensive planning process, community needs, and the individual proposals of departments, boards, and commissions of local government. The CIP Budget will be predicated on the allotment of a variety of resources and an annual evaluation of the City's debt service model. The CIP Technical Committee shall include representatives from all direct-service and necessary support departments.

12. The City of Davenport will continue to eliminate its reliance on property tax backfill dollars from the State of Iowa for operating expenses.

13. The Finance Department will provide ongoing, monthly financial reporting of the budget upon commencement of the budget year. The reports will be readily available to the City Council, City Leadership, and the public.

City of Davenport

Department: Finance
Contact Info: Mike Carlsten | 563-326-7942

Action / Date
10/11/2023

Subject:
Resolution naming the community room located at the new Fire Station 3 as the Chief Michael J. Hayman Community Room. [Ward 7]

Recommendation:
Adopt the Resolution.

Background:
Chief Michael J. Hayman was a 33-year veteran of the Davenport Fire Department and served as the Assistant Chief/Fire Marshal from 2001-2017 when he passed away unexpectedly. During his tenure, Chief Hayman was instrumental in the development of numerous public education programs, public awareness campaigns, and community service projects.

Some examples of his dedication to the City of Davenport and the entire community and region include support of the implementation of the smoke detector program, implementation of the tactical emergency medical services team with the Davenport Police Department, annual events with CASI and local hospitals, advancing the fire investigation program, and modernizing the juvenile fire setter program. Additionally, Chief Hayman received the Iowa Chapter of the International Association of Arson Investigators (IAAI) Life Member Award, a prestigious honor.

Chief Hayman also served the Davenport Fire Department as a certified EMT and fire and arson investigator.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	9/28/2023 - 4:50 PM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION naming the community room located at the new Fire Station 3 as the Chief Michael J. Hayman Community Room.

WHEREAS, Chief Michael J. Hayman was a 33-year veteran of the Davenport Fire Department, serving as a certified EMT, fire and arson investigation, and the Assistant Chief/Fire Marshal from 2001 to 2017 when he passed away unexpectedly; and

WHEREAS, during his tenure, Chief Hayman was instrumental in the development of numerous public education programs, public awareness campaigns, and community service projects; and

WHEREAS, some examples of his dedication to the City of Davenport and the entire community and region include support of the implementation of the smoke detector program, implementation of the tactical emergency medical services team with the Davenport Police Department, annual events with CASI and local hospitals, advancing the fire investigation program, and modernizing the juvenile fire setter program; and

WHEREAS, Chief Hayman received the Iowa Chapter of the International Association of Arson Investigators (IAAI) Life Member award, a prestigious honor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the community room located at the new Fire Station 3 is hereby named the Chief Michael J. Hayman Community Room.

Passed and approved this 11th day of October, 2023.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk

City of Davenport

Department: Legal
Contact Info:

Action / Date
10/4/2023

Subject:
To discuss strategy with counsel in matters involving litigation pursuant to Iowa Code Section 21.5(1)(c).

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Admin, Default	Approved	10/4/2023 - 8:39 AM