COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, September 20, 2023; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public Hearing on the Consolidated Plan Annual Performance Evaluation Report for the year ending June 30, 2023. [All Wards]

2. Public Hearing 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]

3. Public Hearing 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]

B. Public Works

1. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the North Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011. [Wards 1 & 2]

2. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of Brady Street and Lombard Street. [Ward 5]

3. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of East 90th Street at the main entrance to John Deere. [Ward 8]

4. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Black Hawk Creek and Walnut Creek Berm Restoration Phase II project, CIP #68015. [Ward 1]

VII. Presentations

A. RAGBRAI Recognition

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. First 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. First 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]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Ben Jobgen, Chair; Maria Dickmann, Vice Chair

III. PUBLIC SAFETY

1. Third Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 11th Street along the south side from Prospect Terrace to Judson Street thereto. [Ward 5]

2. First 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]

3. First 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]

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

   Davenport Fire Antique and Restoration Society; Annual Fire Muster and Lights & Sirens Parade; Village of East Davenport; Sunday, October 1, 2023 7:00 a.m. - 4:30 p.m.; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

Davenport Community School District; Band Spectacular for Davenport Schools; Brady Street Stadium | 3603 North Brady Street; 3:00 p.m. - 10:00 p.m. Tuesday, October 10, 2023 (*rain date:* Monday, October 16, 2023); **Closure:** East 36th Street from Brady Street to Davenport Avenue. [Ward 7]

Davenport Community School District; Central High School Homecoming Parade; 6:00 p.m. - 7:00 p.m. Thursday, October 12, 2023; **Closures (Police controlled):** East 18th Street from Woodland Ave to Fernwood Avenue; Fernwood Avenue from East 18th Street to Forest Road; Forest Road from Fernwood Avenue to Middle Road; Middle Road from Forest Road to Woodland Avenue. [Wards 5 & 6]

St. Ambrose University; Killer Bee 5K; Saturday, October 21, 2023 6:30 a.m. – 11:00 a.m. **Closures:** Lombard Street from Ripley Street to Lillie Avenue; Ripley Street from Lombard Street to Dover Court; Dover Court from Ripley Street to Gaines Street; Gaines Street from Dover Court to Lombard Street; Scott Street from Dover Court to Lombard Street; Rusholme Street from Gaines Street to Lillie Avenue; Lillie Avenue from Rusholme Street to Pleasant Street; Pleasant Street from Lillie Avenue to Warren Street; Warren Street from Pleasant Street to Spalding Boulevard; Spalding Boulevard from Warren Street to Berg Place; Berg Place from Spalding Boulevard to Lillie Avenue. [Ward 4]

Brian Doerrfeld; Village Zombie Run; Village of East Davenport; 6:00 a.m. - 12:00 p.m. Saturday, October 28, 2023; **Closures:** Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street; East 11th Street from Jersey Ridge Road to Mound Street; east-west alley between East 11th Street and East 12th Street and Mound Street and Jersey Ridge Road; Mound Street from East 11th Street to East 12th Street. [Ward 5]

City of Davenport; Halloween Parade; Downtown; 11:30 a.m. - 4:00 p.m. Sunday, October 29, 2023; **Closures:** 3rd Street from Pershing Avenue to River Drive; Pershing Avenue, Iowa Street, and LeClaire Street from 2nd Street to 4th Street (DPD at 3rd and LeClaire to direct bridge traffic); 3rd Street from Pershing Avenue to Ripley Street; 2nd Street from Iowa Street to Ripley Street; Ripley and Main Streets from 2nd Street to 4th Street; east-west alley between Scott and Ripley Streets and 2nd Street and River Drive; east-west alley between Harrison and Main Streets and 2nd Street and River Drive; Perry Street from East 2nd Street to River Drive; **(beginning at 2:00 p.m.)** Brady and Harrison Streets from River Drive to 4th Street. [Ward 3]

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

Gunchie's; Outdoor Band; 2905 Telegraph Road; 7:00 p.m. Friday, September 29, 2023 - 12:00 a.m. Saturday, September 30, 2023; Outdoor music/band, over 50 dBA. [Ward 1]

Davenport Fire Antique and Restoration Society; Annual Fire Muster and Lights & Sirens Parade; Village of East Davenport; 12:00 p.m. - 4:00 p.m. Sunday, October 1, 2023; Outdoor music, over 50 dBA. [Ward 5]

Davenport Community School District; Central High School Homecoming Parade; see attached parade route; 6:00 p.m. - 7:00 p.m. Thursday, October 12, 2023; Outdoor music/band, over 50 dBA. [Wards 5 & 6]

City of Davenport; Halloween Parade; Downtown (see attached parade route); 12:00 p.m. - 4:00 p.m. Sunday, October 29, 2023; Outdoor music/bands/performances, over 50 dBA. [Ward 3]

6. Motion approving beer and liquor license applications.

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

Ward 1

Jimmie O's Saloon (Oldham Enterprizes, LLC) - 2735 Telegraph Road - Permanent Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 3

Stompbox Brewing (Jpx2me, LLC) - 210 East River Drive #101 - Temporary Extended Outdoor Area October 5 - License Type: Class C Liquor (On-Premises)

Westside Grocery (Venu G, LLC) - 1802 West 7th Street - New License/New Owner - License Type: Class E Liquor (Carry-Out)

Ward 4

La Dueña Mexican Restaurant (Rene Sanchez) - 1330 Washington Street - New License - License Type: Class C Liquor (On-Premises)

Ward 6

Hy-Vee Fast & Fresh 2 (Hy-Vee, Inc) - 4631 East 53rd Street - New License - License Type: Class E Liquor (Carry-Out)

Pho Fusion, LLC (Pho Fusion, LLC) - 5266 Utica Ridge Road - Outdoor Area - New License - License Type: Class C Liquor (On-Premises)

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

Ward 1

Rockingham Liquor (Lila, LLC) - 2423 Rockingham Road - License Type: Class E Liquor (Carry-Out)

Ward 2

Dhakals, LLC (Dhakals, LLC) - 3108 West Central Park Avenue - License Type: Class E Liquor (Carry-Out)

Ward 3

The Current (Putnam Landlord, LLC) - 128-30 West 2nd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Mississippi River Distilling Company (Mississippi River Distilling Company, LLC) - 318 East 2nd Street - License Type: Class C Liquor (On-Premises)

Raccoon Motel (Raccoon Motel, LLC) - 315 East 2nd Street - License Type: Class C Liquor (On-Premises)

Riverside Liquor (Vardaan, Inc) - 826 East River Drive - License Type: Class E Liquor - Carryout

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

The Circle Tap (Circle Tap, Inc) - 1345 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Quad Cities Board & Brush (Brooks & Christina, LLC) - 5159 Utica Ridge Road - License Type: Special Class C Beer/Wine (On-Premises)

Ward 6

Kimberly Mart (Pak Foods, Inc) - 1714 East Kimberly Road - License Type: Class E Liquor (Carry-Out)

Links (Kjt Holdings, LLC) - 5619 Utica Ridge Road #300 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 North Brady #3 - License Type: Class C Liquor (On-Premises)

The Liquor Stop, LLC (The Liquor Stop, LLC) - 211 West 53rd Street - 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 accepting work completed under the FY 2021 Contract Sewer Repair Program by Hagerty Earthworks, LLC of Muscatine, Iowa in the amount of $569,260.45, CIP #30053 and #33001. [All Wards]

2. Resolution accepting work completed under the Hillandale Road and Northwest Boulevard and West 76th Street and Northwest Boulevard (RISE #RM-1827(689)--9D-82) Intersection Improvements project by Langman Construction, Inc of Rock Island, Illinois in the amount of $1,007,590.28, CIP #35058. [Wards 2 & 8]

3. Resolution approving the plans, specifications, form of contract, and estimate of cost for the North Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011. [Wards 1 & 2]

4. Resolution approving the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of Brady Street at Lombard Street, CIP #38015. [Ward 5]

5. Resolution approving the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of East 90th Street at the main entrance of John Deere. [Ward 8]

6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Black Hawk Creek and Walnut Creek Berm Restoration Phase II project, CIP #68015. [Ward 1]

7. Resolution awarding a five-year contract for transit planning and scheduling software to Optibus, Inc of New York, New York in the amount of $122,781. [All Wards]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

JJ Condon, Chair; Derek Cornette, Vice Chair

VII. FINANCE

1. Resolution setting a 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. Resolution setting a 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]

VIII. Motion recommending discussion or consent for Finance items

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

1. Mississippi Valley Fair Inc | MVF security support | Amount: $10,000
2. Kiesler Police Supply Inc | annual ammo order | Amount: $10,313.41
3. NEVCO Inc | hockey scoreboard | Amount: $10,901.96
4. The Henley Group, Inc | Fairmount Library playground installation | Amount: $11,000

5. WRS Construction Inc | Risk Management office remodel | Amount: $12,388
6. Intrado Interactive Services Corp | CivicLive renewal | Amount: $13,230
7. Becker Area Products Inc | ice painting equipment | Amount: $13,872
8. Jeffrey Delf | July mowing services for Natural Resources | Amount: $14,213.57
9. Kronos SaaShr Inc | TeleStaff renewal | Amount: $15,046.69
10. LinkedIn Corporation | LinkedIn Learning Library | Amount: $15,750
11. CDW Government Inc | Cisco Duo renewal | Amount: $15,795
12. Truck Equipment Inc | F-450 flatbed body and lift gate | Amount: $17,705
13. Norfolk Bearings & Supply Co, Inc | screw conveyors | Amount: $20,700
14. Center for Active Seniors Inc | support agreement | Amount: $25,000
15. Iowa State University Agricultural | performance measure and logic model evaluation | Amount: $25,500
16. Vermeer Sales & Service Inc | tub grinder drum repair at Compost Facility | Amount: $27,380.78
17. Ray O'Herron Co Inc | annual ammo order | Amount: $27,646
18. CDW Government Inc | computer processor cards | Amount: $35,437.72
19. Scott County Library System | Rivershare membership fee | Amount: $44,426

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. Adjourn

City of Davenport

Department: Community Planning & Economic Development
Contact Info: Bruce Berger | 563-326-7769

Action / Date
9/20/2023

Subject:
Public Hearing on the Consolidated Plan Annual Performance Evaluation Report for the year ending June 30, 2023. [All Wards]

Recommendation:
Hold the Hearing.

Background:
At the conclusion of each program year, the Department of Housing and Urban Development (HUD) requires a public hearing to provide citizens an opportunity to comment on the performance and accomplishments of the activities funded by the Community Development Block Grant Program and the HOME Investment Partnerships Program. The report also provides information on the efforts of other entities to address the needs identified in the City's Consolidated Plan. From September 5, 2023 to September 19, 2023, a draft of the annual Performance Report was available for review in the Community & Economic Development Department, all three branches of the Library, and on the City's website.

Attached is the year end summary report listing the activities funded through the CDBG program, the dollars spent, and the number of program beneficiaries.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	CDBG Year 48 - Year End Summary Report

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	9/13/2023 - 11:48 AM

Year 48 CDBG Year End Report (July 1, 2022 – June 30, 2023)

AGENCY	PURPOSE/SERVICES	PROGRAM	CDBG BUDGET	YTD EXPENDED	BENEFICIARY DATA (H) Number of Households (P) Number of Persons		
					No. Proposed	No. Assisted	Low/ Mod
PUBLIC SERVICES:							
BIG BROTHERS/ BIG SISTERS	Provides adult mentoring for children	ADULT MENTORING	$38,033	$38,033	200 (P)	145	138
BOYS AND GIRLS CLUB	Provides recreation, education, cultural arts and leadership Programs at one Davenport site	YOUTH PROGRAM	$35,985	$35,985	50 (P)	52	51
FAMILY RESOURCES	Provides services to survivors of domestic And sexual abuse, juvenile justice, Behavioral health, education programs And child welfare programs	DOMESTIC VIOLENCE ADVOCACY AND SHELTER	$32,243	$32,243	325 (P)	154	154
FRIENDLY HOUSE	Provides programs and services for residents pre-school through adult including day care, educational, recreational and food programs	YEAR ROUND YOUTH SERVICES	$33,125	$33,125	75 (P)	61	54
HUMILITY OF MARY SHELTER d/b/a HUMILITY HOME AND SERVICES	Support for housing and services for homeless individuals, primarily emergency housing with a path to transitional units	HOMELESS SERVICE	$38,412	$38,412	400 (P)	242	242
PROJECT RENEWAL	Provides after school program with social, recreational, educational activities	YOUTH PROGRAM	$46,314	$46,314	55 (P)	63	63
SALVATION ARMY EMERGENCY SHELTER	Provides emergency shelter, meal site, and case management services	EMERGENCY SHELTER	$28,897	$28,897	250 (P)	279	278
VERA FRENCH COMMUNITY MENTAL HEALTH	Provides supportive services to Vera French Housing Corporation tenants	TENANT SUPPORT SERVICES	$36,991	$36,991	40 (P)	46	46

AGENCY	PURPOSE/SERVICES	PROGRAM	CDBG BUDGET	YTD EXPENDED	No. Proposed	No. Assisted	Low/ Mod
CDBG ADMINISTRATION:							
COMMUNITY AND ECONOMIC DEVELOPMENT	Coordinates, administers, monitors CDBG program with HUD and sub- recipients; prepares reports and plans required by HUD	Number "assisted" represents the total number assisted (persons and households) by non-profits and city programs funded, in part, through the CDBG entitlement program.	$287,560	$178,820		1,155 Davenport individuals and households served by subrecipient agencies and city projects.	1,139 of those served by city projects and/or subrecipient agencies were low/mod (98.6%)
ECONOMIC DEVELOPMENT:							
OFFICE OF ECONOMIC DEVELOPMENT	Create and retain jobs; provide loans, loan guarantees and grants to support economic development projects; alleviate slum and blighted conditions	ECONOMIC DEVELOPMENT FUND	$1,559,280 *(this total includes current and previous year EN and PI)*	$1,296,215	10 LMI Jobs	10 new loans (1 of which was slum & blight façade) 77 jobs created/retained, including 16 from prior year activities	77 jobs created/retained, including 16 from prior year activities
HOUSING REHABILITATION:							
OFFICE OF HOUSING REHABILITATION	Revolving loan fund for affordable housing, accessibility improvements for disabled homeowners and neighborhood revitalization activities such as infrastructure in support of affordable housing	HOUSING REHABILITATION & NEIGHBORHOOD REVITALIZATION FUND	$2,912,282	$1,957,702	12 Downpayment 39 Owner Rehab/Ramp 1 Infrastructure	3 Downpayment 29 Owner Rehab/Ramp 4 Infrastructure complete from prior year	3 Downpayment 29 Owner Rehab/Ramp 4 Infrastructure complete from prior year

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **9/20/2023**

Subject:
Public Hearing 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 & 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
City Clerk	Berkley, Laura	Approved	9/14/2023 - 4:01 PM

ORDINANCE NO. 2023-

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 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.

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.

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 _____

_____
Mike Matson
Mayor

Attest: _____
Brian Krup
Deputy City Clerk

Published in the *Quad City Times* on _____

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:

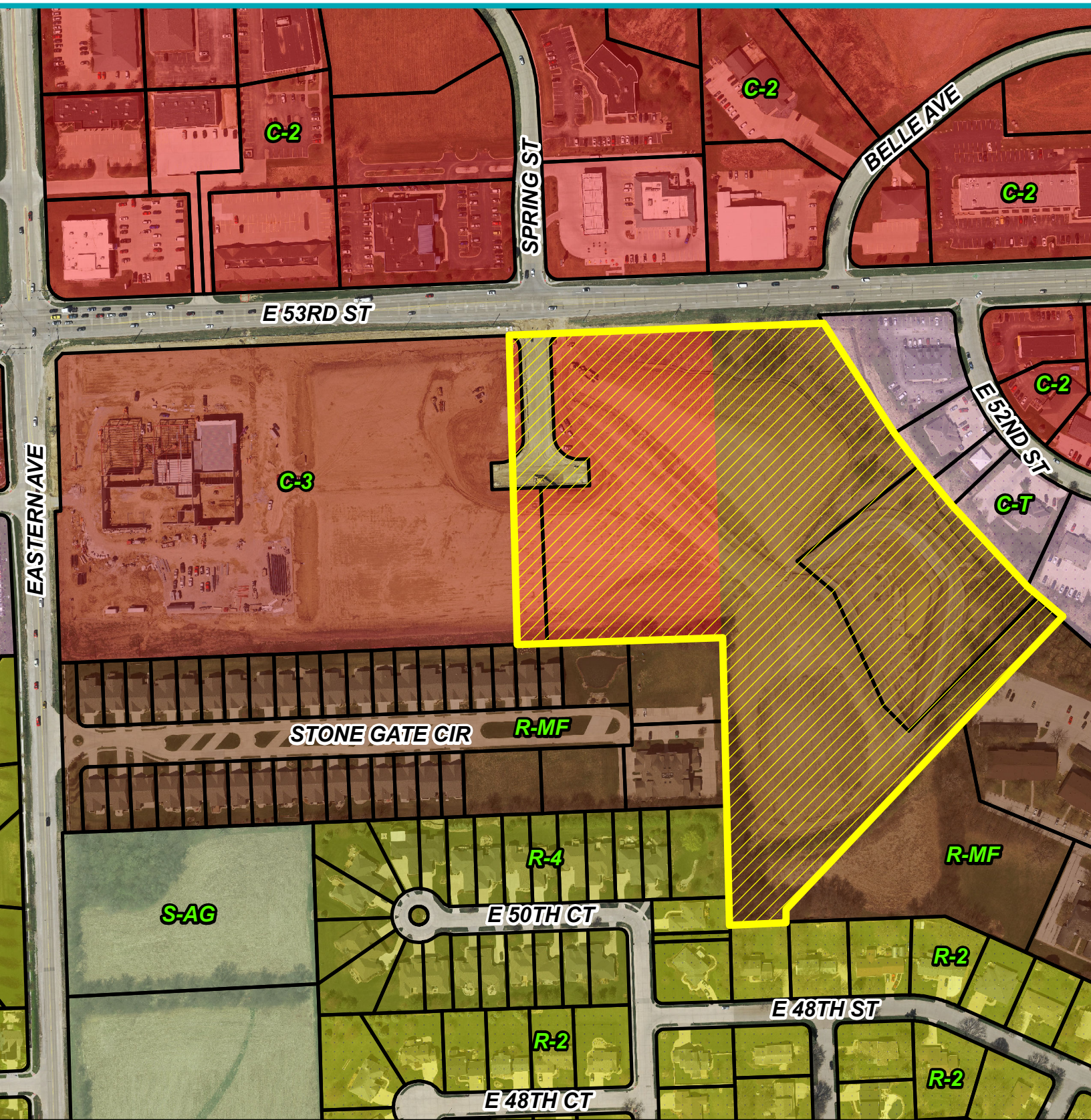
1. A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
2. A buffer yard shall be established commensurate with the depth of the established buffer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

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]

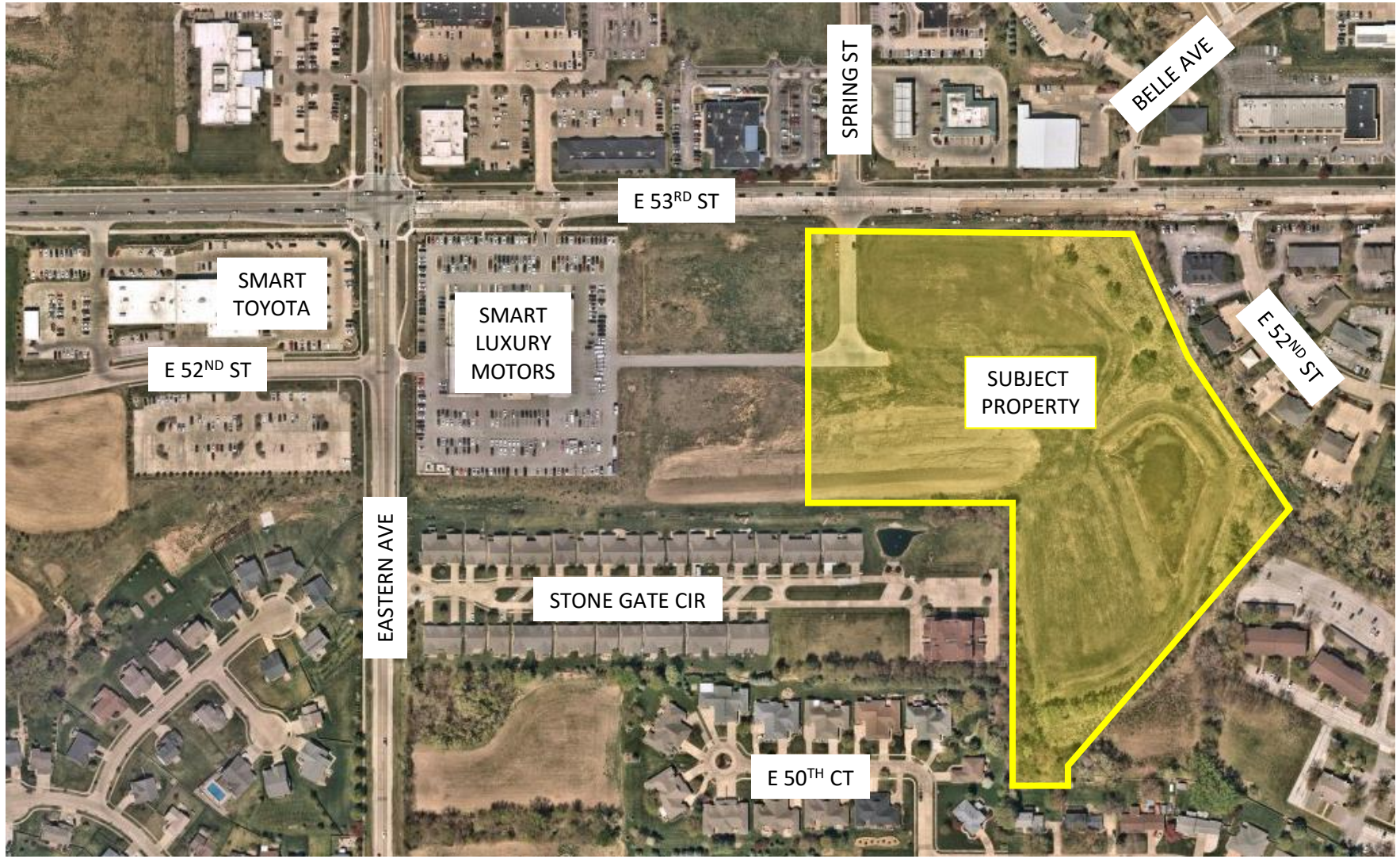
Subject Property

0 250 500
Feet



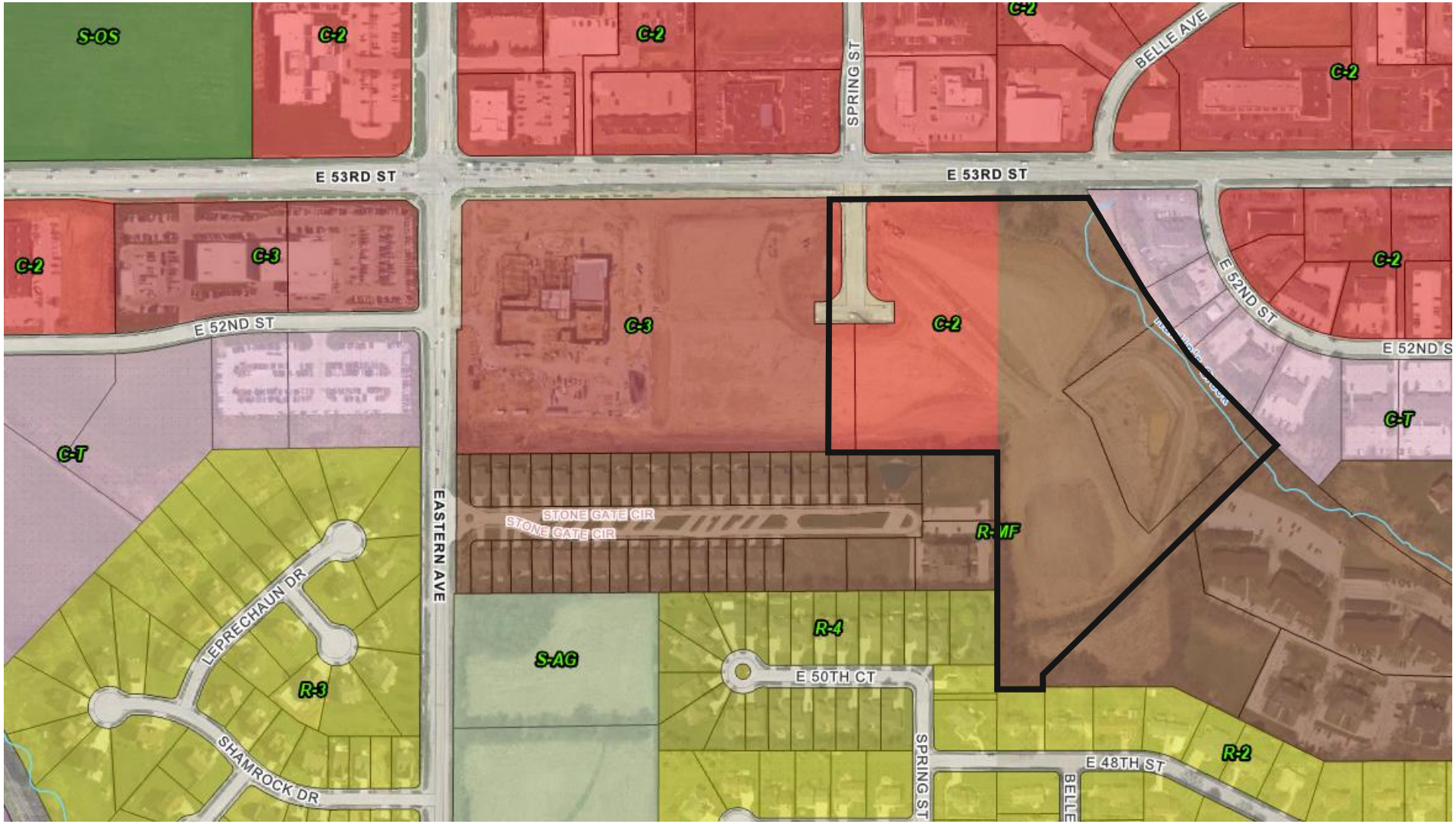
Vicinity Map

DAVENPORT
IOWA | USA



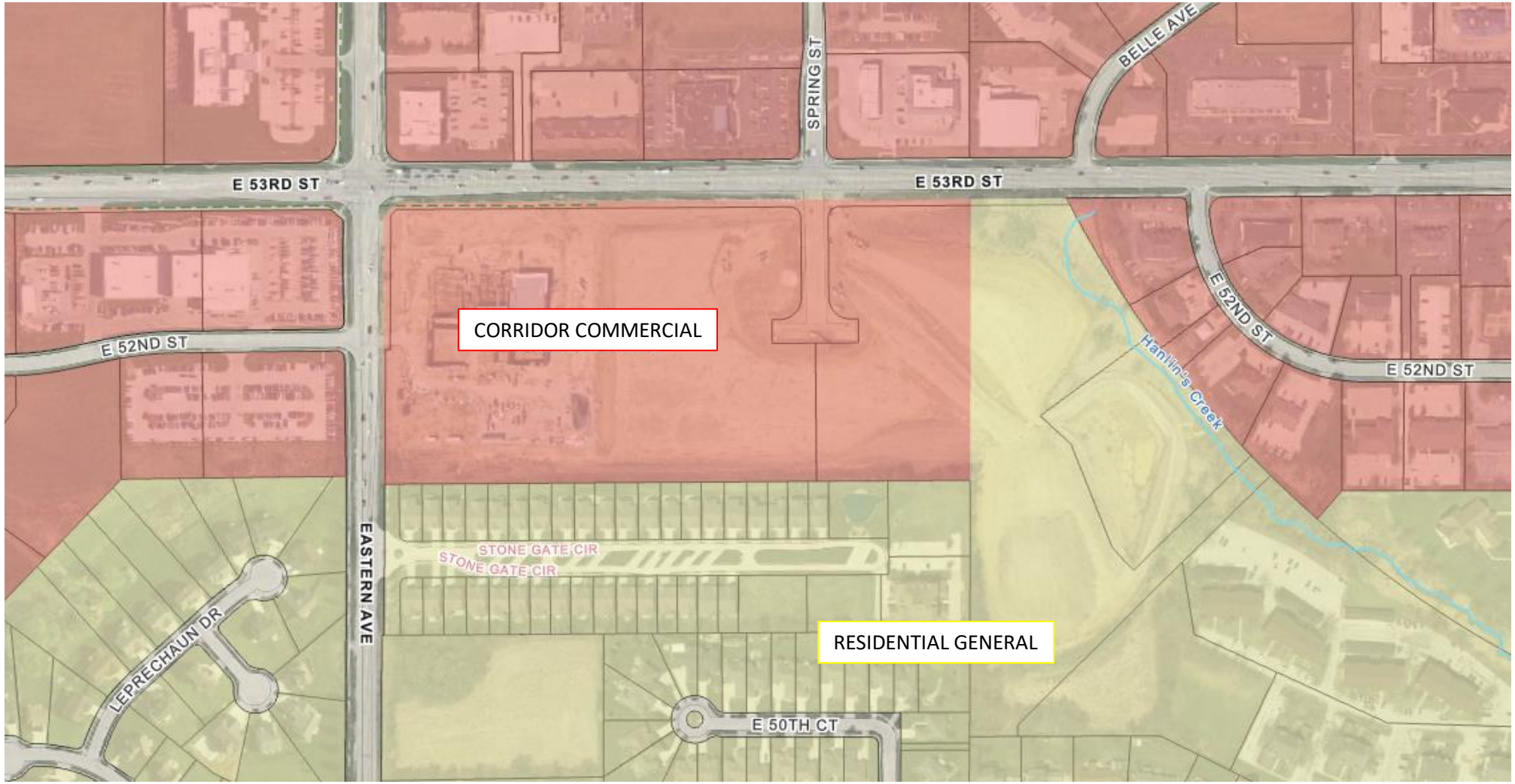
Zoning Map

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

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICT	EXISTING	PROPOSED	SQ. AREA

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.

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

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

***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

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[as property owner(s)]

authorize

[the above person(s)]

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

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Design Approval
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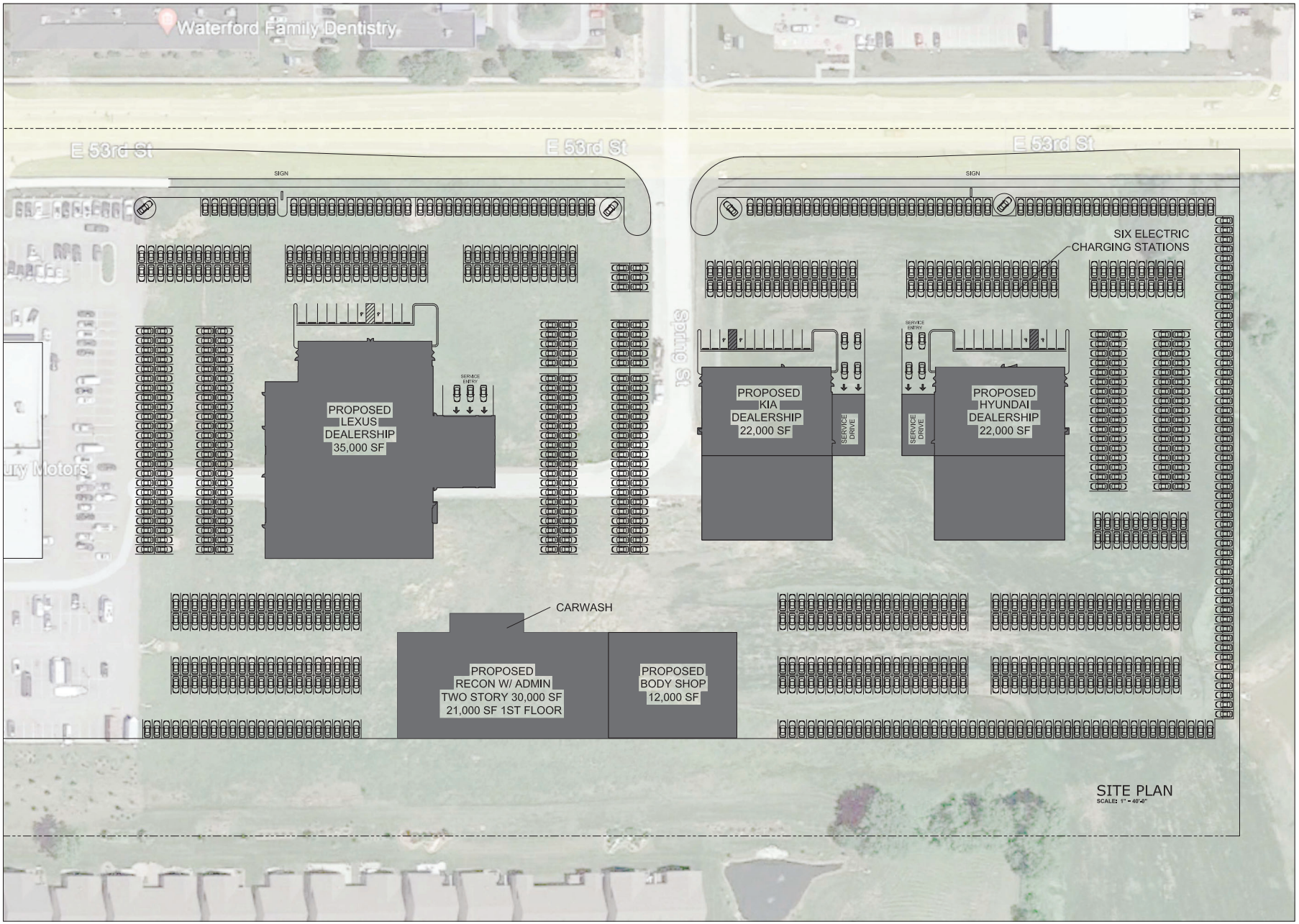
Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request



CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-406
0
TEL 317-259-9038
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

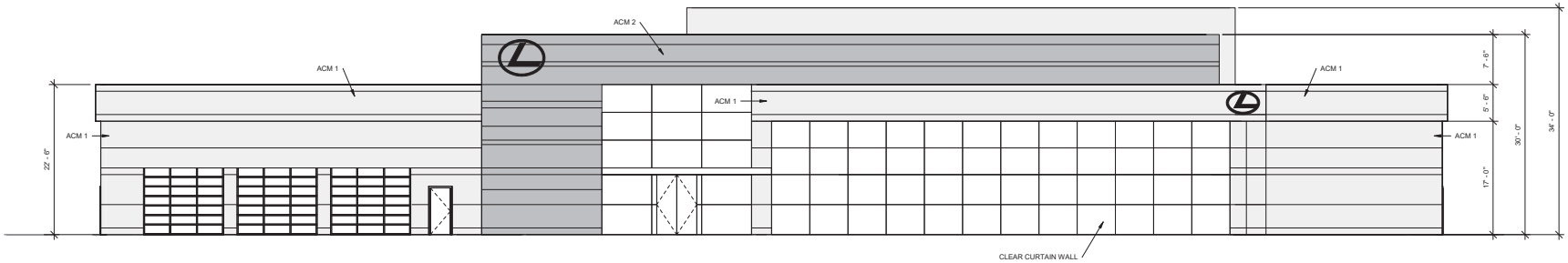
Revisions

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"

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CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6266 Becker Road
Suite C
Indianapolis, IN
46220-1406
TEL 317-259-0038
FAX 317-259-0785
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Lexus

Davenport, Iowa

Project	21122
Drawn By:	KTM
Checked	KTM

Revision

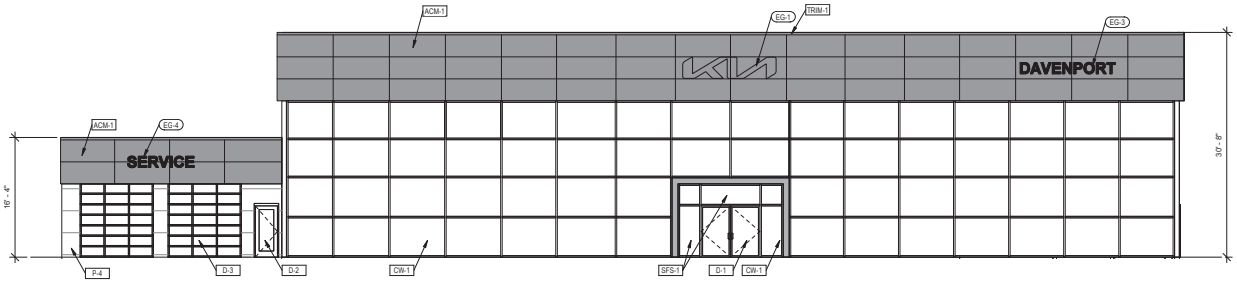
Mark	Date	Remark

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 Becker Road
Suite C
Indianapolis, IN
46220-4486
TEL 317-259-0038
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

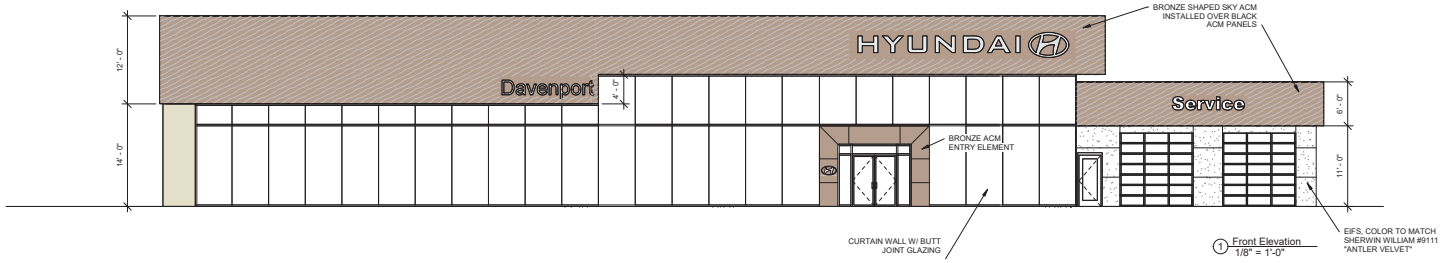
Mark	Date	Remark

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 Becker Road
Suite C
Indianapolis, IN
46220-1406
TEL 317-259-0038
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.

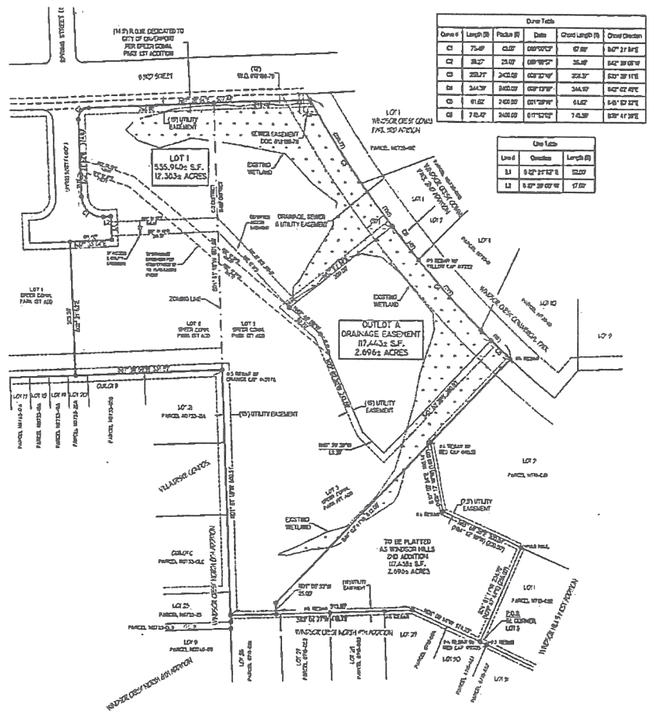
Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.

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.



Curve Table					
Curve #	Length (ft)	Radius (ft)	Delta	Chord Length (ft)	Chord Direction
C1	75.49'	43.00'	100°55'07.0"	67.88'	S 67° 31' 54"E
C2	39.27'	25.00'	089°59'57.0"	35.36'	S 42° 30' 00"W
C3	253.27'	2430.00'	006°00'00.0"	253.25'	S 01° 30' 11"E
C4	344.39'	2430.00'	008°07'09.0"	344.10'	S 02° 02' 45"E
C5	61.62'	2430.00'	001°26'56.0"	61.62'	S 06° 03' 32"E
C6	7 45.42'	2430.00'	018°16'32.0"	7 45.39'	S 09° 41' 39"E

Line Table		
Line #	Direction	Length (ft)
L1	S 02° 31' 52" E	52.00'
L2	S 02° 30' 00" W	17.00'

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 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, THIS 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 are 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: _____

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

_____ DATE: 1-10-2023
MEDIACOM

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

_____ DATE: 1 10 2023
CENTURY LINK

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

_____ DATE 1 10 2023
METRONET

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 = ○
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

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

LICENSED LAND SURVEYOR
MICHAEL D. RICHMOND
22503
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 D. Richmond 12/29/2022
MICHAEL D. RICHMOND
Iowa License Number: 22503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

TOWNSEND ENGINEERING
CIVIL • DEVELOPMENT • LAND DEVELOPMENT

DATE: 9-23-21 TE PROJECT NO: EASTERN & 53RD
563 386.4236 FAX 386.4237
2224 East 12th Street, Davenport, IA 52803

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

REVISIONS:		
NO.	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

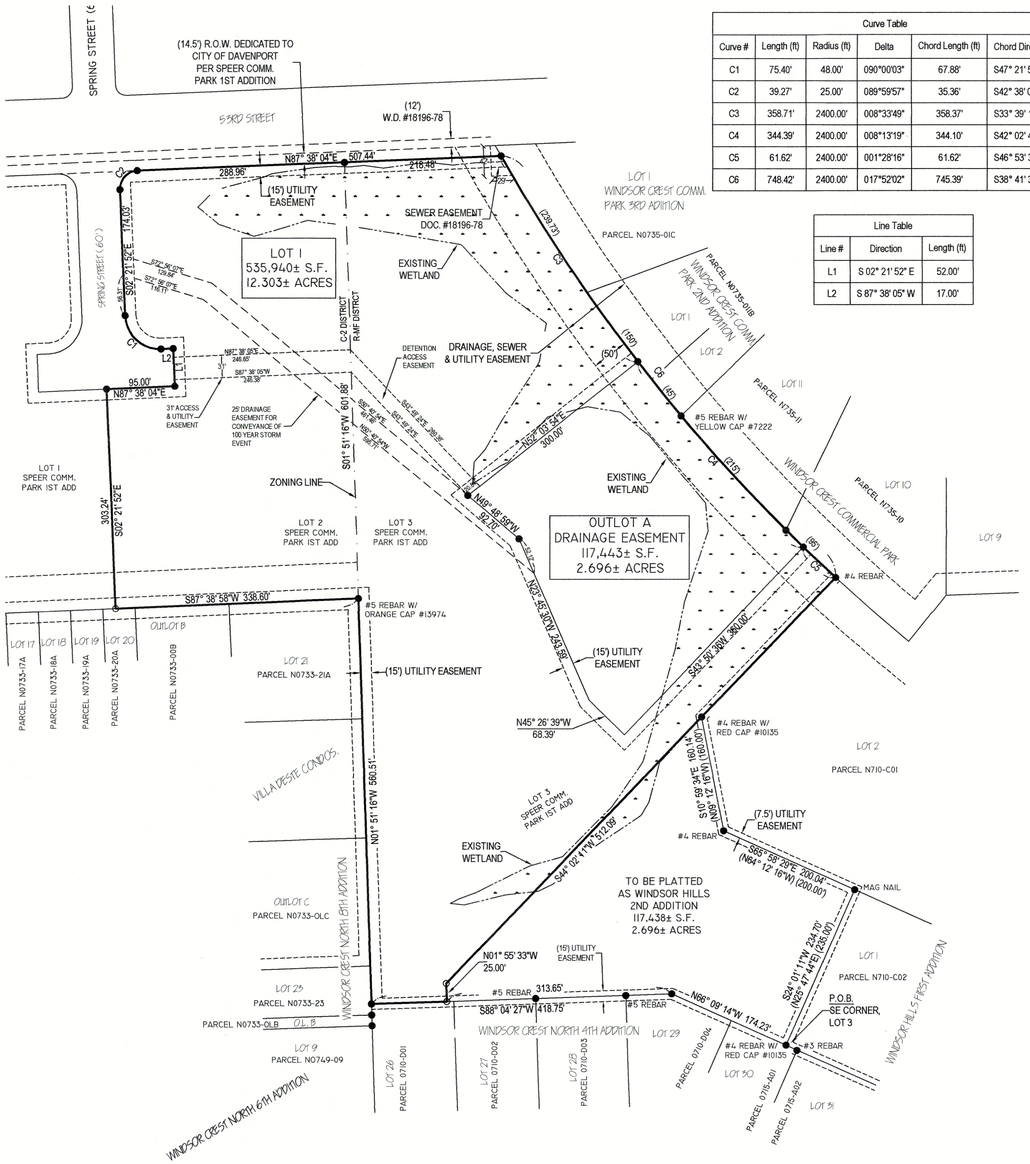
Doc ID: 023406030010 Type: PLA
Recorded: 01/27/2023 at 10:37:39 AM
Fee Amt: $52.00 Page 1 of 10
Scott County Iowa
Rita A. Vargas Recorder
File 2023-00001524

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.



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'

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:
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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.

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

REVISIONS:		
NO.	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
Eastern Ave
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

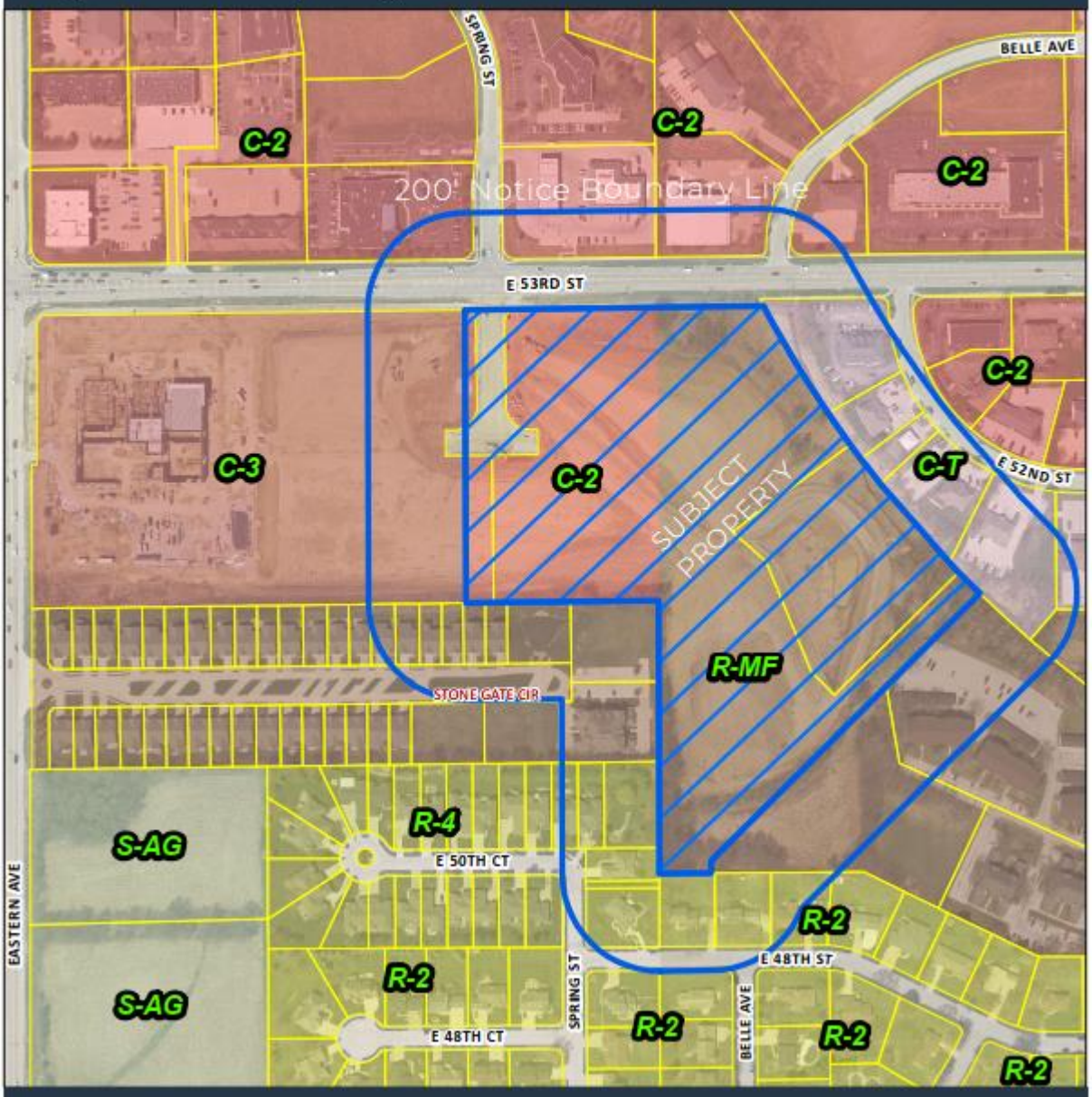
Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

THE CITY OF DAVENPORT
IOWA | USA

P&Z Notice

CASE#: REZ23-03

Adjacent Property Owner Notice Area



0 100 200 400 600 800 Feet

Rezone from C-2 and R-MF to C-3

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 <u>rezoning the whole parcel</u> 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 <u>development of the southern portion</u> 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. <u>Stormwater runoff</u> 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 <u>drainage from the Stone Gate Cir.</u> 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 <u>lighting</u> 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 Hamann			1822 Stone GATE
4	Steve Hamann			" " "
5	Bob Ingham	BINGHAMSSC GMAIL		
6	Guy Moss	gmoss47@hotmail.com		1871 Stone Gate Cir Unit 10
7	Carla Osborn	cmmosborne gmail.com		1820 Stone Gate Circle
8	MIKE OSBORN	OSBORNMCM@GMAIL.COM		" "
9				
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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 Condon			ALDERMAN AT LARGE
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City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **9/20/2023**

Subject:
Public Hearing 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 E 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
City Clerk	Berkley, Laura	Approved	9/14/2023 - 4:01 PM

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

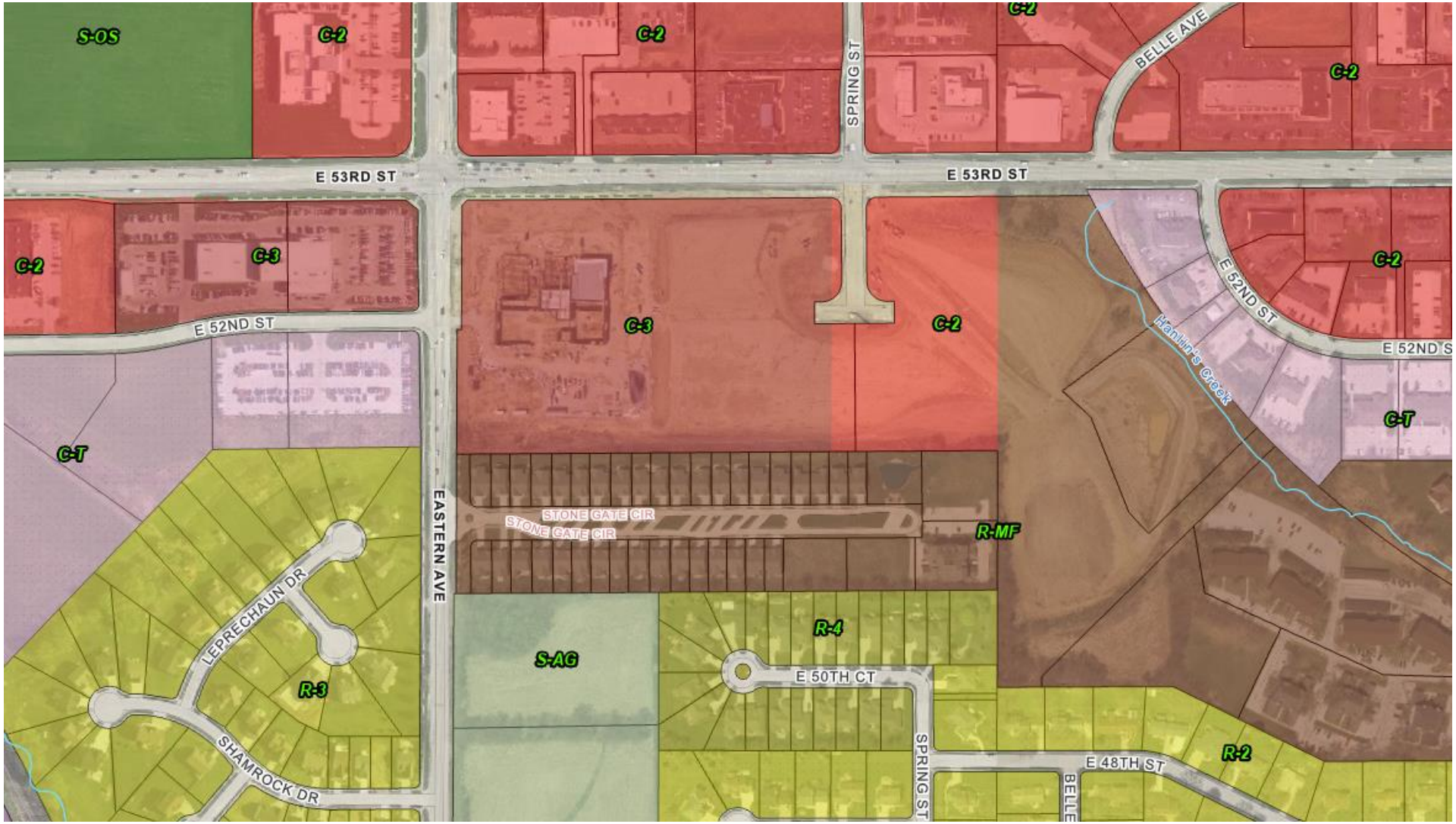
0 200 400
Feet

Vicinity Map

DAVENPORT
IOWA | USA

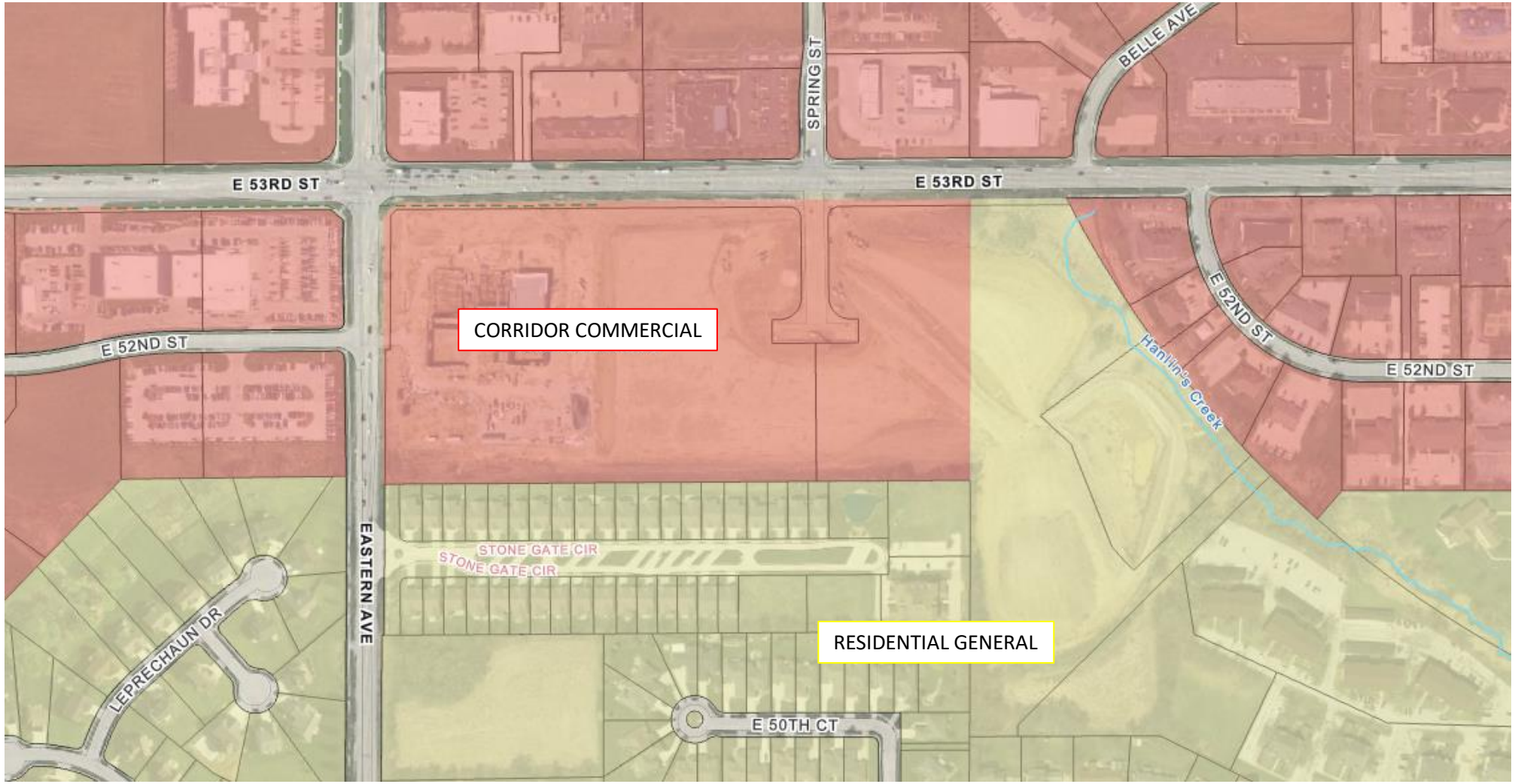
Zoning Map

DAVENPORT
IOWA | USA



Future Land Use Map

DAVENPORT
IOWA | USA



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,

Sworn and subscribed before me

this 12 day of July, 2023.

Notary Public

Driver License
[identification type]

My Commission Expires: 4/29/2025

NOTARIAL SEAL IOWA
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

My Commission Expires:

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

Driver License
[identification type]

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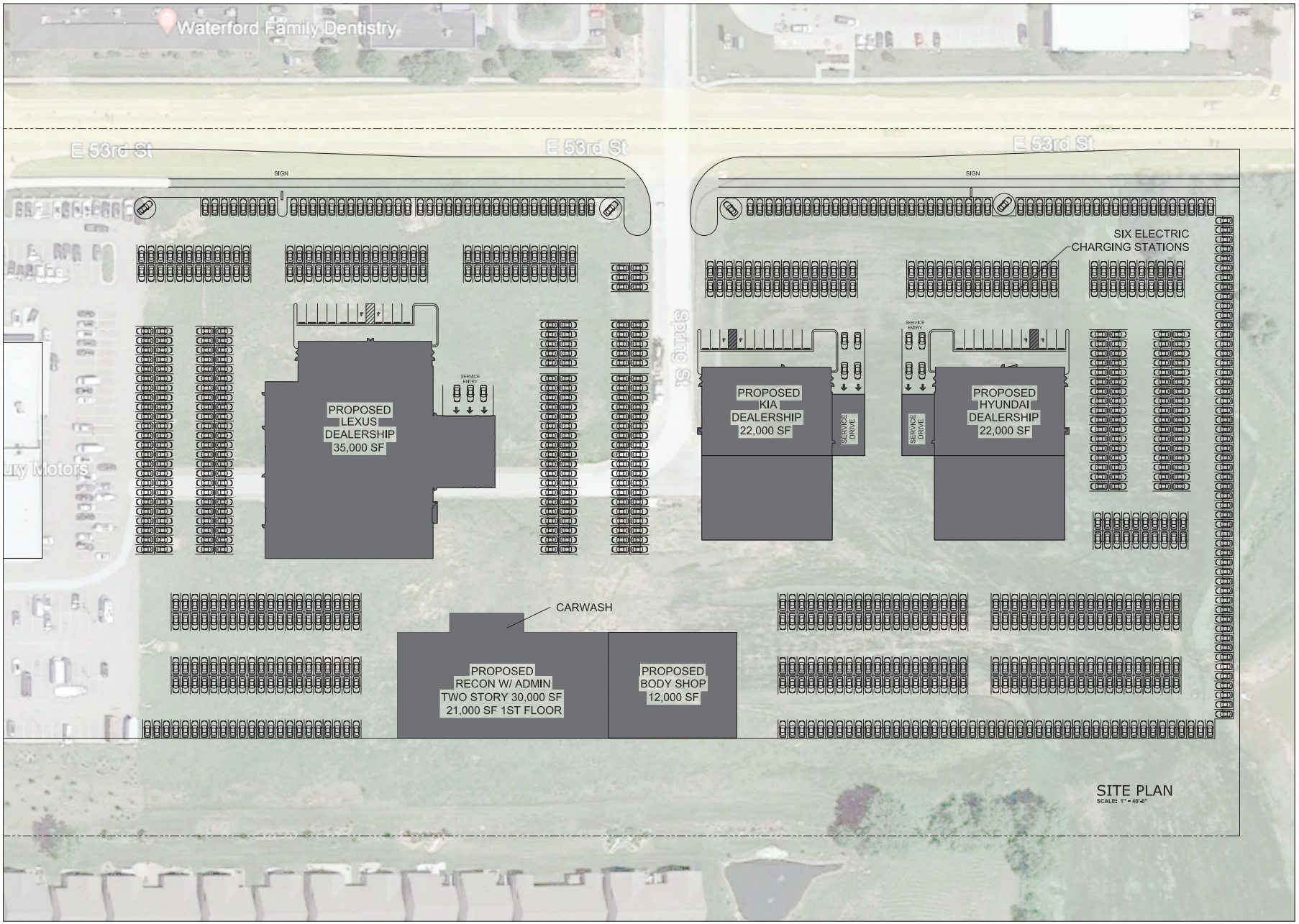
Demolition Request



CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-406
0
TEL 317-259-9038
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

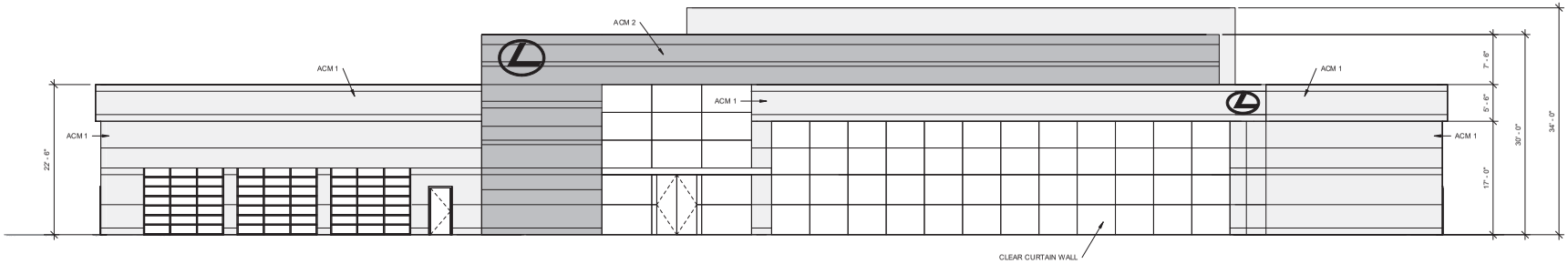
Revisions

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"

6/29/2023 3:59:53 PM

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-486
TEL 317-259-0038
FAX 317-259-0785
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Lexus

Davenport, Iowa

Project	21122
Drawn By:	KTM
Checked	KTM

Revision

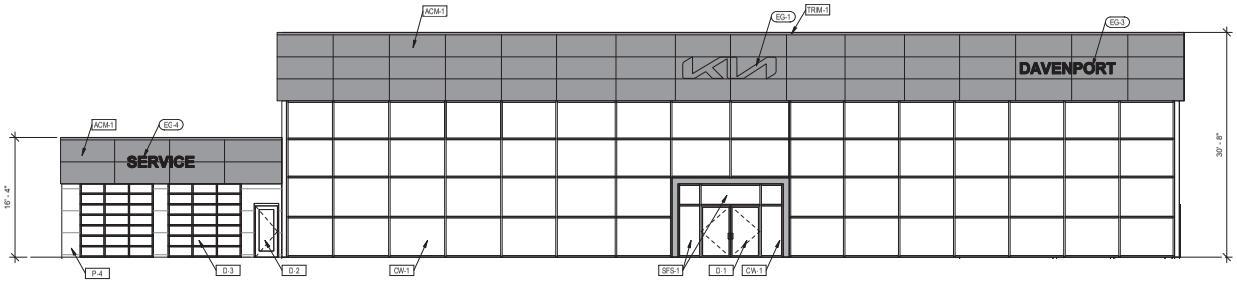
Mark	Date	Remark

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 46220-486
TEL 317-259-0038
FAX 317-259-0785
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

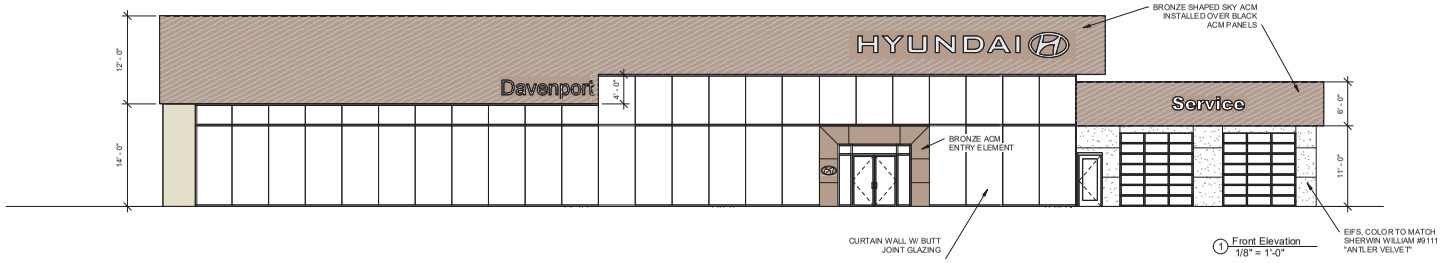
Mark	Date	Remark

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
6296 Rucker Road
Suite C
Indianapolis, IN
46220-486
TEL 317-259-4038
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.

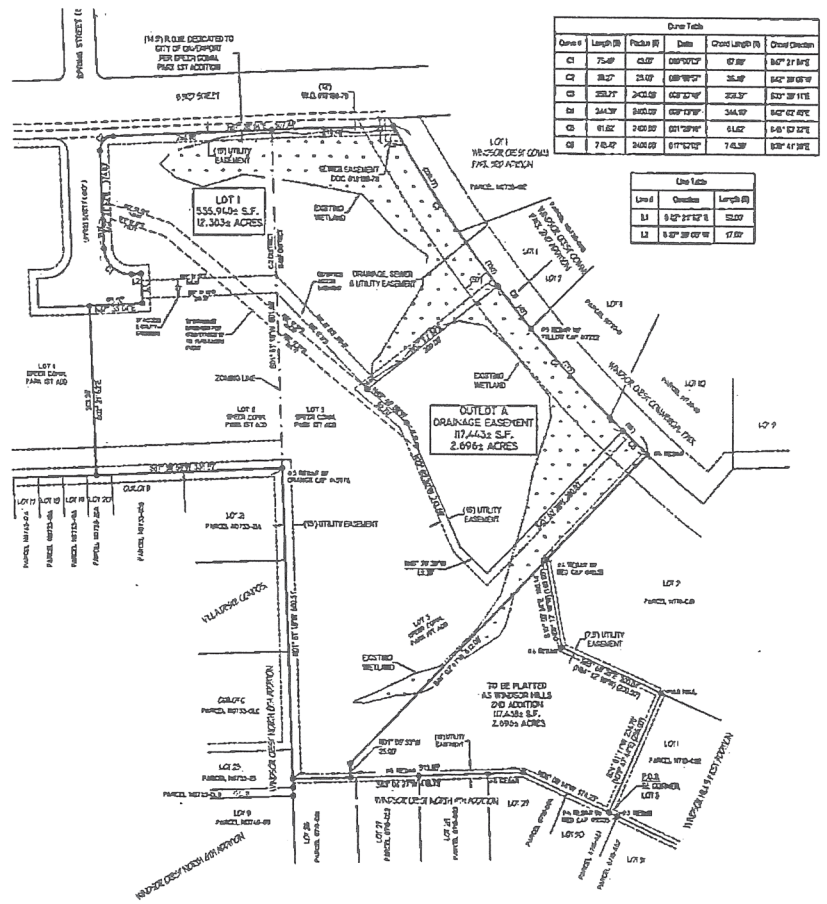
Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.

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.



Curve Table					
Curve #	Length (ft)	Radius (ft)	Delta	Chord Length (ft)	Chord Direction
C1	75.49'	43.00'	100°55'07.0"	67.88'	S 67° 31' 54"E
C2	39.27'	25.00'	089°59'57.0"	35.36'	S 42° 30' 00"W
C3	253.27'	2430.00'	006°00'00.0"	253.25'	S 01° 30' 11"E
C4	344.39'	2430.00'	008°07'09.0"	344.10'	S 02° 02' 45"E
C5	61.62'	2430.00'	001°26'56.0"	61.62'	S 06° 03' 32"E
C6	7 45.42'	2430.00'	018°16'32.0"	7 45.39'	S 09° 41' 39"E

Line Table		
Line #	Direction	Length (ft)
L1	S 02° 31' 52" E	52.00'
L2	S 02° 30' 00" W	17.00'

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 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, THIS 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 are 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: _____

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

_____ DATE: 1-10-2023
MEDIACOM

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

_____ DATE: 1 10 2023
CENTURY LINK

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

_____ DATE 1 10 2023
METRONET

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 = ○
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

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

LICENSED LAND SURVEYOR
MICHAEL D. RICHMOND
22503
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 D. Richmond 12/29/2022
MICHAEL D. RICHMOND
Iowa License Number: 22503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

TOWNSEND ENGINEERING
CIVIL • DEVELOPMENT • LAND DEVELOPMENT

DATE: 9-23-21 TE PROJECT NO: EASTERN & 53RD
563 386.4236 FAX 386.4237
2224 East 12th Street, Davenport, IA 52803

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

REVISIONS:		
NO.	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

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

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.

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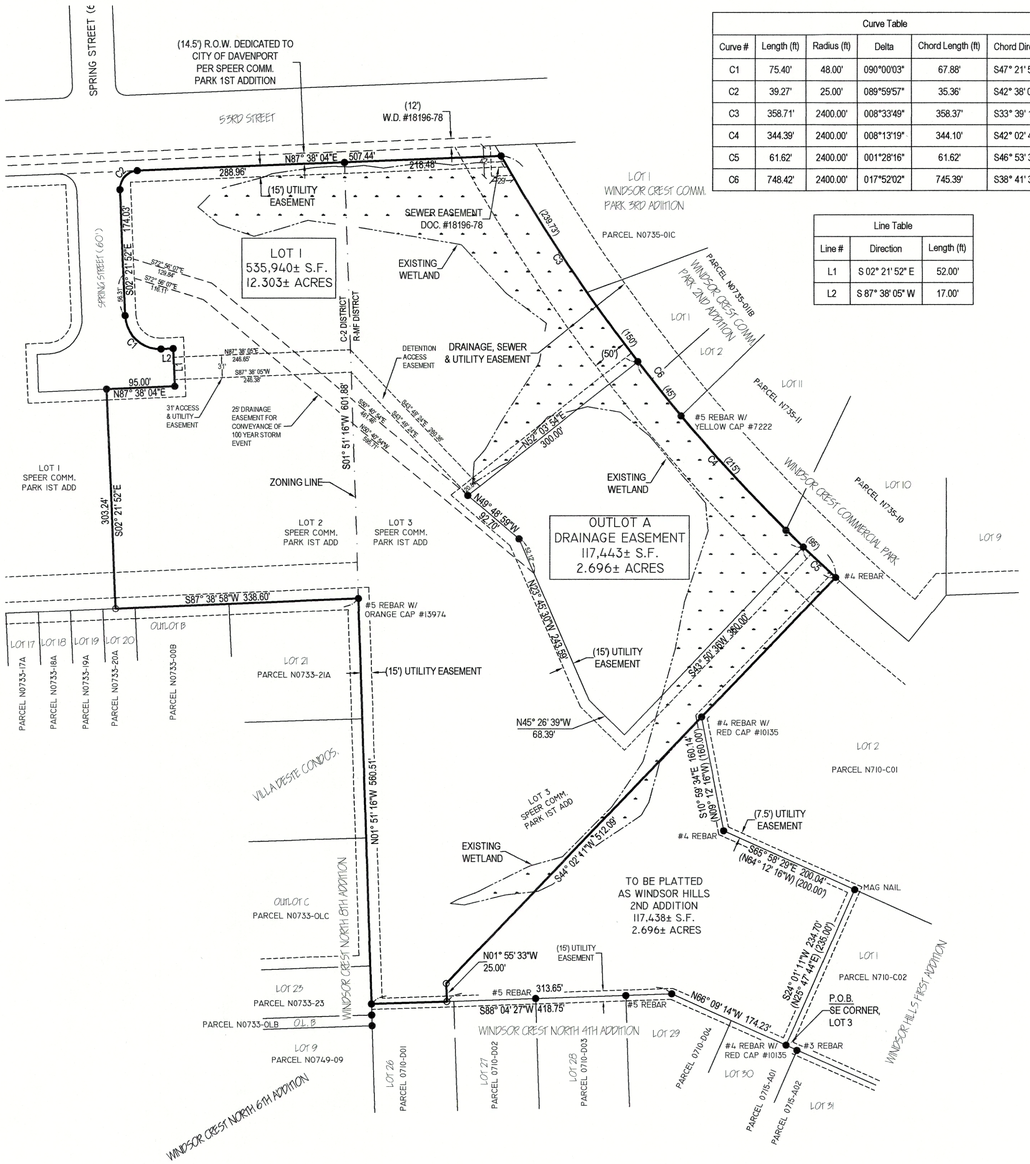

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Section 17.17.010J.

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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:
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2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236

3. Surveyor:
Michael D. Richmond
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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.

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

REVISIONS:		
NO.	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 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5 PM 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.

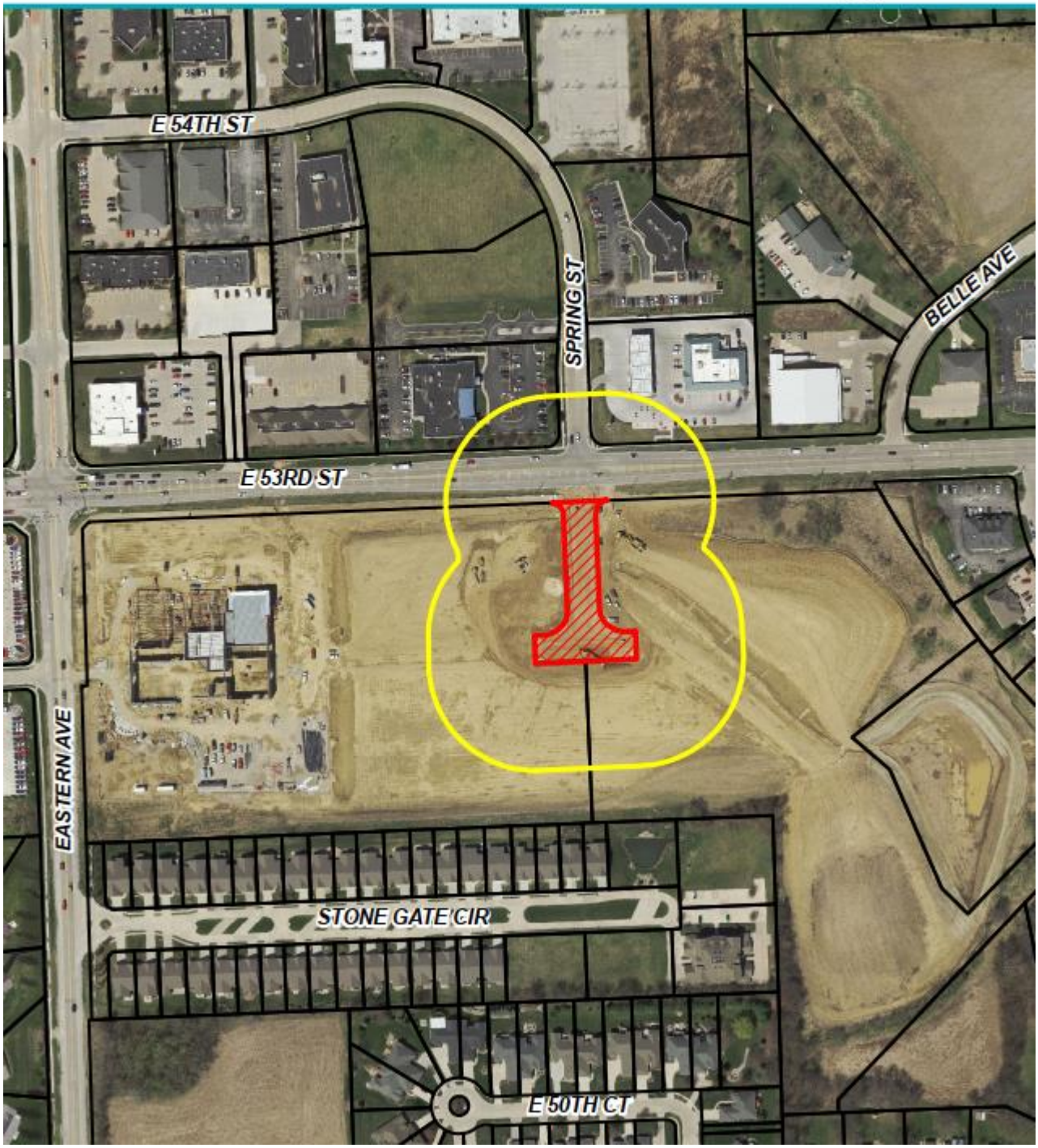
Right-Of-Way Vacation | Public Hearing Notice

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]

ROW Vacation

200' Notification Boundary

0 200 400
Feet



City of Davenport

Department: Public Works - Engineering
Contact Info: Nick Schmuecker | 563-327-5162

Action / Date
9/20/2023

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the North Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011. [Wards 1 & 2]

Recommendation:
Hold the Hearing.

Background:
The purpose of this project is to replace the North Utah Avenue Bridge over Duck Creek. The project will consist of removal and disposal of all existing bridge components and will be replaced with a new slab bridge meeting modern design requirements. Federal aid will reimburse the City 100% of the eligible construction costs up to $1,000,000 in total reimbursement. The estimated cost of the project is $1,556,144.50 and is included in CIP #21011.

Right-of-way acquisition, construction plans, and specifications have been completed and approved by the Iowa Department of Transportation (DOT). The DOT is scheduled to advertise for and receive bids in November 2023. Construction will begin following the completion of the West 46th Street Bridge over Cardinal Creek Replacement project which is scheduled for fall 2024.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/14/2023 - 4:25 PM

City of Davenport

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

Action / Date
9/20/2023

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of Brady Street and Lombard Street. [Ward 5]

Recommendation:
Hold the Hearing.

Background:
This project involves the installation of new traffic signals at the intersection of Brady Street and Lombard Street. Plans and specifications were prepared by City of Davenport staff.

The Iowa Department of Transportation will pay for 55% of the project's cost. The total cost is estimated to be $120,000 so the City's share at that price would be $54,000.

Traffic volumes are high enough to warrant signalization according to the Manual on Uniform Traffic Control Devices. The Iowa DOT has approved the permit to install signals at this intersection. The signal timing will be coordinated with the intersection of Brady at Locust.

Construction is expected to begin next spring and be completed June 2024.

ATTACHMENTS:

Type	Description
Backup Material	PH_PH_Bradt at Lombard signals_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/14/2023 - 4:25 PM

City of Davenport

NOTICE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, AND FORM OF CONTRACT FOR THE BRADY STREET AT LOMBARD STREET SIGNAL INSTALLATION PROJECT.

Notice is hereby given that at 5:30 p.m. prevailing time on September 20, 2023, in the City Council Chambers, City Hall, Davenport, Iowa, there will be conducted a hearing on the plans, specifications, and form of contract which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa for the installation of traffic signals at the intersection of Brady Street and Lombard Street.

At said hearing, any interested person may file written objection or comment with respect to the plans, specifications, form of contract, or cost of or necessity for such improvement, and may be heard orally with respect thereto.

Brian Krup
Deputy City Clerk
PO: 2402479

City of Davenport

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

Action / Date
9/20/2023

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of East 90th Street at the main entrance to John Deere. [Ward 8]

Recommendation:
Hold the Hearing.

Background:
This project involves the installation of new traffic signals at the intersection of East 90th Street at the main entrance of John Deere. Plans and specifications were prepared by City of Davenport staff.

John Deere will pay the City for the entire cost of the signals, which are budgeted at $200,000. After bids are received, John Deere will have the option to proceed or cancel the project based on the actual cost.

Traffic volumes during the peak exit hour are high enough to warrant signalization according to the Manual on Uniform Traffic Control Devices.

Construction is expected to begin next spring and be completed June 2024.

ATTACHMENTS:

	Type	Description
	Backup Material	PW_PH_John Deere signals_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/14/2023 - 4:26 PM

City of Davenport

NOTICE OF PUBLIC HEARING ON PLANS, SPECIFICATIONS, AND FORM OF CONTRACT FOR THE E 90TH STREET AT JOHN DEERE SIGNAL INSTALLATION PROJECT.

Notice is hereby given that at 5:30 p.m. prevailing time on September 20, 2023, in the City Council Chambers, City Hall, Davenport, Iowa, there will be conducted a hearing on the plans, specifications, and form of contract which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa for the installation of traffic signals at E. 90th St at John Deere's main entrance.

At said hearing, any interested person may file written objection or comment with respect to the plans, specifications, form of contract, or cost of or necessity for such improvement, and may be heard orally with respect thereto.

Brian Krup
Deputy City Clerk
PO: 2402478

City of Davenport

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

Action / Date
9/20/2023

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Black Hawk Creek and Walnut Creek Berm Restoration Phase II project, CIP #68015. [Ward 1]

Recommendation:
Hold the Hearing.

Background:
The project is for the second phase of the restoration of the berm systems located in the Garden Addition. Work within these limits will include, but is not limited to, clearing; grubbing; grading; and tree, root ball, and stump removal. Depending on findings, an additional phase may occur for the removal of large-scale stumps and rootballs that would require more specialized work. The full project is estimated at $235,000.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/14/2023 - 4:26 PM

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **9/27/2023**

Subject:
First 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
City Clerk	Berkley, Laura	Approved	9/14/2023 - 4:27 PM

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.

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:

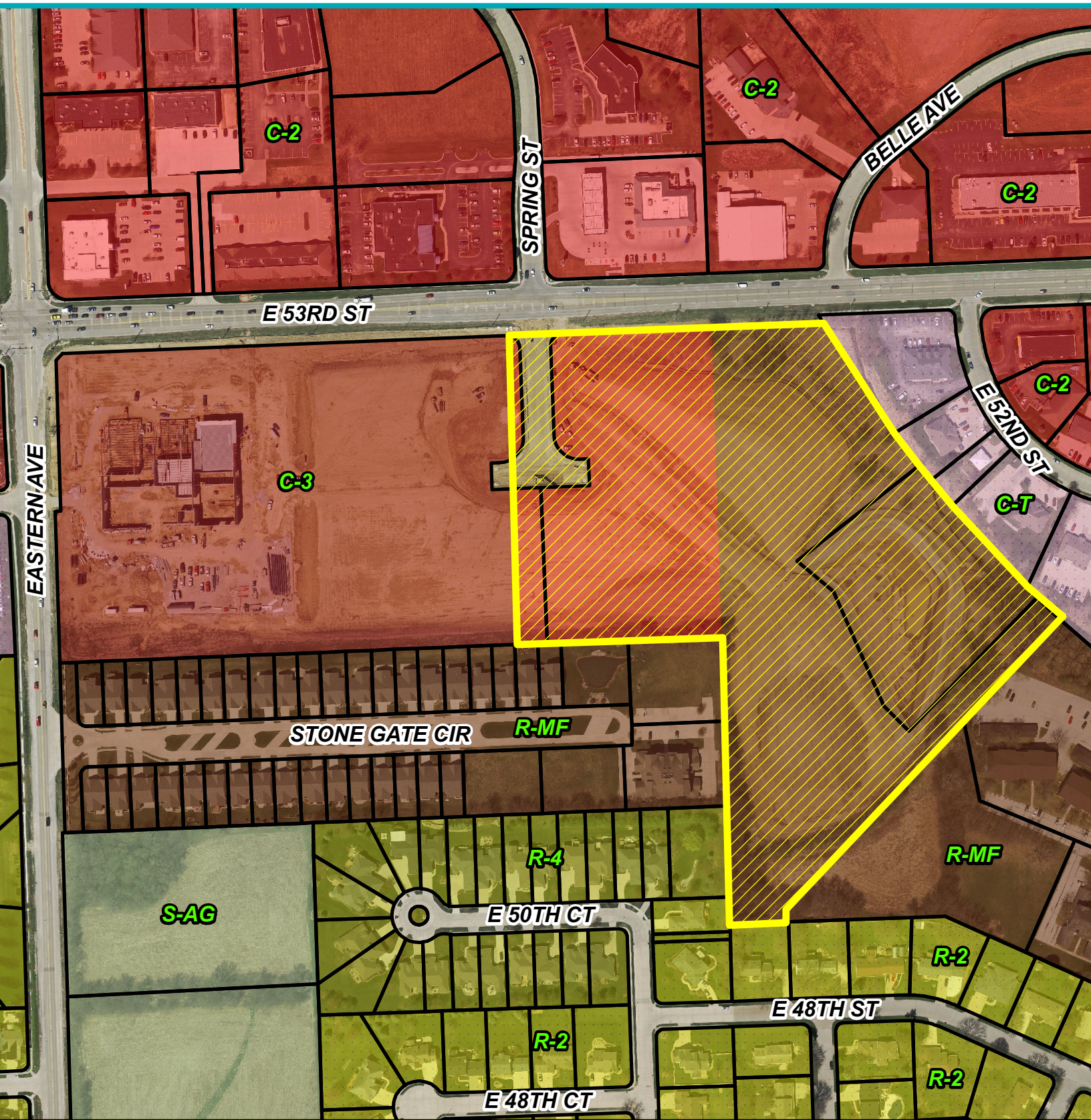
1. A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
2. A buffer yard shall be established commensurate with the depth of the established buffer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

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]

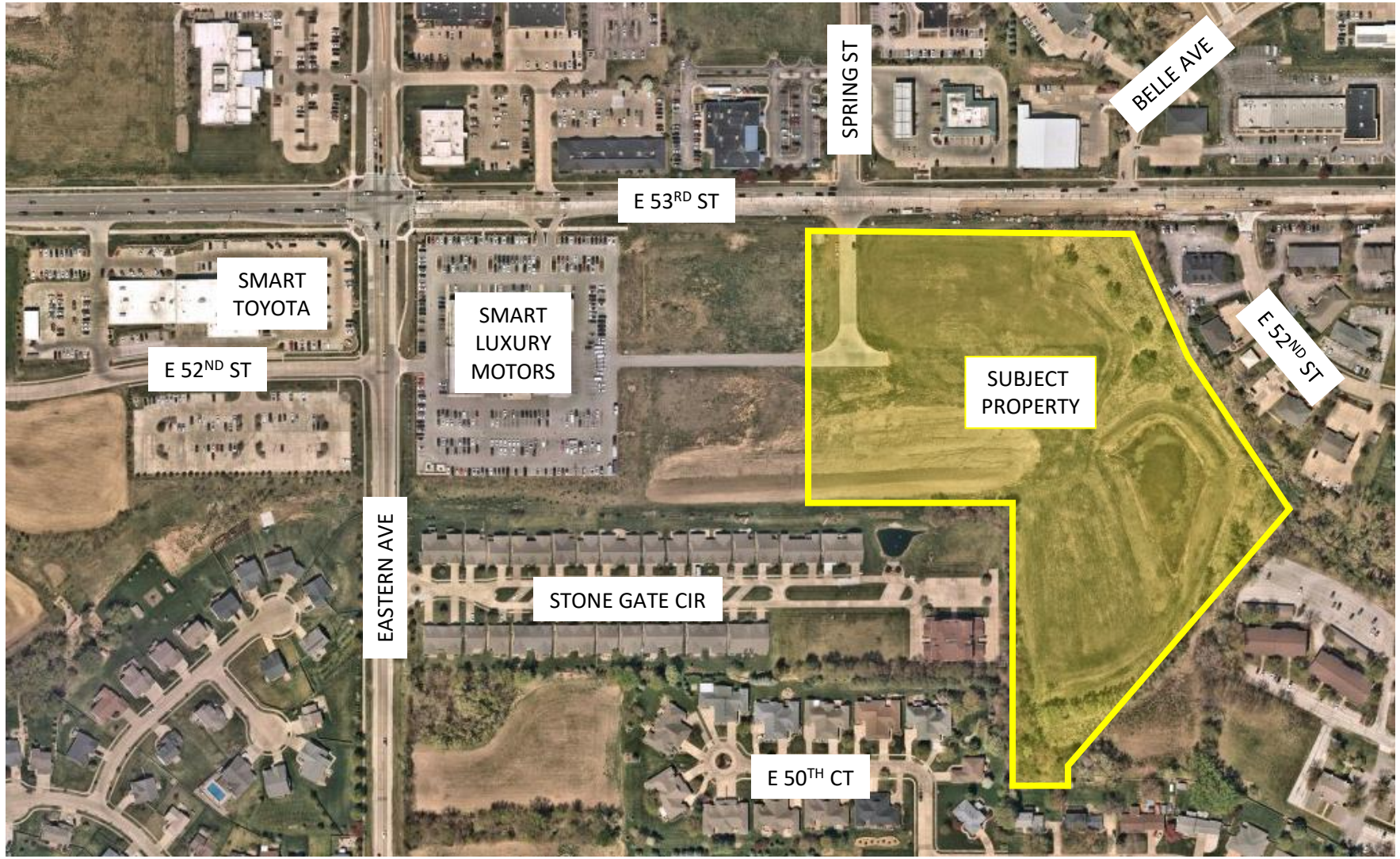
Subject Property

0 250 500
Feet



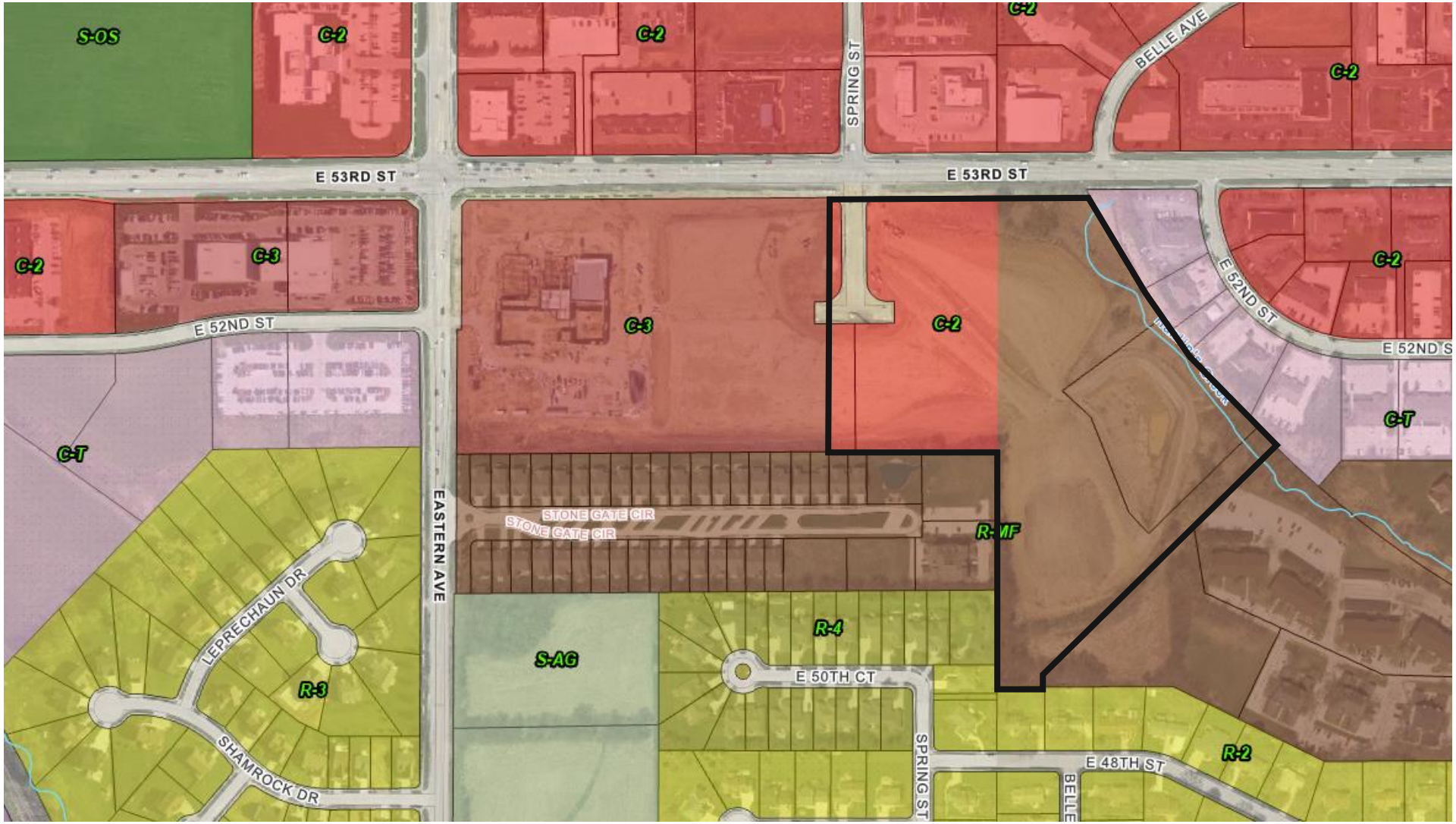
Vicinity Map

DAVENPORT
IOWA | USA



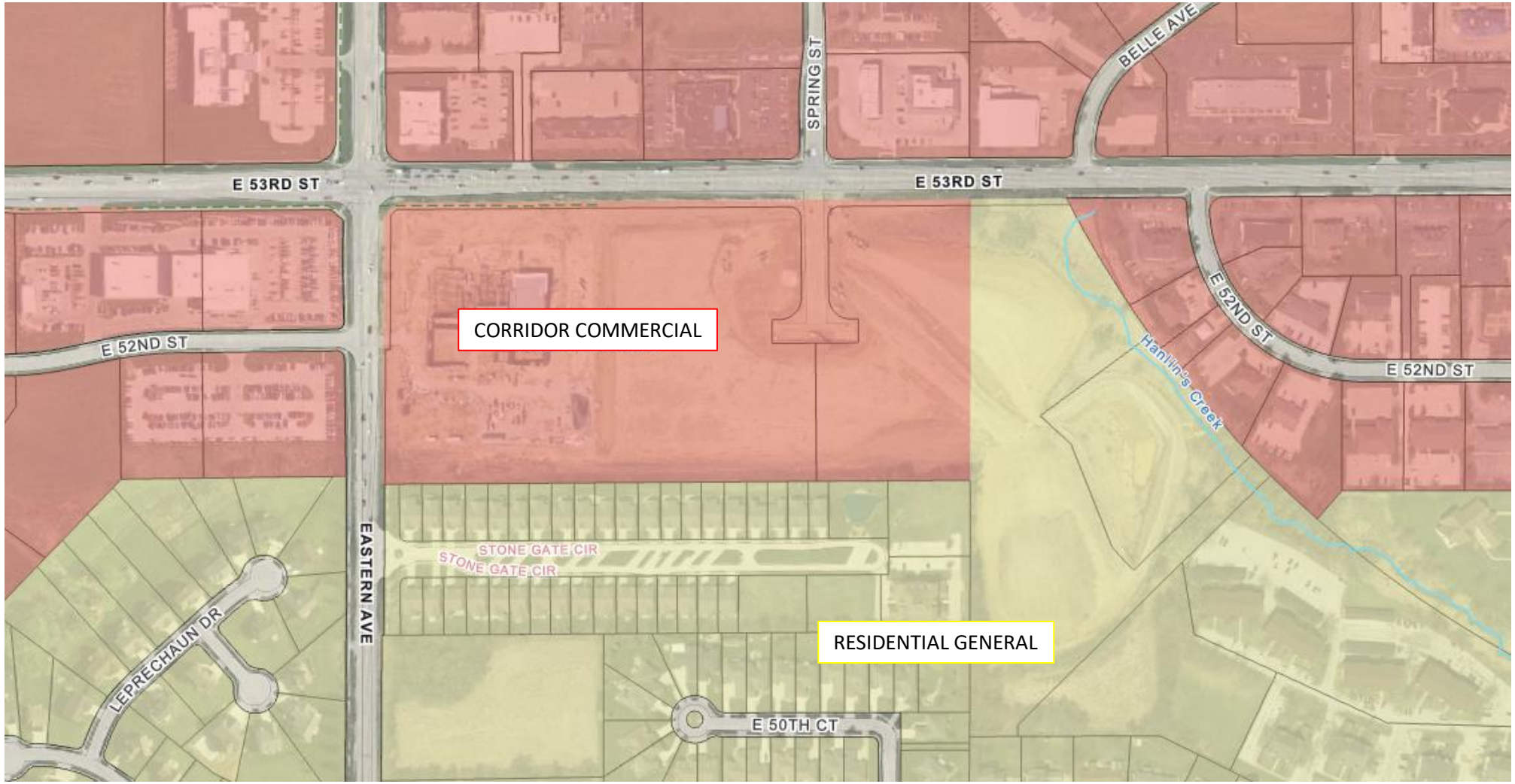
Zoning Map

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

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICT	EXISTING	PROPOSED	SQ. AREA

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.

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

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

***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

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[as property owner(s)]

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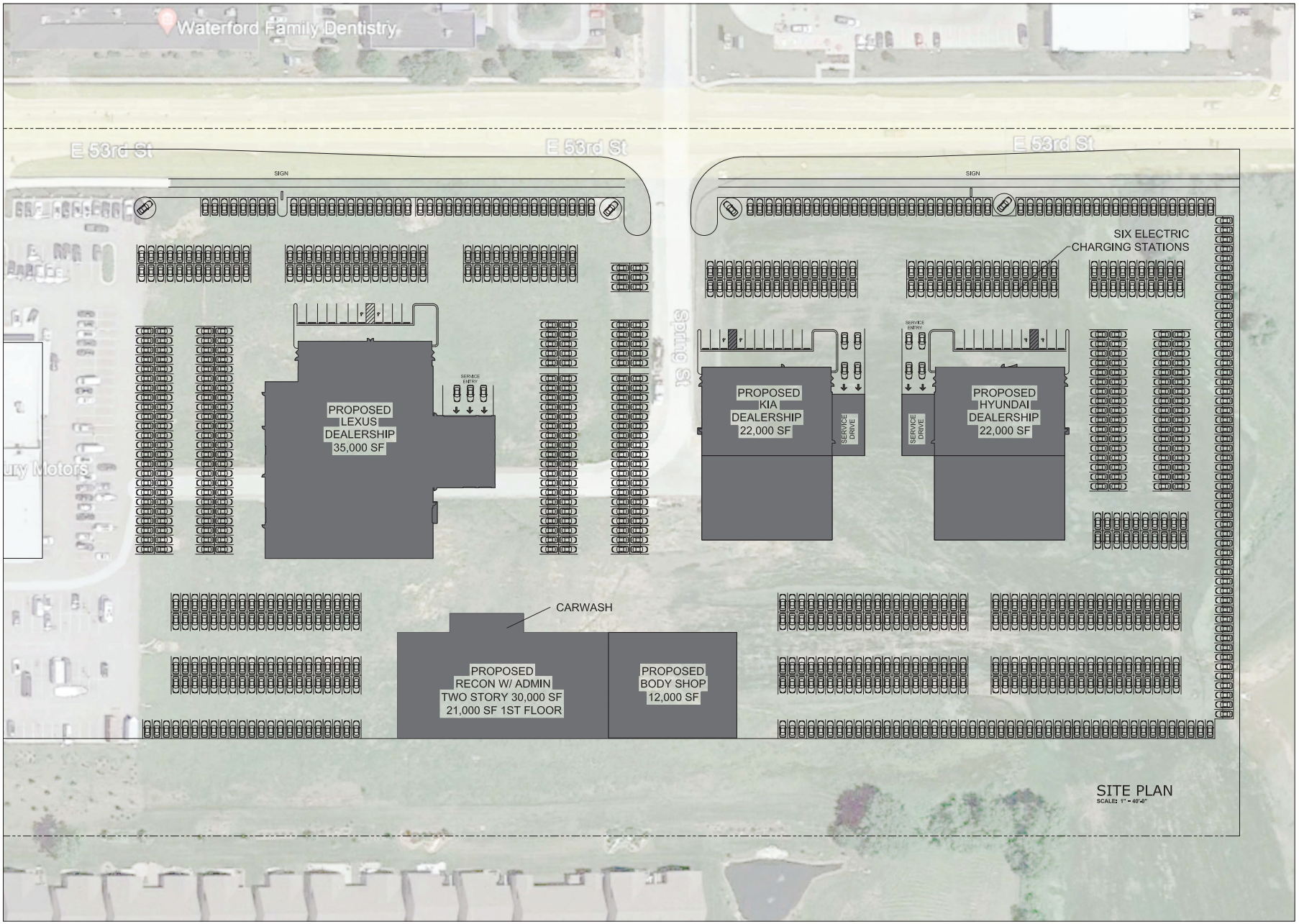
Landmark Nomination
Demolition Request



CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-406
0
TEL 317-259-9038
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

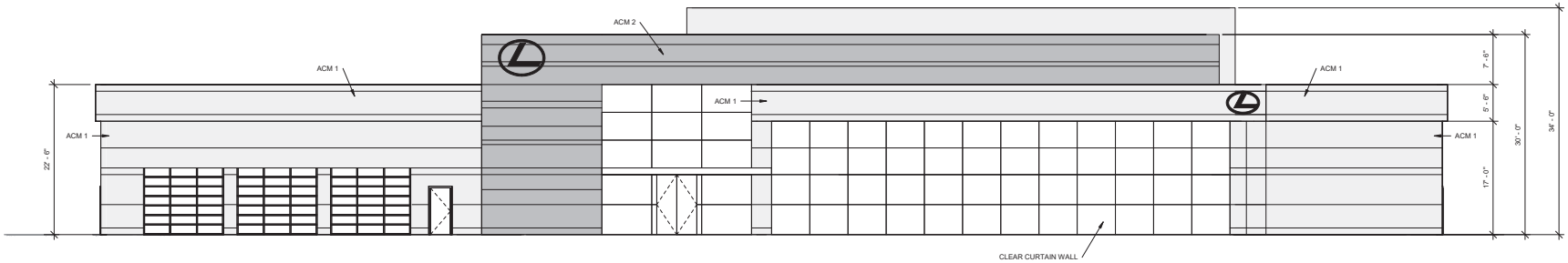
Revisions

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"

6/29/2023 3:59:53 PM

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6266 Becker Road
Suite C
Indianapolis, IN
46220-1406
TEL 317-259-0038
FAX 317-259-0785
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Lexus

Davenport, Iowa

Project	21122
Drawn By:	KTM
Checked	KTM

Revision

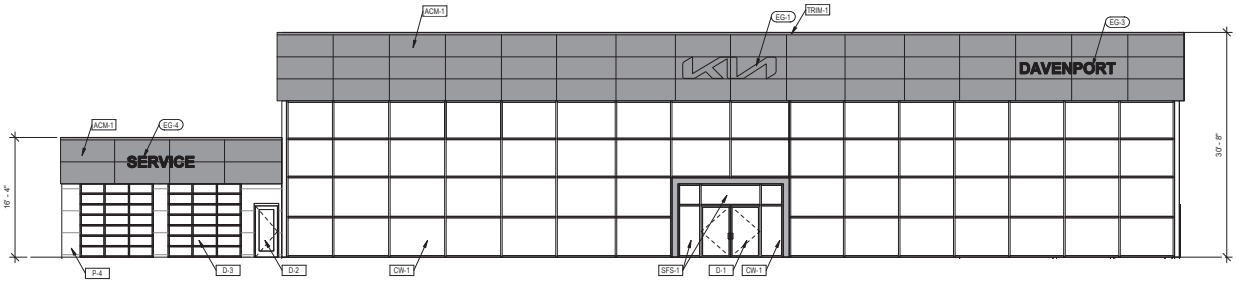
Mark	Date	Remark

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 Becker Road
Suite C
Indianapolis, IN
46220-4486
TEL 317-259-0038
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

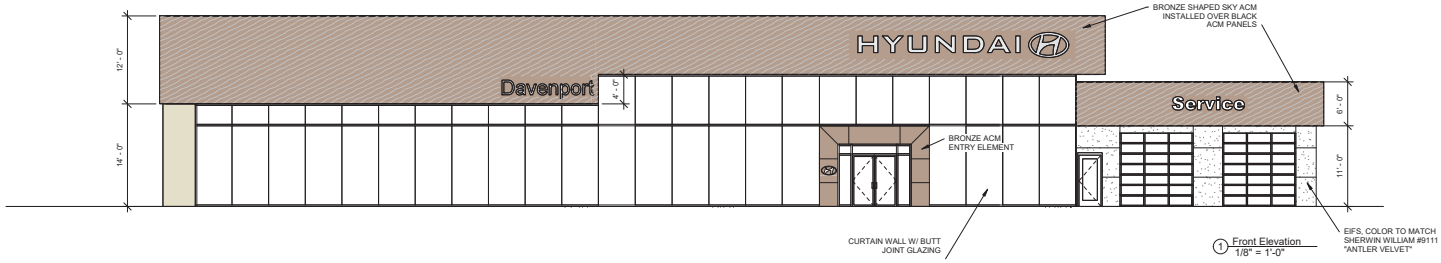
Mark	Date	Remark

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
6296 Becker Road
Suite C
Indianapolis, IN
46220-1406
TEL 317-259-0038
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.

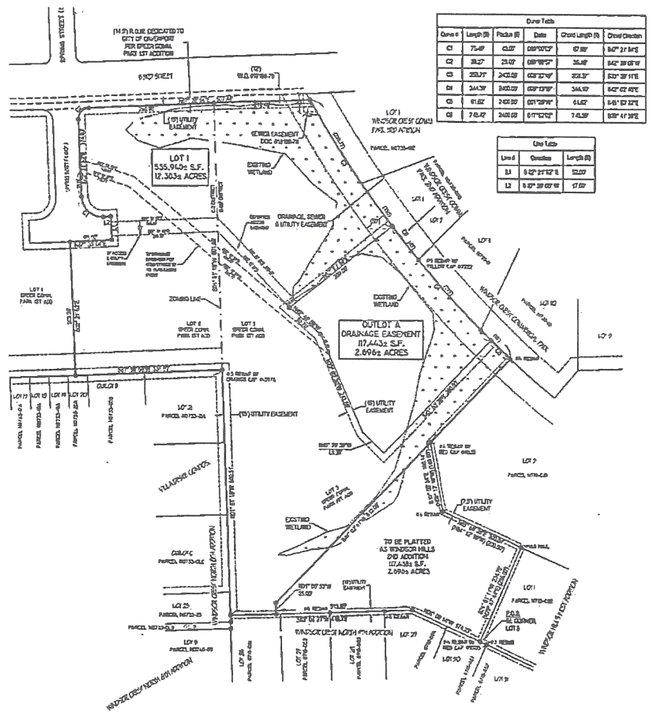
Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.

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.



Curve Table					
Curve #	Length (ft)	Radius (ft)	Delta	Chord Length (ft)	Chord Direction
C1	75.49'	43.00'	100°55'07.0"	67.88'	S 67° 31' 54"E
C2	39.27'	25.00'	089°59'57.0"	35.36'	S 42° 30' 00"W
C3	253.27'	2430.00'	006°00'00.0"	253.25'	S 01° 30' 11"E
C4	344.39'	2430.00'	008°07'09.0"	344.10'	S 02° 02' 45"E
C5	61.62'	2430.00'	001°26'56.0"	61.62'	S 06° 03' 32"E
C6	7 45.42'	2430.00'	018°16'32.0"	7 45.39'	S 09° 41' 39"E

Line Table		
Line #	Direction	Length (ft)
L1	S 02° 31' 52" E	52.00'
L2	S 02° 30' 00" W	17.00'

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 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.
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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, THIS 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 are 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: _____

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

_____ DATE: 1-10-2023
MEDIACOM

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

_____ DATE: 1 10 2023
CENTURY LINK

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

_____ DATE 1 10 2023
METRONET

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 = ○
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

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

LICENSED LAND SURVEYOR
MICHAEL D. RICHMOND
22503
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 D. Richmond 12/29/2022
MICHAEL D. RICHMOND
Iowa License Number: 22503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

TOWNSEND ENGINEERING
CIVIL • DEVELOPMENT • LAND DEVELOPMENT

DATE: 9-23-21 TE PROJECT NO: EASTERN & 53RD
563 386.4236 FAX 386.4237
2224 East 12th Street, Davenport, IA 52803

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

REVISIONS:		
NO.	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

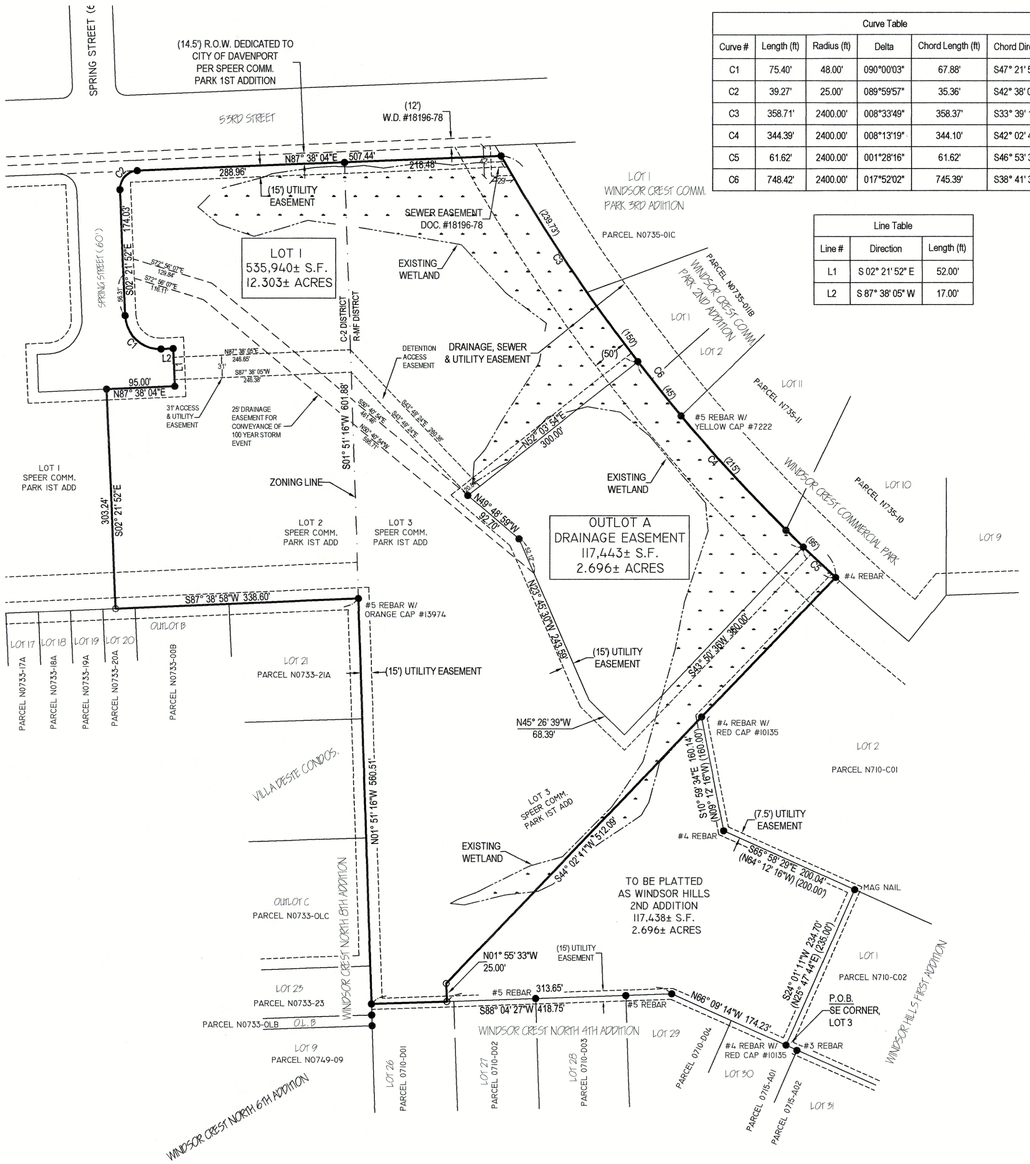
Doc ID: 023406030010 Type: PLA
Recorded: 01/27/2023 at 10:37:39 AM
Fee Amt: $52.00 Page 1 of 10
Scott County Iowa
Rita A. Vargas Recorder
File 2023-00001524

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.



Curve Table					
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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.

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

REVISIONS:		
NO.	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
Eastern Ave
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

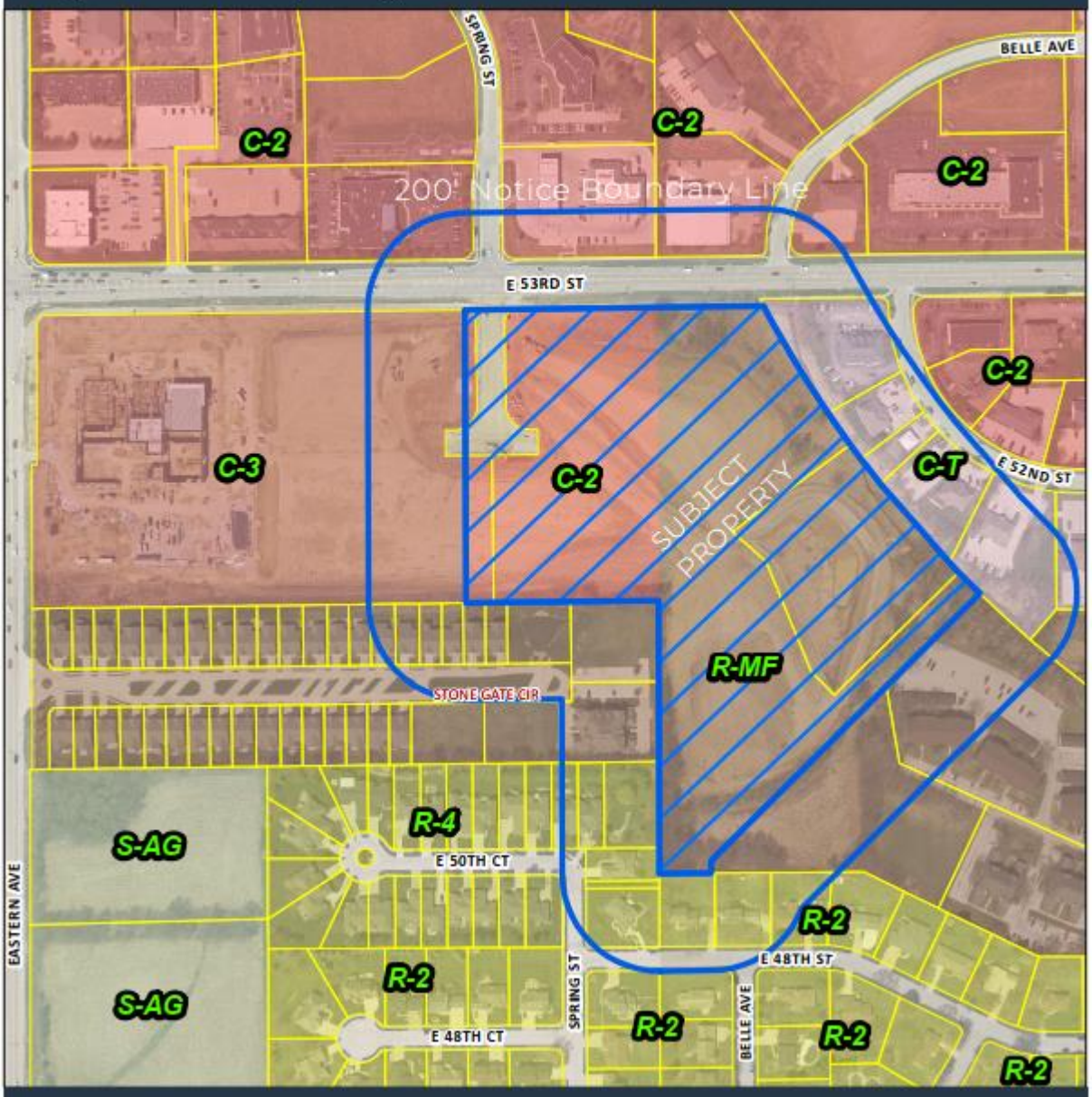
Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

THE CITY OF DAVENPORT
IOWA | USA

P&Z Notice

CASE#: REZ23-03

Adjacent Property Owner Notice Area



0 100 200 400 600 800 Feet

Rezone from C-2 and R-MF to C-3

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 <u>rezoning the whole parcel</u> 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 <u>development of the southern portion</u> 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. <u>Stormwater runoff</u> 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 <u>drainage from the Stone Gate Cir.</u> 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 <u>lighting</u> 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 Hamann			1822 Stone GATE
4	Steve Hamann			" " "
5	Bob Ingham	BINGHAMSSC GMAIL		
6	Guy Moss	gmoss47@hotmail.com		1871 Stone Gate Cir Unit 10
7	Carla Osborn	cmmosborne gmail.com		1820 Stone Gate Circle
8	MIKE OSBORN	OSBORNMCM@GMAIL.COM		" "
9				
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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 Condon			ALDERMAN AT LARGE
5				
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City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **9/20/2023**

Subject:
First 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
City Clerk	Berkley, Laura	Approved	9/14/2023 - 4:27 PM

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

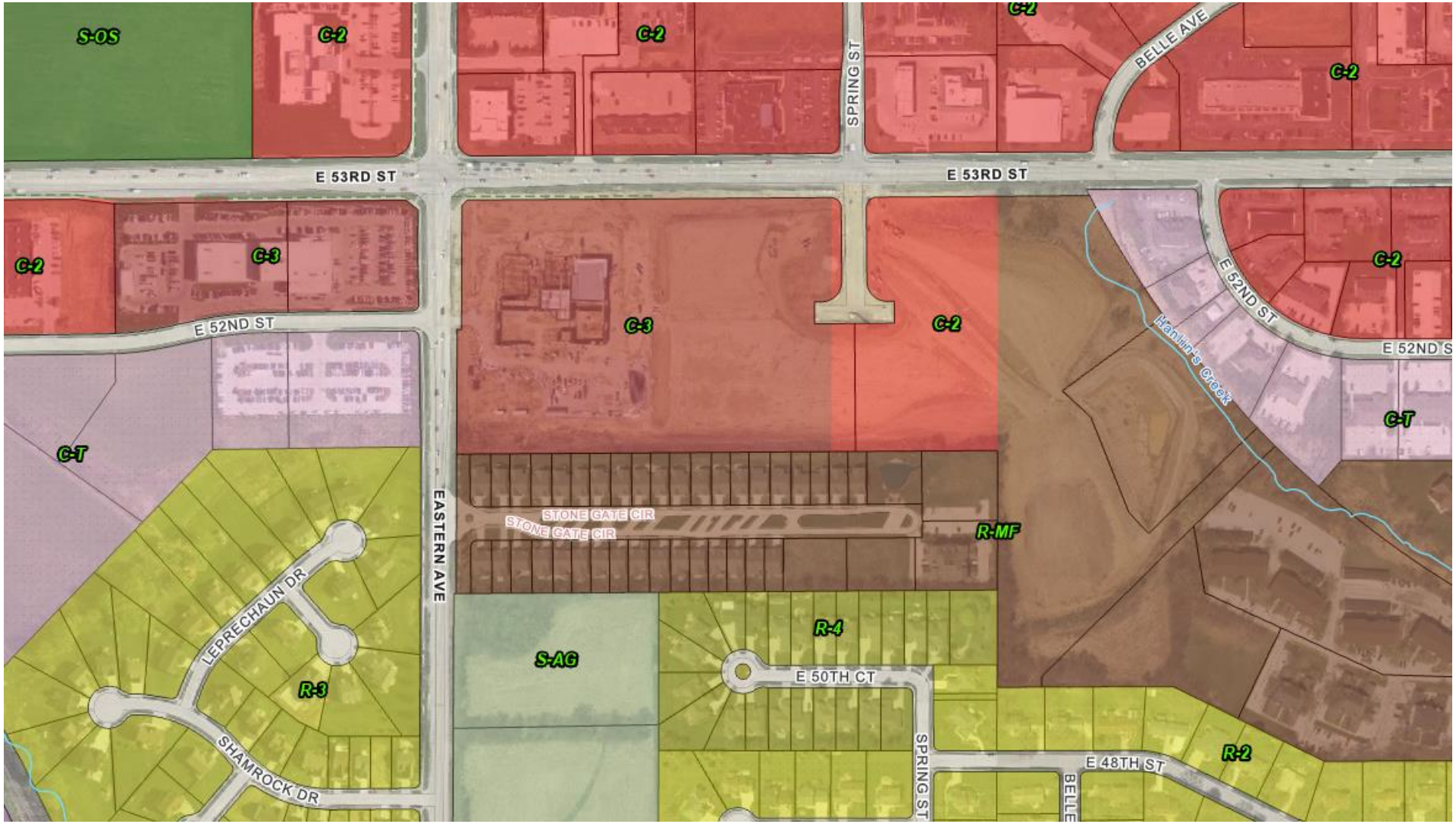
0 200 400
Feet

Vicinity Map

DAVENPORT
IOWA | USA

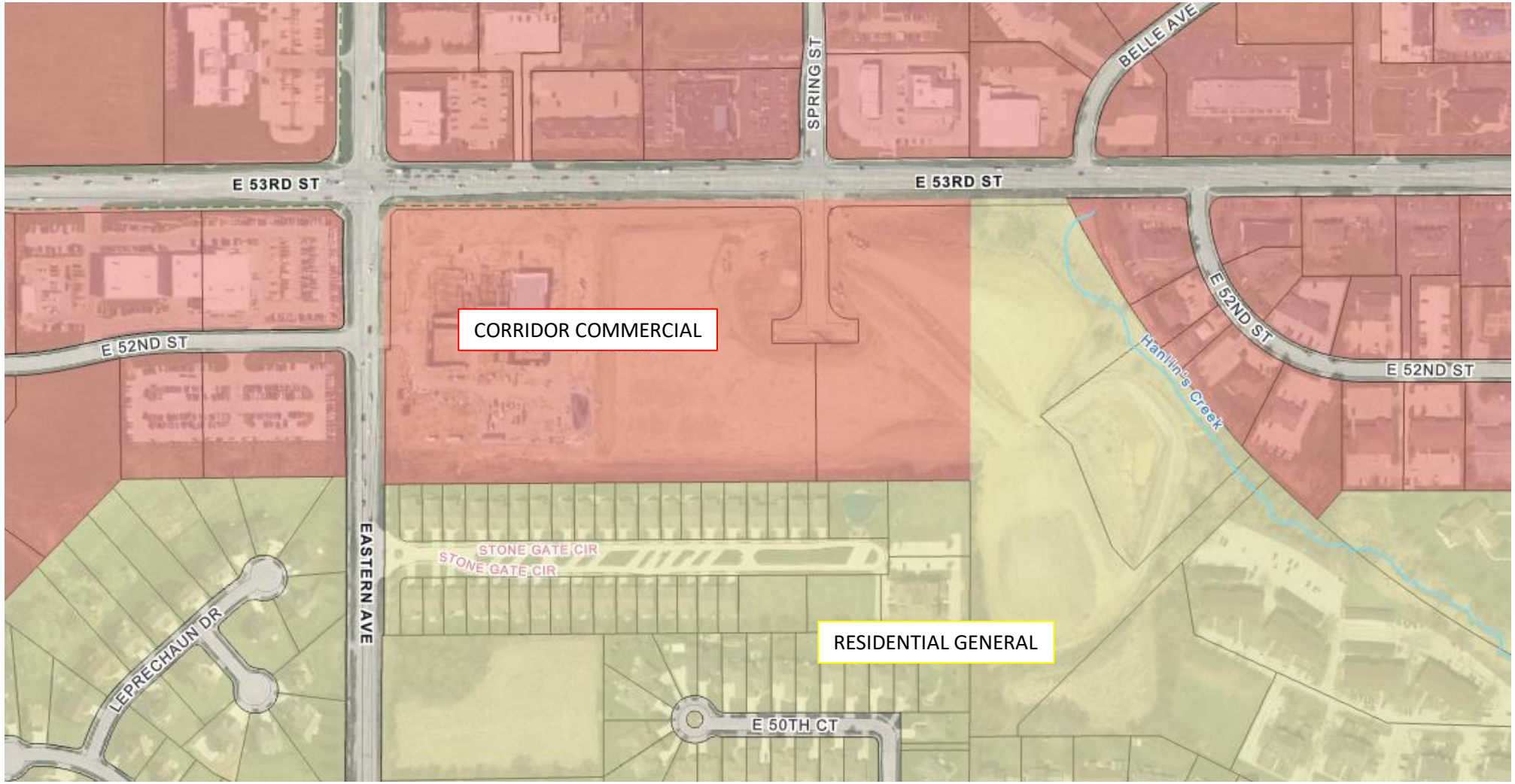
Zoning Map

DAVENPORT
IOWA | USA



Future Land Use Map

DAVENPORT
IOWA | USA



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,

Sworn and subscribed before me

this 12 day of July, 2023.

Notary Public

Driver License
[identification type]

My Commission Expires: 4/29/2025

NOTARIAL SEAL IOWA
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

My Commission Expires:

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

Driver License
[identification type]

---

* *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
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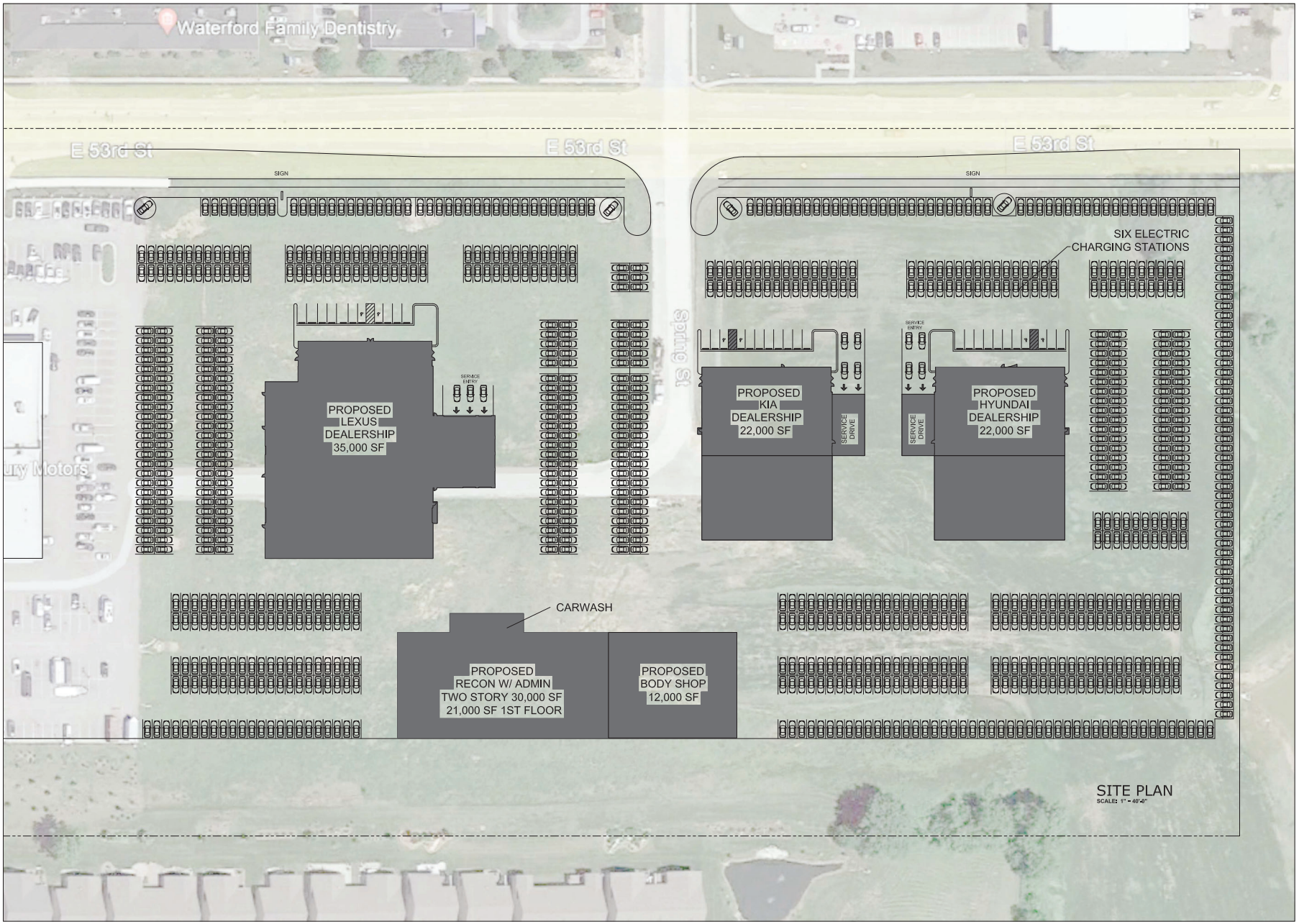


CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-406
0
TEL 317-259-9038
FAX 317-259-4783
CUSTOM FACILITIES
www.customfacilities.com

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

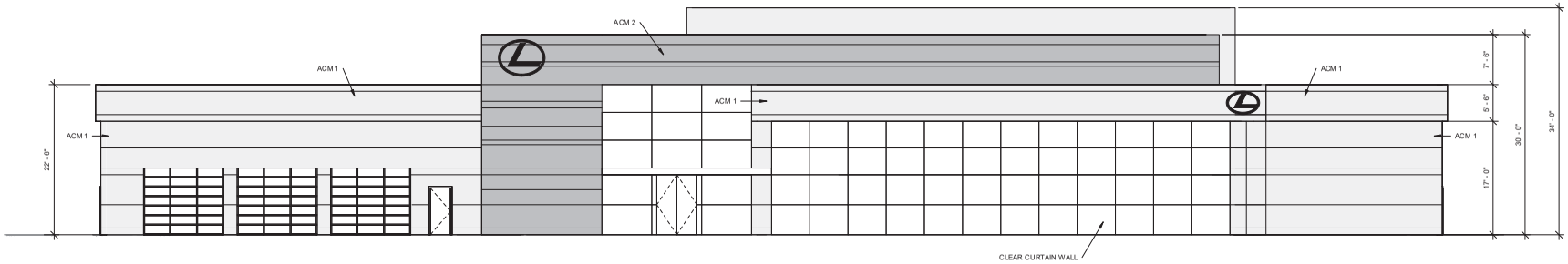
Revisions

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"

6/29/2023 3:59:53 PM

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN
46220-486
TEL 317-259-0038
FAX 317-259-0785
CUSTOM FACILITIES
www.customfacilities.com

Client Project Information

Lexus

Davenport, Iowa

Project	21122
Drawn By:	KTM
Checked	KTM

Revision

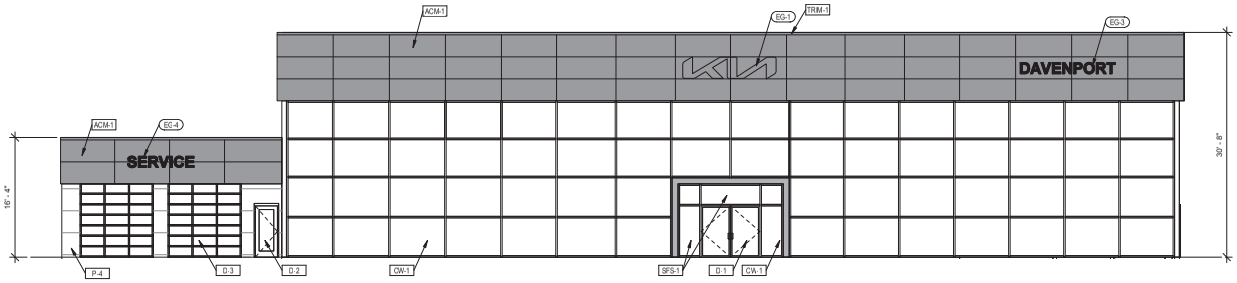
Mark	Date	Remark

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 46220-486
TEL 317-259-0038
FAX 317-259-0785
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

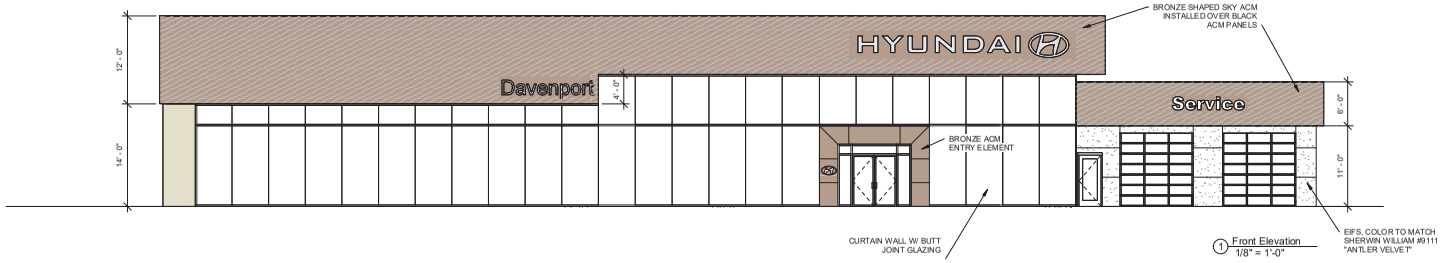
Mark	Date	Remark

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
6296 Rucker Road
Suite C
Indianapolis, IN
46220-486
TEL 317-259-4038
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.

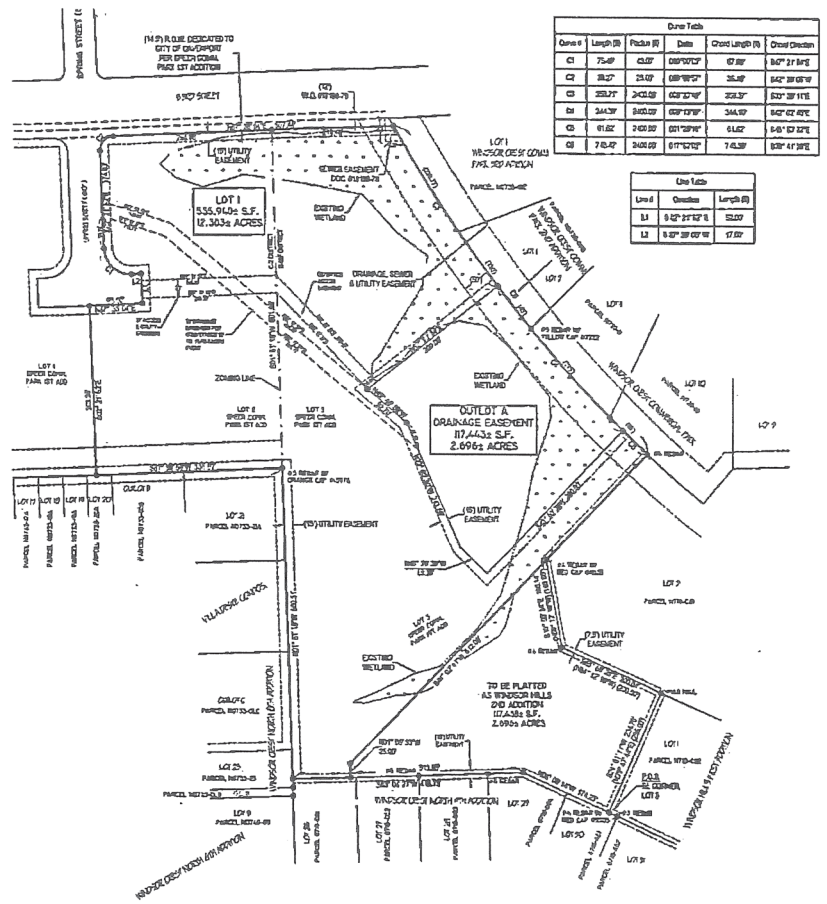
Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.

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.



Curve Table					
Curve #	Length (ft)	Radius (ft)	Delta	Chord Length (ft)	Chord Direction
C1	75.49'	43.00'	100°55'07.0"	67.88'	S 67° 31' 54"E
C2	39.27'	25.00'	089°59'57.0"	35.36'	S 42° 30' 00"W
C3	253.27'	2430.00'	006°00'00.0"	253.25'	S 01° 30' 11"E
C4	344.39'	2430.00'	008°07'09.0"	344.10'	S 02° 02' 45"E
C5	61.62'	2430.00'	001°26'56.0"	61.62'	S 06° 03' 32"E
C6	7 45.42'	2430.00'	018°16'32.0"	7 45.39'	S 09° 41' 39"E

Line Table		
Line #	Direction	Length (ft)
L1	S 02° 31' 52" E	52.00'
L2	S 02° 30' 00" W	17.00'

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 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, THIS 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 are 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: _____

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

_____ DATE: 1-10-2023
MEDIACOM

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

_____ DATE: 1 10 2023
CENTURY LINK

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

_____ DATE 1 10 2023
METRONET

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 = ○
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

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

LICENSED LAND SURVEYOR
MICHAEL D. RICHMOND
22503
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 D. Richmond 12/29/2022
MICHAEL D. RICHMOND
Iowa License Number: 22503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

TOWNSEND ENGINEERING
CIVIL • DEVELOPMENT • LAND DEVELOPMENT

DATE: 9-23-21 TE PROJECT NO: EASTERN & 53RD
563 386.4236 FAX 386.4237
2224 East 12th Street, Davenport, IA 52803

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

REVISIONS:		
NO.	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

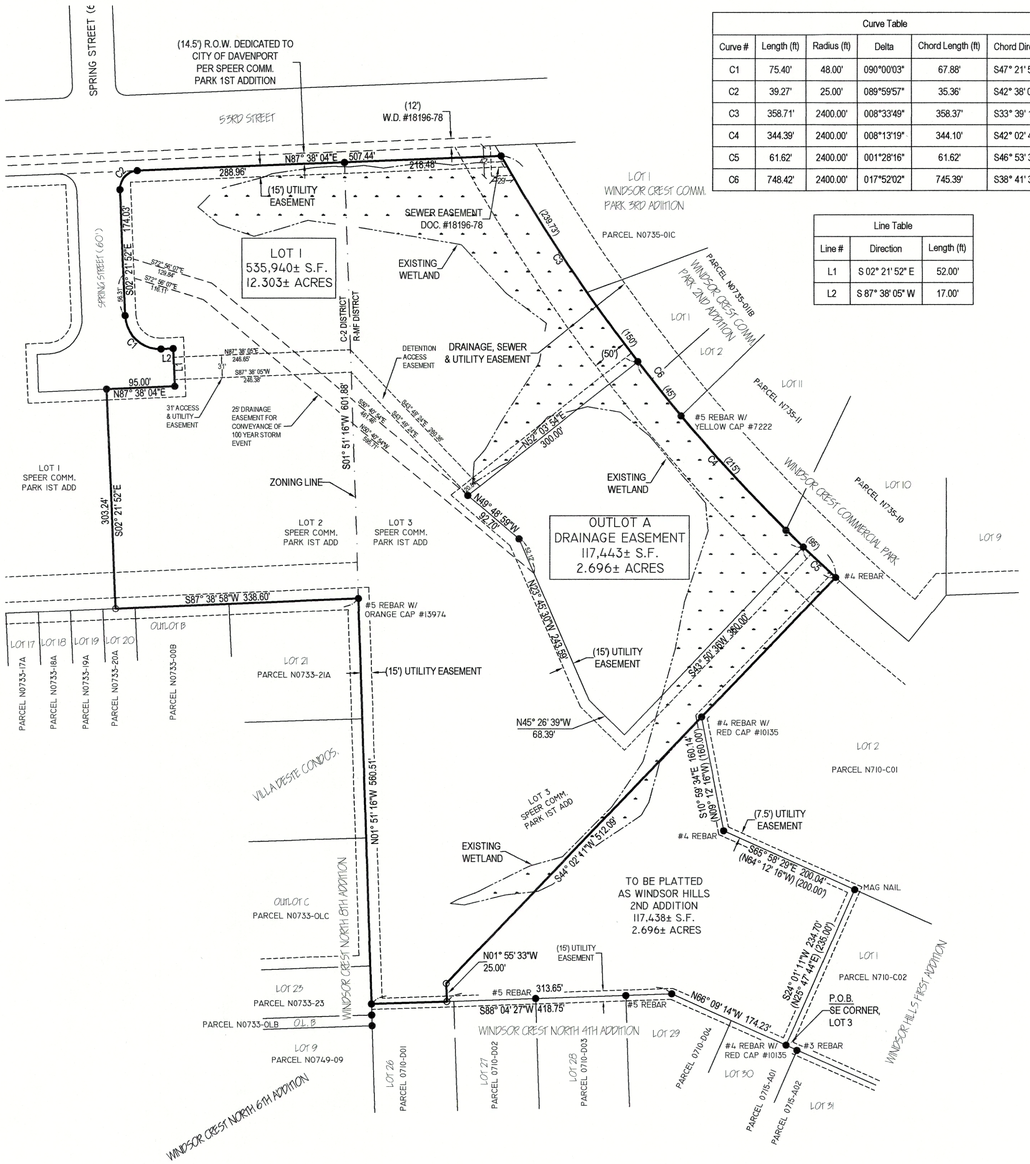
Doc ID: 023406030010 Type: PLA
Recorded: 01/27/2023 at 10:37:39 AM
Fee Amt: $52.00 Page 1 of 10
Scott County Iowa
Rita A. Vargas Recorder
File 2023-00001524

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.



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'

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.

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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.

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

REVISIONS:		
NO.	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 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5 PM 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.

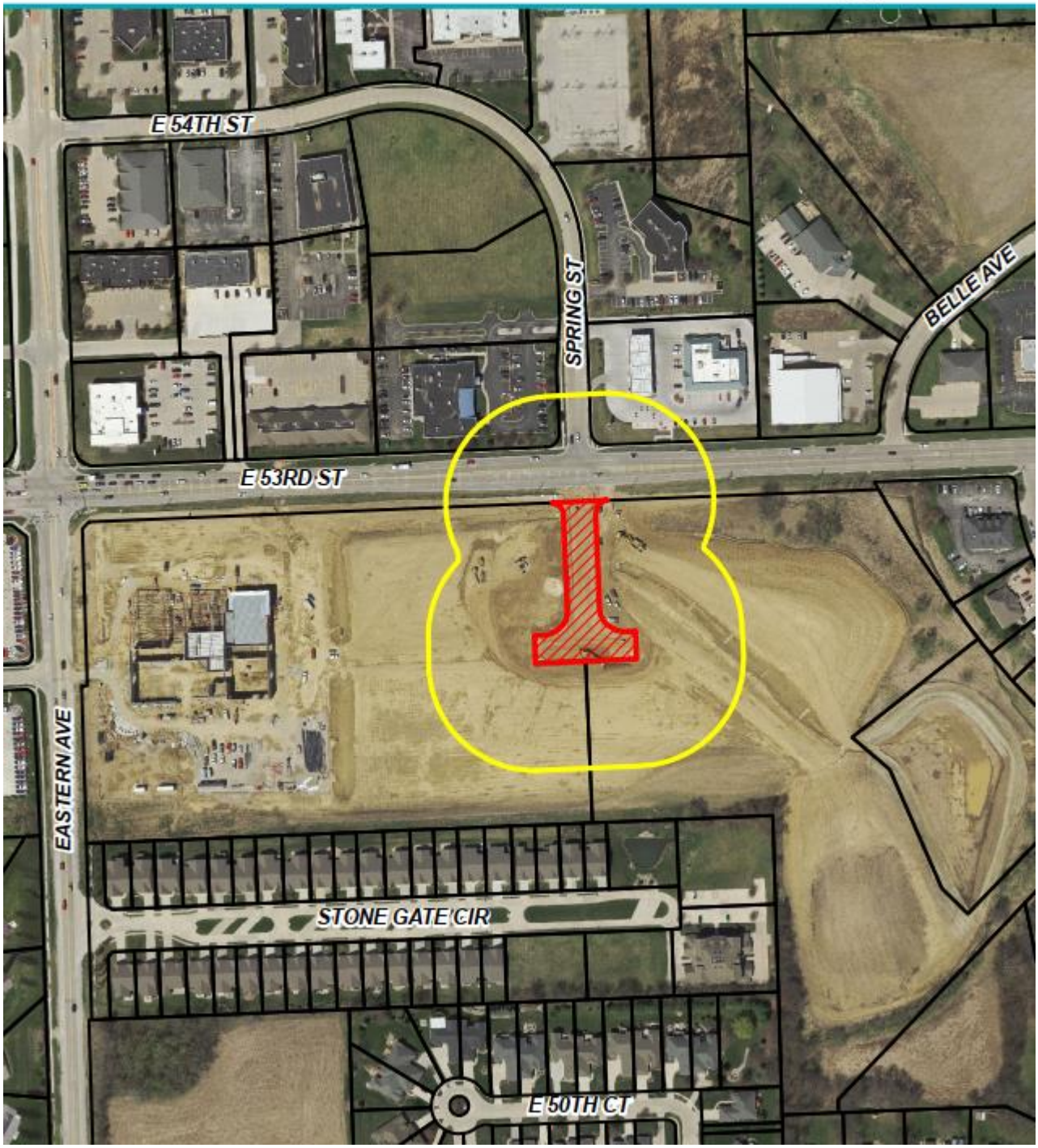
Right-Of-Way Vacation | Public Hearing Notice

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]

ROW Vacation

200' Notification Boundary

0 200 400
Feet



City of Davenport

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

Action / Date
9/27/2023

Subject:
Third Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 11th Street along the south side from Prospect Terrace to Judson Street thereto. [Ward 5]

Recommendation:
Adopt the Ordinance.

Background:
East 11th Street between Prospect Terrace and Judson Street is only about 22 feet wide. Travel is very difficult when vehicles are parked on both sides of the street. The neighborhood would like the parking removed from the south side of the street.

ATTACHMENTS:

Type	Description
Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	8/9/2023 - 2:20 PM
Public Works Committee	Moses, Trish	Approved	8/9/2023 - 2:20 PM
City Clerk	Admin, Default	Approved	8/9/2023 - 7:00 PM

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE V NO PARKING OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING 11TH STREET ALONG THE SOUTH SIDE FROM PROSPECT TERRACE TO JUDSON STREET THERETO.

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

11th Street along the south side from Prospect Terrace to Judson Street.

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

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

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

First Consideration _____

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
9/27/2023

Subject:
First Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding 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 Works - Engineering
Contact Info: Gary Statz | 563-326-7754

Action / Date
9/27/2023

Subject:
First 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 Safety **Action / Date**
Contact Info: Brian Krup | 563-326-6163 **9/27/2023**

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

Davenport Fire Antique and Restoration Society; Annual Fire Muster and Lights & Sirens Parade; Village of East Davenport; Sunday, October 1, 2023 7:00 a.m. - 4:30 p.m.; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]

Davenport Community School District; Band Spectacular for Davenport Schools; Brady Street Stadium | 3603 North Brady Street; 3:00 p.m. - 10:00 p.m. Tuesday, October 10, 2023 (*rain date:* Monday, October 16, 2023); **Closure:** East 36th Street from Brady Street to Davenport Avenue. [Ward 7]

Davenport Community School District; Central High School Homecoming Parade; 6:00 p.m. - 7:00 p.m. Thursday, October 12, 2023; **Closures (Police controlled):** East 18th Street from Woodland Ave to Fernwood Avenue; Fernwood Avenue from East 18th Street to Forest Road; Forest Road from Fernwood Avenue to Middle Road; Middle Road from Forest Road to Woodland Avenue. [Wards 5 & 6]

St. Ambrose University; Killer Bee 5K; Saturday, October 21, 2023 6:30 a.m. – 11:00 a.m. **Closures:** Lombard Street from Ripley Street to Lillie Avenue; Ripley Street from Lombard Street to Dover Court; Dover Court from Ripley Street to Gaines Street; Gaines Street from Dover Court to Lombard Street; Scott Street from Dover Court to Lombard Street; Rusholme Street from Gaines Street to Lillie Avenue; Lillie Avenue from Rusholme Street to Pleasant Street; Pleasant Street from Lillie Avenue to Warren Street; Warren Street from Pleasant Street to Spalding Boulevard; Spalding Boulevard from Warren Street to Berg Place; Berg Place from Spalding Boulevard to Lillie Avenue. [Ward 4]

Brian Doerrfeld; Village Zombie Run; Village of East Davenport; 6:00 a.m. - 12:00 p.m. Saturday, October 28, 2023; **Closures:** Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street; East 11th Street from Jersey Ridge Road to Mound Street; east-west alley between East 11th Street and East 12th Street and Mound Street and Jersey Ridge Road; Mound Street from East 11th Street to East 12th Street. [Ward 5]

City of Davenport; Halloween Parade; Downtown; 11:30 a.m. - 4:00 p.m. Sunday, October 29, 2023; **Closures:** 3rd Street from Pershing Avenue to River Drive; Pershing Avenue, Iowa Street, and LeClaire Street from 2nd Street to 4th Street (DPD at 3rd and LeClaire to direct bridge traffic); 3rd Street from Pershing Avenue to Ripley Street; 2nd Street from Iowa Street to Ripley Street; Ripley and Main Streets from 2nd Street to 4th Street; east-west alley between Scott and Ripley Streets and 2nd Street and River Drive; east-west alley between Harrison and Main Streets and 2nd Street and River Drive; Perry Street from East 2nd Street to River Drive; **(beginning at 2:00 p.m.)** Brady and Harrison Streets from River Drive to 4th Street. [Ward 3]

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	Fire Muster Closure Map
Backup Material	Band Spectacular for Davenport School Closure Map
Backup Material	Central High School Homecoming Parade Route
Backup Material	Central High School Homecoming Parade Flyer to Residents
Backup Material	Killer Bee 5K Route Map
Backup Material	Killer Bee 5K Flyer to Residents
Backup Material	Village Zombie Run Map
Backup Material	Village Zombie Run Door Hanger
Backup Material	Halloween Parade Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Admin, Default	Approved	9/15/2023 - 10:57 AM

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 closure requests on the listed dates and times to hold outdoor events.

Davenport Fire Antique and Restoration Society; Annual Fire Muster and Lights & Sirens Parade; Village of East Davenport; Sunday, October 1, 2023 7:00 a.m. - 4:30 p.m.; ***Closures:*** *East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley. [Ward 5]*

Davenport Community School District; Band Spectacular for Davenport Schools; Brady Street Stadium | 3603 North Brady Street; 3:00 p.m. - 10:00 p.m. Tuesday, October 10, 2023 (rain date: Monday, October 16, 2023); ***Closure:*** *East 36th Street from Brady Street to Davenport Avenue. [Ward 7]*

Davenport Community School District; Central High School Homecoming Parade; 6:00 p.m. - 7:00 p.m. Thursday, October 12, 2023; ***Closures (Police controlled):*** *East 18th Street from Woodland Ave to Fernwood Avenue; Fernwood Avenue from East 18th Street to Forest Road; Forest Road from Fernwood Avenue to Middle Road; Middle Road from Forest Road to Woodland Avenue. [Wards 5 & 6]*

St. Ambrose University; Killer Bee 5K; Saturday, October 21, 2023 6:30 a.m. – 11:00 a.m. ***Closures:*** *Lombard Street from Ripley Street to Lillie Avenue; Ripley Street from Lombard Street to Dover Court; Dover Court from Ripley Street to Gaines Street; Gaines Street from Dover Court to Lombard Street; Scott Street from Dover Court to Lombard Street; Rusholme Street from Gaines Street to Lillie Avenue; Lillie Avenue from Rusholme Street to Pleasant Street; Pleasant Street from Lillie Avenue to Warren Street; Warren Street from Pleasant Street to Spalding Boulevard; Spalding Boulevard from Warren Street to Berg Place; Berg Place from Spalding Boulevard to Lillie Avenue. [Ward 4]*

Brian Doerrfeld; Village Zombie Run; Village of East Davenport; 6:00 a.m. - 12:00 p.m. Saturday, October 28, 2023; ***Closures:*** *Belle Avenue from East 29th Street to Elm Street; eastbound Elm Street from Belle Avenue to Jersey Ridge Road; southbound Jersey Ridge Road from Elm Street to East 11th Street; East 11th Street from Jersey Ridge Road to Mound Street; east-west alley between East 11th Street and East 12th Street and Mound Street and Jersey Ridge Road; Mound Street from East 11th Street to East 12th Street. [Ward 5]*

City of Davenport; Halloween Parade; Downtown; 11:30 a.m. - 4:00 p.m. Sunday, October 29, 2023; ***Closures:*** *3rd Street from Pershing Avenue to River Drive; Pershing Avenue, Iowa Street, and LeClaire Street from 2nd Street to 4th Street (DPD at 3rd and LeClaire to direct bridge traffic); 3rd Street from Pershing Avenue to Ripley Street; 2nd Street from Iowa Street to Ripley Street; Ripley and Main Streets from 2nd Street to 4th Street; east-west alley between Scott and Ripley Streets and 2nd Street sand River Drive; east-west alley between Harrison and Main Streets and 2nd Street and River Drive; Perry Street from East 2nd Street to River Drive;* ***(beginning at 2:00 p.m.)*** *Brady and Harrison Streets from River Drive to 4th Street. [Ward 3]*

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

WHEREAS, upon review of the applications, it has been determined that 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 closure requests are hereby approved and staff is directed to proceed with the closures.

Passed and approved this 27th day of September, 2023.

Approved:

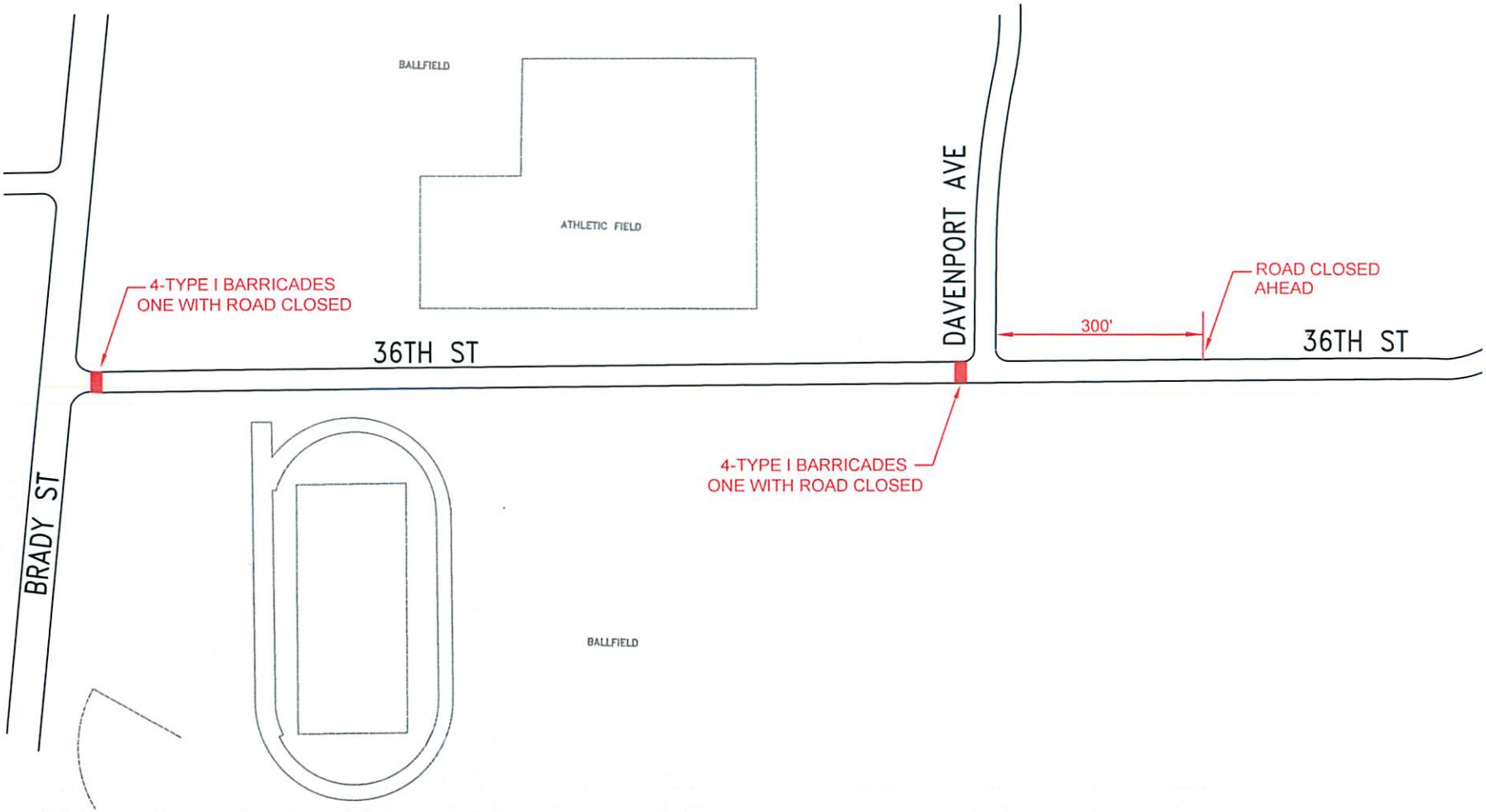
Mike Matson
Mayor

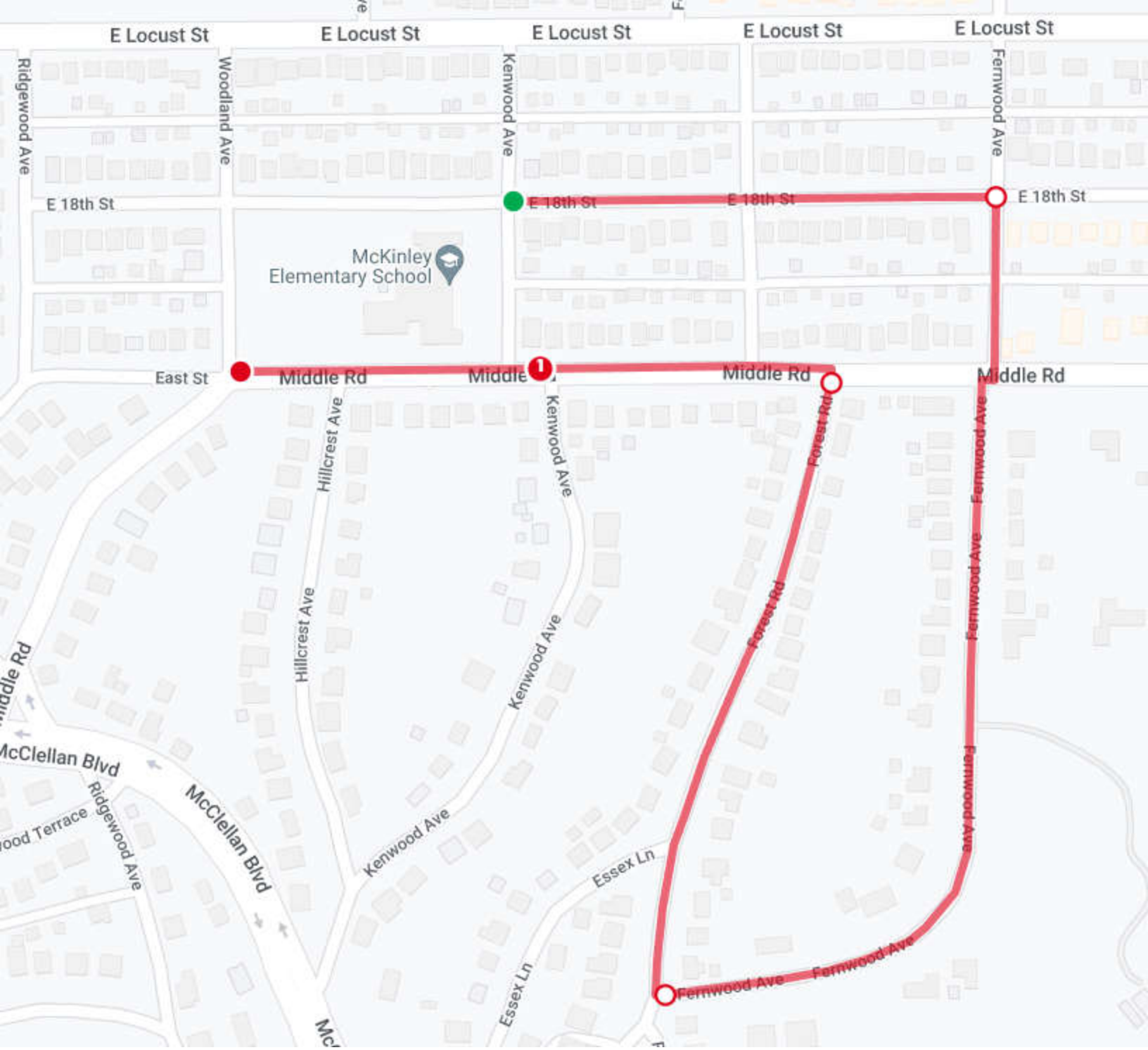
Attest:

Brian Krup
Deputy City Clerk

Barricades
E 12th St
E 12th St
E 12th St
Mound St
Christie St
Christie St
Jersey Ridge Rd
Pay Tech Solutions
Eleven17
Betty's Wig Boutique
Wig shop
Baked Beer & Bread Company
Takeout · Delivery
Lagomarcino's Confectionery
Takeout · Delivery
Bayside Bistro
Takeout · Delivery
Royal T's Beauty Parlor
Brew
Takeout
Rudy's Tacos
Takeout · Delivery
Grumpy's Saloon
Revolution In the
E 11th St
E 11th St
Edward Jones -

DAVENPORT SCHOOLS
STREET CLOSURE

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Woodland Ave
Kenwood Ave
Fernwood Ave
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E 18th St
E 18th St
McKinley
Elementary School
East St
Middle Rd
Middle Rd
Middle Rd
Middle Rd
Hillcrest Ave
Hillcrest Ave
Kenwood Ave
Kenwood Ave
Kenwood Ave
Forest Rd
Forest Rd
Fernwood Ave
Fernwood Ave
Fernwood Ave
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Fernwood Ave
McClellan Blvd
McClellan Blvd
Ridgewood Ave
Essex Ln
Essex Ln

E Locust St
Marlo Ave
E 18t
Middle Rd
Cres

Central Homecoming Parade

The Homecoming Parade and Route are set!
In an effort to make the route as safe as possible for our students, we encourage anyone with a residence on our parade route to move any vehicles off of the street on **Thursday, October 12th between 6 - 7pm**.

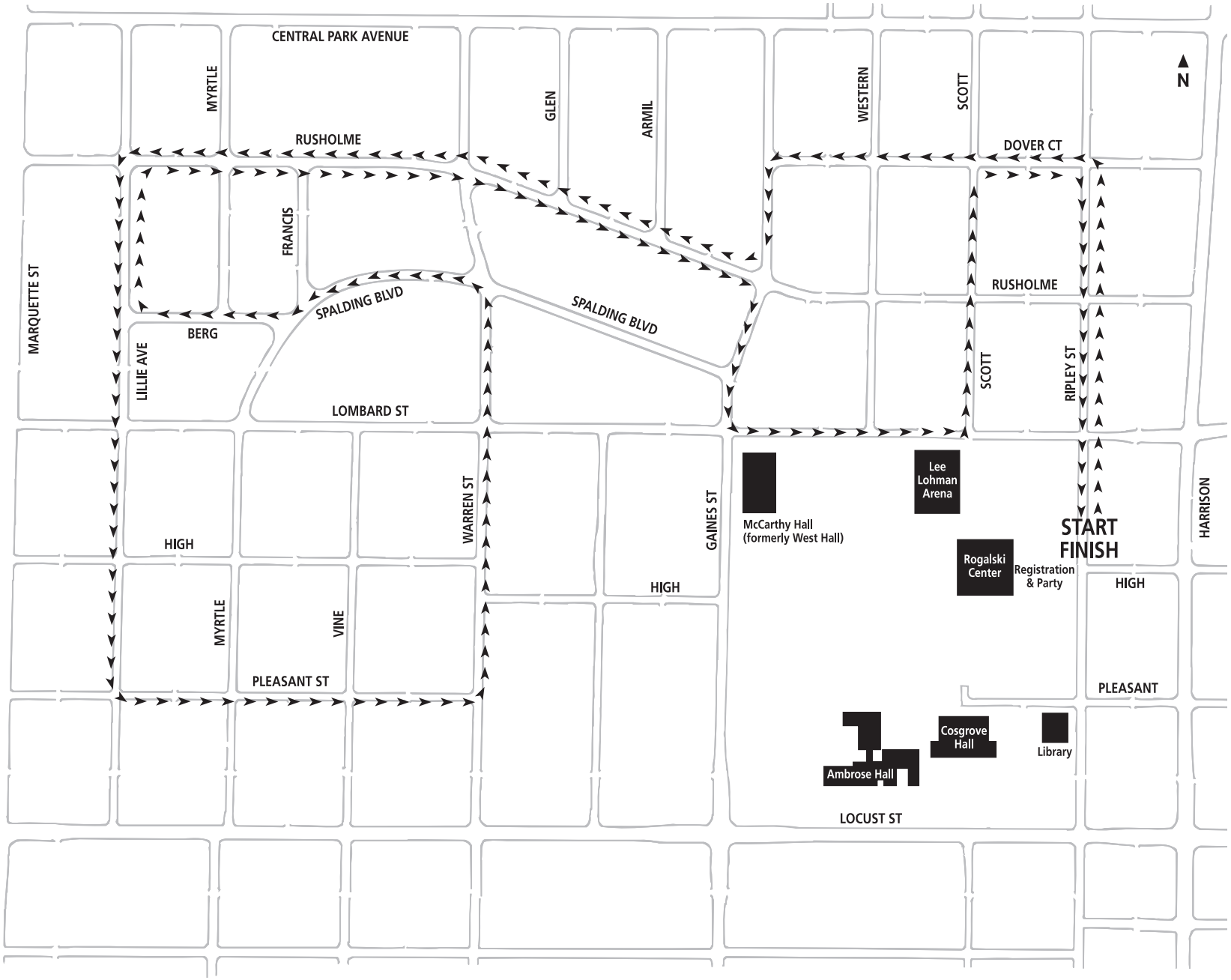
The route for the parade will be:

- 18th Street going east from McKinley
- Fernwood south to Forest Rd
- Forest Rd North to Middle Rd
- Middle Rd west to Woodland St

We would also love to have you come out and support the Blue Devils along the route, ending with a Pep Rally at McKinley.

Please come out and Enjoy the Festivities!

ST. AMBROSE UNIVERSITY **5K Run/Walk**



SAU KILLER BEE

26th Annual 5k & Bumble Rumble || October 21, 2023

October 21, 2023 * Davenport, IA *

Good Afternoon,

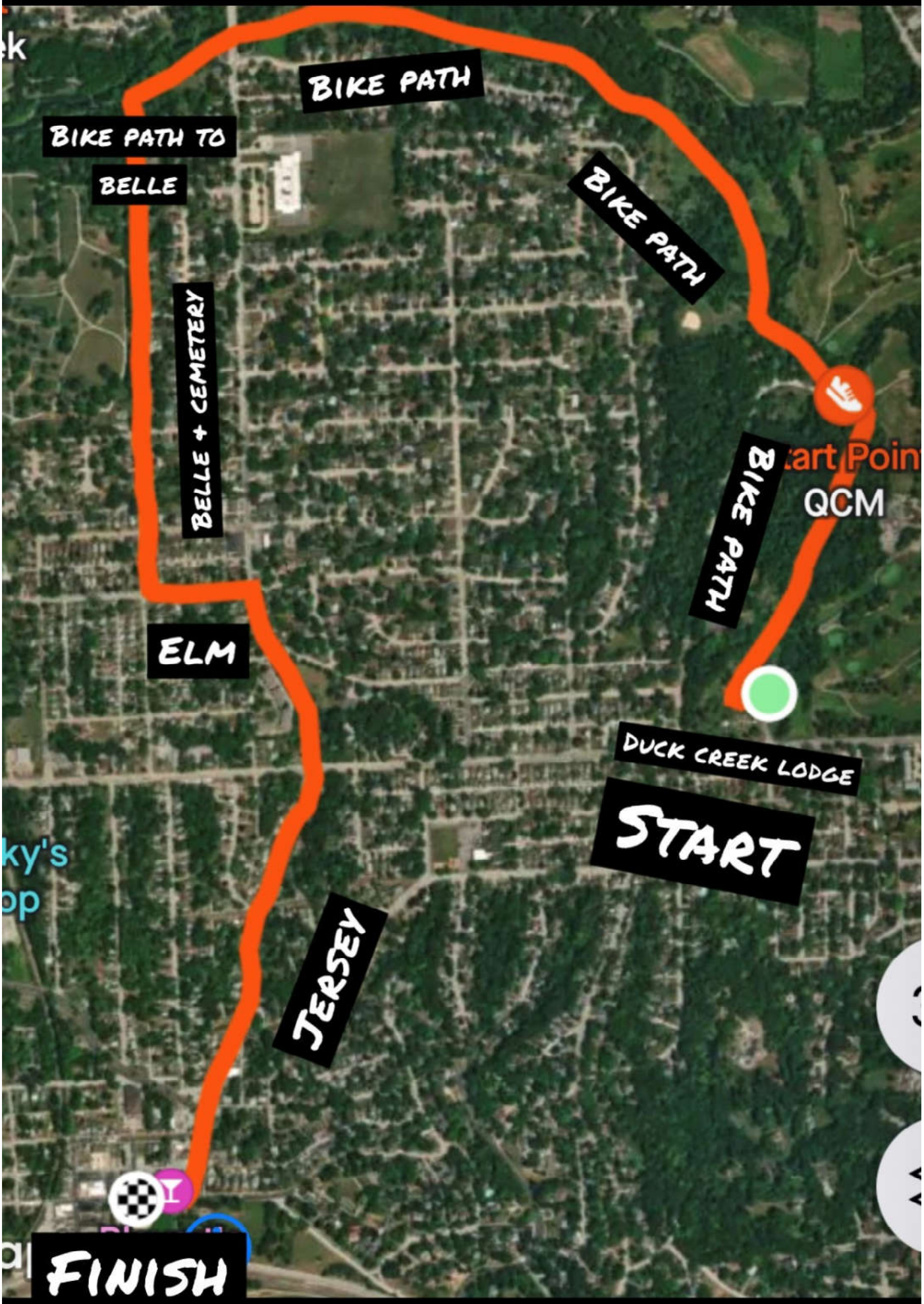
The Inaugural SAU Killer Bee 5K Race will take place on the morning of Saturday, October 21

2023. The participants will be running on the surrounding roads of the St Ambrose Campus, and just a small portion of your neighborhood, The race course will start and finish on campus and run through

the residential areas to the northwest. (See map at left.) Because this may affect your ability to travel certain neighborhood streets, we wanted to give you early notice of our plans. **We anticipate that the**

course will only be closed to traffic from approximately 7:45 to 9:45 am, with police protection at all major intersections. This annual run/walk is an exciting event for St. Ambrose and we hope you will catch the spirit of excitement by either participating in the race or showing your support along the course. If you have questions or concerns, contact Alumni Relations at 333-6290.

Thank you.


BIKE PATH
BIKE PATH TO
BELLE
BIKE PATH
BELLE + CEMETERY
BIKE PATH
QCM
ELM
DUCK CREEK LODGE
START
JERSEY
FINISH

Hello Neighbor

On Saturday, October 28th a Halloween Themed 5K called ***The Village Zombie Run*** will be running by your house from the approximate time of 10-10:45am. This is a family-friendly, community-centric event ending in the Village of East Davenport. Part of the proceeds will support the 3D Breast Cancer Screening Fund by Trinity Health Foundation.

We would love your help to bring some spooky fanfare to the runners that morning. Any Halloween decor on your house or simply being outside cheering the runners on would be greatly appreciated. FYI: Volunteers will be present at each intersection to get people in and out when it is safe to do so.

For any questions please email the Race Director:

Brian Doerrfeld @ bdoerrfeld@yahoo.com.

Written objections to this temporary closure can be submitted to Brian Krup, Deputy City Clerk, at Brian.Krup@davenportiowa.com.

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THE CITY OF DAVENPORT
IOWA | USA

Halloween Parade

October 29th, 2023 at 2:00p.m.

Parking Ramps accessible from 11:30a.m. until 2:00p.m. via Brady St & after conclusion of the parade.

No parking on parade route and staging area (identified in gold) beginning 6:00a.m., October 29th until parade conclusion. Vehicles parked on the parade route and/or staging area will be towed.

More parking located west of Modern Woodmen.

City of Davenport

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

Action / Date
9/27/2023

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

Gunchie's; Outdoor Band; 2905 Telegraph Road; 7:00 p.m. Friday, September 29, 2023 - 12:00 a.m. Saturday, September 30, 2023; Outdoor music/band, over 50 dBA. [Ward 1]

Davenport Fire Antique and Restoration Society; Annual Fire Muster and Lights & Sirens Parade; Village of East Davenport; 12:00 p.m. - 4:00 p.m. Sunday, October 1, 2023; Outdoor music, over 50 dBA. [Ward 5]

Davenport Community School District; Central High School Homecoming Parade; see attached parade route; 6:00 p.m. - 7:00 p.m. Thursday, October 12, 2023; Outdoor music/band, over 50 dBA. [Wards 5 & 6]

City of Davenport; Halloween Parade; Downtown (see attached parade route); 12:00 p.m. - 4:00 p.m. Sunday, October 29, 2023; Outdoor music/bands/performances, over 50 dBA. [Ward 3]

Recommendation:
Pass the Motion.

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

ATTACHMENTS:

Type	Description
Backup Material	Gunchie's Outdoor Band Noise Variance Petition
Backup Material	Central High School Homecoming Parade Route
Backup Material	Central High School Homecoming Parade Flyer to Residents
Backup Material	Halloween Parade Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	9/15/2023 - 4:34 PM

CITY OF DAVENPORT

NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 29th day of September, 20 23, there is proposed an event at Gunches which will include outdoor music or a band, requested by Gunches, during the hours of 8pm - 12am.

Please note: *dates and times on this form must match those entered on the special events application.*

***Please sign your name and print address below and indicate whether you are in favor of the noise variance, opposed to the noise variance, or are not concerned (mark one).**

NAME AND ADDRESS	IN FAVOR	OPPOSED	NOT CONCERNED
Shane Lorentzen 2919 Telegraph	Yes		
Tina Lorentzen 2919 Telegraph	Yes		
Vickie Upshaw 2924 Telegraph	Yes		
Julia Gardner 2924 other side Duplex	Yes		
Kelly Hammes 2917 ✓ Telegraph			
2910 Telegraph Rd - CANT Reach			
2904 Telegraph Rd - CANT Reach			

*If you are unable to make contact with a resident/business, please indicate the date(s) and time(s) you attempted.

*If more space is needed, please use additional sheets.

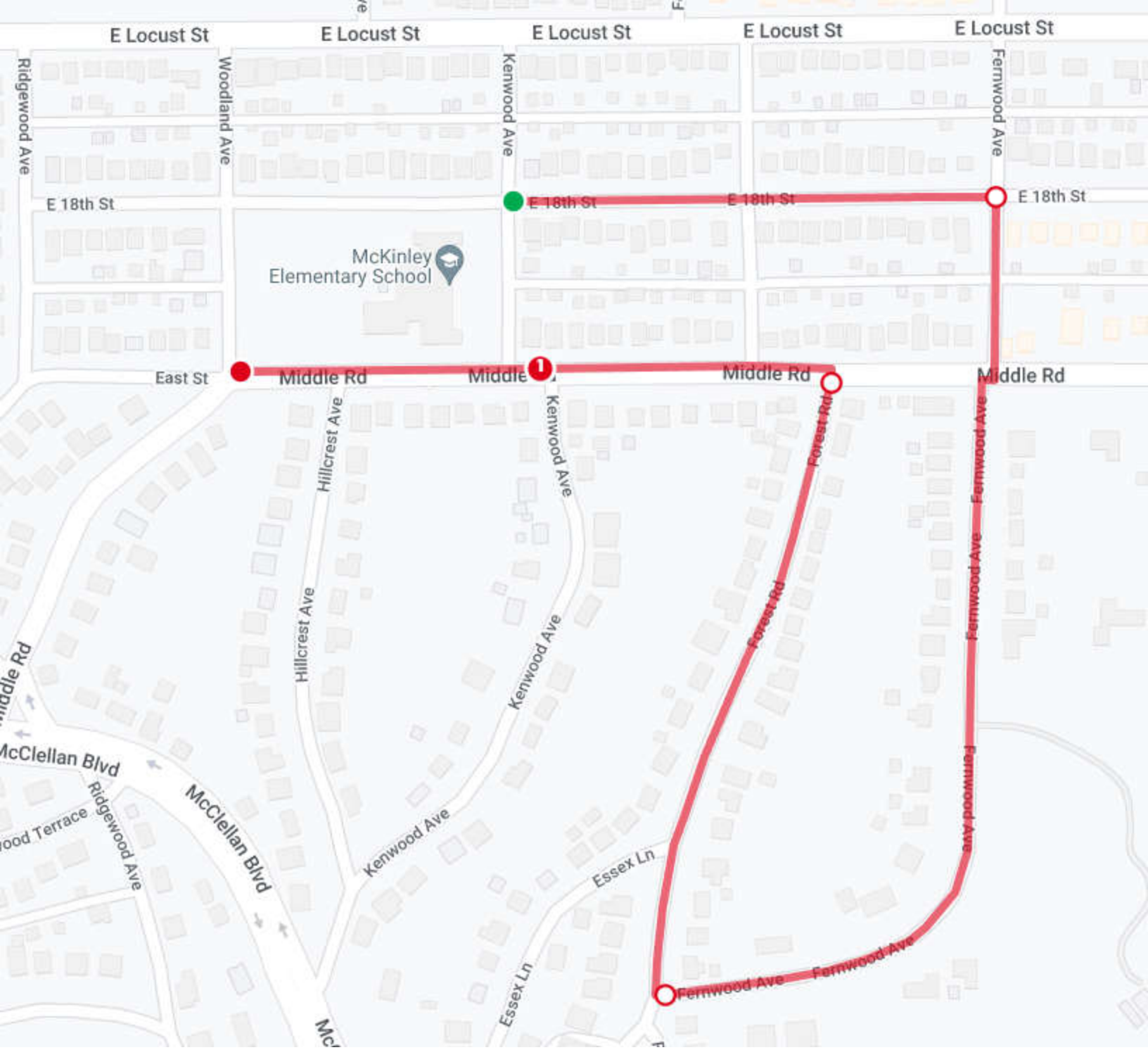
Ashley Weldner 9/14/23

Signature of Applicant Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com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E 18th St
E 18th St
McKinley
Elementary School
East St
Middle Rd
Middle Rd
Middle Rd
Middle Rd
Hillcrest Ave
Hillcrest Ave
Kenwood Ave
Kenwood Ave
Kenwood Ave
Forest Rd
Forest Rd
Fernwood Ave
Fernwood Ave
Fernwood Ave
Fernwood Ave
Fernwood Ave
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In an effort to make the route as safe as possible for our students, we encourage anyone with a residence on our parade route to move any vehicles off of the street on **Thursday, October 12th between 6 - 7pm**.

The route for the parade will be:

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THE CITY OF DAVENPORT
IOWA | USA

Halloween Parade

October 29th, 2023 at 2:00p.m.

Parking Ramps accessible from 11:30a.m. until 2:00p.m. via Brady St & after conclusion of the parade.

No parking on parade route and staging area (identified in gold) beginning 6:00a.m., October 29th until parade conclusion. Vehicles parked on the parade route and/or staging area will be towed.

More parking located west of Modern Woodmen.

City of Davenport

Department: Finance
Contact Info: Jamie Swanson | 563-326-7795

Action / Date
9/27/2023

Subject:
Motion approving beer and liquor license applications.

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

Ward 1

Jimmie O's Saloon (Oldham Enterprizes, LLC) - 2735 Telegraph Road - Permanent Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 3

Stompbox Brewing (Jpx2me, LLC) - 210 East River Drive #101 - Temporary Extended Outdoor Area October 5 - License Type: Class C Liquor (On-Premises)

Westside Grocery (Venu G, LLC) - 1802 West 7th Street - New License/New Owner - License Type: Class E Liquor (Carry-Out)

Ward 4

La Dueña Mexican Restaurant (Rene Sanchez) - 1330 Washington Street - New License - License Type: Class C Liquor (On-Premises)

Ward 6

Hy-Vee Fast & Fresh 2 (Hy-Vee, Inc) - 4631 East 53rd Street - New License - License Type: Class E Liquor (Carry-Out)

Pho Fusion, LLC (Pho Fusion, LLC) - 5266 Utica Ridge Road - Outdoor Area - New License - License Type: Class C Liquor (On-Premises)

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

Ward 1

Rockingham Liquor (Lila, LLC) - 2423 Rockingham Road - License Type: Class E Liquor (Carry-Out)

Ward 2

Dhakals, LLC (Dhakals, LLC) - 3108 West Central Park Avenue - License Type: Class E Liquor (Carry-Out)

Ward 3

The Current (Putnam Landlord, LLC) - 128-30 West 2nd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Mississippi River Distilling Company (Mississippi River Distilling Company, LLC) - 318 East 2nd Street - License Type: Class C Liquor (On-Premises)

Raccoon Motel (Raccoon Motel, LLC) - 315 East 2nd Street - License Type: Class C Liquor (On-Premises)

Riverside Liquor (Vardaan, Inc) - 826 East River Drive - License Type: Class E Liquor - Carryout

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

The Circle Tap (Circle Tap, Inc) - 1345 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Quad Cities Board & Brush (Brooks & Christina, LLC) - 5159 Utica Ridge Road - License Type: Special Class C Beer/Wine (On-Premises)

Ward 6

Kimberly Mart (Pak Foods, Inc) - 1714 East Kimberly Road - License Type: Class E Liquor (Carry-Out)

Links (Kjt Holdings, LLC) - 5619 Utica Ridge Road #300 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 North Brady #3 - License Type: Class C Liquor (On-Premises)

The Liquor Stop, LLC (The Liquor Stop, LLC) - 211 West 53rd Street - 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	9/15/2023 - 10:52 AM

City of Davenport

Department: Public Works - Admin
Contact Info: Kevan Oliver | 563-327-5199

Action / Date
9/27/2023

Subject:
Resolution accepting work completed under the FY 2021 Contract Sewer Repair Program by Hagerty Earthworks, LLC of Muscatine, Iowa in the amount of $569,260.45, CIP #30053 and #33001. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
This program is to repair damage to sewer infrastructure by contract. All sewer repair work performed under this contract has been satisfactorily completed by Hagerty Earthworks, LLC of Muscatine, Iowa with a final cost of $569,260.45 budgeted in CIP #30053 and #33001.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Berkley, Laura	Approved	9/14/2023 - 4:00 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION accepting work completed under the FY 2021 Contract Sewer Repair Program by Hagerty Earthworks, LLC of Muscatine, Iowa in the amount of $569,260.45, CIP #30053 and #33001.

WHEREAS, the City of Davenport entered into a contract with Hagerty Earthworks, LLC of Muscatine, Iowa for sewer repair work; and

WHEREAS, the work performed under the above-named program has been duly and fully completed by the contractor in accordance with the terms of the contract; and

WHEREAS, the final cost of the repairs completed under this contract was $569,260.45.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that work completed under the FY 2021 Contract Sewer Repair Program by Hagerty Earthworks, LLC of Muscatine, Iowa in the amount of $569,260.45 is hereby accepted.

Passed and approved this 27th day of September, 2023.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Eric Gravert | 563-327-5125

Action / Date
9/27/2023

Subject:
Resolution accepting work completed under the Hillandale Road and Northwest Boulevard and West 76th Street and Northwest Boulevard (RISE #RM-1827(689)--9D-82) Intersection Improvements project by Langman Construction, Inc of Rock Island, Illinois in the amount of $1,007,590.28, CIP #35058. [Wards 2 & 8]

Recommendation:
Adopt the Resolution.

Background:
Project work included the furnishing of all labor, materials, equipment and services necessary for the Hillandale Road and Northwest Boulevard and West 76th Street and Northwest Boulevard intersections improvements. Work on Hillandale Road and Northwest Boulevard intersection included the widening of the west approach (83rd St) to add a dedicated left-turn lane, the removal and installation of the eastbound traffic signal and mast arm, the installation of additional left-turn signal heads on all four poles, and other related construction. Work on West 76th Street and Northwest Boulevard involved complete reconstruction of the west approach including the addition of a dedicated left-turn lane, removal of the median, the construction of a new access to the business on the south (gas station/McDonald's), installation of a traffic signal, and other related construction.

The project was eligible for a State of Iowa Revitalize Iowa's Sound Economy "RISE" grant. The RISE grant refunded the City for eligible project costs.

The project was completed in accordance with the City of Davenport and Iowa DOT requirements with a final amount of $1,007,590.28 from account #35058.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/14/2023 - 3:48 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION accepting work completed under the Hillandale Road and Northwest Boulevard and West 76th Street and Northwest Boulevard (RISE #RM-1827(689)--9D-82) Intersection Improvements project by Langman Construction, Inc of Rock Island, Illinois in the amount of $1,007,590.28, CIP #35058.

WHEREAS, the City of Davenport, Iowa entered into a contract with Langman Construction, Inc of Rock Island, Illinois for the Hillandale Road and Northwest Boulevard and West 76th Street and Northwest Boulevard Intersection Improvements project; and

WHEREAS, work on the project has been satisfactorily completed.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Hillandale Road and Northwest Boulevard and West 76th Street and Northwest Boulevard (RISE #RM-1827(689)--9D-82) Intersection Improvements project by Langman Construction, Inc of Rock Island, Illinois in the amount of $1,007,590.28 is hereby accepted.

Passed and approved this 27th day of September, 2023.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Nick Schmuecker | 563-327-5162

Action / Date
9/27/2023

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the North Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011. [Wards 1 & 2]

Recommendation:
Adopt the Resolution.

Background:
The purpose of this project is to replace the North Utah Avenue Bridge over Duck Creek. The project will consist of removal and disposal of all existing bridge components and will be replaced with a new slab bridge meeting modern design requirements. Federal aid will reimburse the City 100% of the eligible construction costs up to $1,000,000 in total reimbursement. The estimated cost of the project is $1,556,144.50 and is included in CIP #21011.

Right-of-way acquisition, construction plans, and specifications have been completed and approved by the Iowa Department of Transportation (DOT). The DOT is scheduled to advertise for and receive bids in November 2023. Construction will begin following the completion of the West 46th Street Bridge over Cardinal Creek Replacement project which is scheduled for fall 2024.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/14/2023 - 3:56 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the North Utah Avenue Bridge Over Duck Creek Replacement project, CIP #21011.

WHEREAS, on the 7th day of September, 2023, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the North Utah Avenue Bridge Over Duck Creek Replacement project; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the North Utah Avenue Bridge Over Duck Creek Replacement project.

Passed and approved this 27th day of September, 2023.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
9/27/2023

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of Brady Street at Lombard Street, CIP #38015. [Ward 5]

Recommendation:
Adopt the Resolution.

Background:
This project involves the installation of new traffic signals at the intersection of Brady Street and Lombard Street. Plans and specifications were prepared by City of Davenport staff.

The Iowa Department of Transportation will pay for 55% of the project's cost. The total cost is estimated to be $120,000 so the City's share at that price would be $54,000.

Traffic volumes are high enough to warrant signalization according to the Manual on Uniform Traffic Control Devices. The Iowa DOT has approved the permit to install signals at this intersection. The signal timing will be coordinated with the intersection of Brady at Locust.

Construction is expected to begin next spring and be completed June 2024.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/14/2023 - 3:56 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of Brady Street at Lombard Street, CIP #38015.

WHEREAS, the City of Davenport believes it is necessary to improve this intersection by installing new traffic signal equipment at Brady Street and Lombard Street; and

WHEREAS, plans and specifications have been prepared by City of Davenport staff and the project costs will be paid for by the Iowa Department of Transportation and the City of Davenport.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of costs are hereby approved as the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of Brady Street at Lombard Street.

Passed and approved this 27th day of September, 2023.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
9/20/2023

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of East 90th Street at the main entrance of John Deere. [Ward 8]

Recommendation:
Adopt the resolution.

Background:
This project involves the installation of new traffic signals at the intersection of East 90th Street at the main entrance of John Deere. Plans and specifications were prepared by City of Davenport staff.

John Deere will pay the City for the entire cost of the signals, which are budgeted at $200,000. After bids are received, John Deere will have the option to proceed or cancel the project based on the actual cost.

Traffic volumes during the peak exit hour are high enough to warrant signalization according to the Manual on Uniform Traffic Control Devices.

Construction is expected to begin next spring and be completed June 2024.

ATTACHMENTS:

	Type	Description
	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/14/2023 - 3:57 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of East 90th Street and the main entrance of John Deere, CIP #38015.

WHEREAS, the City of Davenport believes it is necessary to improve this intersection by installing new traffic signal equipment at East 90th Street and the main entrance of John Deere; and

WHEREAS, plans and specifications have been prepared by City of Davenport staff and project costs will be paid for by John Deere.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of costs are hereby approved as the plans, specifications, form of contract, and estimate of cost for the installation of traffic signals at the intersection of East 90th Street and the main entrance of John Deere.

Passed and approved this 27th day of September, 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
9/27/2023

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the Black Hawk Creek and Walnut Creek Berm Restoration Phase II project, CIP #68015. [Ward 1]

Recommendation:
Adopt the Resolution.

Background:
The project is for the second phase of the restoration of the berm systems located in the Garden Addition. Work within these limits will include, but is not limited to, clearing; grubbing; grading; and tree, root ball, and stump removal. Depending on findings, an additional phase may occur for the removal of large-scale stumps and rootballs that would require more specialized work. The full project is estimated at $235,000.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Berkley, Laura	Approved	9/14/2023 - 3:59 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Black Hawk Creek and Walnut Creek Berm Restoration Phase II project, CIP #68015.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Black Hawk Creek and Walnut Creek Berm Restoration Phase II project; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Black Hawk Creek and Walnut Creek Berm Restoration Phase II project.

Passed and approved this 27th day of September, 2023.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Nicole Gleason | 563-326-7734

Action / Date
9/27/2023

Subject:
Resolution awarding a five-year contract for transit planning and scheduling software to Optibus, Inc of New York, New York in the amount of $122,781. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
A Request for Proposals was issued on July 19, 2023 and sent to vendors. On August 17, 2023 the Purchasing Division received and opened four (4) proposals.

The proposals were evaluated on the following criteria: (1) Responsiveness of proposal - 10%, (2) Overall experience and past performance - 25%, (3) Functionality and technical capacity - 30%, (4) Pricing – 35%. Following proposal evaluations by the selection committee, the two highest ranking firms were invited to interview. After interviews, the selection committee determined that Optibus, Inc best fits the City's needs for this project.

The contract will be funded through a combination of FTA grant funds and City funds. City funding is from 51352121 520217 | CitiBus Professional Services.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution
Cover Memo	Response Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	9/15/2023 - 1:14 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

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

RESOLUTION awarding a five-year contract for transit planning and scheduling software to Optibus, Inc of New York, New York in an amount of $122,781.

WHEREAS, the City needs to contract for a transit planning and scheduling software; and

WHEREAS, Optibus, Inc of New York, New York was the highest scoring firm to submit a proposal and deemed to best fit the needs of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a five-year contract for transit planning and scheduling software is hereby awarded to Optibus, Inc in the amount of $122,781.

Passed and approved this 27th day of September, 2023.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
RFP TABULATION

DESCRIPTION: Transit Planning and Scheduling Software

BID NUMBER: 24-6

OPENING DATE: August 17, 2023

FUNDING: 51352121-520217 and FTA Grants

RECOMMENDATION: Award the contract to Optibus (Optibus, Inc.) of New York, NY

VENDOR NAME	Location
Optibus (Optibus, Inc.)	**New York, NY**
CODICE TECHNOLOGIES	Madrid, Spain
CSched (Courval Scheduling Inc)	Québec, Canada
Via Transportation Inc	New York, NY

Approved By [redacted] 09/15/2023
Purchasing Date

Approved By [redacted] 9-15-23
Dept Director Date

Approved By [redacted] 9/15/23
Budget/CIP Date

Approved By [redacted] 9/15/23
Asst. Finance Director Date

City of Davenport

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

Action / Date
9/27/2023

Subject:
Resolution setting a 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:
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.

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

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	9/15/2023 - 10:55 AM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION setting a 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.

WHEREAS, this overhead electric easement is necessary to facilitate the installation of a new storm sewer system as part of 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 a Public Hearing shall be held on October 4, 2023 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers of Davenport City Hall, 226 West 4th Street to allow public to object or comment on the granting of an overhead electric to MidAmerican Energy Company on City-owned property located south of River Drive at East 4th Street (Parcel L0004A01B).

Passed and approved this 27th day of September, 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

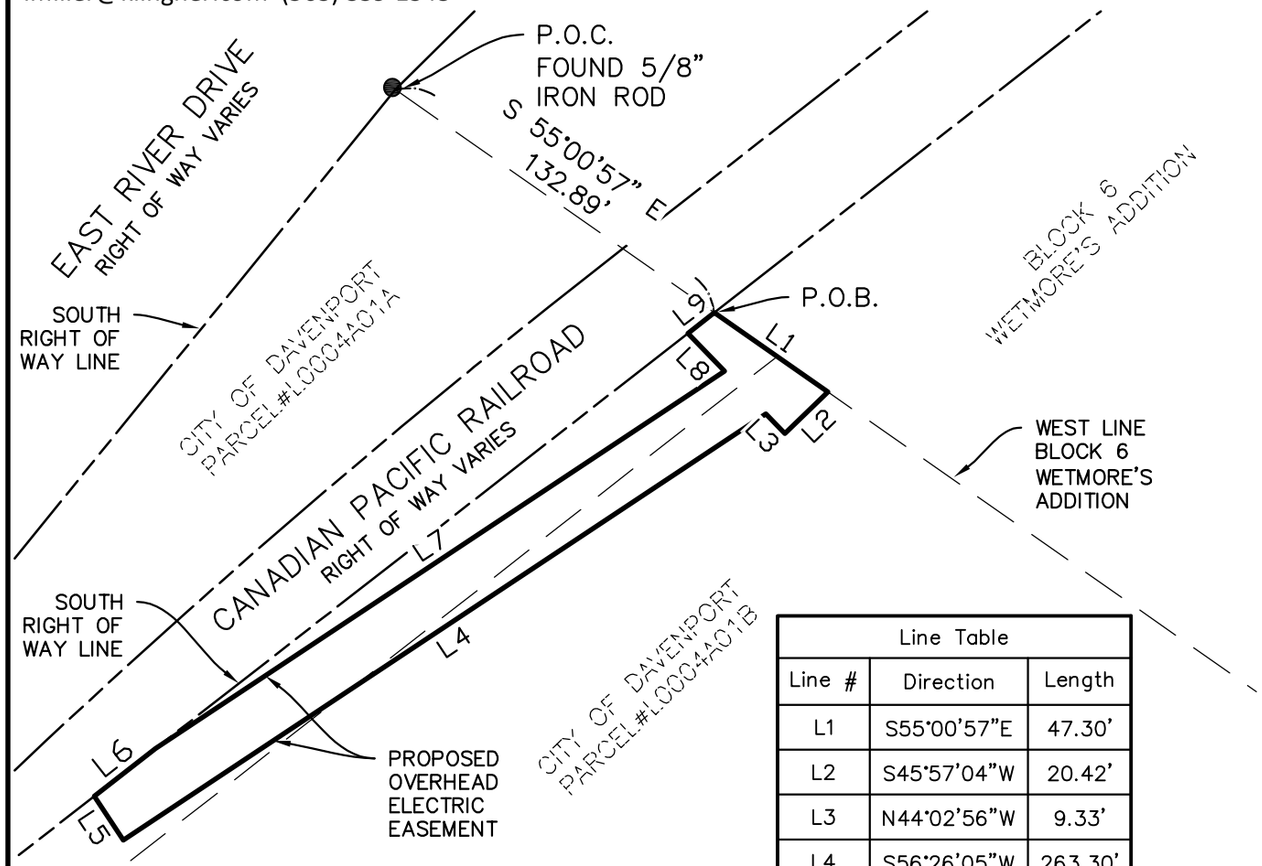
OVERHEAD ELECTRIC EASEMENT PLAT

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

N

0 30' 60'

PRELIMINARY DO NOT RECORD



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'

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:

LEGEND

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

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

MARK	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
9/27/2023

Subject:
Resolution setting a 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:
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.

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

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	9/15/2023 - 10:55 AM

Resolution No. _____

Resolution offered by Alderman Condon.

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

RESOLUTION setting a 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.

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 for the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing shall be held on October 4, 2023 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers of Davenport City Hall, 226 West 4th Street, to allow public to object or comment on the granting of a gas and regulator station easement to MidAmerican Energy on City-owned property located at 3000 East Locust Street (Parcel N2009-01).

Passed and approved this 27th day of September, 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

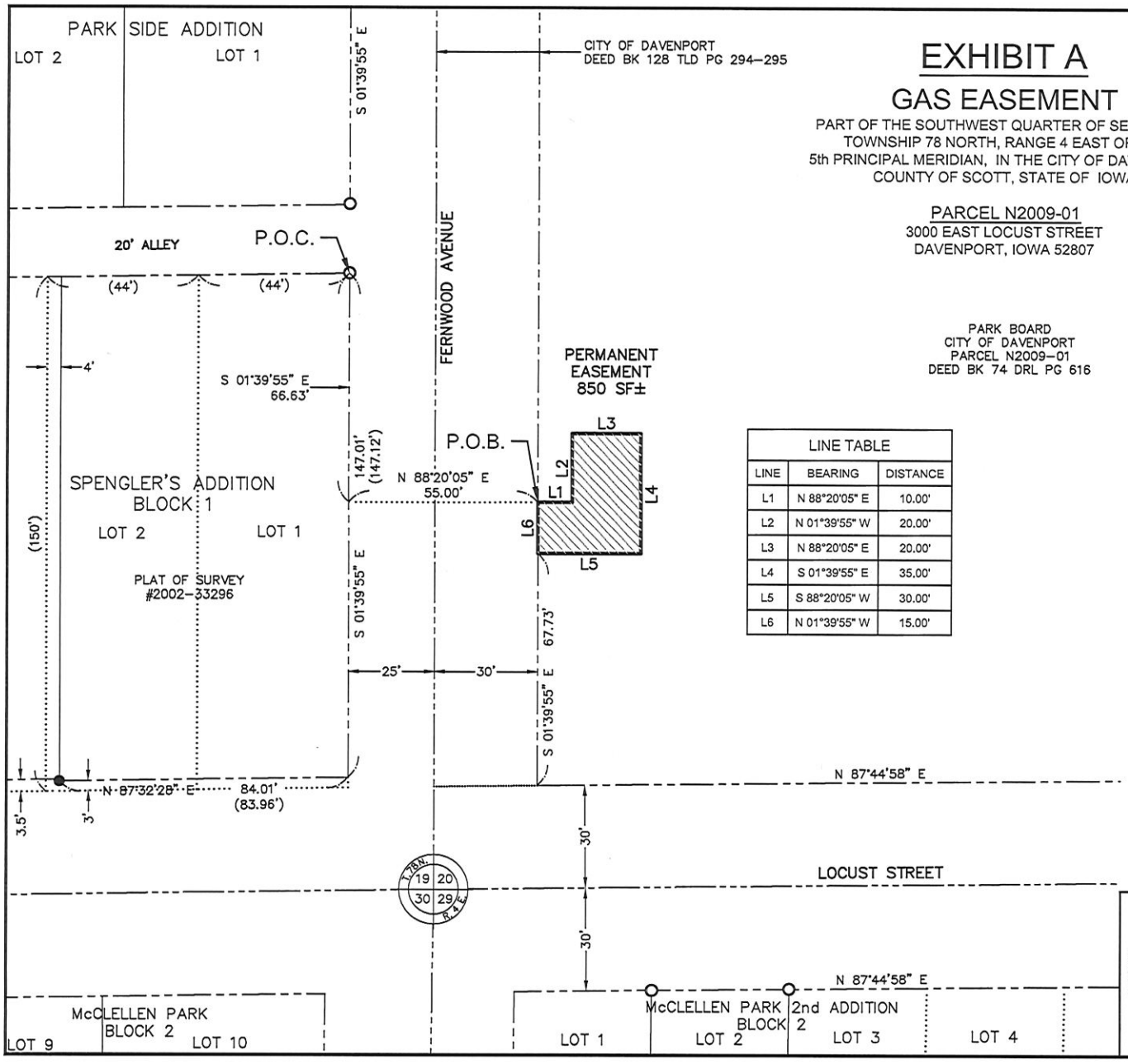
GAS EASEMENT

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

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

0 30'
SCALE: 1" = 30'



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

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'

LEGEND

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

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

No.	DESCRIPTION	DATE

REVISIONS

IMEG
Ph: 563.344.0250
www.imeg-co.com
1111 3rd STREET
SUITE 201
BETTENDORF, IA 52722

Park Board / City of Davenport
Davenport, Iowa

Permanent Easement Plat

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