

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, SEPTEMBER 6, 2022; 5:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

III. Secretary's Report

A. Consideration of the August 16, 2022 meeting minutes.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

- i. Case REZ22-04: Request of SCI Iowa Funeral Services Inc. to establish a Planned Unit Development at 1200 East 39th Street to grant an exception to allow for a reception facility under the S-OS Open Space District. [Ward 7]

B. New Business

- i. Request for the Plan and Zoning Commission to initiate a zoning interpretation for the property at 4128 Brady Street. [Ward 7]

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case F22-10: Request of River Bend Food Reservoir, on behalf of Three N Corporation, for a final plat of River Bend 1st Addition for a 5-lot subdivision on 72.86 acres, located south of Kimmel Drive. [Ward 1]
- ii. Case F22-11: Request of Iowa American Water Company for a final plat of Iowa American Water Company First Addition for a 2-lot subdivision on 38.9 acres, located west of Research Parkway and Hillandale Road. [Ward 8]

VII. Other Business

VIII. Future Business

IX. Communications

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
5/3/2022

Subject:
Consideration of the August 16, 2022 meeting minutes.

Recommendation:
Staff recommend approval of the August 16, 2022 meeting minutes.

Background:
The August 16, 2022 meeting minutes are attached.

ATTACHMENTS:

Type	Description
▢ Backup Material	Meeting Minutes 8-16-22

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	8/26/2022 - 9:43 AM

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, AUGUST 16, 2022; 5:00 PM
CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS

REGULAR MEETING AGENDA

I. Roll Call

Present: Schneider, Eikleberry, Johnson, Inghram, Hepner, Brandsgard, Reinartz, Maness, Stelk

Excused: Tallman, Garrington

Staff: Berkley, Werderitch

II. Report of the City Council Activity

Berkley provided an update of the City Council activity.

III. Secretary's Report

A. Consideration of the July 19, 2022 meeting minutes.

Motion by Hepner, second by Maness to approve the July 19, 2022 meeting minutes.
Motion to approve was unanimous by voice vote (7-0).

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case F22-09: Request of Beckett Place Development, LLC for a Final Plat of Beckett Place for a 51 lot subdivision on 25.8 acres located south of Veterans Memorial Parkway and east of Interstate 74. [Ward 6]

Werderitch presented an overview of the proposed final plat. The request is for a 51 lot subdivision on 25.8 acres of property to facilitate single-family residential development. Due to site and topography challenges, the Commission approved a variance for the Madelyn Court cul-de-sac to exceed the maximum allowed length of 600 feet. The proposal is consistent with the approved preliminary plat.

Commissioners commented on the proposed stormwater detention ponds. Concerns were raised over the maintenance and effectiveness of the ponds in preventing flooding in the surrounding neighborhood.

Michael Shamsie, Landmark Engineering Group Inc., was in attendance to answer questions. He explained the proposed infrastructure exceeds the capacity required by city code.

Stephen Cox, 3720 Kathleen Way, brought forth concerns regarding stormwater management and noise abatement from I-74.

Staff recommended the Plan and Zoning Commission forward F22-09 to City Council with a recommendation for approval subject to the following findings and conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. A variance to Section 16.24.040C is warranted due to topographical challenges and safety concerns.
4. The final plat (with conditions and variance previously approved on the preliminary plat) would achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. A signature shall be added for Metronet.
4. A variance to Section 16.24.040C for a cul-de-sac exceeding maximum length is granted for Madelyn Court.
5. Standard Plat Notes shall be added.
6. Relabel "Common Space #1" and "Common Space #2" as "Outlot 1" and "Outlot 2".
7. Common Space #1 shall be labelled as a stormwater detention easement.

8. Add a note stating, "On-street parking shall be limited to one side of the street. No parking will be permitted within the cul-de-sac."
9. Add a note stating, "Sidewalks shall be constructed along all street frontages prior to the completion of residential construction for each lot, or as so ordered by the City of Davenport."
10. Add a note stating, "Stormwater detention and water quality treatment are required for this subdivision and shall be owned and maintained by the owner or home owners association."
11. All easements shall be a minimum width of 15 feet or twice the depth of the utility line, whichever is greater. All drainage easements shall be a minimum width of 20 feet.
12. Provide full easement widths on Lots 5, 9, 10, and 11.
13. Add allowable low entry elevations to each lot adjacent to drainage ways and the pond.

Motion by Eikleberry, second by Hepner, to approve staff recommendation for Case F22-09 in accordance with the listed findings and conditions. Motion to approve staff recommendation and conditions was approved by a roll call vote (8-0).

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

Motion by Hepner, second by Johnson to adjourn the meeting. Motion to adjourn was unanimous by voice vote (8-0).

The meeting adjourned at 5:26 pm.

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
9/6/2022

Subject:

Case REZ22-04: Request of SCI Iowa Funeral Services Inc. to establish a Planned Unit Development at 1200 East 39th Street to grant an exception to allow for a reception facility under the S-OS Open Space District. [Ward 7]

Recommendation:

Staff recommend Case REZ22-04 be forwarded to the City Council with a recommendation for approval.

Findings:

1. The preliminary plan provides a public benefit to the City.
2. The proposed planned unit development meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
5. There is adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

Background:

The Plan and Zoning Commission forwarded Case REZ22-04 to City Council with a recommendation for denial at its July 19, 2022 meeting with the following findings:

1. The proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.
2. The petition is not compatible with the zoning and land uses of nearby property.
3. The rezoning request is not compatible with the established neighborhood character, which includes cemeteries and multi-family residential dwellings.
4. The proposed amendment may be detrimental to the public health, safety, and welfare of the City.
5. Rezoning the property to C-1 Neighborhood Commercial District does not create any nonconformities.

Subsequently, City Council voted to refer the rezoning request back to the Plan and Zoning Commission at its August 10, 2022 meeting. The purpose of the referral was to provide the applicant and staff additional time to modify the request to satisfy zoning requirements. After further review of the Zoning Ordinance, staff determined a planned unit development is the most appropriate path forward.

Planned Unit Developments (PUD) are a special approval intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the City.

Through the flexibility of the planned unit development technique, a PUD is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
7. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

A planned unit development is subject to the underlying district regulations, including use, unless an exception is specifically granted. The Plan and Zone Commission may recommend and the City Council may grant exceptions to the zoning district regulations, including use, for a planned unit development.

The underlying zoning district regulations, including use, apply unless an exception is granted as part of the planned unit development approval. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the City.

SCI Funeral Services, Inc. has submitted a preliminary plan for consideration. In exchange for permission to operate the existing facility as a reception hall, the following public benefits are proposed:

1. **Meeting Space For City Events** – The City may use the facility, at a reduced, cost-covering rate, for meetings, gatherings or events, subject to availability within standard operating hours.
2. **Formal Garden** – The petitioner will incorporate the addition of a formal garden filled with native grasses, plants, and flowers to the west side of our property for the public to enjoy.
3. **Not-For-Profit Benefit** – As a benefit to the City's nonprofit entities, the applicant will offer rental of the facility at reduced, cost-covering rates, subject to availability within standard operating hours.

The formal garden and adaptive reuse of the existing building satisfy the threshold required for a Planned Unit Development. If approved, the new use of the facility will be more aligned with a Community Center. While the public benefits offered by the petitioner may appear minimal, staff believe the amenities are aligned with the level of the request.

Rezoning Staff Report from the July 19, 2022 Plan and Zoning Commission meeting:

The purpose of the rezoning request is to allow a change in building function from a funeral home to a reception facility. Cunnick-Collins Mortuary & Cremation Service currently operates a funeral home at 1200 East 39th Street. The owners intend to expand the business beyond funeral services by renting the gathering spaces for other reception activities.

Why is a Zoning Map Amendment Required?

A 'Reception Facility' is a prohibited use in the S-OS Open Space District. A rezoning to C-1 Neighborhood Commercial District is the least intensive non-residential zoning classification that allows a 'Reception Facility'. Should the rezoning request be approved by City Council, then a Special Use Permit must be granted by the Zoning Board of Adjustment to operate a 'Reception Facility' within the existing building.

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designations:

The property is designated as Parks and Recreation in the Davenport +2035 Land Use Plan.

1. **Parks and Recreation (PR)** – Designates major developed parks, recreation areas, golf courses, cemeteries, etc. Park or recreation properties can be located in any zoning district. Smaller parks may not appear on the map because of the more general nature and scale of the map. But, it is implied in Residential General (RG) that small neighborhood parks are included.

Zoning:

The applicant is proposing a rezoning from S-OS Open Space District to C-1 Neighborhood Commercial District.

1. **S-OS Open Space District** - This district is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor, and cemeteries. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments. This district is also intended for governmental agency offices/facilities providing a governmental service to the public.
2. **C-1 Neighborhood Commercial District** - This district is intended to provide for commercial uses that predominantly serve the needs of nearby residential neighborhoods, and that are compatible in scale and character with the surrounding residential area. Low intensity mixed-use is encouraged.

Zoning Ordinance Use Definitions

1. **Funeral Home** - An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.
2. **Reception Facility** - A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is

not operated as a restaurant with regular hours of operation.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the July 5, 2022 Plan and Zoning Commission Public Hearing.

To date, staff have not received any responses from adjacent property owners.

Staff will apprise the Commission of any correspondence at the July 19, 2022 Plan and Zoning Commission meeting.

ATTACHMENTS:

Type	Description
▢ Backup Material	Planned Unit Development Request
▢ Backup Material	Section 17.14.080 Planned Unit Development
▢ Backup Material	Vicinity, Zoning, & Future Land Use Map
▢ Backup Material	Application
▢ Backup Material	Legal Description
▢ Backup Material	Zoning Ordinance Use Matrix
▢ Backup Material	Spot Zoning Fact Sheet
▢ Backup Material	Public Hearing Notice

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	9/2/2022 - 12:21 PM

**PRELIMINARY PLAN DOCUMENT FOR CONSIDERATION
CUNNICK-COLLINS LIFE CELEBRATION CENTER
SUBMITTED: AUGUST 18, 2022**

OVERVIEW, USE & INTENDED USE

Through numerous years of operations, SCI Iowa Funeral Services, Inc. (“SCI”) has maintained a positive relationship with the City of Davenport (“City”) while respectfully serving residents with their funeral and cemetery needs. In 2020 SCI acquired all of the operating assets of the Cunnick-Collins Mortuary (“Cunnick-Collins”), located at 1200 East 39th Street.

Increasingly in recent years, clientele of both our funeral homes and our cemetery have repeatedly requested that we provide spaces for more contemporary memorial gatherings, as well as dedicated reception space to accommodate catered luncheons following funeral/or and cemetery services. The tucked-in nature of the Cunnick-Collins facility on cemetery ground already owned by SCI, and adjacent to three other cemeteries along 39th Street, lends itself very well to accommodating these requests.

To meet this need in our community, SCI has extensively renovated this facility, in full compliance with City building code requirements, with flexible space to accommodate both contemporary celebration of life/memorial services as well as funeral-related reception events, while still accommodating those in our community who desire more traditional funeral events at our other funeral home locations.

With this facility now re-designed to celebrate meaningful funeral-related events, it seems a natural extension to host other substantially similar events in the lives of families not specifically related to funeral or memorial events.

While not an exhaustive list, specific examples of similar meaningful life events that often involve a gathering, open house, and/or reception could include a 50th wedding anniversary, an 80th birthday, wedding or baby showers, first communion/confirmation, bar mitzvah/bat mitzvah, graduation, or retirement to name a few. All are meaningful events in the lives of citizens, their families, and our community, and many choose to celebrate them with various types of gatherings.

Rebranded as the Cunnick-Collins Life Celebration Center (“Celebration Center”), we have already received requests for non-funeral-related occasions, including birthday gatherings and a graduation open house – despite the fact that we have not marketed at all for such events. While this seems to affirm community interest for this type of facility, we are reluctantly declining the facility to these residents due to current zoning restrictions.

While we have initially sought rezoning from S-OS to C-1 for this parcel to accommodate our intended use of Reception Hall, the City’s initial response to our rezoning request has caused us to better understand the concept of “spot zoning”, and the challenges it creates for the City.

PLANNED UNIT DEVELOPMENT CONSIDERATION

As an alternative to pursuing our rezoning request, we believe the City’s Planned Unit Development (“PUD”) process as outlined in Code 17.14.080 offers a more favorable path as we seek to expand the facility’s use, while providing compensating amenities to the City and certain public benefit.

**PRELIMINARY PLAN DOCUMENT FOR CONSIDERATION
CUNNICK-COLLINS LIFE CELEBRATION CENTER
SUBMITTED: AUGUST 18, 2022**

In addition to continued use allowed in S-OS zoning, we seek your consideration of our request to use the facility more adaptively with certain Reception Hall and Community Center functions in exchange for the following amenities and benefits:

- **Meeting Space For City Events** – The City may use the facility, at a reduced, cost-covering rate, for meetings, gatherings or events, subject to availability within standard operating hours.
- **Formal Garden** – We will incorporate the addition of a formal garden filled with native grasses, plants, and flowers to the west side of our property for the public to enjoy.
- **Not-For-Profit Benefit** – As a benefit to the City’s nonprofit entities, we will offer rental of the facility at reduced, cost-covering rates, subject to availability within standard operating hours.

FUTURE PLANS & SUMMARY

As we evolve to meet the changing needs of our customers, we will offer third-party catering options to all renters of our facility as well as complimentary on-site event coordination provided by a professional event planner. Recognizing that security may be a concern for some, we have proactively contracted with Per Mar Security to provide security personnel on location when needed.

Other future plans potentially include creating a tasteful and secure patio on the north side of the facility to host wedding ceremonies outside. This would allow us to host a ceremony outside and a reception inside.

We value our longstanding positive relationship with the City and its residents, both as a professional service provider and as a good community steward. As we seek to enhance our service offerings in response to requests from community members, we intend to do so in this same spirit: with high levels of respect for our patrons, our neighbors, and the community at large.

Thank you in advance for your thoughtful consideration of this request. We are grateful for the opportunity to pursue this alternative PUD path in order to better serve our community with this facility, and certainly welcome continued conversations toward a positive outcome for all involved.

Section 17.14.080 Planned Unit Development

A. Purpose

Planned unit developments (PUD) are a special approval intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the City. The underlying zoning district dimensional, design, and use regulations apply to a PUD unless specifically modified through the approval process. Through the flexibility of the planned unit development technique, a PUD is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.
7. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

B. Initiation

The entire property proposed for the planned unit development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners.

C. Authorization

A planned unit development is authorized in all zoning districts.

D. Exceptions From District Regulations

1. A planned unit development is subject to the underlying district regulations, including use, unless an exception is specifically granted. The Plan and Zone Commission may recommend and the City Council may grant exceptions to the zoning district regulations, including use, for a planned unit development.
2. Exceptions from district regulations may be granted for planned unit developments, if the exceptions:
 - a. Enhance the overall merit of the planned unit development.
 - b. Promote the objectives of both the City and the development.
 - c. Enhance the quality of the design of the structures and the site plan.
 - d. Will not cause excessive adverse impact.
 - e. Are compatible with adopted City land use policies.
 - f. Provide a public benefit to the City, as described below.

3. The underlying zoning district regulations, including use, apply unless an exception is granted as part of the planned unit development approval. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:

- a. Community amenities including plazas, malls, formal gardens, and pedestrian facilities.
- b. Preservation of existing environmental features.
- c. Preservation of historic features.
- d. Open space and recreational amenities such as recreational open space, including accessory buildings, jogging trails and fitness courses, and playgrounds, dog parks, skate parks, and similar recreational features.
- e. Reduction of impervious surface throughout the development below the threshold required by the district.
- f. Adaptive reuse of existing buildings.
- g. Provision of public car and/or bike share facilities
- h. Affordable housing set-asides.

E. Procedure

The following procedures, requirements, restrictions, and conditions are required. The approval of a planned unit development includes a pre-application consultation, preliminary plan approval, and final plan approval.

1. Pre-Application Consultation

- a. Prior to formal submittal of an application, a pre-application conference with the Zoning Administrator is required.
- b. At a pre-application consultation, the applicant must provide:
 - i. A map (or maps) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.
 - ii. A summary of the public benefits and amenities and any anticipated exceptions to this Ordinance.
 - iii. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
- c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of the preliminary plan, so that the applicant may determine whether the proposed planned unit development is in compliance with this Ordinance and other applicable regulations, and whether the proposed planned unit development aligns with the adopted land use policies of the City.
- d. The pre-application conference does not require formal application, fee, or filing of a planned unit development application. Any opinions or advice provided by the Zoning Administrator are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

2. Preliminary Plan

An application for a preliminary plan for a planned unit development must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Plan and Zoning Commission.

a. Action by the Plan and Zoning Commission

- i. After receipt of a complete application, the Plan and Zoning Commission will consider the preliminary plan at a public hearing.
- ii. Within 30 days of the close of the public hearing, the Plan and Zoning Commission must forward its recommendation to the City Council, unless an extension is agreed to by the applicant.
- iii. The Plan and Zoning Commission must evaluate the preliminary plan based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Plan and Zoning Commission must recommend approval, approval with conditions, or denial of the preliminary plan.

b. Action by City Council

The City Council will review the preliminary plan upon receipt of the Plan and Zoning Commission recommendation, and must approve, approve with conditions, or deny the preliminary plan.

c. Conditions

The Plan and Zoning Commission may recommend and the City Council may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned unit development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

d. Approval Standards

The recommendation of the Plan and Zoning Commission and decision of the City Council must make a finding that the following standards for a planned unit development have generally been met.

- i. The proposed planned unit development meets the purpose of a planned unit development.
- ii. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
- iii. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- iv. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. A traffic study may be required to provide evidence that the circulation system is adequate.
- v. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

e. Expiration

- i. The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within one year after the date the City Council grants preliminary plan approval. As part of the approval of the preliminary plan, the City Council may extend this period of time including approval of a phasing plan where the validity period is longer than one year for the planned unit development.
- ii. An extension of this one year period may also be granted by the City Council if the applicant requests an extension in writing prior to the expiration date of the approval. A public hearing for an extension of time of a preliminary plan is not required.

3. Final Plan

Following the approval of the preliminary plan, an application for a final plan for a planned unit development must be filed with the Zoning Administrator.

a. Action by Zoning Administrator

The Zoning Administrator will review the final plan upon receipt of the complete final plan application and take the following action:

- i. If the final plan is in substantial compliance with the approved preliminary plan, the Zoning Administrator will recommend approval of the final plan to the Plan and Zoning Commission. The Zoning Administrator will certify to the Plan and Zoning Commission that the final plan is in substantial conformance with the previously filed preliminary plan.
- ii. If the final plan is not in substantial conformance with the approved preliminary plan, the Zoning Administrator must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Zoning Administrator with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the Zoning Administrator render a decision to be forwarded to the Plan and Zoning Commission. In such case, the Zoning Administrator will recommend to the Plan and Zoning Commission that the final plan be denied and the plan and recommendation will be forwarded to the Plan and Zoning Commission.

b. Action by Plan and Zoning Commission

Upon receipt of the Zoning Administrator recommendation, the Plan and Zoning Commission must review the final plan. The Plan and Zoning Commission must approve or deny the final plan. If denied, the applicant may reapply by submitting a new final plan and the validity of the preliminary plan remains in effect. Alternatively, the applicant may submit the final plan as a new preliminary plan at the preliminary plan stage.

c. Effect of Approval

After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned unit development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Ordinance and constitutes grounds for revocation of all approvals granted for the planned unit development.

d. Expiration

- i. The final plan approval expires if a building permit has not been issued within two years after the date of final plan approval. As part of the Plan and Zoning Commission approval of the final plan, the Plan and Zoning Commission may extend this period of time including approval of a phasing plan where the validity period is longer than two years for the PUD.
- ii. An extension of this two year validity period may be granted by the City Council prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval.

F. Modifications to Approved Final Plans

No adjustments may be made to the approved final plan, except upon application to the City in accordance with the following.

1. Administrative Modifications

The Zoning Administrator may approve the following administrative modifications to an approved final plan when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved final plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. The Zoning Administrator, at his/her sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification to be approved by the Plan and Zoning Commission. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation, to be confirmed by the City Engineer.
- b. Changes in building location of no more than ten feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.

- c. Changes in the location of walkways, vehicle circulation ways, and parking areas of up to ten feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- d. Changes to a structure that do not increase the building footprint, gross floor area, or height.
- e. Changes in building design, including building materials, that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- f. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
- g. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of this Ordinance.
- h. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

2. Minor Modifications

The Plan and Zoning Commission may approve the following minor modifications to an approved final plan when it is determined by the Plan and Zoning Commission that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Plan and Zoning Commission, at its sole discretion, may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the City Council. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

- a. An increase or decrease in building height of up to 10%.
- b. An increase or decrease in building coverage up to 10%.
- c. A change of in the location of walkways, vehicle circulation ways, and parking areas over ten and up to 20 feet.
- d. An increase or decrease in the number of parking spaces of up to 20 parking spaces.
- e. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.
- f. Altering any final grade by no more than 20% of the originally planned grade.

3. Major Modifications

- a. The City Council may approve any other changes to an approved final plan that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:
 - i. Any request for an extension of time of the approved final plan.
 - ii. Changes to any conditions imposed as part of the approved final plan.
 - iii. Reductions or alterations in the approved public benefit and amenities to be provided.
 - iv. Any development action that does not comply with zoning district regulations.
- b. All major modifications to the final plan must be approved by the City Council in a public hearing. The City Council may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned unit development, respond to changes in conditions that have occurred since the final plan was approved, and/or respond to changes in adopted City land use policies.
- c. Upon review of the proposed major modifications, the City Council may determine that the proposed modifications constitute a new planned unit development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this Section. The applicant may submit the final plan as a new preliminary plan at the preliminary plan stage.

Vicinity Map

Existing Use:

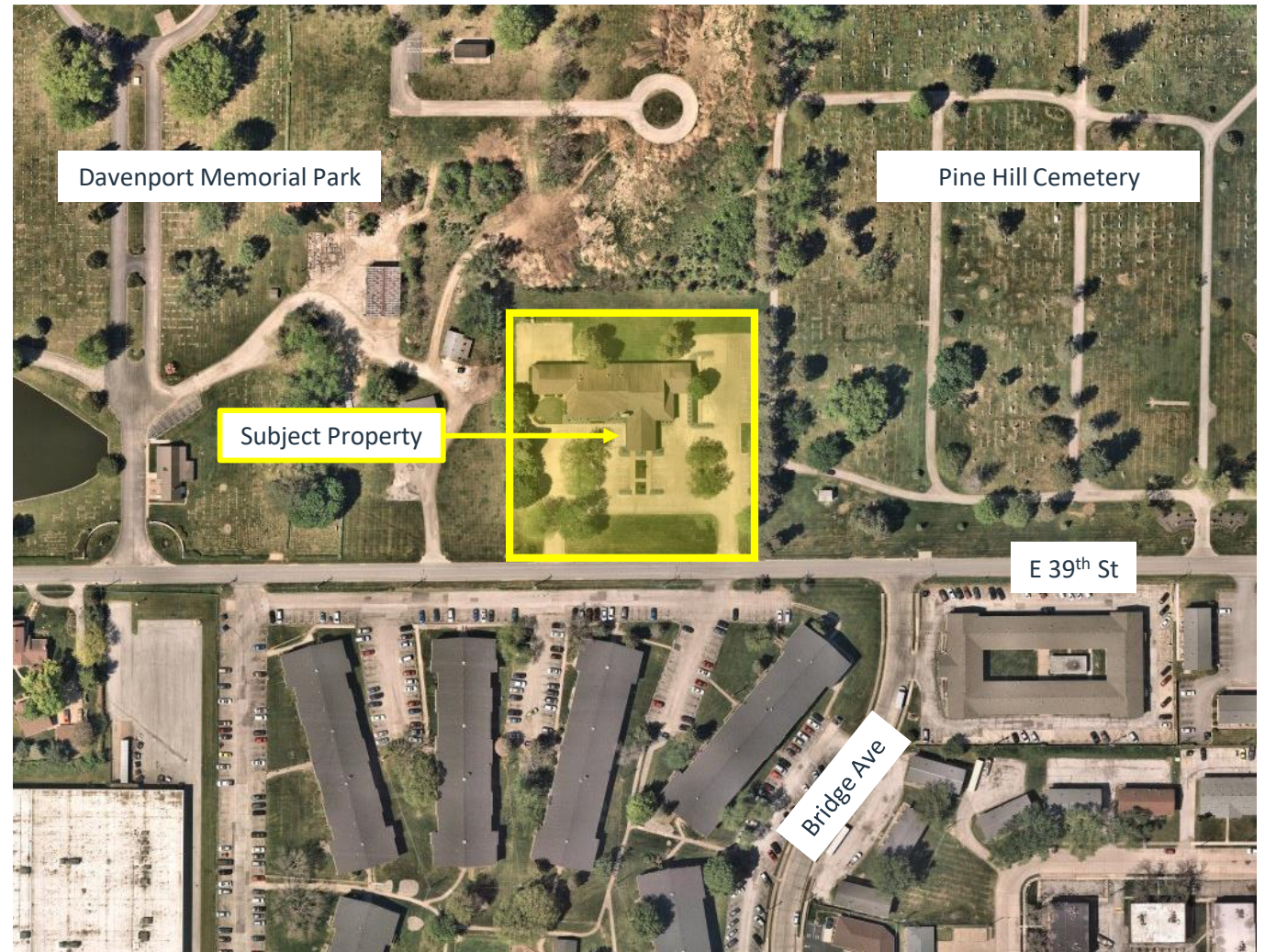
Cunnick-Collins Mortuary & Cremation Service

Purpose of the Request:

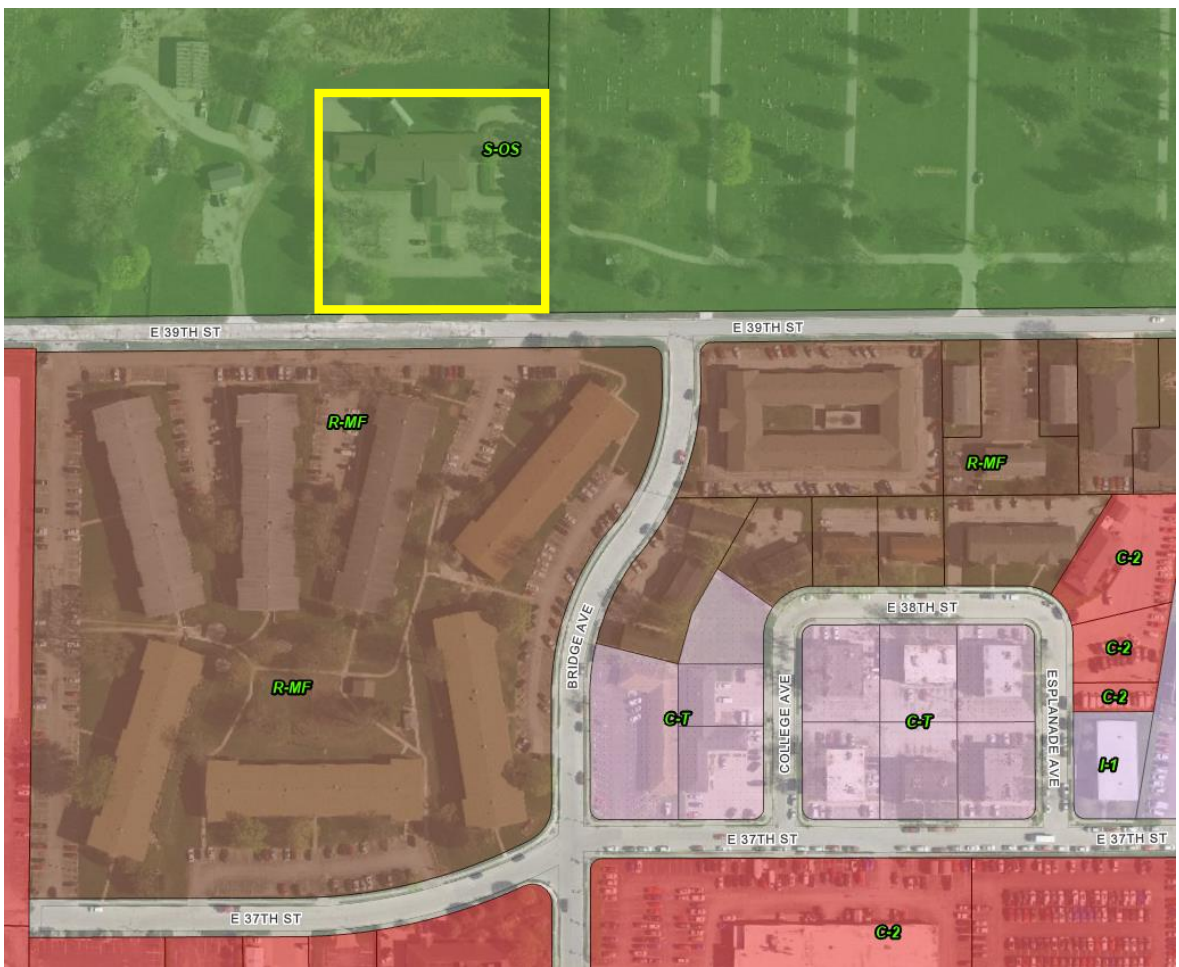
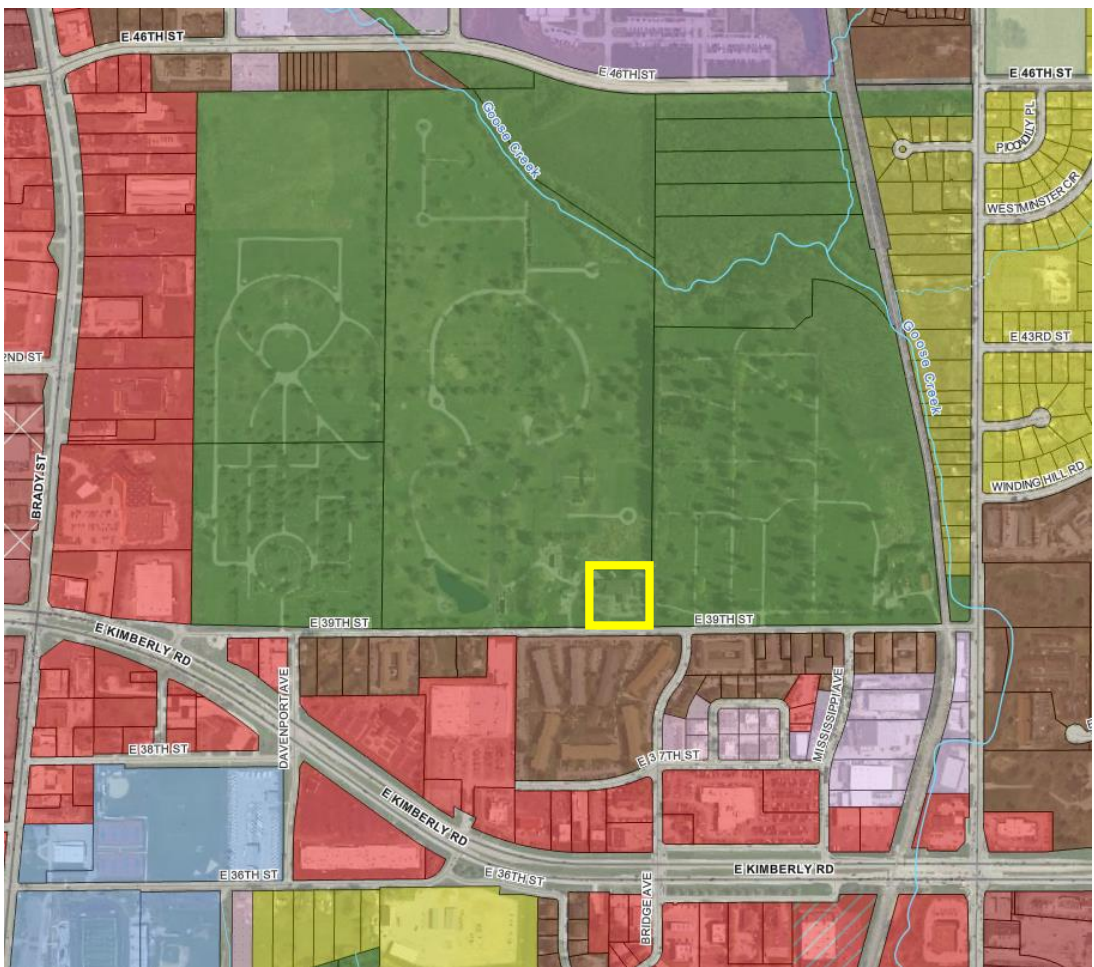
The owner is requesting a rezoning to allow a change in building function from a Funeral Home to a Reception Facility.



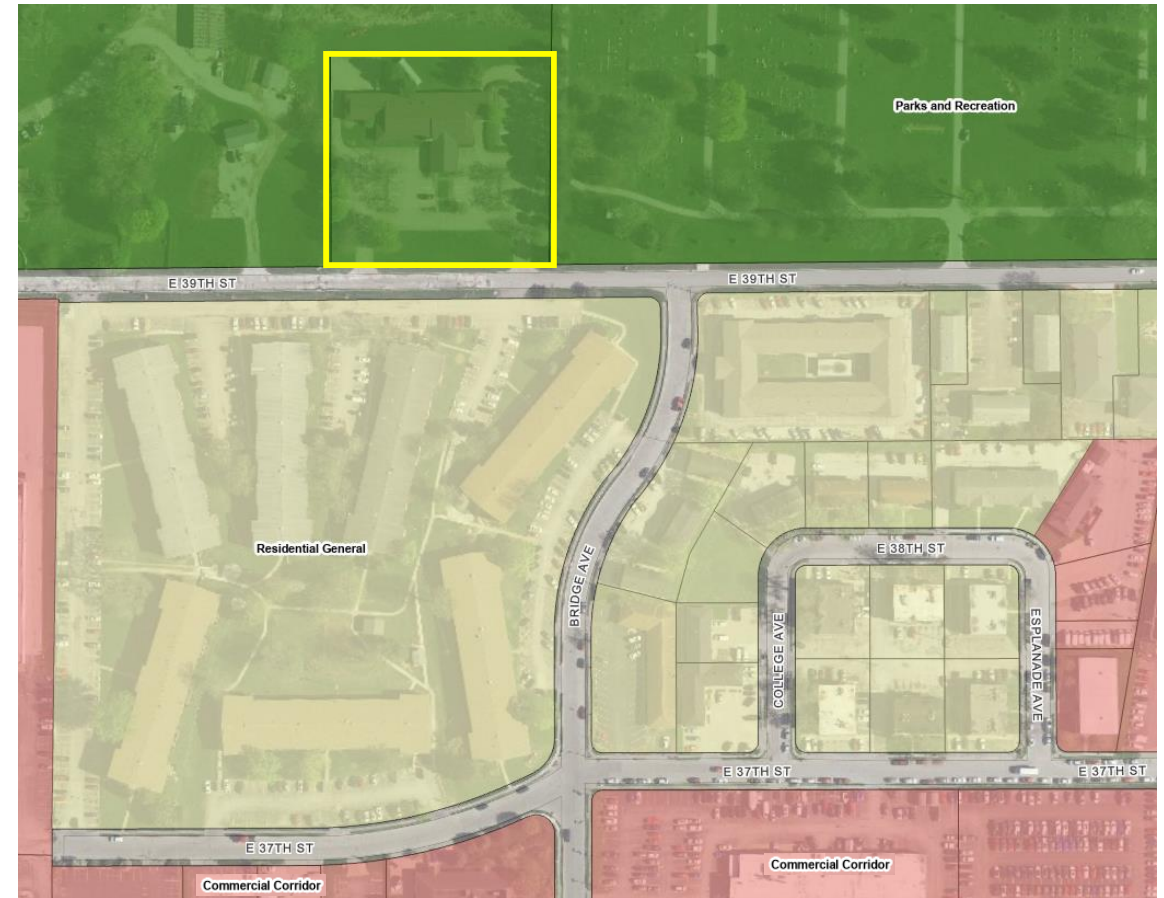
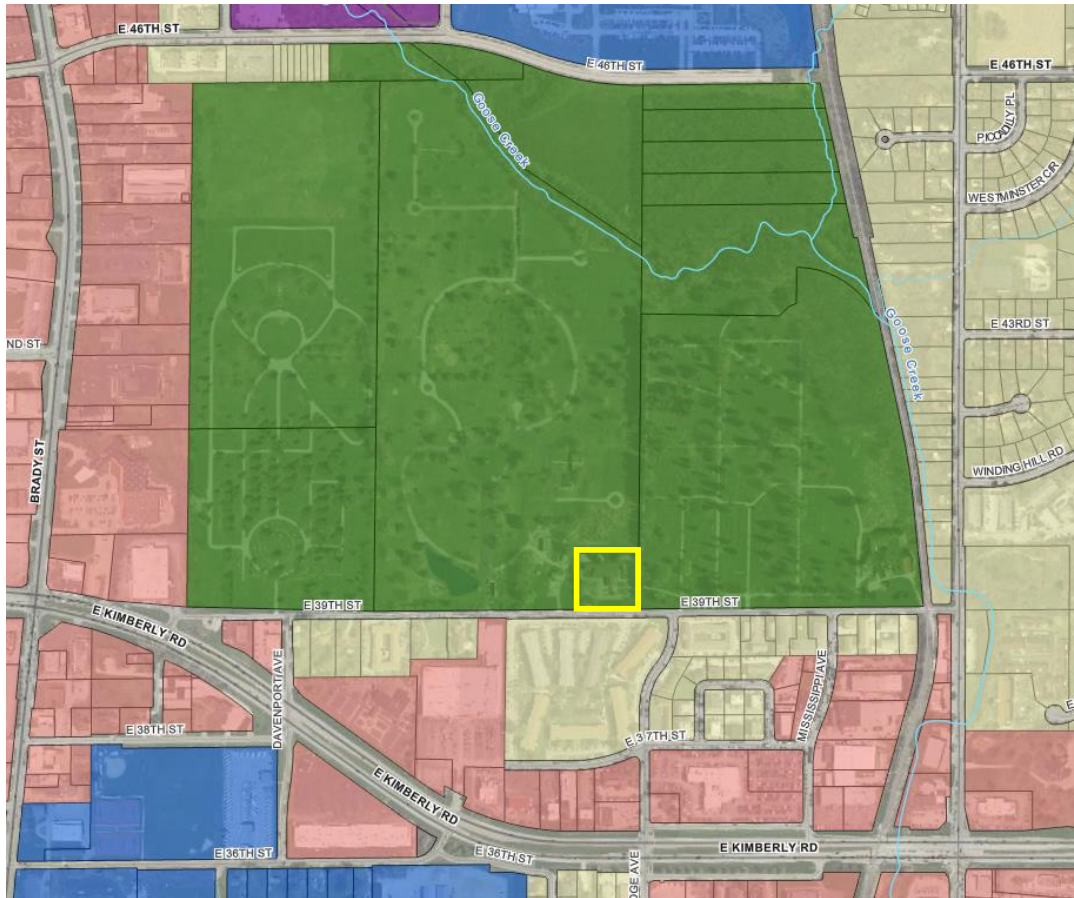
DAVENPORT
IOWA | USA



Zoning Map



Future Land Use Map





Complete application can be emailed to: planning@davenportiowa.com

Property Address* 1200 EAST 39TH STREET; DAVENPORT, IA 52807

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

Applicant (Primary Contact)**

Name: TRAVIS RIGDON - MARKET MANAGER
 Company: SCI IOWA FUNERAL SERVICES, INC.
 Address: 1200 EAST 39TH STREET
 City/State/Zip: DAVENPORT, IA 52807
 Phone: 972-762-8109
 Email: travis.rigdon@sci-us.com

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

Name: TRAVIS RIGDON - MARKET MANAGER
 Company: SCI IOWA FUNERAL SERVICES, INC.
 Address: 1929 ALLEN PARKWAY
 City/State/Zip: HOUSTON, TX 77019
 Phone: 972-762-8109
 Email: travis.rigdon@sci-us.com

Zoning Board of Adjustment

Zoning Appeal ☐
 Special Use ☐
 Hardship Variance ☐

Engineer (if applicable)

Name: ANDY LOGSDON, PE
 Company: BRUNER, COOPER & ZUCK, INC.
 Address: 835 GOLDEN VALLEY DRIVE
 City/State/Zip: BETTENDORF, IA 52722
 Phone: 563-355-1856
 Email: all@bczengeering.com

Design Review Board

Design Approval ☐
 Demolition Request in the Downtown ☐
 Demolition Request in the Village of East Davenport ☐

Architect (if applicable)

Name: DAVID NICHOLS, AIA
 Company: BRUNER, COOPER & ZUCK, INC.
 Address: 835 GOLDEN VALLEY DRIVE
 City/State/Zip: BETTENDORF, IA 52722
 Phone: 563-355-1856
 Email: djn@bczengeering.com

Historic Preservation Commission

Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Administrative

Administrative Exception ☐
 Health Services and Congregate Living Permit ☐

Attorney (if applicable)

Name:
 Company:
 Address:
 City/State/Zip:
 Phone:
 Email:

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

Request:Existing Zoning: Proposed Zoning Map Amendment:

Purpose of the Request:

The Owner is requesting that the parcel be rezoned to allow a change in building function from Funeral Home to
+

Total Land Area: Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No**Submittal Requirements:**

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
 - Zoning Map Amendment is less than 1 acre - \$400.
 - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
 - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
 - \$10.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:

(1) Application:

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Plan and Zoning Commission public hearing:

- The City shall post notification sign(s) in advance of the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request.
- The applicant shall make a presentation regarding the request at a neighborhood meeting. The purpose of meeting is to offer an opportunity for both applicant and neighboring residents/property owners to share ideas, offer suggestions, and air concerns in advance of the formal public hearing process. Planning staff will coordinate meeting date, time, and location and send notices to surrounding property owners.
- The Plan and Zoning Commission will hold a public hearing on the request. Planning staff will send notices to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the request:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council.
- If the Plan and Zoning Commission recommends denial, the request may only be approved by a favorable 3/4 vote of the City Council.

Formal Procedure (continued):

(4) City Council's consideration of the request:

- The Committee of the Whole (COW) will hold a public hearing on the request. Planning staff will send a public hearing notice to surrounding property owners.
- If property owners representing 20% or more of the area within 200 feet of the exterior boundaries of the request submit a written protest, the request may only be approved by a favorable 3/4 vote of the City Council. For the purpose of the 20% protest rate, formal protests will be accepted until the public hearing is closed.
- The City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Unique Doc ID: 1617669
Recorded: 9/30/2020 at 4:24:17.0 PM
County Recording Fee: \$12.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$15.00
Revenue Tax: \$1,376.80
Rita A. Vargas RECORDER
Number: 202000030104
Scott County, Iowa

Prepared by: Philip D. Brooks, Simmons Perrine Moyer Bergman PLC
115 Third Street SE - Suite 1200, Cedar Rapids, Iowa 52401 (319) 366-7641
Return to: SCI Iowa Funeral Services, Inc.: 1929 Allen Pkwy, Houston, TX 77019

SPACE ABOVE THIS LINE FOR RECORDER

Address Tax Statements: SCI Iowa Funeral Services, Inc.: 1929 Allen Pkwy, Houston, TX 77019
Real Estate Parcel Identification Number: P1306-02-C.

CORPORATE WARRANTY DEED

For the consideration of one dollar and other valuable consideration, **MAR-CHAR ENTERPRISES, INC.**, an Iowa corporation, does hereby convey to **SCI IOWA FUNERAL SERVICES, INC.**, an Iowa corporation, the following described real estate in Scott County, Iowa:

Lot 2 of Davenport Memorial Park Addition to the City of Davenport, Scott County, Iowa;

subject to easements, covenants, conditions and restrictions of record.

Grantor does hereby covenant with grantee, and successors in interest, that grantor holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantor covenants to warrant and defend the real estate against the lawful claims of all persons except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: 9-9-, 2020

MAR-CHAR ENTERPRISES, INC.,
an Iowa corporation

By: M. P. C.
Marcus Cunnick, President

STATE OF IOWA, COUNTY OF HANSON, ss:

This instrument was acknowledged before me on the 9th day of September, 2020, by Marcus Cunnick, as President of **MAR-CHAR ENTERPRISES, INC.**, an Iowa corporation.



[Signature]
Notary Public in and for said State
My Commission Expires: _____

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Adult Use																S	S					Sec. 17.08.030.A	
Agriculture																			P				
Amusement Facility - Indoor									P	P	P		P	P	P	P		P					
Amusement Facility - Outdoor										S	S				S	P		S					
Animal Care Facility – Large Animal																			P				
Animal Care Facility – Small Animal							S	S	P	P	P		S	S	P	P		P	P			Sec. 17.08.030.B	
Animal Breeder																			P			Sec. 17.08.030.B	
Art Gallery							P	P	P	P	P		P	P	P			P					
Arts and Fitness Studio							P	P	P	P	P		P	P	P			P					
Bar									P	P	P		P	P	P			P					
Bar – Neighborhood								P														Sec. 17.08.030.C	
Bed and Breakfast	S	S	S	S	S														P			Sec. 17.08.030.D	
Billboard									P	P						P	P					Sec. 17.08.030.E	
Body Modification Establishment								P	P	P	P		P		P			P					
Broadcasting Facility TV/Radio								P	P	P		P	P	P	P	P	P	P			P		
Campground																			S	P		Sec. 17.08.030.F	
Car Wash									P	P					S			P				Sec. 17.08.030.G	
Casino															P								
Cemetery																				P			
Children’s Home					P				P	P					P			S			P	Sec. 17.08.030.H	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Community Center	P	P	P	P	P		P	P	P	P	P		P	P	P			P	P	P	P		
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.030.I	
Conservation Area																			P	P			
Country Club																				P			
Cultural Facility							P	P	P	P	P		P	P	P			P		P	P		
Day Care Center					P		P	P	P	P	P	P	P	P	P	S		P			P	Sec. 17.08.030.J	
Day Care Home	P	P	P	P	P														P			Sec. 17.08.030.K	
Drive-Through Facility									P	P	S		S		P	P	P					Sec. 17.08.030.K	
Drug/Alcohol Treatment Facility, Residential									S	S					S			S			S	Sec. 17.08.030.L	
Drug Treatment Clinic									S	S					S			S			S	Sec. 17.08.030.L	
Domestic Violence Shelter					P			P	P	P					P			P			P	Sec. 17.08.030.H	
Dwelling – Accessory Dwelling Unit	P	P	P	P																		Sec. 17.08.030.M	

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Dwelling – Manufactured Home						P													S			Sec. 17.08.030.N	
Dwelling - Multi-Family					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.O	
Dwelling - Townhouse					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.P	
Dwelling - Single-Family	P	P	P	P			P	P	P					P								Sec. 17.08.030.P	
Dwelling - Single-Family Semi-Detached		P	P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (Conversion)					P		P	P	P					P								Sec. 17.08.030.P	
Educational Facility - Primary or Secondary	P	P	P	P	P																P		
Educational Facility - University or College										P	P	P	P		P						P		
Educational Facility - Vocational							S	S	S	P	P	P	P	S	P	P	P	P			P		
Equine, Keeping of/Equestrian Facility	P																		P			Sec. 17.08.030.Q	
Fairground																			S	S	P		
Financial Institution							P	P	P	P	P	P	P	P	P			P					
Financial Institution, Alternative									S	S					S			P				Sec. 17.08.030.R	
Food Bank																	P	P	P				
Food Pantry									P	S					S			S					
Funeral Home							S	S	S	P					P			P					
Gas Station								S	P	P	S				P	P	P	P				Sec. 17.08.030.S	
Golf Course/Driving Range																				P			
Government Office/Facility							P	P	P	P	P	P	P	P	P	P	P	P		P	P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Greenhouse/Nursery - Retail										P					P			P	S				
Group Home	P	P	P	P	P																	Sec. 17.08.030.T	
Halfway House									S	S					S			S			S	Sec. 17.08.030.L	
Healthcare Institution																					P		
Heavy Rental and Service																P		P					
Heavy Retail										S					S	P		P					
Homeless Shelter									S	S					S			S			S	Sec. 17.08.030.L	
Hotel									P	P	P	P	P	S	P			P					
Industrial - General																	P						
Industrial - Light												P				P	P	P					
Industrial Design								P	P	P		P	P		P	P	P	P					

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Live Performance Venue										P	P		P	P	P	P		P					
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.030.U	
Manufactured Home Park						P																	
Medical/Dental Office							P	P	P	P	P	P	P	P	P			P			P		
Micro-Brewery/Distillery/Winery									P	P	P		P	P	P	P		P					
Neighborhood Commercial Establishment		S	S	S	S																	Sec. 17.08.030.V	
Office							P	P	P	P	P	P	P	P	P	P	P	P			P		
Outdoor Dining							P	P	P	P	P	P	P	P	P	P	P	P			P	Sec. 17.08.030.W	
Parking Lot (Principal Use)								S	S	S	S	S	S	S	S	P	S	S			P	Chapter 17.10	
Parking Structure (Principal Use)								S	S	P	P	P	S	S	P			P			P	Chapter 17.10	
Personal Service Establishment							P	P	P	P	P	P	P	P	P	P		P			P		
Place of Worship	P	P	P	P	P		S	S	P	P	P		P	P	P	P			P		P		
Private Recreation Facility								P	P	P	P	P	P	P	P	P		P			P		
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public Works Facility												P				P	P	P	P		P		
Reception Facility	S	S	S	S				S	S	P	P		S	S	P			P	S			Sec. 17.08.030.X	
Recreational Vehicle (RV) Park																			S	S		Sec. 17.08.030.F	
Research and Development												P				P	P	P			P		
Residential Care Facility					P		P	P	P	P	P	P	P		P	P		P			P	Sec. 17.08.030.Y	
Restaurant								P	P	P	P	P	P	P	P	P	P	P		P	P		
Retail Goods Establishment							P	P	P	P	P	P	P	P	P	P	P	P			P		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Retail Alcohol Sales									P	P	S		S		P	P							
Retail Sales of Fireworks																P	P					Sec. 17.08.030.Z	
Salvage Yard																	S						
Self-Storage Facility: Enclosed									S	S					P	P	P	P				Sec. 17.08.030.AA	
Self-Storage Facility: Outdoor																P	P	S				Sec. 17.08.030.AA	
Social Service Center									P	P					P			P			P		
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB	
Specialty Food Service								P	P	P	P		P	P	P	P		P					
Storage Yard - Outdoor																P	P					Sec. 17.08.030.CC	
Truck Stop																P	P						

TABLE 17.08-1: USE MATRIX																							
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Vehicle Dealership – Enclosed										P		S	P		P	S		P					
Vehicle Dealership – With Outdoor Storage/Display										S					S	S		P					
Vehicle Operation Facility																P	P				P		
Vehicle Rental – Enclosed										P		S	P		P	S		P					
Vehicle Rental – With Outdoor Storage/Display										S					S	S		P					
Vehicle Repair/Service– Major										S						P	P	P				Sec. 17.08.030.EE	
Vehicle Repair/Service – Minor									P	P					P	P	P	P				Sec. 17.08.030.EE	
Warehouse																P	P						
Wholesale Establishment																P	P	S					
Wind Energy System												S				S	S		S		S	Sec. 17.08.030.EE	
Wine Bar								S	P	P	P		P	P	P			P					
Winery																			S				
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
Wireless Telecommunications – Stealth Design Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS Co-Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS New Pole	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
TEMPORARY USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Farmers' Market					T		T	T	T	T	T	T	T	T	T			T	T	T	T	Sec. 17.08.040.A	
Real Estate Project Sales Office/Model Unit	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T			T	Sec. 17.08.040.B	
Temporary Cell On Wheels (COW)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.C	
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.D	
Temporary Outdoor Entertainment	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T	T	T	Sec. 17.08.040.E	
Temporary Outdoor Sales (No Fireworks Stand)	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T		T	Sec. 17.08.040.F	
Temporary Outdoor Sales - Fireworks Stand Only																T	T					Sec. 17.08.040.G	
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.H	

Spot Zoning

Spot zoning is when a rezoning decision results in a single parcel, or small island of property, with restrictions on its use different from those imposed on the surrounding property. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding property. For example, a parcel or two designated as neighborhood commercial in a residential area is perfectly appropriate if it provides needed retail services to residents. However, zoning is not appropriate if it is for the financial benefit of an individual property owner but detrimental to the surrounding area. According to the Iowa courts, the factor of primary importance is whether the rezoned tract has a peculiar adaptability to the new classification as compared to the surrounding property. Spot zoning for the sole benefit of the landowner and contrary to the comprehensive plan is unreasonable.

The case for creating these “spot zones” is best made through the comprehensive planning process, where the community can explain the benefits that such differential treatment brings to the area.



PUBLIC HEARING NOTICE | Plan and Zoning Commission

Date: 7/5/2022 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:00 PM Subject: Public Hearing for a Rezoning Request before the Plan and Zoning Commission

To: All property owners within 200 feet of the subject property located at 1200 East 39th Street

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The subject property is currently zoned S-OS Open Space District. The property owner is requesting a rezoning to C-1 Neighborhood Commercial District to allow a change in building function from a funeral home to a reception facility.

Request/Case Description

Case REZ22-04: Request of SCI Iowa Funeral Services Inc. to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. [Ward 7]

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on July 5, 2022. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on July 19, 2022. 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?

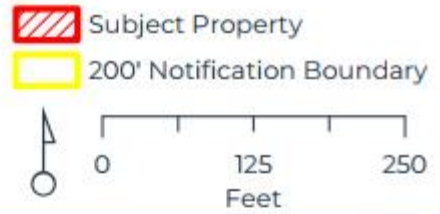
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (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.

Rezoning Request | Public Hearing Notice

Case REZ22-04

Rezone from S-OS Open Space District to
C-1 Neighborhood Commercial District



City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Date
9/6/2022

Subject:

Request for the Plan and Zoning Commission to initiate a zoning interpretation for the property at 4128 Brady Street. [Ward 7]

Recommendation:

Staff recommend the Plan and Zoning Commission request a zoning interpretation for the property at 4128 Brady Street.

Background:

Section 17.14.120 of the Davenport Zoning Ordinance grants the Plan and Zoning Commission authority to initiate a zoning interpretation for the purpose of furthering development.

Davenport's Community and Economic Development Department is requesting the Plan and Zoning Commission to direct the Zoning Administrator to provide a zoning interpretation for the property at 4128 Brady Street. A zoning interpretation might be a useful to do in advance of potential parties looking at future acquisition and redevelopment of the site.

The purpose of the zoning interpretation is to notify the property owner, Benitta Berke Trustee, that an 'Adult Use' is prohibited in the C-C City Centre Zoning District.

The property was formerly a gentleman's club. However, that business has closed and the nonconforming use has expired. The building is currently vacant and being marketed for rent. The City of Davenport wants to clarify with the owner that the site has lost its nonconforming status as an Adult Use prior to any reinvestment into the site for such a use.

The property at 4128 Brady Street is zoned C-C City Centre District. This district was recently established to position the central part of the city for revitalization oriented toward a regional mix of commercial, high-density residential, and entertainment. The goal of the new zoning district was to encourage compatible development and redevelopment.

ATTACHMENTS:

Type	Description
▣ Backup Material	Letter to Commission
▣ Backup Material	Map
▣ Backup Material	Section 17.14.120 Zoning Interpretation
▣ Backup Material	Section 17.15.020 Nonconforming Use

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Werderitch, Matt	Approved	9/2/2022 - 12:10 PM



September 1, 2022

Bob Inghram, Chairperson
Plan & Zoning Commission
1200 E. 46th Street
Davenport, Iowa 52807

Dear Mr. Inghram: I am writing with a request for the Plan & Zoning Commission.

As you are likely aware, the City has periodically initiated revitalization efforts along our older commercial corridors. In recent years, staff has begun outreach in the mid-Brady and north-Brady corridors.

In the mid-Brady area in particular, the creation of the City Centre district last fall, with Commission and Council review, reflects this focus. Going forward, we hope to collaborate with NorthPark Mall ownership and other stakeholders in a strategic planning process.

Anticipating that there may be a number of details to review as we move down this path, from an economic development perspective, we expect that there may be some nonconforming components to analyze (uses, structures, signage, etc.). From some complaints we have received, one example is a long-time abandoned property at 4128 Brady Street (former Chorus Line).

From our records, it has been vacant for approximately 6 years, last operated as an Adult Use, which is not in conformance with the zoning code. The P&Z Commission can direct staff to research and make a determination on whether this nonconforming use has now lapsed. This might be useful to do in advance of potential parties looking at future acquisition and re-development. Would you consider adding this as a discussion item at an upcoming Commission meeting?

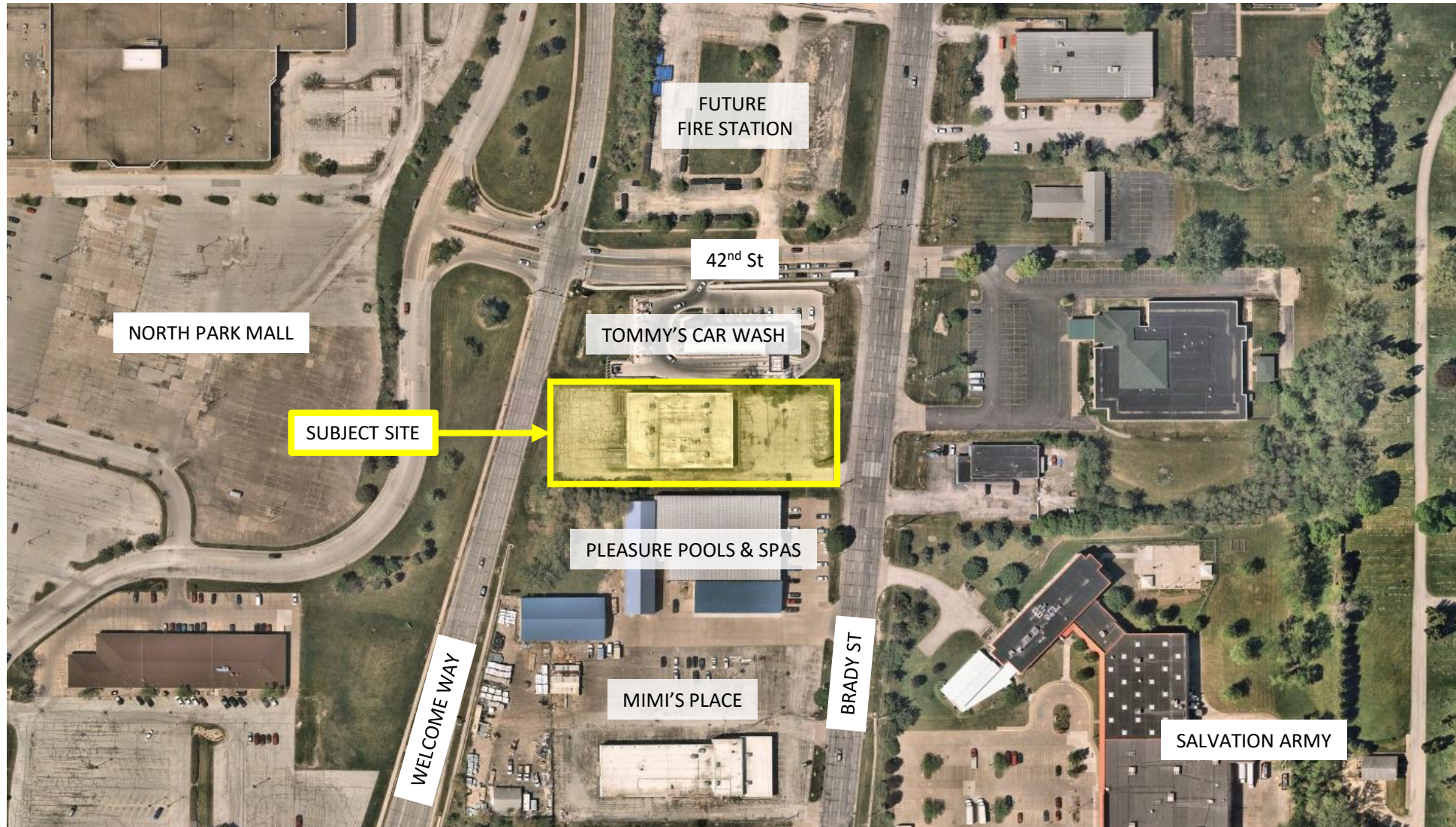
Thanks in advance and let me know if you have any questions.

A handwritten signature in blue ink that reads "Bruce Berger". The signature is fluid and cursive.

Bruce Berger, Director

4128 Brady Street

DAVENPORT
IOWA | USA



4128 Brady Street

DAVENPORT
IOWA | USA





DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

Section 17.14.120

Zoning Interpretation

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

B. Initiation

The City Council, the Plan and Zoning Commission, Zoning Board of Adjustment, or a property owner in the City, or person expressly authorized in writing by the property owner, may request a zoning interpretation. All interpretation requests must be for the purpose of furthering some actual development.

C. Authority

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

D. Procedure

All applications for interpretations must be filed with the Zoning Administrator. The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Zoning Administrator may request additional information prior to rendering an interpretation.

CHAPTER 17.15. NONCONFORMITIES

Section 17.15.010	General Applicability
Section 17.15.020	Nonconforming Use
Section 17.15.030	Nonconforming Structure
Section 17.15.040	Nonconforming Lot of Record
Section 17.15.050	Nonconforming Site Elements
Section 17.15.060	Nonconforming Signs

Section 17.15.010 General Applicability

A. Authority to Continue

Any use, structure, lot, or site element that legally existed as a nonconformity as of the effective date of this Ordinance, and any use, structure, lot, or site element that has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Chapter so long as it remains otherwise legal. A use, structure, lot, or site element that is illegal as of the effective date of this Ordinance, remains illegal.

B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner of the nonconforming use, structure, lot, or site element, or the operator of the use.

C. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire and health codes apply to nonconformities.

Section 17.15.020 Nonconforming Use

A. Definition

A nonconforming use is the use of a structure or land that at one time was an allowed use within a zoning district, but because of subsequent amendments to the Ordinance is no longer allowed.

B. Expansion

A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.

C. Relocation

A nonconforming use of a structure or land cannot be relocated, in whole or in part, to any other structure or location on the same lot. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

D. Change of Use

A nonconforming use can only be changed to a use allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to a use that is not allowed in the district. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

E. Discontinuation or Abandonment

If a nonconforming use is discontinued or abandoned for a continuous period of one year, the nonconforming use is terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of god are not included in calculating the length of discontinuance or abandonment for this section. When a nonconforming use is offered for sale, such sale period of up to one additional year is not included in calculating the length of discontinuance or abandonment for this section; however, all equipment, building design, and similar use infrastructure must be maintained in working condition during the sale period.

F. Damage or Destruction

- 1.** In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased.
- 2.** If the structure containing the nonconforming use is a nonconforming structure, the structure may only be rebuilt, restored, repaired, or reconstructed in accordance with Section 17.15.030.
- 3.** However, if a building permit is not obtained within one year of the date of damage or destruction, then the nonconforming use may not be reestablished unless it conforms to all regulations of the zoning district in which it is located, including use. This time period to obtain a building permit may be extended based on evidence showing good reason for the delay.

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
9/6/2022

Subject:

Case F22-10: Request of River Bend Food Reservoir, on behalf of Three N Corporation, for a final plat of River Bend 1st Addition for a 5-lot subdivision on 72.86 acres, located south of Kimmel Drive. [Ward 1]

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F22-10 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

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

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Provide a 15 ft. wide utility easement along the Kimmel Drive right-of-way.
4. Include a note stating, "Stormwater detention and water quality treatment will be required for this subdivision upon further development of the property."

Background:

Discussion

The purpose of the final plat is to facilitate the sale of land. The 72.86 acre area is within the Mississippi River floodplain. Four lots will be established along Kimmel Drive, which is the most developable portion of the property.

It is anticipated that Lot 5 will be sold to Nahant Marsh Education Center and converted to conservation area. The City may initiate a rezoning to S-OS Open Space District to accommodate the new use since conservation area is prohibited in the I-2 Heavy Industrial District.

Comprehensive Plan:

1. Within Existing Urban Service Area: No
2. Within Urban Service Area 2035: No

Future Land Use Designation:

The property is designated as **Open Space and Public Land** in the Davenport +2035 Land Use Plan. Open Space and Public Land includes undeveloped open space, natural areas, floodplains and wetlands that may be or may not be planned for future park and recreation development.

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

The proposed Final Plat complies with the Davenport +2035 proposed land use section.

Zoning:

The subject property is zoned **I-2 Heavy Industrial District**. This district is intended to provide for a variety of general manufacturing, fabricating, processing, distributing and warehousing uses. Industrial uses in the I-2 District may result in some external effects such as smoke, noise, glare or vibration, and typically include outdoor storage and related outdoor activities.

Technical Review:

1. Streets: The five lots will have access and frontage along Kimmel Drive. Lot 5 will have a flag providing access to the improved portion of Kimmel Drive. The street becomes a gravel driveway at the lot line of Republic Services of Iowa LLC. Depending on the development and use of the lots, roadway improvements may be required.
2. Storm Water: Stormwater detention and water quality treatment will be required per ordinance on each lot.
3. Sanitary Sewer: Existing infrastructure can be extended east from the intersection of Kimmel Drive and Stark Street.
4. Iowa American Water Company: Prior to development the project will require an approximately 1,400 ft. water main extension to tie into Kimmel Drive and Stark Street.
5. Other Utilities: Normal utility services are available at this site.
6. Parks/Open Space: The petitioner intends to sell Lot 5 to Nahant Marsh Education Center, which will add 60.41 acres of conservation area to the City.

Public Input:

No public hearing is required for a Final Plat.

ATTACHMENTS:

Type	Description
▣ Backup Material	Final Plat-River Bend 1st Addition
▣ Backup Material	Maps
▣ Backup Material	Application

Staff Workflow Reviewers

REVIEWERS:

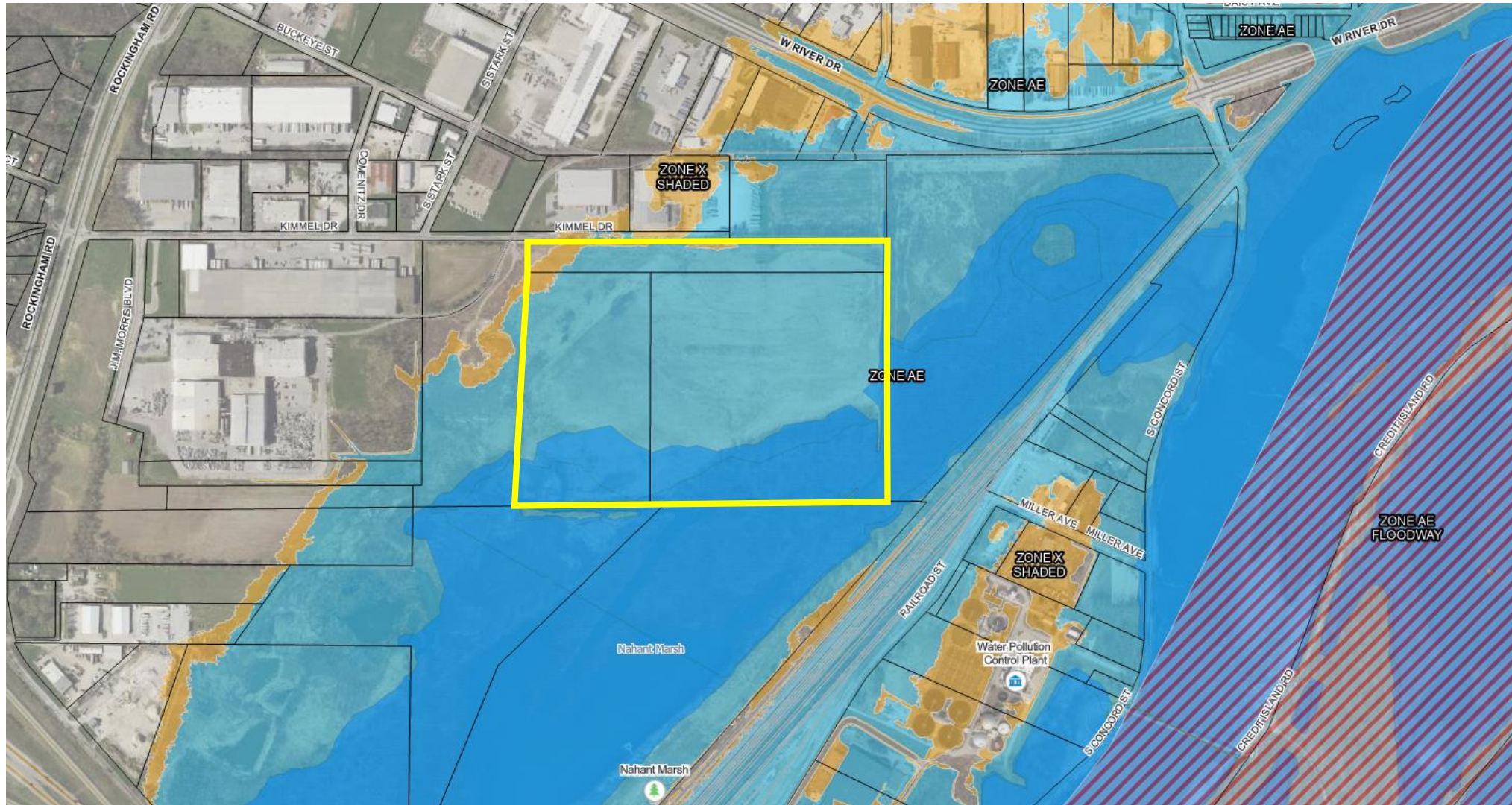
Department	Reviewer	Action	Date
Community Planning & Economic Development	Werderitch, Matt	Approved	9/2/2022 - 12:00 PM

Vicinity Map

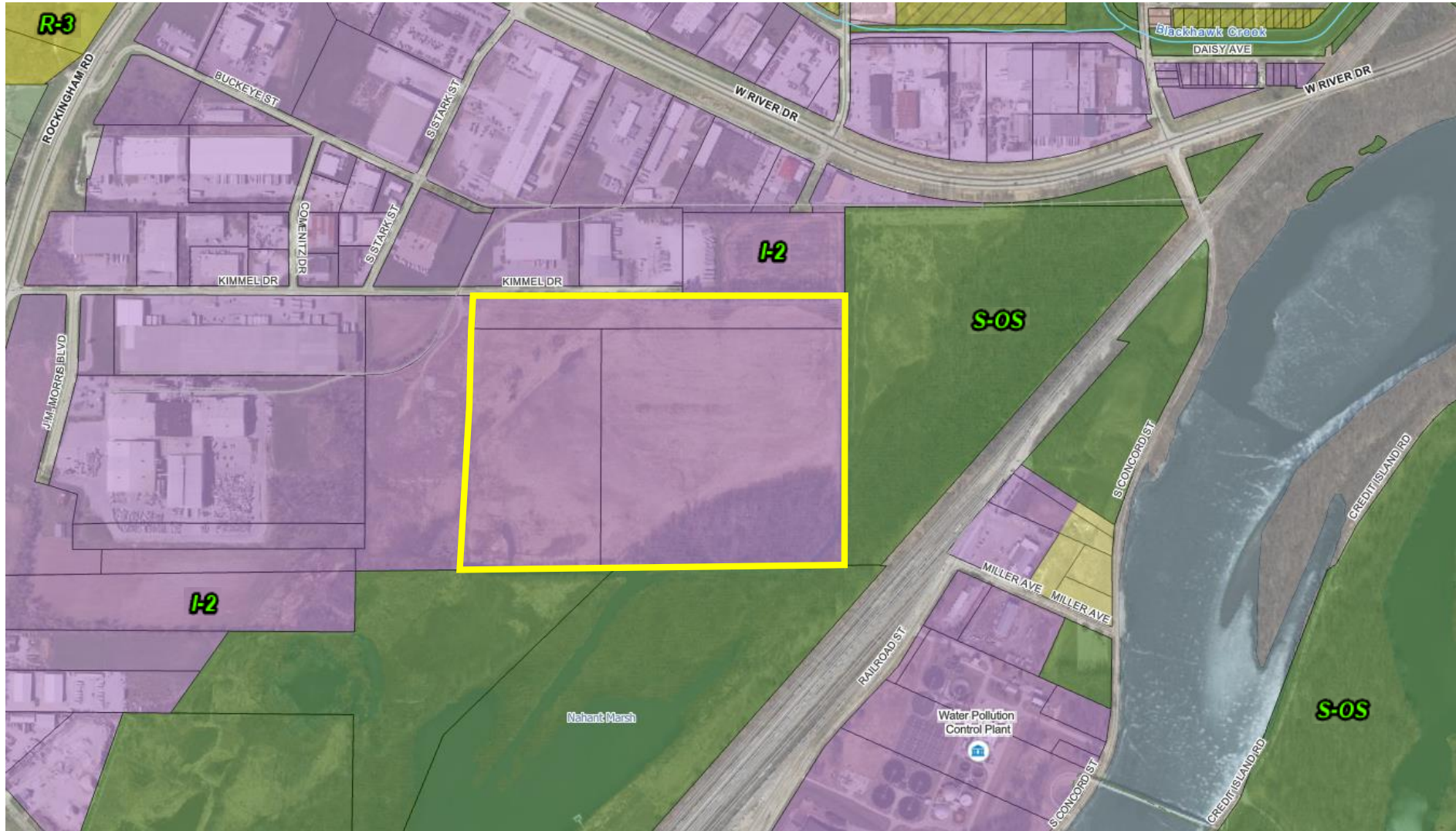
DAVENPORT
IOWA | USA



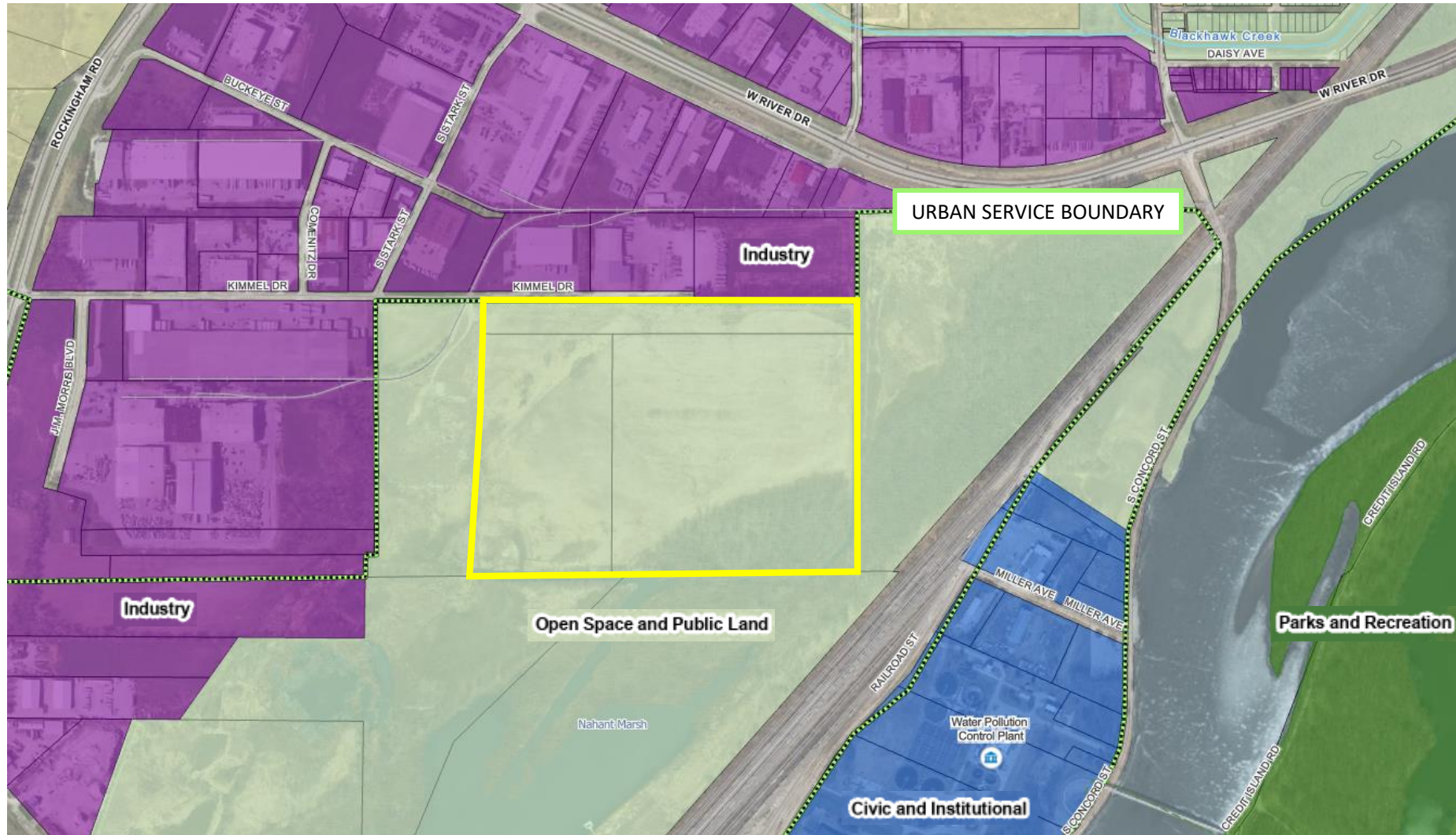
Flood Map



Zoning Map



Future Land Use Map





Complete application can be emailed to planning@davenportiowa.com

Property Address*

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

Applicant (Primary Contact)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Application Form Type:

Plan and Zoning Commission

Zoning Map Amendment (Rezoning)
Planned Unit Development
Zoning Ordinance Text Amendment
Right-of-way or Easement Vacation
Voluntary Annexation

Owner (if different from Applicant)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

Engineer (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Design Review Board

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

Architect (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Administrative

Administrative Exception
Health Services and Congregate
Living Permit

Attorney (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Final Plat – Required for subdivisions of two lots or more.

Property Location:

Total Land Area:

Total Number of Lots:

Linear Feet of Streets Added:

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: Yes No

Submittal Requirements:

- The completed application form.
- Required fee:
 - Ten or fewer lots - \$400 plus \$25 per lot.
 - Eleven to twenty-five lots - \$700 plus \$25 per lot.
 - More than twenty-five lots - \$1,000 plus \$25 per lot.
- A PDF of the proposed final plat at a scale of not less than one inch per one fifty feet, which depicts the following:
 - The boundary lines of the area being subdivided with accurate distances and bearings.
 - The lines of all proposed streets and alleys with their width and names.
 - The accurate outline of any property which is offered for dedication for public use.
 - The lines of all adjoining lands and the lines of adjacent streets and alleys with their width and names.
 - All lot lines and an identification system for lots and blocks.
 - Building lines and easements for any right-of-way provided for public use, services or utilities, or excess storm water passageways with figures showing their dimensions.
 - All dimensions, both linear and angular, necessary for locating subdivision boundaries, lots, streets, alleys, and of any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a foot.
 - Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii and tangents for all rounded corners.
 - All survey monuments and bench marks together with their descriptions.
 - Name of subdivision and description of property subdivided showing its location by distance and bearing to the nearest quarter section monument; points of compass; graphic scale of map; and name and address of owner or owners or the subdivider, or in the case of corporate ownership, the name and address of the registered agent of said corporation shall also appear on the plat;
- Prior to forwarding the proposed final plat to City Council:
 - One full size copy of corrected final plat with the original mylar/sepia and one reduced copy signed/stamped by the utility companies.
 - Executed platting certificates acceptable to the City of Davenport:
 - Acceptance by the City of Davenport.
 - Hold Harmless Agreement.
 - Assessment waiver (sidewalks and subdivision improvements).
 - Dedication of Owner.
 - Consent to platting where applicable.
 - Certificate of Attorney.
 - Surveyor's Certificate.
 - Certificate of County Treasurer.
 - Certificate of Subdivision Name by Scott County Auditor.

The petitioner hereby acknowledges and agrees to the following procedure and requirements for submission and approval of a Preliminary Plat:

- (1) Application:
 - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Plan and Zoning Commission's consideration of the proposed preliminary plat:
 - Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
 - The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (3) City Council's consideration of the proposed preliminary plat:
 - The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.

The petitioner hereby acknowledges and agrees to the following procedure and requirements for submission and approval of a Final Plat:

- (1) Application:
 - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Plan and Zoning Commission's consideration of the proposed final plat:
 - Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
 - The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (3) City Council's consideration of the final plat:
 - Prior to forwarding the petition to the City Council, the following must be provided to the Community Planning and Economic Development Department:
 - One full size copy of the corrected final plat and one reduced copy of the corrected final plat signed/stamped by the utility companies.
 - Executed platting certificate.
 - The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.
- (4) Recordation:
 - After the Mayor signs the approved final plats and Acceptance by the City of Davenport, the final will be released to the Surveyor to obtain and return 21 full size copies to the Community Planning and Economic Development Department.
 - After the 21 copies are returned, two copies of the final plat and platting certificates will be released to the petitioner.
 - It is the petitioner's responsibility to record the final plat with the Scott County Recorder's Office.

Petitioner: **Luke Miller**

Date: **8/12/2022**

By typing your name, you acknowledge and agree to the aforementioned procedure and requirements.

Received by:

Planning staff

Date:

Date of Plan and Zoning Commission Public Hearing:

Plan and Zoning Commission meetings are held the Tuesday prior to City Council Committee of the Whole meetings at 5:00 p.m. in City Hall Council Chambers, 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I, Otto R. Nobis authorize _____
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council for
the property located at _____

Three N. Corp.

Otto R. Nobis

Signature(s)

State of IOWA

County of SCOTT

Sworn and subscribed to before me

This 10 day of AUGUST 20 22

IOWA STATE DRIVERS LICENSE

Form of Identification

Karen M Olds

Notary Public

My Commission Expires: JANUARY 25, 2024



City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
9/6/2022

Subject:

Case F22-11: Request of Iowa American Water Company for a final plat of Iowa American Water Company First Addition for a 2-lot subdivision on 38.9 acres, located west of Research Parkway and Hillandale Road. [Ward 8]

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F22-11 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

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

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Add a note stating, "Stormwater detention and water quality treatment will be required with this subdivision upon development and shall be owned and maintained by the property owner."
4. Add a note stating areas marked as public right-of-way shall be dedicated to the City upon recording of the subdivision.

Background:

Discussion

The purpose of the final plat is to facilitate the development of a new headquarters for Iowa American Water Company on Lot 1. The northern parcel will be developed at a later date in accordance with the permitted uses outlined in the I-1 Light Industrial District. The submitted plat dedicates additional right-of-way for the construction of a new north-south roadway extending from the existing Research Parkway stub.

Comprehensive Plan:

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

Future Land Use Designation:

The property is designated as **Industry (I)** in the Davenport +2035 Land Use Plan. Industry designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

-

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

The proposed Final Plat complies with the Davenport +2035 proposed land use section.

Zoning:

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

Technical Review:

1. Streets: 2.03 acres of right-of-way will be dedicated for the creation of a new north-south road. The new street, American Water Way, will provide public frontage and access to the two developable properties. The installation of sidewalks may be deferred pending a request by the property owner and approval by City Council.
2. Storm Water: Stormwater detention and water quality treatment will be required per ordinance on each lot. The final plat establishes easements for storm water detention.
3. Sanitary Sewer: Existing infrastructure can be extended north to the future development site from Research Parkway.
4. Other Utilities: Normal utility services are available at this site.
5. Parks/Open Space: The proposed plat does not impact any existing or planned parks or public open space.

Public Input:

No public hearing is required for a Final Plat.

ATTACHMENTS:

Type	Description
▣ Backup Material	Final Plat-Iowa American Water Company First Addition
▣ Backup Material	Zoning & Future Land Use Map
▣ Backup Material	Application

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Werderitch, Matt	Approved	9/2/2022 - 12:02 PM

CENTURY LINK

MEDIACOM

PLANNING AND ZONING

FINAL PLAT

OF

IOWA AMERICAN WATER COMPANY

FIRST ADDITION

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER
OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 3 EAST OF THE
5TH PRINCIPAL MERIDIAN, IN THE CITY OF DAVENPORT,
COUNTY OF SCOTT, STATE OF IOWA
39.38 ACRES±

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



100 50 0 100 200
SCALE: 1" = 100'

OWNER / DEVELOPER
Iowa American Water Company
5201 Grand Avenue
Davenport, IA 52807
Attn: Scott Hinton

LEGEND

- SUBDIVISION BOUNDARY
- PROPOSED LOT LINE
- PROPOSED EASEMENT LINE
- PROPOSED SETBACK LINE
- EXISTING LOT / DEED LINE
- EXISTING R.O.W. LINE
- EXISTING EASEMENT LINE
- UNDERLYING LOT LINE
- UTILITY EASEMENT
- BUILDING SETBACK LINE
- MEASURED DIMENSION
- RECORDED DIMENSION
- REBAR, FOUND
- REBAR WITH CAP # _____, FOUND
- 5/8" REBAR WITH CAP #13581, SET
- P.K. NAIL, FOUND
- P.K. NAIL, SET
- PIPE, FOUND

AREA TABLE

LOT	AREA S.F.±	AREA AC.±
LOT 1	1,008,562 SF±	23.15 AC±
LOT 2	618,253 SF±	14.19 AC±
RIGHT OF WAY	88,475 SF±	2.03 AC±
TOTAL AREA	1,715,290 SF±	39.38 AC±

SURVEYOR'S NOTES

This Final Plat was prepared at the request of Iowa American Water Company.

It should be noted that in the performance of this re-survey, the courses and distances of the re-survey may vary from recorded calls, based on the existence of found monumentation, occupation, or other controlling calls or conditions that have occurred in the re-survey of this property.

This property is subject to any and all easements, drainage areas and roadways that a complete title search would disclose.

No investigation concerning environmental and subsurface conditions, or for the existence of underground containers, structures or facilities which may affect the use or development of this property was made as a part of this re-survey.

No investigation was made as apart of this re-survey to determine or show data concerning existence, size, depth, condition, capacity, or location of any utilities or municipal facilities, except as noted. Call Iowa One-Call at 1-800-292-8989 for information regarding these utilities or facilities.

Distances are listed in feet and decimal part of a foot.

All monuments shown hereon have been found or will be set before December 2022.

Blanket underground easements granted for all primary and secondary electric cables, pad mounted transformers, electric transformers, primary cable, gas service, water service, sewer laterals, telephone service and cable T.V. to individual structures and street lights.

Blanket access easements are granted to the City of Davenport for inspection of underground storm water detention easements.

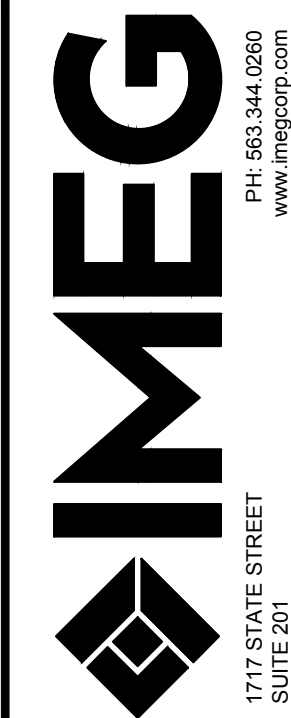
Stormwater detention and water quality treatment are required with this subdivision and will be subject to the applicable ordinances in place at the time of development.



I hereby certify that this land surveying document was prepared by me or by a person who was supervised and assisted by me, a duly licensed surveyor in the State of Iowa.

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

REVISIONS	DATE
DESCRIPTION	
No.	



IOWA AMERICAN WATER COMPANY / BUSH CONSTRUCTION
DAVENPORT, IOWA

SUBDIVISION PLAT

IMEG Project No:
21006529.00

File Name:
21006529.00 Property.dwg

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ALL RIGHTS RESERVED

Field Book No:

Drawn By: DAB

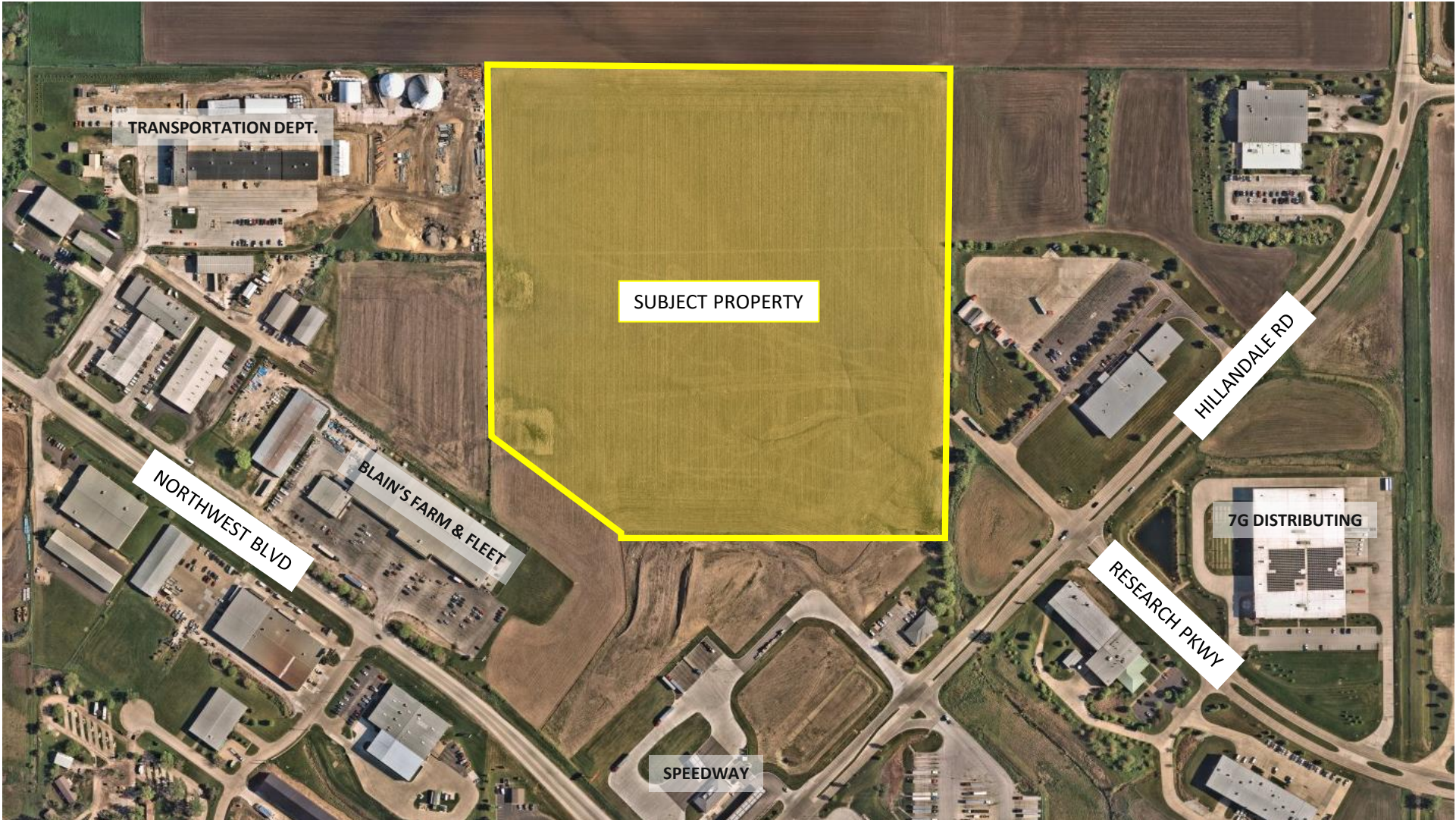
Checked By: CEJ

Date: 6/10/2022

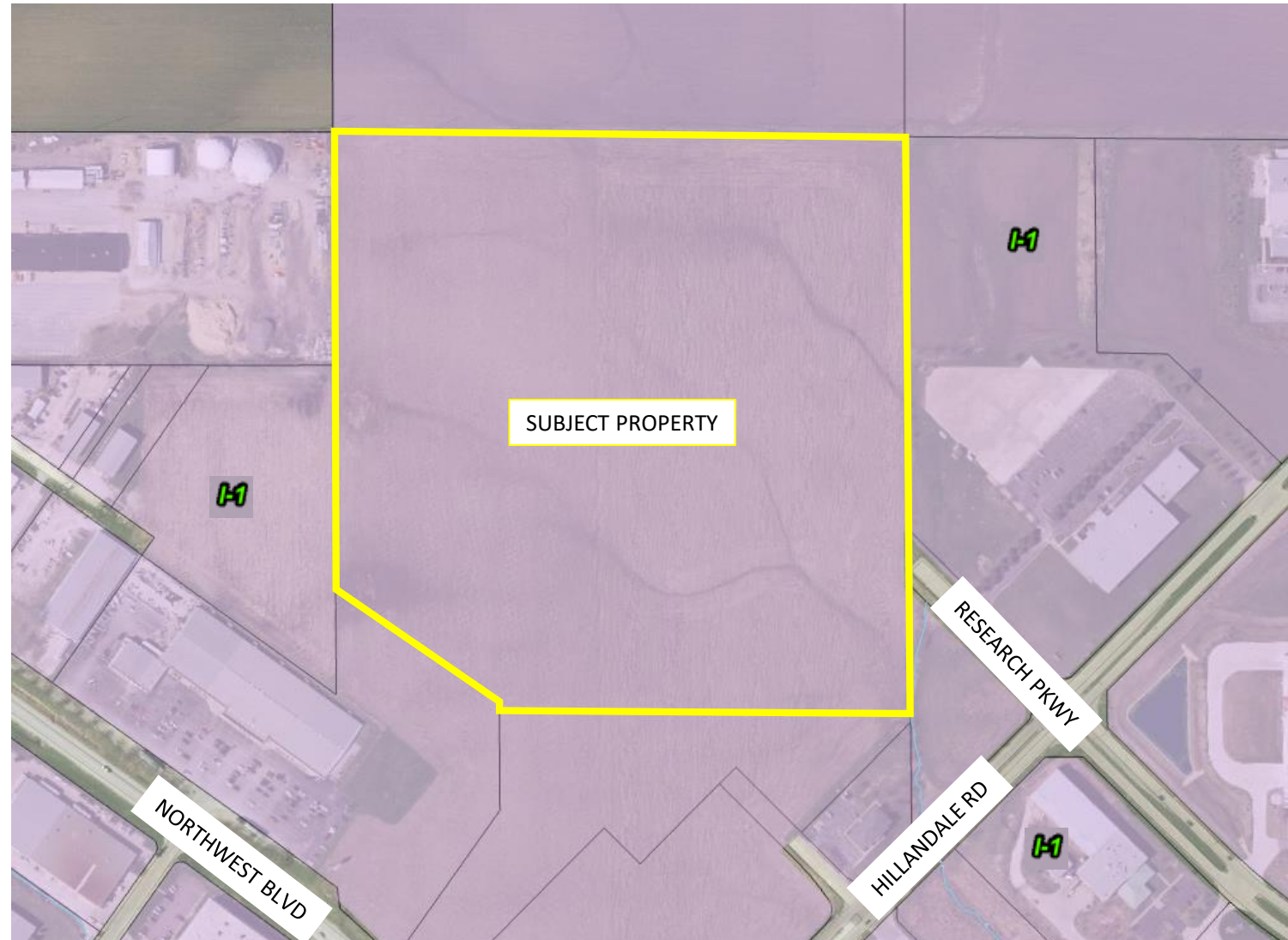
Sheet 1 of 1

Vicinity Map

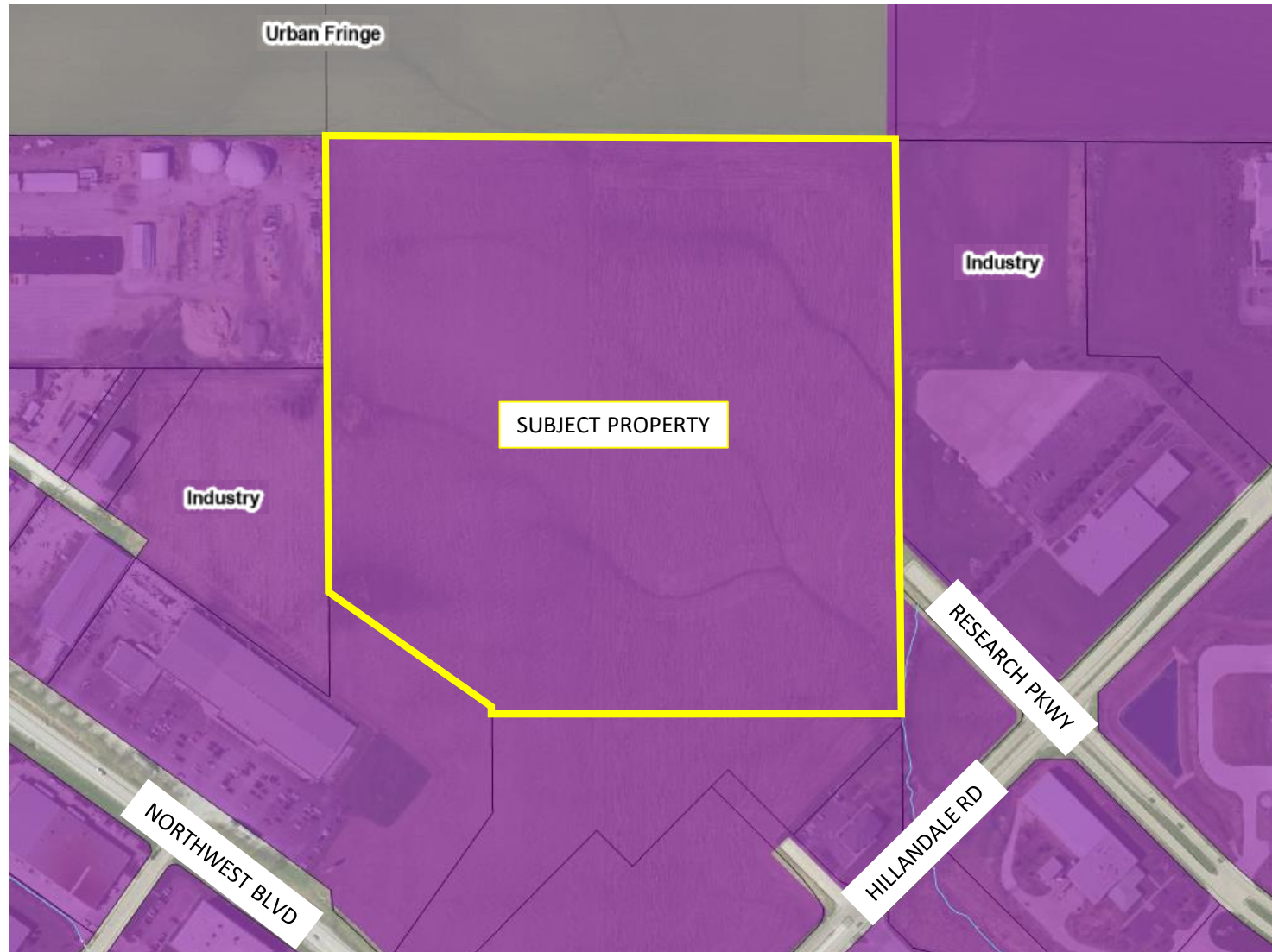
DAVENPORT
IOWA | USA



Zoning Map



Future Land Use Map





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

Complete application can be emailed to planning@ci.davenport.ia.us

Property Address* Part of NW 1/4 of NW 1/4 of Sec 33, T 79 N, R 3 E of the 5th PM

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

Applicant (Primary Contact)

Name:	Scott Hinton
Company:	Iowa American Water Company
Address:	5201 Grand Avenue
City/State/Zip:	Davenport, IA 52807
Phone:	563-468-9225
Email:	Scott.Hinton@amwater.com

Application Form Type:

Plan and Zoning Commission

Zoning Map Amendment (Rezoning) ☐
 Planned Unit Development ☐
 Zoning Ordinance Text Amendment ☐
 Right-of-way or Easement Vacation ☐
 Voluntary Annexation ☐

Owner (if different from Applicant)

Name:	
Company:	
Address:	
City/State/Zip:	
Phone:	
Email:	

Zoning Board of Adjustment

Zoning Appeal ☐
 Special Use ☐
 Hardship Variance ☐

Design Review Board

Design Approval ☐
 Demolition Request in the Downtown ☐
 Demolition Request in the Village of East Davenport ☐

Engineer (if applicable)

Name:	Jason Holdorf
Company:	IMEG Corp.
Address:	1717 State Street, Suite 201
City/State/Zip:	Bettendorf, IA 52722
Phone:	563-823-6035
Email:	Jason.L.Holdorf@IMEGCorp.com

Historic Preservation Commission

Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Architect (if applicable)

Name:	Sameer Kulkarni
Company:	Bush Construction
Address:	5401 Victoria Avenue
City/State/Zip:	Davenport, IA 52807
Phone:	563-441-2122
Email:	skulkarni@bushconstruct.com

Administrative

Administrative Exception ☐
 Health Services and Congregate Living Permit ☐

Attorney (if applicable)

Name:	Shannon L. Haney
Company:	American Water Company
Address:	300 N. Water Works Drive
City/State/Zip:	Belleville, IL 62223
Phone:	618-623-5992
Email:	Shannon.Haney@amwater.com

Preliminary Plat – Required for subdivisions of four lots or more.

Property Location:

Part of NW 1/4 of NW 1/4 of Sec 33, T 79 N, R 3 E of the 5th PM

Total Land Area: 39.38 Acres

Total Number of Lots: 1

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No

Submittal Requirements:

- The completed application form.
- Required fee:
Ten or fewer lots - \$400 plus \$25 per lot.
Eleven to twenty-five lots - \$700 plus \$25 per lot.
More than twenty-five lots - \$1,000 plus \$25 per lot.
- A PDF of the proposed plat at a scale of not less than one inch per one hundred feet, which depicts the following:
 - The location of existing property lines, section lines, easements, corporate limits and other legally established districts, streets, buildings, watercourses, tree masses and other existing features within the area to be subdivided and similar facts regarding existing conditions on the land.
 - The proposed location and width of streets, alleys, lots, building setback lines and easements.
 - Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet shall be indicated in a general way upon the plat.
 - Proposed name of the subdivision (which shall not duplicate any previously filed plat), the name of the land owner, land developer, and land surveyor.
 - The names and adjoining boundaries of all adjacent subdivisions and the names of record owners of adjoining parcels of unsubdivided land.
 - Existing contours with intervals of five feet or less.
 - North point, scale and date.
 - A vicinity sketch showing the proposed subdivision in relationship to surrounding development and street systems.

Final Plat – Required for subdivisions of two lots or more.

Property Location:

Part of NW 1/4 of NW 1/4 of Sec 33, T 79 N, R 3 E of the 5th PM

Total Land Area: 39.38 Acres

Total Number of Lots: 1

Linear Feet of Streets Added: 1050

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No

Submittal Requirements:

- The completed application form.
- Required fee:
 - Ten or fewer lots - \$400 plus \$25 per lot.
 - Eleven to twenty-five lots - \$700 plus \$25 per lot.
 - More than twenty-five lots - \$1,000 plus \$25 per lot.
- A PDF of the proposed final plat at a scale of not less than one inch per one fifty feet, which depicts the following:
 - The boundary lines of the area being subdivided with accurate distances and bearings.
 - The lines of all proposed streets and alleys with their width and names.
 - The accurate outline of any property which is offered for dedication for public use.
 - The lines of all adjoining lands and the lines of adjacent streets and alleys with their width and names.
 - All lot lines and an identification system for lots and blocks.
 - Building lines and easements for any right-of-way provided for public use, services or utilities, or excess storm water passageways with figures showing their dimensions.
 - All dimensions, both linear and angular, necessary for locating subdivision boundaries, lots, streets, alleys, and of any other areas for public or private use. The linear dimensions are to be expressed in feet and decimals of a foot.
 - Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii and tangents for all rounded corners.
 - All survey monuments and bench marks together with their descriptions.
 - Name of subdivision and description of property subdivided showing its location by distance and bearing to the nearest quarter section monument; points of compass; graphic scale of map; and name and address of owner or owners or the subdivider, or in the case of corporate ownership, the name and address of the registered agent of said corporation shall also appear on the plat;
- Prior to forwarding the proposed final plat to City Council:
 - One full size copy of corrected final plat with the original mylar/sepia and one reduced copy signed/stamped by the utility companies.
 - Executed platting certificates acceptable to the City of Davenport:
 - Acceptance by the City of Davenport.
 - Hold Harmless Agreement.
 - Assessment waiver (sidewalks and subdivision improvements).
 - Dedication of Owner.
 - Consent to platting where applicable.
 - Certificate of Attorney.
 - Surveyor's Certificate.
 - Certificate of County Treasurer.
 - Certificate of Subdivision Name by Scott County Auditor.

The petitioner hereby acknowledges and agrees to the following procedure and requirements for submission and approval of a Preliminary Plat:

- (1) Application:
 - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Plan and Zoning Commission's consideration of the proposed preliminary plat:
 - Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
 - The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (3) City Council's consideration of the proposed preliminary plat:
 - The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.

The petitioner hereby acknowledges and agrees to the following procedure and requirements for submission and approval of a Final Plat:

- (1) Application:
 - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Plan and Zoning Commission's consideration of the proposed final plat:
 - Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
 - The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (3) City Council's consideration of the final plat:
 - Prior to forwarding the petition to the City Council, the following must be provided to the Community Planning and Economic Development Department:
 - One full size copy of the corrected final plat and one reduced copy of the corrected final plat signed/stamped by the utility companies.
 - Executed platting certificate.
 - The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.
- (4) Recordation:
 - After the Mayor signs the approved final plats and Acceptance by the City of Davenport, the final will be released to the Surveyor to obtain and return 21 full size copies to the Community Planning and Economic Development Department.
 - After the 21 copies are returned, two copies of the final plat and platting certificates will be released to the petitioner.
 - It is the petitioner's responsibility to record the final plat with the Scott County Recorder's Office.

Petitioner:

Date:

By typing your name, you acknowledge and agree to the aforementioned procedure and requirements.

Received by:

Date:

Planning staff

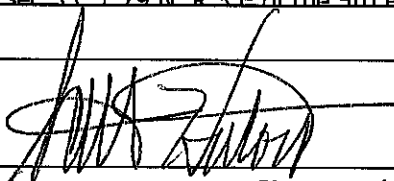
Date of Plan and Zoning Commission Public Hearing:

Plan and Zoning Commission meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I, SCOTT HINDSON IMEG + Bush Construction
authorize _____
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

Part of NW 1/4 of NW 1/4 of Sec 33 T 79 N R 3 E of the 5th PM 

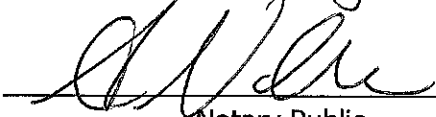


Signature(s)

State of _____
County of _____
Sworn and subscribed to before me

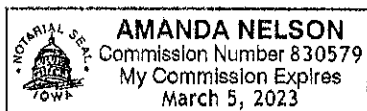
This 12th day of August 2022

Drivers ID
Form of Identification



Notary Public

My Commission Expires: 3/5/23



2020 DEVELOPMENT CALENDAR

CITY PLAN & ZONING COMMISSION SCHEDULE

CITY COUNCIL SCHEDULE

<u>REZONING & ROW VACATION</u> SUBMITTAL DEADLINE	<u>SUBDIVISION & DEV. PLAN</u> SUBMITTAL DEADLINE	PLAN & ZONING PUBLIC HEARING (Preview for plats/plans)	PLAN & ZONING COMMISSION MEETING	COUNCIL ITEMS SUBMITTAL DEADLINE	COMMITTEE OF THE WHOLE (PUBLIC HEARING)	CITY COUNCIL MEETING
12:00 PM - Monday	12:00 PM - Monday	5:00 PM - Tuesday	5:00 PM - Tuesday	12:00PM - Friday	5:30 PM - Wednesday	5:30 PM - Wednesday
11/19/19	12/02/19	12/10/19	12/24/19	12/27/19	01/08/20	01/15/20
12/02/19	12/16/19	12/24/19	01/07/20	01/10/20	01/22/20	01/29/20
12/17/19	12/28/19	01/07/20	01/21/20	01/24/20	02/05/20	02/12/20
12/27/19	01/13/20	01/21/20	02/04/20	02/07/20	02/19/20	02/26/20
01/13/20	01/27/20	02/04/20	02/18/20	02/21/20	03/04/20	03/11/20
01/27/20	02/10/20	02/18/20	03/03/20	03/06/20	03/18/20	03/25/20
02/10/20	02/24/20	03/03/20	03/17/20	03/20/20	04/01/20	04/08/20
02/24/20	03/09/20	03/17/20	03/31/20	04/03/20	04/15/20	04/22/20
03/09/20	03/23/20	03/31/20	04/21/20	04/24/20	05/06/20	05/13/20
03/30/20	04/13/20	04/21/20	05/05/20	05/08/20	05/20/20	05/27/20
04/13/20	04/27/20	05/05/20	05/19/20	05/22/20	06/03/20	06/10/20
04/27/20	05/11/20	05/19/20	06/02/20	06/05/20	06/17/20	06/24/20
05/11/20	05/22/20	06/02/20	06/16/20	06/19/20	07/01/20	07/08/20
05/22/20	06/08/20	06/16/20	06/30/20	07/03/20	07/15/20	07/22/20
06/08/20	06/22/20	06/30/20	07/14/20	07/24/20	08/05/20	08/12/20
06/22/20	07/06/20	07/14/20	08/04/20	08/07/20	08/19/20	08/26/20
07/13/20	07/27/20	08/04/20	08/18/20	08/21/20	09/02/20	09/09/20
07/27/20	08/10/20	08/18/20	09/01/20	09/04/20	09/16/20	09/23/20
08/10/20	08/24/20	09/01/20	09/22/20	09/25/20	10/07/20	10/14/20
08/31/20	09/14/20	09/22/20	10/06/20	10/09/20	10/21/20	10/28/20
09/14/20	09/28/20	10/06/20	10/20/20	10/22/20	11/04/20	11/10/20
09/28/20	10/12/20	10/20/20	11/03/20	11/05/20	11/18/20	11/24/20
10/12/20	10/26/20	11/03/20	11/17/20	11/20/20	12/02/20	12/09/20
10/26/20	11/09/20	11/17/20	12/01/20	cancelled due to holiday		
11/09/20	11/23/20	12/01/20	12/15/20	12/11/20	12/30/20	01/06/21
11/23/20	12/07/20	12/15/20	12/29/20	12/23/20	01/13/21	01/20/21
12/07/20	12/21/20	12/29/20	01/05/21	01/08/21	01/27/21	02/03/21
12/14/20	12/28/20	01/05/21	01/26/21	01/22/21	02/10/21	02/17/21

- SUBMISSION & MEETING DATES MAY BE CHANGED DUE TO HOLIDAY **MARKED IN RED**
- ORDINANCES REQUIRE THREE CONSIDERATIONS BEFORE CITY COUNCIL
- DATES SUBJECT TO CCHHANE DUE TO HOLIDAYS **MARKED IN RED**
- DELAYS MAY OCCUR UPON THE PETITION REACHING THE CITY COUNCIL'S AGENDA