

# COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Tuesday, July 3, 2018; 5:00 PM

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

\* REVISED June 29, 2018 \* \*\*\*NOTE: CHANGE IN TIME & DAY OF THIS MEETING ONLY\*\*\*

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public Hearing for Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for the rezoning on 4,380 square feet of property known as 1909 North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business, Dales Service. [Ward 1]
2. Public Hearing for the Ordinance for Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward 1]
3. Public Hearing for the purpose of amending the Urban Revitalization Area plans for the Central City and North Urban Revitalization Areas. [All Wards]
4. Public Hearing for the Ordinance for Case ORD18-02 Ordinance amending Title 17 to incorporate a zoning component to promote and create a commercial identity for the Rockingham Road corridor through design and use standards. This text amendment will include a map amendment for the area along Rockingham Road from John Fell Drive in the southwest and to Marquette Street in the northeast portion of the corridor. City of Davenport is the Petitioner. Chapter 17.60 of the Davenport Municipal Code allows for text and map amendments. [Ward 1 and 3]

B. Public Works

1. Public Hearing on the plans, specifications, forms of contract and estimated cost for the 2018 Bridge Maintenance Construction Program, CIP #21001. [Wards 1, 5, 6, & 7]
2. Public Hearing on the proposed changes to the shuttle that connects the Ground Transportation Center, Rock Island and the Main Street Hub to Alorica (previously APAC). [All Wards]
3. Public Hearing on the plans, specifications, form of contract and estimate of cost covering the Main Street Landing, Phase II Construction Project, CIP #68004. [Ward 3]

## VII. Presentations

## VIII. Petitions and Communications from Council Members and the Mayor

### A. Community Engagement Update - Alderman Dickmann

## IX. Action items for Discussion

### COMMUNITY DEVELOPMENT

Kyle Gripp, Chairman; Rich Clewell, Vice Chairman

#### I. COMMUNITY DEVELOPMENT

1. Third Consideration: Ordinance for Case No. ORD18-01: Amending Title 17.41 of the Davenport Municipal Code, entitled, "Zoning, HCOD Highway Corridor Overlay District and ECOD Elmore Corners Overlay District", by creating an Elmore Corners Overlay District and Design Standards [Ward 6]
2. Third Consideration: Ordinance for Case No. REZ18-04 Request of Pheasant Creek Properties, LLC, to rezone 33.11 acres, more or less, of property located east of Jersey Meadows Subdivision and north of East 53<sup>rd</sup> Street from A-1, Agricultural District to R-2, Low Density Residential District. [Ward 6]
3. Third Consideration: Ordinance for Case No. REZ18-05 Request of Pheasant Creek Properties, LLC, to rezone 7.41 acres, more or less, of property located west of Elmore Avenue and south of Pheasant Creek from A-1, Agricultural District to PDD, Planned Development District. [Ward 6]
4. Second Consideration: Ordinance amending various sections of the Davenport Municipal Code to bring uniformity to the process of licensing and permitting for right-of-way encroachments. [All Wards]
5. First Consideration: Ordinance for Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]
6. First Consideration: Ordinance for Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map



amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward 1]

7. Resolution for Case No. F18-03: Final plat Pheasant Ridge First Addition on 43.27 acres, more or less, located west of Elmore Avenue and north of East 53rd Street containing three (3) lots to facilitate the sale of property for development. Property is currently zoned A-1 Agricultural District. Lot 1 is proposed to be rezoned to R-2, Low Density Residential District and Lot 2 is proposed to be rezoned to PDD, Planned Development District. [Ward 6]
8. Resolution for Case No. P18-03: Request of Pheasant Creek Estates LLC for a preliminary plat of 43.27 acres, more or less, creating 64 buildable lots and 17 outlots. [Ward 6]

## II. Motion recommending discussion or consent for Community Development items

### PUBLIC SAFETY

Rita Rawson, Chairman; JJ Condon, Vice Chairman

## III. PUBLIC SAFETY

1. Third Consideration: Ordinance amending Schedule XIV of Chapter 10.96 entitled "Intersection Traffic Signals" by adding Division Street at 76th Street. [Ward 8]
2. Third Consideration: Ordinance amending Schedule VIII of Chapter 10.96 entitled "30-Minute Parking" by adding Main Street along the east side from 2nd Street north to the alley. [Ward 3]
3. First Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding Pine Street along the east side from Hickory Grove Road north 150 feet. [Ward 2]
4. Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

Mac's Tavern, Annual Bix Street Fest, July 26 - July 29, Thursday, July 26 beginning at 10:00 a.m. to Sunday, July 29 at 12:00 p.m.; Closure Location: 3rd Street between Harrison and Ripley Streets [Ward 3]

Village of East Davenport Association, Farm Days in the Village, August 18, 2:00 p.m. - 7:00 p.m., Closure Location: 11th Street between Mound and Jersey Ridge Road and Jersey Ridge Road from 11th Street to 12th Street. [Ward 5]

Palmer College, Homecoming, August 9-11, 6:00 a.m. to 12:00 a.m. each day; Closure Location: Palmer Drive between Main and Perry Street, the two east lanes of Brady Street from 8<sup>th</sup> Street to Palmer Drive and on the night of fireworks, Saturday, August 11<sup>th</sup> closure of Perry Street south of Palmer Drive to 8<sup>th</sup> Street from 8:30 PM to 11PM

5. Motion approving noise variance request(s) for various events on the listed dates and times.

Mac's Tavern, 316 West 3rd Street, Annual Bix Fest, July 26, 3:00 p.m. to 10:00 p.m., July 27, 4:00 p.m. to 2:00 a.m.; July 28, 9:00 a.m. 2:00 a.m. and July 29, 11:00 a.m. to 10 p.m., Over 50 dBa, [Ward 3]

Quad City Times Bix 7 - Starting Line Flyover Event/Hawkeye Howitzer Starting Gun, July 28, 8:00 a.m. to 12:00 p.m., Over 50 dBa [Ward 3]

Palmer College, Homecoming Fireworks Display, August 11, 8:00 p.m. to 11:30 p.m., Over 50 dBa, [Ward 3]

6. Motion approving beer and liquor license applications.

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

Ward 3

Barrel House 211 (Barrelhouse LLC) - 207-211 E 2nd St. - Outdoor area July 28, 2018 "Bix Event" - License Type: C Liquor

Mac's Tavern (Failte, Inc.) - 316 W 3rd St. - Outdoor Area July 27-29, 2018 "Bix Event" - License Type: C Liquor

Me & Billy (Collins Maus LLC) - 200 W 3rd St.- Outdoor Area July 27-29, 2018 "Bix Event" - License Type: C Liquor

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc.) - 300 W 3rd St. - Outdoor Area July 26-29, 2018 "Bix Event" - License Type: C Liquor

The Office (Local 563 Cocktail Lounge, LLC) - 116 W 3rd St. - Outdoor Area July 28-29, 2018 "Bix Event" - License Type: C Liquor

Front Street Brewery Taproom (Front Street Brewery Inc.) - 421 W River Dr, East Parking of & adjacent upstairs patio - Outdoor Area July 28, 2018 - License Type: B Beer

Street Fest (Quad Cities Chamber of Commerce) - 2nd St. from Brady St. to Ripley St. - Outdoor Area July 27-28, 2018 - License Type: Beer/Wine

Ward 6

Rudy's Tacos (CME 1066 Inc.) - 3944 Elmore Ave. - Outdoor Area July 8, 2018 "Taco Run" - License Type: C Liquor **This item will be voted on later in the agenda.**

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

Ward 3

Barrel House 211 (Barrelhouse LLC) - 207-211 East 2nd St. - Outdoor Area -  
License Type: C Liquor

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Ray Ambrose, Chairman; Rick Dunn, Vice Chairman

V. PUBLIC WORKS

1. First Consideration: Ordinance amending Chapter 13.16 entitled "Wastewater Facilities" to include changes needed per the EPA pre-treatment streamlining rule. [All Wards]
2. Resolution approving the plans, specifications, forms of contract and estimated cost for the 2018 Bridge Maintenance Construction Program, CIP #21001. [Wards 1, 5, 6, & 7]
3. Resolution approving the plans, specifications, form of contract and estimate of cost covering the Main Street Landing, Phase II Construction Project, CIP #68004. [Ward 3]
4. Resolution accepting East 29th Street Pavement Improvements Project (Eastern Avenue to Railroad Crossing), CIP #35030, completed by Langman Construction, Inc. of Rock Island IL. [Ward 5]
5. Resolution of acceptance of the East 6th Street Boulevard Improvements Project Phase 2 – Grand Avenue to 500' West, BG-250, completed by Needham Excavating, Inc. of Walcott, IA. [Ward 3]
6. Resolution on the proposed changes to the shuttle that connects the Ground Transportation Center, Rock Island and the Main Street Hub to Alorica (previously APAC). [All Wards]
7. Resolution approving the contract for the Junge Park Bike Path Project to Langman Construction, Inc. at the contract amount of \$151,799.34 and authorizing Mayor Frank Klipsch to sign and manage any related agreements. CIP #64404 [Ward 7]
8. Motion accepting work associated with the 200 Block of Brady Street Streetscape Improvements Project, CIP #35022. [Ward 3]
9. Motion approving the purchase of a TV Sewer Camera Van for the Sewer Division to Trans Iowa Equipment, LLC of Ankeny, IA in the amount of \$99,992. [All Wards]
10. Motion to approve the contract for the Utica Ridge Sidewalks Phase II to Smith Seeding, Inc. of Eldridge, IA in the amount of \$97,817.65. CIP #28011 [Ward 8]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Kerri Tompkins, Chairman; Marion Meginnis, Vice Chairman

## VII. FINANCE

1. Resolution authorizing the submission of a BUILD Program application to the United States Department of Transportation for grant assistance with the development of Main Street Landing along with enhancing the infrastructure, connectivity and accessibility in Downtown Davenport. [Ward 3]

## VIII. Motion recommending discussion or consent for Finance items

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

1. Werner Restoration Services - Storm pipe failure cleanup - Amount: \$11,000
2. Steve Simons - Credit Island Lodge roof - Amount: \$20,000
3. Olde Town Roofing - Annie Wittenmyer carpenter shop roof - Amount: \$23,650
4. Robert Seddig - Land purchase for rail extension - Amount: \$26,452
5. Richard Sedding - Land purchase for rail extension - Amount: \$26,452
6. Superior Seawalls, Inc. - Boat dock replacement - Amount: \$29,045
7. Fecon, Inc. - Used brush removal attachment - Amount: \$30,490

### XI. Other Ordinances, Resolutions and Motions

1. Motion for suspension of the rules to vote on the following item:
2. Motion approving temporary outdoor area for:

Rudy's Tacos (CME 1066 Inc.) - 3944 Elmore Ave. - Outdoor Area July 8, 2018  
"Taco Run" - License Type: C Liquor

### XII. Public with Business

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

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

### XIII. Reports of City Officials

### XIV. Adjourn

City of Davenport

Agenda Group: Committee of the Whole  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 888-2286  
Wards: 1

**Action / Date**  
**CD7/3/2018**

**Subject:**

Public Hearing for Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for the rezoning on 4,380 square feet of property known as 1909 North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business, Dales Service. [Ward 1]

**Recommendation:**

Hold the public hearing

**Relationship to Goals:**

Welcoming Neighborhoods  
Fiscal Vitality

**Background:**

**Findings:**

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

**Recommendation:** The Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

The Commission vote was 6-yes, 0-no and 0-abstention.

Protest Rate is 0.0 percent.

**ATTACHMENTS:**

| Type                | Description         |
|---------------------|---------------------|
| ▣ Resolution Letter | REZ18-06 PH Only    |
| ▣ Backup Material   | REZ18-06 Background |

**REVIEWERS:**

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 6/28/2018 - 9:46 AM  |
| Community Development Committee           | Berger, Bruce  | Approved | 6/28/2018 - 9:47 AM  |
| City Clerk                                | Admin, Default | Approved | 6/28/2018 - 10:07 AM |

TO BE PUBLISHED IN THE TUESDAY JUNE 26, 2018 ADDITION OF THE QUAD CITY TIMES,  
HAVING THE NOTICE BILLED TO PO NO. 1818940 AND RECEIVING THE PROOF OF  
PUBLICATION PRIOR TO THE PUBLIC HEARING

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TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petitions:

Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

The property has the following legal description:

Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 78 North Range 3 East of the 5<sup>th</sup> P.M. being more particularly described as follows:

Commencing in the Southeast Corner of Section 20, Township 78 North Range 3 East of the 5<sup>th</sup> P.M.; thence West along the south line of said Section 20 to a point of intersection with the east line of North Zenith Avenue as extended southerly; thence North along the east line of said North Zenith Avenue a distance of 95.0 feet to the point of beginning; thence continuing North along the east line of North Zenith Avenue a distance of 60.0 feet, thence East parallel to the south line of said Section 20 a distance of 73.0 feet; thence South parallel to the east line of said North Zenith Avenue a distance of 60.00 feet; thence West parallel to the south line of said Section 20 a distance of 73.0 to the point of beginning. The above described parcel is also known as Scott County Tax Parcel T2057-10.

Said parcel contains 4,380 square feet, more or less.

The City Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Tuesday, July 03, 2018, at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances. PO NO. 1818940.

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



# City of Davenport

226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

June 20, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 19, 2018, the City Plan and Zoning Commission considered Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

Recommendation:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

Respectfully submitted,

Robert Inghram, Chairperson  
City Plan and Zoning Commission



|          |           | APPROVED                                     | APPROVED                                    | APPROVED                            | APPROVED                                  | APPROVED                             |  |  |  |
|----------|-----------|----------------------------------------------|---------------------------------------------|-------------------------------------|-------------------------------------------|--------------------------------------|--|--|--|
| Name:    | Roll Call | REZ18-06<br>Tim Shaffer<br>1909 N Zenith Ave | REZ18-07<br>Tim Shaffer<br>3816 W Locust St | F18-05<br>Seng Meadows<br>1st Add'n | F18-06<br>Crow Valley<br>Plaza 11th Add'n | F18-07<br>Monarch Hills<br>1sy Add'n |  |  |  |
| Connell  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Hepner   | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Inghram  | P         |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Johnson  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Kelling  | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Lammers  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Maness   | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Medd     | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Quinn    | P         | Y                                            | Y                                           | Y                                   | ABS                                       | Y                                    |  |  |  |
| Reinartz | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Tallman  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
|          |           | 6-YES<br>0-NO<br>0-ABSTAIN                   | 6-YES<br>0-NO<br>0-ABSTAIN                  | 6-YES<br>0-NO<br>0-ABSTAIN          | 5-YES<br>0-NO<br>1-ABSTAIN                | 6-YES<br>0-NO<br>0-ABSTAIN           |  |  |  |





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

**Meeting Date:** June 19, 2018  
**Request:** R-3 Moderate Density Dwelling to C-2 General Commercial  
**Address:** 1909 North Zenith Avenue (N of W Locust St & E of N Zenith Ave)  
**Case No.:** REZ18-06  
**Applicant:** Tim Shaffer dba Shaffer Automotive / Dales Service

**Recommendation:**

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-06 to the City Council for approval subject to the listed conditions.

**Introduction:**

Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

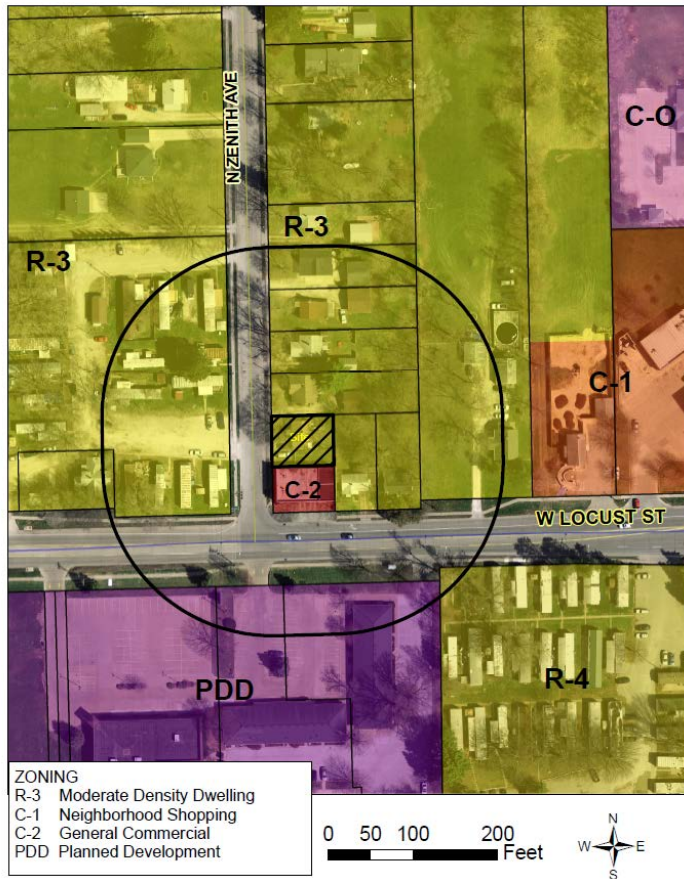
Note: there is a companion zoning request for 3816 West Locust Street. While these are separate requests they act in tandem.

**AREA CHARACTERISTICS:**

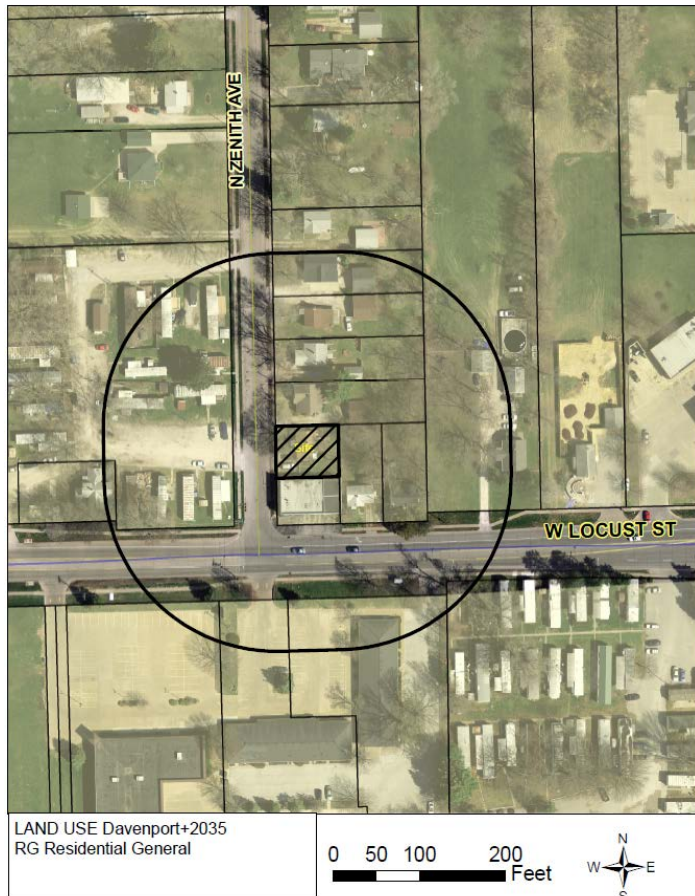
**Aerial**



## Zoning Map



## Land Use



**Background:**  
**Comprehensive Plan:**

Within Urban Service Boundary +2035: Yes

Future Land Use Designation: The property being rezoned and the surrounding properties are designated as Residential General (RG).

*Note: The abutting business property, Dales Service Center at 3830 W Locust Street, was zoned to the "C-2" General Commercial classification in 2015. At that time the Davenport 2025 Land Use plan designated the property as CN Commercial Neighborhood.*

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

Relevant Goals to be considered in this Case:

Identify and reserve land for current and future development – *encourage a full range of development.*

**Zoning:**

The subject property is currently zoned "R-3" Moderate Density Dwelling District. The abutting business, Dales Service Center, located at 3830 W Locust Street, is zoned "C-2" General Commercial District. Planned Development (PDD) zoning is located across Locust Street to the south and Neighborhood Commercial (C-1) zoning is located on the two lots west of the Fairmount Street.

**Technical Review:**

Streets. The property is located on the east side of North Zenith Avenue just north of West Locust Street.

Storm Water. Stormwater infrastructure (inlets) is located in both North Zenith Avenue and West Locust Street at the intersection. Redevelopment of the site may require compliance with the City's stormwater regulations.

Sanitary Sewer. Sanitary sewer service is located within North Zenith Avenue (8-inch line).

Other Utilities. This is an urban area and normal utility services are available.

Emergency Services. The property is located approximately 1-2/3 miles from Fire Stations No. 6 at 1735 West Pleasant Street and approximately 2 miles from Fire Station No. 5 at 2808 Telegraph Road.

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

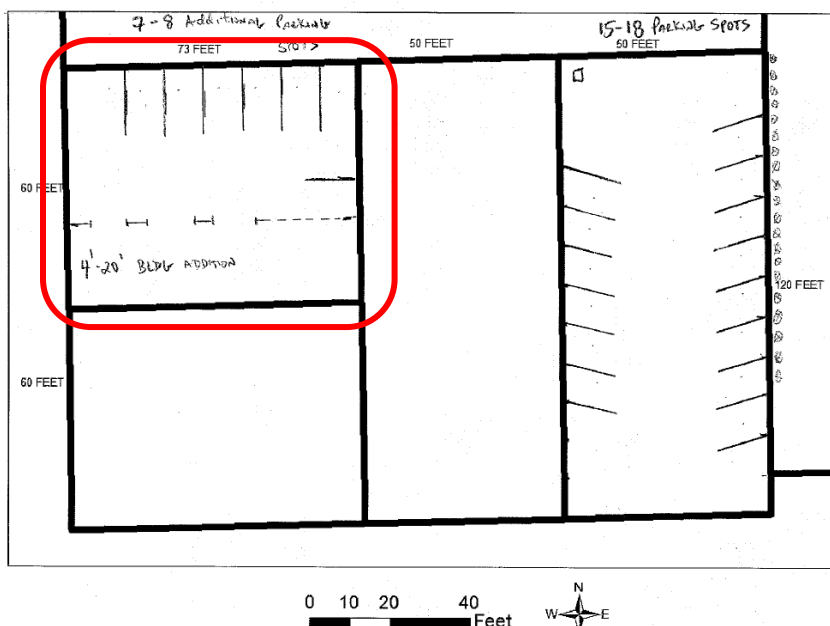
### **Public Input:**

The neighborhood meeting was held on Thursday May 24<sup>th</sup> at the business location. A larger area was notified north along Zenith Avenue for the neighborhood meeting at the request of the Ward Alderman. Apparently complaints in the past have been received from those residents further north on Zenith Avenue about parking issues associated with Dale's Automotive. According to the Council Office it would seem as though these parking areas would help some of the problems they have had and it would be beneficial for those neighbors who have had problems in the past know what's going on. No one from the public attended though one owner had indicated in his protest that he could not attend. At the public hearing one person spoke regarding the vehicles parked on Zenith and the unloading of vehicles blocking the street and turning movements. Also a concern with the tenants of the owner's rental property in the area was raised which is not directly pertinent to this request.

### **Discussion:**

The rezoning is proposed to allow parking of vehicles to be and those finished being worked on as well as customer parking. The public garage use, currently Dales Service Center, was annexed into the City in 1964 as a non-conforming use and remained a non-conforming use until 2015 when it was zoned to the "C-2" General Commercial classification in 2015. In 2007 the non-conforming building (use) was expanded through Zoning Board of Adjustment (the east side was squared off since a portion already encroached into the east side yard). A service use has been at this location since at least the 1950's. As a use grows there are two options; either expand at the current site or relocate. The current owner has chosen the option to try to expand at the current site by requesting this and the companion rezoning.

The adjacent property would be used to alleviate (mitigate) the congestion at the front (Locust Street side) of the building, thereby opening-up the visibility at the intersection. However, by doing so this may allow traffic to speed into the intersection and cut the corner as many drivers are want to do rather than slowing down due to the visibility being reduced. The added property would be used to allow the current building to be used more efficiently with traffic moving in one direction alleviating backing out onto Locust Street. This property alone will not solve the problem of temporarily blocking Zenith Avenue with a tow vehicle while dropping off a vehicle, some backing movement will need to occur.



If the problem of parking of vehicles on Zenith Avenue that are related to the business persists, the residents do have an option to request “resident only parking” in front of their homes through the City’s Traffic Engineer.

**Staff Recommendation:**

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

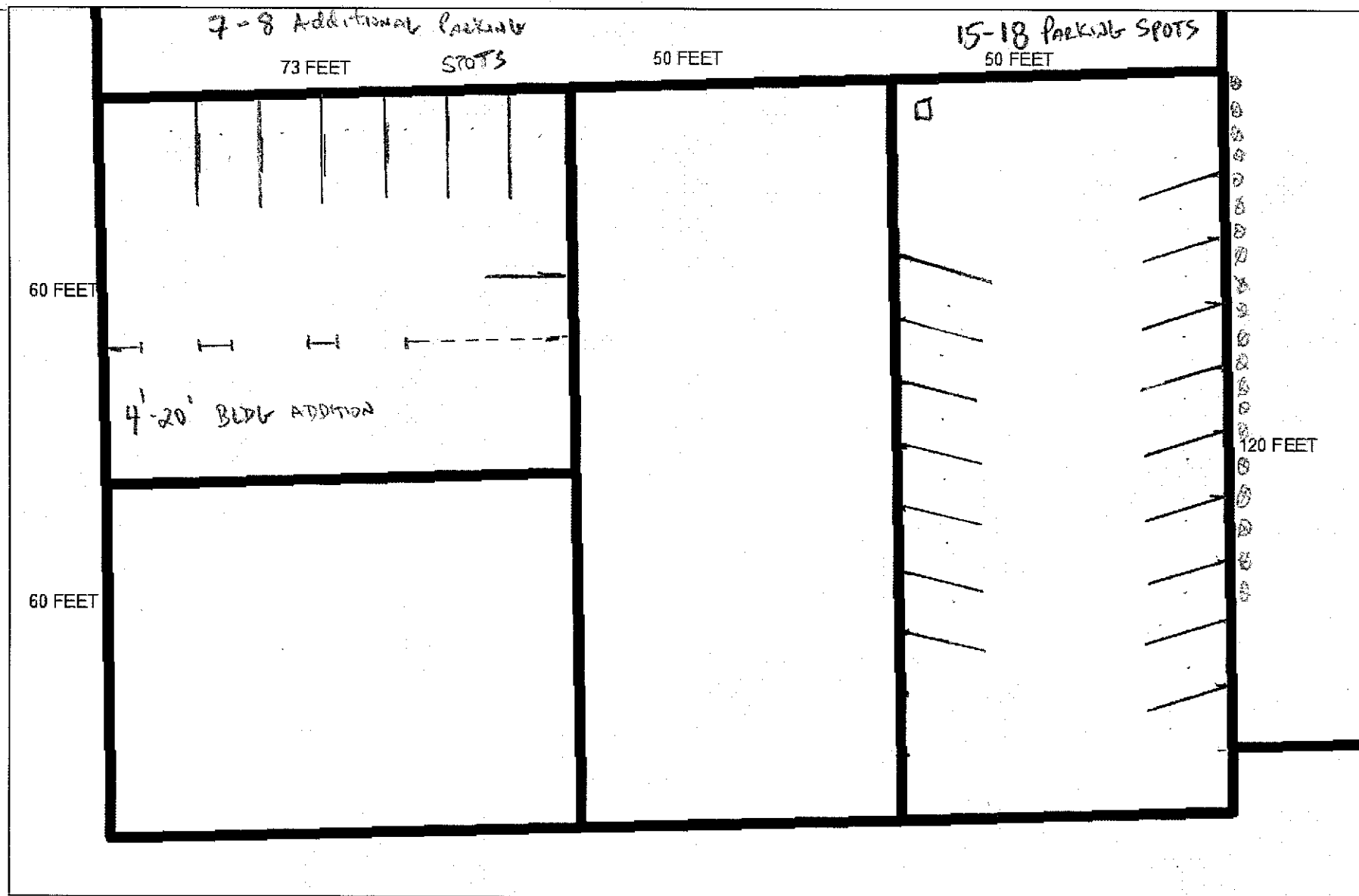
Recommendation:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

Prepared by:

Wayne Wille, CFM - Planner II  
Community Planning Division



0 10 20 40 Feet







0 15 30 60 Feet



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

**Public Hearing Details:**

Date: 06/05/2018  
Time: 5:00 PM  
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa  
Subject: Public hearing for a rezoning (map amendment) before the Plan and Zoning Commission  
Case #: REZ18-06 & REZ18-07

To: All property owners within 200 feet of the subject property located at: **1909 North Zenith Avenue** and **3816 West Locust Street**.

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a rezoning (map amendment) request. The purpose of the rezoning is to allow residential townhomes on individual lots.

Request Description

- Case No. REZ18-06: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]
- Case No. REZ18-07: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 6,000 square feet (0.14) acre of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]

**What are the Next Steps after the Public Hearing?**

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

**Would You Like to Submit an Official Comment?**

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

**Do You Have Any Questions?**

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

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





Case No. REZ18-06  
1909 N Zenith Ave

0 37.5 75 150 Feet



Case No. REZ18-07  
3816 W Locust St

0 37.5 75 150 Feet



| Owner                                   |                    | Address               | C-S-Z               |
|-----------------------------------------|--------------------|-----------------------|---------------------|
| RICHARD W SHAFFER                       | DIANE K SHAFFER    | 2130 OKLAHOMA AVE     | DAVENPORT IA 52804  |
| TIMOTHY SHAFFER                         | AMANDA SHAFFER     | 12023 - 70TH AVE      | BLUE GRASS IA 52726 |
| GEORGE A MAST                           | GERALDINE L MAST   | 806 W BROOKSHIRE      | ORANGE CA 92865     |
| WILLIAM JAMES MAST                      |                    | 3822 W LOCUST ST      | DAVENPORT IA 52804  |
| DONALD E BRENTISE                       | KRISTIN K BRENTISE | 3804 W LOCUST ST      | DAVENPORT IA 52804  |
| B & V PARTNERS LLC                      |                    | 2490 HEATHER GLEN AVE | BETTENDORF IA 52722 |
| IDLE WHEELS MOBILE HOME PARK            |                    | 1108 WAVERLY RD       | DAVENPORT IA 52804  |
| RIGHT ON COOPERATIVE                    |                    | PO BOX 131            | BETTENDORF IA 52722 |
| MCALISTER PROPERTIES LLC                |                    | 1314 VAIL AVE         | DURANT IA 52747     |
| ALL AROUND TOWN ENTERPRISES             |                    | PO BOX 5267           | DAVENPORT IA 52808  |
| TIM SHAFFER                             | dba DALES SERVICE  | 3830 W LOCUST ST      | DAVENPORT IA 52804  |
| extra mailing as per Tiffany & Ald Dunn |                    |                       |                     |
| LORAS W JAEGER                          | MARCHETTA JAEGER   | 2421 HIGH ST          | DES MOINES IA 50312 |
| FRANKIE R BENNETT                       |                    | 2036 N ZENITH AVE     | DAVENPORT IA 52804  |
| FREDERICK L HIGGINS                     | DAWN M HIGGINS     | 2031 N ZENITH AVE     | DAVENPORT IA 52804  |
| JACOB R SHAFFER JR                      |                    | 2030 N ZENITH AVE     | DAVENPORT IA 52804  |
| ROGER DUGAN                             | GEORGIA J DUGAN    | 2018 N ZENITH AVE     | DAVENPORT IA 52804  |
| SEAN R CARTER                           | ROSA M BRIBRIESCO  | 2017 N ZENITH AVE     | DAVENPORT IA 52804  |
| DAVID C BLOOM                           | LAURA L BLOOM      | 2015 N ZENITH AVE     | DAVENPORT IA 52804  |
| JOHN C COOKSEY                          |                    | 2018 N ZENITH AVE     | DAVENPORT IA 52804  |
| REX COOPER                              | LUCILLE COOPER     | 126 N IVAN AVE        | GALESBURG IL 61401  |
| TLC REAL ESTATE LLC                     |                    | 4319 W 30TH ST        | DAVENPORT IA 52804  |
| STEPHEN C CLOUGH                        | CAROL M CLOUGH     | 2107 N ZENITH AVE     | DAVENPORT IA 52804  |

EMAIL ONLY

|                   |                                                                                  |
|-------------------|----------------------------------------------------------------------------------|
| ALD DUNN          | <a href="mailto:rdunn@ci.davenport.ia.us">rdunn@ci.davenport.ia.us</a>           |
| ALD GRIPP         | <a href="mailto:kgripp@ci.davenport.ia.us">kgripp@ci.davenport.ia.us</a>         |
| ALD CONDON        | <a href="mailto:jcondon@ci.davenport.ia.us">jcondon@ci.davenport.ia.us</a>       |
| TIFFANY THORNDIKE | <a href="mailto:tthorndike@ci.davenport.ia.us">tthorndike@ci.davenport.ia.us</a> |
| TIM SHAFFER       | <a href="mailto:tim@dalesqc.com">tim@dalesqc.com</a>                             |
| ROBERT INGHAM     | <a href="mailto:binghram@activethermal.net">binghram@activethermal.net</a>       |

226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

## ***NEIGHBORHOOD MEETING NOTICE***

### **Date – Time - Place**

On May 24, 2018 at 5:00 P.M., a neighborhood meeting will be held to introduce you to a project that requires a property to be rezoned. The meeting will be held at Dales Service Center 3830 West Locust Street (northeast corner of Zenith Avenue and Locust Street)

### **What is it about?**

The applicant is proposing to develop parking/storage lots for his business (customers and vehicles to be or having been worked on). The business location is 3830 West Locust Street. The two locations that are subject of the rezoning requests are:

- 1) 1909 North Zenith Avenue being north of and abutting the business property; and
- 2) 3816 West Locust Street being one lot further east.



This is the first step in a rezoning process. Public hearings will be held before both the Plan and Zoning Commission and City Council. You will shortly be receiving notice of the City Plan and Zoning Commission's public hearing scheduled for June 5<sup>th</sup> at 5:00 P.M. in the Council Chambers at Davenport City Hall.



The proposed schedule is as follows (the remaining meetings are held in the Council Chambers of City Hall at 226 W 4<sup>th</sup> Street:

- Tuesday – 06/05/2018 at 5:00 P.M. – Plan and Zoning Commission Public Hearing
- Tuesday – 06/19/2018 at 5:00 P.M. – Plan and Zoning Commission regular meeting (recommendation to City Council made)

The City Council requires three readings or considerations for a rezoning to be approved (unless waived by the City Council). (The following is a tentative schedule for the City Council meetings – You will also receive a notice of the public hearing at the City Council).

- Wednesday – 06/20/2018 at 5:30 P.M – Committee of the Whole (City Council public hearing)
- Wednesday – 06/27/2018 at 5:30 P.M. – First consideration by City Council
- Tuesday – 07/03/2018 at 5:30 P.M – Committee of the Whole (date changed due to holiday)
- Wednesday - 07/11/2018 at 5:30 P.M. – Second consideration by City Council
- Wednesday – 07/18/2018 at 5:30 P.M – Committee of the Whole
- Wednesday - 07/25/2018 at 5:30 P.M. – Third & Final consideration by City Council

A tabling (delay) may occur at any point in this process.

If you have any questions, please contact the Community Planning Office at 563-326-7765 or use the office e-mail [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)





3816 W Locust Street



1909 N Zenith Avenue



3830 W Locust Street



## Bing Maps

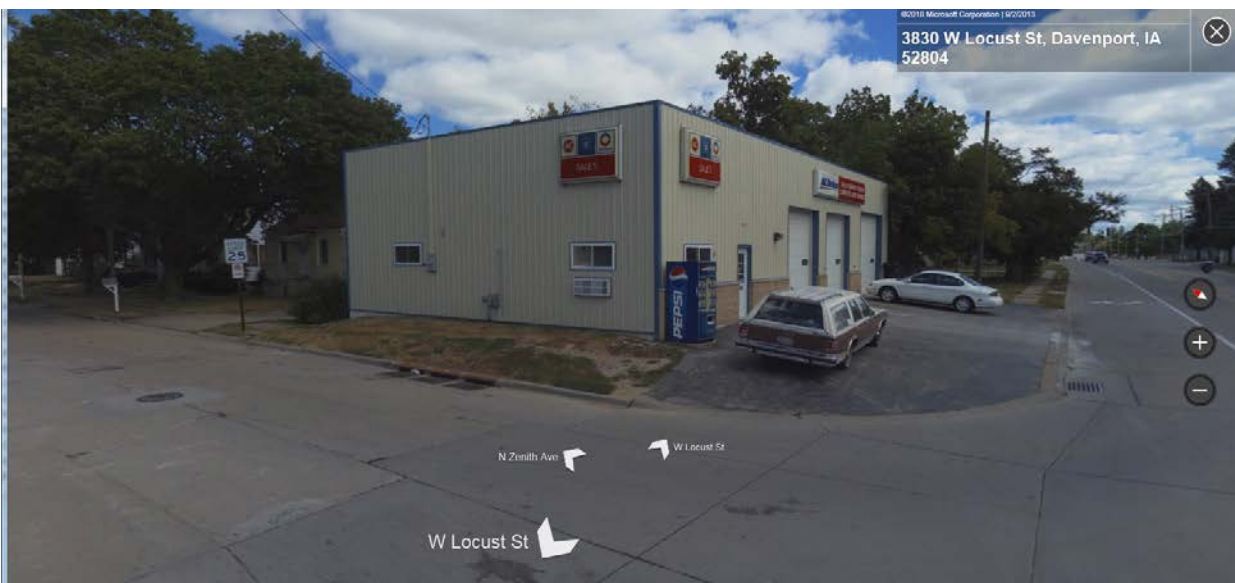


3822 W Locust St

3816 W Locust St



1909 N Zenith Ave





3830 W Locust Street

DATE: May 24, 2018  
TO: Community Planning

Please be informed of my opposition to the rezoning of the properties located at 1909 N. Zenith Ave and 3816 W. Locust St.

For the following reasons I am in opposition the rezoning:

1. There is no assertion or indication that encroachment on Zenith Ave. will in anyway help the immediate area or community. Further, there is no assertion or indication that this will help the community in general.
2. If the property on Zenith is rezoned it will increase an already busy intersection (Locust & Zenith) both from Zenith and turning onto Zenith.
  - As the garage business has increased the business has consistently parked vehicles of all types abutting the West Locust Street curb line blocking the needed view of anyone wishing to enter West Locust Street from Zenith Avenue.
3. As sited in # 2 above it is extremely dangerous to enter the intersection from Zenith Avenue onto West Locust Street – turning either way. To look for traffic turning onto Locust Street you must pull into Locust Street beyond the vehicles parked in the right of way, of the Dale's Garage to check for oncoming traffic.
4. Wrecker and flatbed trucks deliver vehicles blocking traffic on West Locust Street which creates traffic flow problems as well as great safety problems for anyone using West Locust Street. Traffic backs up causing further safety problems.
5. Wrecker and flatbed trucks deliver vehicles blocking traffic on Zenith Avenue which creates traffic flow problems as well as great safety problems for anyone using Zenith Avenue or wanting to enter Zenith Avenue from West Locust Street. Traffic backs up in both directions causing further safety problems.
6. To rezone a single family home in a clearly residential strip of homes and to replace it into a dangerous traffic situation for all the reasons above is not warranted or advisable.
7. Dales has clearly outgrown his business location and needs to consider relocating, which is a good thing. What is not good is the unrestricted conversion to a commercial Zenith Avenue.

Should you have any questions regarding this letter or the issues that I have presented please feel free to contact me using the following information.

Regards,

Steve Clough  
2107 N. Zenith Ave.  
Davenport, Iowa 52804  
563-370-4713

**From:** [Longlett, Eric](#)  
**To:** [Wille, Wayne](#)  
**Subject:** RE: two companion zonings  
**Date:** Friday, May 25, 2018 3:33:20 PM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)

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With diagonal parking northbound, how would they exit on the 3816 property?

Any drive entrance will need to have the proper permits (drive/excavation and sw) constructed per City SUDAS standards with appropriate inspections.

**Eric Longlett**  
Engineering Manager  
City of Davenport, Iowa  
Phone: 563-327-5153  
Cell: 563-370-3972  
CoD logo 322c lrg

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**From:** Wille, Wayne  
**Sent:** Friday, May 25, 2018 9:53 AM  
**To:** Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne  
**Subject:** two companion zonings

Here are two rezoning requests to create parking for Dales Service Center at 3830 W Locust Street (the sketch is preliminary). These are going to Public Hearing on June 5<sup>th</sup>. Please respond with comments by Friday the 8th. Thank you

Wayne Wille, CFM - Planner II  
Community Planning Division  
226 W 4th St - Davenport IA 52801  
563-326-6172 - [ww@ci.davenport.ia.us](mailto:ww@ci.davenport.ia.us)  
563-326-7765 - [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

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

**From:** [Fisher, William \(Billy\)](#)  
**To:** [Wille, Wayne](#)  
**Cc:** [Kay, Amy](#)  
**Subject:** RE: two companion zonings  
**Date:** Friday, June 01, 2018 1:47:38 PM  
**Attachments:** [image001.png](#)

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The two properties combine for 10,400 square feet. Depending on how much they decide to pave, they will need to treat the WQv.

Thank you,

[Billy Fisher, CPMSM](#)  
[Urban Conservationist](#)  
[City of Davenport](#)  
[Ph - 563-888-2107](#)  
[Fax - 563-327-5182](#)

---

**From:** Wille, Wayne

**Sent:** Friday, May 25, 2018 9:53 AM

**To:** Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne

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Wayne Wille, CFM - Planner II  
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**E Plan is now live. Click [here](#) for more information.**



City of Davenport

Agenda Group: Community Development  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 888-2286  
Wards: 1

**Action / Date**  
**CD7/3/2018**

**Subject:**

Public Hearing for the Ordinance for Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward 1]

**Recommendation:**

Hold the public hearing.

**Relationship to Goals:**

Neighborhood Improvements  
Fiscal Vitality

**Background:**

**Findings:**

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

**Recommendation:** The Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

The Commission vote was 6-yes, 0-no and 0-abstention.

Protest Rate 0.0 percent

For further background information please refer to the background materials.

**ATTACHMENTS:**

| Type                | Description                       |
|---------------------|-----------------------------------|
| □ Resolution Letter | REZ18-07 PH only                  |
| □ Backup Material   | REZ18-07 Background 3816 W Locust |

**REVIEWERS:**

| Department                                | Reviewer      | Action   | Date                 |
|-------------------------------------------|---------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce | Approved | 6/28/2018 - 9:50 AM  |
| Community Development Committee           | Berger, Bruce | Approved | 6/28/2018 - 10:03 AM |



City Clerk

Admin, Default

Approved

6/28/2018 - 10:07 AM

TO BE PUBLISHED IN THE TUESDAY JUNE 26, 2018 ADDITION OF THE QUAD CITY TIMES,  
HAVING THE NOTICE BILLED TO PO NO. 1818940 AND RECEIVING THE PROOF OF  
PUBLICATION PRIOR TO THE PUBLIC HEARING

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TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petitions:

Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

The property has the following legal description:

Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 78 North Range 3 East of the 5<sup>th</sup> P.M. being more particularly described as follows:  
Commencing in the Southeast Corner of Section 20, Township 78 North Range 3 East of the 5<sup>th</sup> P.M.; thence West along the south line of said Section 20 to a point of intersection with the east line of North Zenith Avenue as extended southerly; North 35.00 feet to the north line of West Locust Street as it currently exists; thence East along the north line of said West Locust Street a distance of 123.0 feet to the point of beginning; thence continuing east along the north line of West Locust Street a distance of 50.0 feet; thence Northparallel to the east line of Zenith Avenue a distance of 120 feet; thence West parallel to the north line of West Locust Street a distance of 50 feet; thence South parallel to the east line of North Zenith Avenue a distance of 120 feet to the point of beginning. The above described parcel is also known as Scott County Tax Parcel T2057-13.

Said parcel contains 6,000 square feet, more or less.

The City Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Tuesday, July 03, 2018, at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances. PO NO. 1818940.

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



226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

June 20, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 19, 2018, the City Plan and Zoning Commission considered Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

The Plan and Zoning Commission accept the findings and forward Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

Respectfully submitted,

Robert Inghram, Chairperson  
City Plan and Zoning Commission



|          |           | APPROVED                                     | APPROVED                                    | APPROVED                            | APPROVED                                  | APPROVED                             |  |  |  |
|----------|-----------|----------------------------------------------|---------------------------------------------|-------------------------------------|-------------------------------------------|--------------------------------------|--|--|--|
| Name:    | Roll Call | REZ18-06<br>Tim Shaffer<br>1909 N Zenith Ave | REZ18-07<br>Tim Shaffer<br>3816 W Locust St | F18-05<br>Seng Meadows<br>1st Add'n | F18-06<br>Crow Valley<br>Plaza 11th Add'n | F18-07<br>Monarch Hills<br>1sy Add'n |  |  |  |
| Connell  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Hepner   | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Inghram  | P         |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Johnson  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Kelling  | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Lammers  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Maness   | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Medd     | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Quinn    | P         | Y                                            | Y                                           | Y                                   | ABS                                       | Y                                    |  |  |  |
| Reinartz | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Tallman  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
|          |           | 6-YES<br>0-NO<br>0-ABSTAIN                   | 6-YES<br>0-NO<br>0-ABSTAIN                  | 6-YES<br>0-NO<br>0-ABSTAIN          | 5-YES<br>0-NO<br>1-ABSTAIN                | 6-YES<br>0-NO<br>0-ABSTAIN           |  |  |  |



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

**Meeting Date:** June 19, 2018  
**Request:** R-3 Moderate Density Dwelling to C-2 General Commercial  
**Address:** 3816 West Locust Street (N of W Locust St & E of N Zenith Ave)  
**Case No.:** REZ18-07  
**Applicant:** Tim Shaffer dba Shaffer Automotive / Dales Service

**Recommendation:**

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-07 to the City Council for approval subject to the listed conditions.

**Introduction:**

Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

Note: there is a companion zoning request for 1909 North Zenith Avenue. While separate these two requests work in tandem.

**AREA CHARACTERISTICS:**

**Aerial**

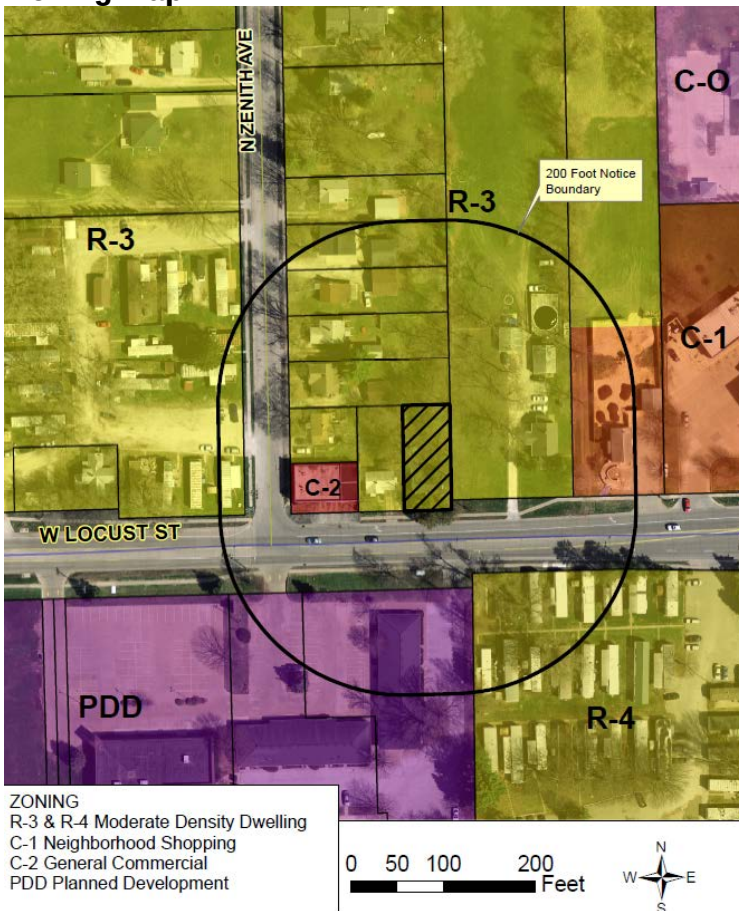


AERIAL PHOTO  
2014

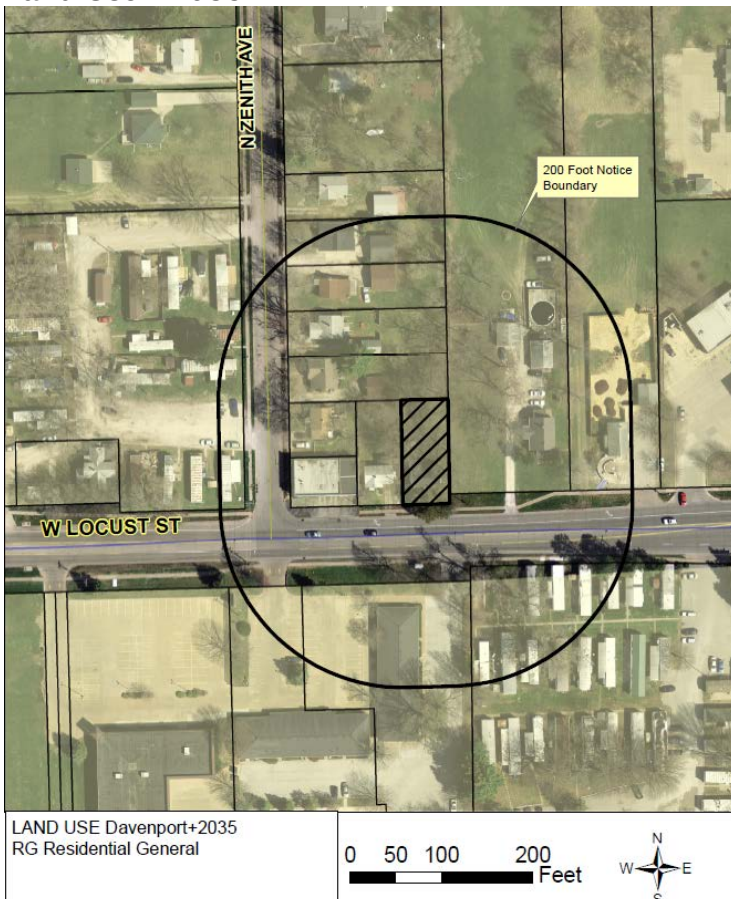
0 50 100 200  
Feet



## Zoning Map



## Land Use - 2035





**Background:**  
**Comprehensive Plan:**

Within Urban Service Boundary +2035: Yes

Future Land Use Designation: The property being rezoned and the surrounding properties are designated as Residential General (RG).

*Note: The abutting business property, Dales Service Center at 3830 W Locust Street, was zoned to the "C-2" General Commercial classification in 2015. At that time the Davenport 2025 Land Use plan designated the property as CN Commercial Neighborhood.*

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

Relevant Goals to be considered in this Case:

Identify and reserve land for current and future development – *encourage a full range of development.*

**Zoning:**

The subject property is currently zoned "R-3" Moderate Density Dwelling District. The abutting business, Dales Service Center, located at 3830 W Locust Street, is zoned "C-2" General Commercial District. Planned Development (PDD) zoning is located across Locust Street to the south and Neighborhood Commercial (C-1) zoning is located on the two lots west of the Fairmount Street.

**Technical Review:**

Streets. The property is located on the east side of North Zenith Avenue just north of West Locust Street.

Storm Water. Stormwater infrastructure (inlets) is located in both North Zenith Avenue and West Locust Street at the intersection. Redevelopment of the site may require compliance with the City's stormwater regulations.

Sanitary Sewer. Sanitary sewer service is located within North Zenith Avenue (8-inch line).

Other Utilities. This is an urban area and normal utility services are available.

Emergency Services. The property is located approximately 1-2/3 miles from Fire Stations No. 6 at 1735 West Pleasant Street and approximately 2 miles from Fire Station No. 5 at 2808 Telegraph Road.

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

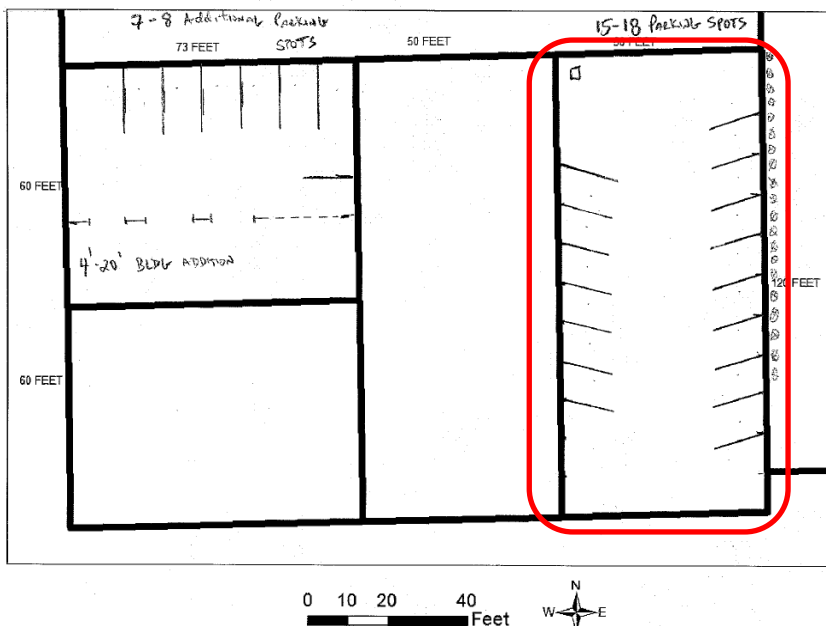
### **Public Input:**

The neighborhood meeting was held on Thursday May 24<sup>th</sup> at the business location. A larger area was notified north along Zenith Avenue for the neighborhood meeting at the request of the Ward Alderman. Apparently complaints in the past have been received from those residents further north on Zenith Avenue about parking issues associated with Dale's Automotive. According to the Council Office it would seem as though these parking areas would help some of the problems they have had and it would be beneficial for those neighbors who have had problems in the past know what's going on. No one from the public attended though one owner had indicated in his protest that he could not attend. At the public hearing one person spoke regarding the vehicles parked on Zenith and the unloading of vehicles blocking the street and turning movements. Also a concern with the tenants of the owner's rental property in the area was raised which is not directly pertinent to this request

### **Discussion:**

The rezoning is proposed to allow parking of vehicles to be and those finished being worked on as well as customer parking. The public garage use, currently Dales Service Center was annexed into the City in 1964 as a non-conforming use and remained a non-conforming use until 2015 when it was zoned to the "C-2" General Commercial classification in 2015. In 2007 the non-conforming building (use) was expanded through Zoning Board of Adjustment (the east side was squared off since a portion already encroached into the east side yard). A service use has been at this location since at least the 1950's. As a use grows there are two options; either expand at the current site or relocate. The current owner has chosen the option to try to expand at the current site by requesting this and the companion rezoning.

The property east of the business would also be used to alleviate (mitigate) the congestion at the business. This added property would be used to allow the current building to be used more efficiently with this property mitigating problem of temporarily blocking Zenith Avenue with a tow vehicle while dropping off a vehicle. The use of this lot would allow the tow vehicle to drop the vehicle off and turn around to avoid backing out onto Locust Street.



**Staff Recommendation:**

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

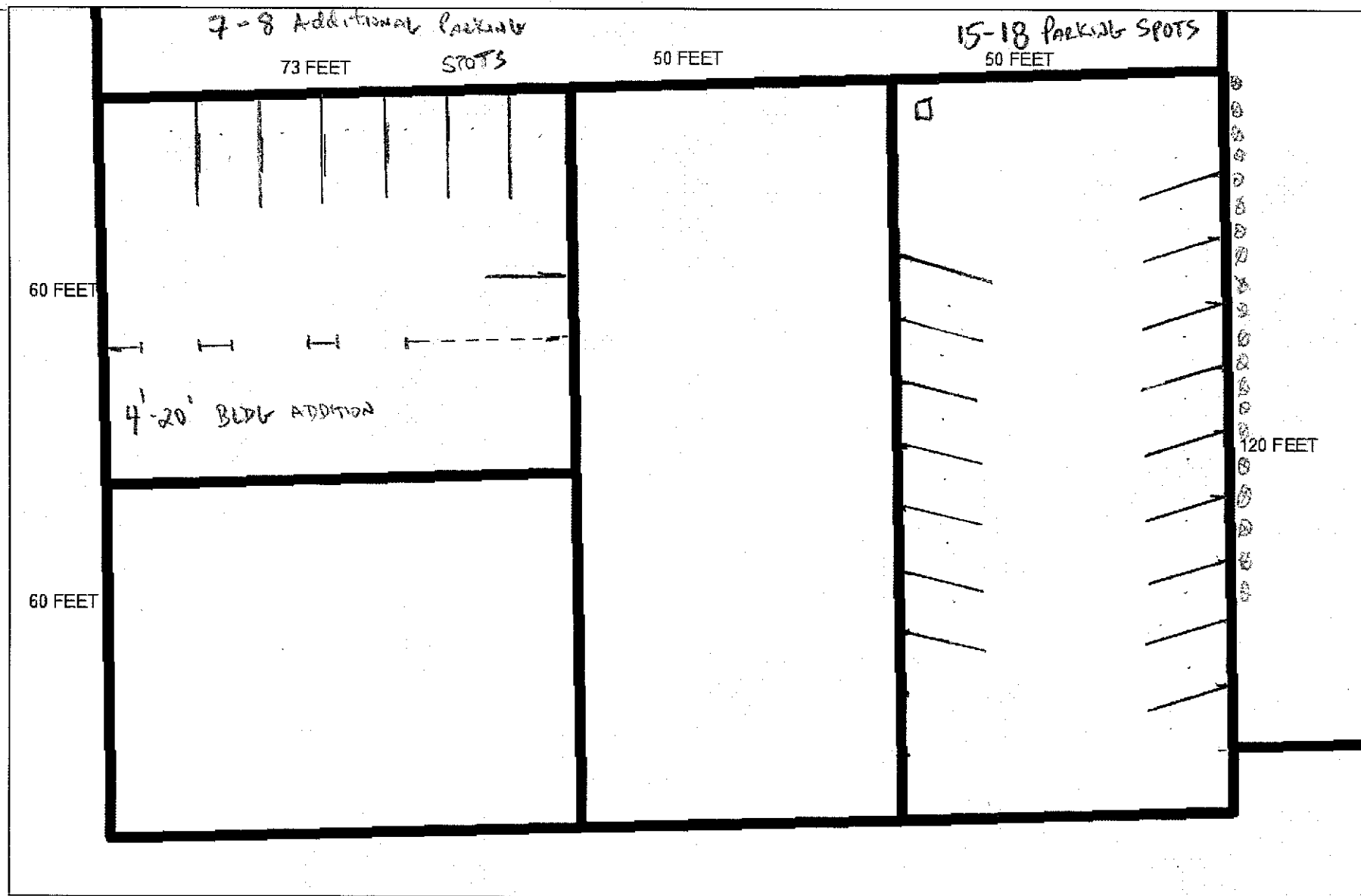
Recommendation:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

Prepared by:

Wayne Wille, CFM - Planner II  
Community Planning Division



0 10 20 40 Feet







0 15 30 60 Feet



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

**Public Hearing Details:**

Date: 06/05/2018

Time: 5:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

Subject: Public hearing for a rezoning (map amendment) before the Plan and Zoning Commission

Case #: REZ18-06 & REZ18-07

To: All property owners within 200 feet of the subject property located at: **1909 North Zenith Avenue** and **3816 West Locust Street**.

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a rezoning (map amendment) request. The purpose of the rezoning is to allow residential townhomes on individual lots.

Request Description

- Case No. REZ18-06: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]
- Case No. REZ18-07: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 6,000 square feet (0.14) acre of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]

**What are the Next Steps after the Public Hearing?**

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

**Would You Like to Submit an Official Comment?**

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

**Do You Have Any Questions?**

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

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





Case No. REZ18-06  
1909 N Zenith Ave

0 37.5 75 150 Feet



Case No. REZ18-07  
3816 W Locust St

0 37.5 75 150 Feet



| Owner                                   |                    | Address               | C-S-Z               |
|-----------------------------------------|--------------------|-----------------------|---------------------|
| RICHARD W SHAFFER                       | DIANE K SHAFFER    | 2130 OKLAHOMA AVE     | DAVENPORT IA 52804  |
| TIMOTHY SHAFFER                         | AMANDA SHAFFER     | 12023 - 70TH AVE      | BLUE GRASS IA 52726 |
| GEORGE A MAST                           | GERALDINE L MAST   | 806 W BROOKSHIRE      | ORANGE CA 92865     |
| WILLIAM JAMES MAST                      |                    | 3822 W LOCUST ST      | DAVENPORT IA 52804  |
| DONALD E BRENTISE                       | KRISTIN K BRENTISE | 3804 W LOCUST ST      | DAVENPORT IA 52804  |
| B & V PARTNERS LLC                      |                    | 2490 HEATHER GLEN AVE | BETTENDORF IA 52722 |
| IDLE WHEELS MOBILE HOME PARK            |                    | 1108 WAVERLY RD       | DAVENPORT IA 52804  |
| RIGHT ON COOPERATIVE                    |                    | PO BOX 131            | BETTENDORF IA 52722 |
| MCALISTER PROPERTIES LLC                |                    | 1314 VAIL AVE         | DURANT IA 52747     |
| ALL AROUND TOWN ENTERPRISES             |                    | PO BOX 5267           | DAVENPORT IA 52808  |
| TIM SHAFFER                             | dba DALES SERVICE  | 3830 W LOCUST ST      | DAVENPORT IA 52804  |
| extra mailing as per Tiffany & Ald Dunn |                    |                       |                     |
| LORAS W JAEGER                          | MARCHETTA JAEGER   | 2421 HIGH ST          | DES MOINES IA 50312 |
| FRANKIE R BENNETT                       |                    | 2036 N ZENITH AVE     | DAVENPORT IA 52804  |
| FREDERICK L HIGGINS                     | DAWN M HIGGINS     | 2031 N ZENITH AVE     | DAVENPORT IA 52804  |
| JACOB R SHAFFER JR                      |                    | 2030 N ZENITH AVE     | DAVENPORT IA 52804  |
| ROGER DUGAN                             | GEORGIA J DUGAN    | 2018 N ZENITH AVE     | DAVENPORT IA 52804  |
| SEAN R CARTER                           | ROSA M BRIBRIESCO  | 2017 N ZENITH AVE     | DAVENPORT IA 52804  |
| DAVID C BLOOM                           | LAURA L BLOOM      | 2015 N ZENITH AVE     | DAVENPORT IA 52804  |
| JOHN C COOKSEY                          |                    | 2018 N ZENITH AVE     | DAVENPORT IA 52804  |
| REX COOPER                              | LUCILLE COOPER     | 126 N IVAN AVE        | GALESBURG IL 61401  |
| TLC REAL ESTATE LLC                     |                    | 4319 W 30TH ST        | DAVENPORT IA 52804  |
| STEPHEN C CLOUGH                        | CAROL M CLOUGH     | 2107 N ZENITH AVE     | DAVENPORT IA 52804  |

#### EMAIL ONLY

|                   |                                                                                  |
|-------------------|----------------------------------------------------------------------------------|
| ALD DUNN          | <a href="mailto:rdunn@ci.davenport.ia.us">rdunn@ci.davenport.ia.us</a>           |
| ALD GRIPP         | <a href="mailto:kgripp@ci.davenport.ia.us">kgripp@ci.davenport.ia.us</a>         |
| ALD CONDON        | <a href="mailto:jcondon@ci.davenport.ia.us">jcondon@ci.davenport.ia.us</a>       |
| TIFFANY THORNDIKE | <a href="mailto:tthorndike@ci.davenport.ia.us">tthorndike@ci.davenport.ia.us</a> |
| TIM SHAFFER       | <a href="mailto:tim@dalesqc.com">tim@dalesqc.com</a>                             |
| ROBERT INGHAM     | <a href="mailto:binghram@activethermal.net">binghram@activethermal.net</a>       |

226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

## ***NEIGHBORHOOD MEETING NOTICE***

### **Date – Time - Place**

On May 24, 2018 at 5:00 P.M., a neighborhood meeting will be held to introduce you to a project that requires a property to be rezoned. The meeting will be held at Dales Service Center 3830 West Locust Street (northeast corner of Zenith Avenue and Locust Street)

### **What is it about?**

The applicant is proposing to develop parking/storage lots for his business (customers and vehicles to be or having been worked on). The business location is 3830 West Locust Street. The two locations that are subject of the rezoning requests are:

- 1) 1909 North Zenith Avenue being north of and abutting the business property; and
- 2) 3816 West Locust Street being one lot further east.



This is the first step in a rezoning process. Public hearings will be held before both the Plan and Zoning Commission and City Council. You will shortly be receiving notice of the City Plan and Zoning Commission's public hearing scheduled for June 5<sup>th</sup> at 5:00 P.M. in the Council Chambers at Davenport City Hall.



The proposed schedule is as follows (the remaining meetings are held in the Council Chambers of City Hall at 226 W 4<sup>th</sup> Street:

- Tuesday – 06/05/2018 at 5:00 P.M. – Plan and Zoning Commission Public Hearing
- Tuesday – 06/19/2018 at 5:00 P.M. – Plan and Zoning Commission regular meeting (recommendation to City Council made)

The City Council requires three readings or considerations for a rezoning to be approved (unless waived by the City Council). (The following is a tentative schedule for the City Council meetings – You will also receive a notice of the public hearing at the City Council).

- Wednesday – 06/20/2018 at 5:30 P.M – Committee of the Whole (City Council public hearing)
- Wednesday – 06/27/2018 at 5:30 P.M. – First consideration by City Council
- Tuesday – 07/03/2018 at 5:30 P.M – Committee of the Whole (date changed due to holiday)
- Wednesday - 07/11/2018 at 5:30 P.M. – Second consideration by City Council
- Wednesday – 07/18/2018 at 5:30 P.M – Committee of the Whole
- Wednesday - 07/25/2018 at 5:30 P.M. – Third & Final consideration by City Council

A tabling (delay) may occur at any point in this process.

If you have any questions, please contact the Community Planning Office at 563-326-7765 or use the office e-mail [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)





3816 W Locust Street



1909 N Zenith Avenue



3830 W Locust Street



## Bing Maps

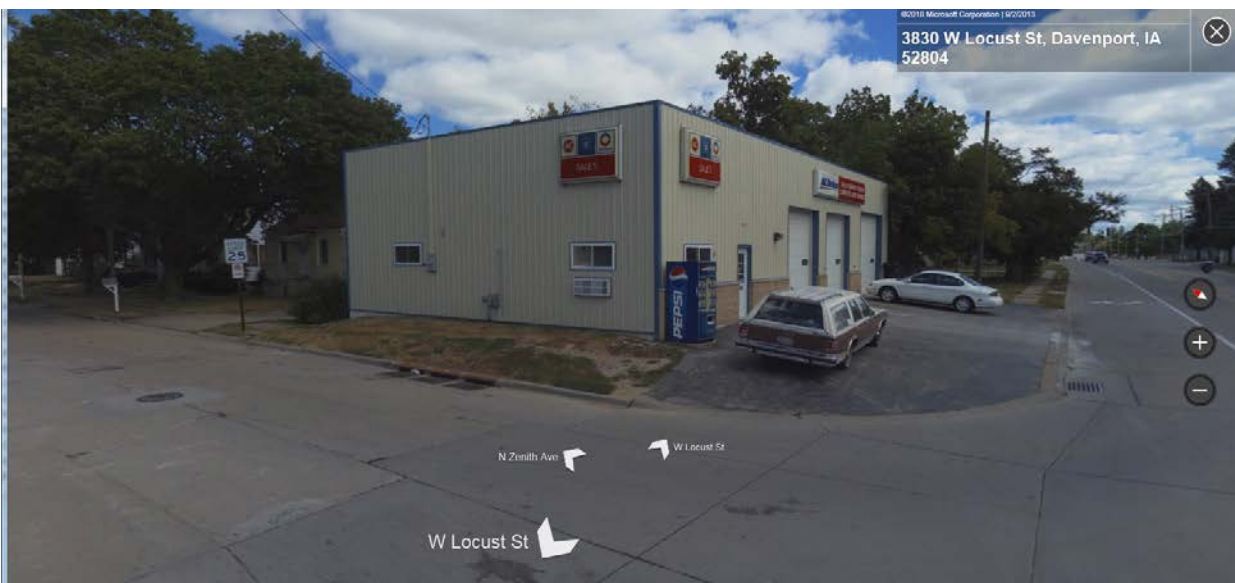


3822 W Locust St

3816 W Locust St



1909 N Zenith Ave





3830 W Locust Street

DATE: May 24, 2018  
TO: Community Planning

Please be informed of my opposition to the rezoning of the properties located at 1909 N. Zenith Ave and 3816 W. Locust St.

For the following reasons I am in opposition the rezoning:

1. There is no assertion or indication that encroachment on Zenith Ave. will in anyway help the immediate area or community. Further, there is no assertion or indication that this will help the community in general.
2. If the property on Zenith is rezoned it will increase an already busy intersection (Locust & Zenith) both from Zenith and turning onto Zenith.
  - As the garage business has increased the business has consistently parked vehicles of all types abutting the West Locust Street curb line blocking the needed view of anyone wishing to enter West Locust Street from Zenith Avenue.
3. As sited in # 2 above it is extremely dangerous to enter the intersection from Zenith Avenue onto West Locust Street – turning either way. To look for traffic turning onto Locust Street you must pull into Locust Street beyond the vehicles parked in the right of way, of the Dale's Garage to check for oncoming traffic.
4. Wrecker and flatbed trucks deliver vehicles blocking traffic on West Locust Street which creates traffic flow problems as well as great safety problems for anyone using West Locust Street. Traffic backs up causing further safety problems.
5. Wrecker and flatbed trucks deliver vehicles blocking traffic on Zenith Avenue which creates traffic flow problems as well as great safety problems for anyone using Zenith Avenue or wanting to enter Zenith Avenue from West Locust Street. Traffic backs up in both directions causing further safety problems.
6. To rezone a single family home in a clearly residential strip of homes and to replace it into a dangerous traffic situation for all the reasons above is not warranted or advisable.
7. Dales has clearly outgrown his business location and needs to consider relocating, which is a good thing. What is not good is the unrestricted conversion to a commercial Zenith Avenue.

Should you have any questions regarding this letter or the issues that I have presented please feel free to contact me using the following information.

Regards,

Steve Clough  
2107 N. Zenith Ave.  
Davenport, Iowa 52804  
563-370-4713

**From:** [Fisher, William \(Billy\)](#)  
**To:** [Wille, Wayne](#)  
**Cc:** [Kay, Amy](#)  
**Subject:** RE: two companion zonings  
**Date:** Friday, June 01, 2018 1:47:38 PM  
**Attachments:** [image001.png](#)

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The two properties combine for 10,400 square feet. Depending on how much they decide to pave, they will need to treat the WQv.

Thank you,

[Billy Fisher, CPMSM](#)  
[Urban Conservationist](#)  
[City of Davenport](#)  
[Ph - 563-888-2107](#)  
[Fax - 563-327-5182](#)

---

**From:** Wille, Wayne

**Sent:** Friday, May 25, 2018 9:53 AM

**To:** Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne

**Subject:** two companion zonings

Here are two rezoning requests to create parking for Dales Service Center at 3830 W Locust Street (the sketch is preliminary). These are going to Public Hearing on June 5<sup>th</sup>. Please respond with comments by Friday the 8th. Thank you

Wayne Wille, CFM - Planner II  
Community Planning Division  
226 W 4th St - Davenport IA 52801  
563-326-6172 - [wtw@ci.davenport.ia.us](mailto:wtw@ci.davenport.ia.us)  
563-326-7765 - [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

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



**From:** [Longlett, Eric](#)  
**To:** [Wille, Wayne](#)  
**Subject:** RE: two companion zonings  
**Date:** Friday, May 25, 2018 3:33:20 PM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)

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With diagonal parking northbound, how would they exit on the 3816 property?

Any drive entrance will need to have the proper permits (drive/excavation and sw) constructed per City SUDAS standards with appropriate inspections.

**Eric Longlett**  
Engineering Manager  
City of Davenport, Iowa  
Phone: 563-327-5153  
Cell: 563-370-3972  
CoD logo 322c lrg

---

**From:** Wille, Wayne  
**Sent:** Friday, May 25, 2018 9:53 AM  
**To:** Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne  
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563-326-6172 - [ww@ci.davenport.ia.us](mailto:ww@ci.davenport.ia.us)  
563-326-7765 - [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

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

City of Davenport

Agenda Group: Community Development  
Department: Community Planning & Economic Development  
Contact Info: Bruce Berger, 326-7769  
Wards: All

**Action / Date**  
**CD7/3/2018**

**Subject:**

Public Hearing for the purpose of amending the Urban Revitalization Area plans for the Central City and North Urban Revitalization Areas. [All Wards]

**Recommendation:**

Conduct the public hearing.

**Relationship to Goals:**

Welcoming Neighborhoods.

**Background:**

On April 24, 2018, the City Council met in a work session to discuss the current schedules offered through the Urban Revitalization Tax Exemption (URTE) program. There was a consensus to update the schedules for all property classes in the Central and North URAs. The Council also discussed combining the 2013 and North areas and adding additional commercial and industrial areas.

The attachments show the proposed plan, new boundaries for these areas, and schedules.

Public hearing to be held at the July 3, 2018 Committee of the Whole meeting. As required by Iowa Code public notice was published in the Quad City Times on June 21, 2018.

**ATTACHMENTS:**

| Type      | Description                      |
|-----------|----------------------------------|
| ▣ Exhibit | Proposed URA Plan                |
| ▣ Exhibit | Proposed URTE Map                |
| ▣ Exhibit | Proposed URTE Schedule           |
| ▣ Exhibit | Public Notice for URTE Amendment |

**REVIEWERS:**

| Department                                | Reviewer       | Action   | Date                |
|-------------------------------------------|----------------|----------|---------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 6/28/2018 - 9:34 AM |
| Community Development Committee           | Berger, Bruce  | Approved | 6/28/2018 - 9:38 AM |
| City Clerk                                | Admin, Default | Approved | 6/28/2018 - 9:50 AM |



**Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas  
May 2018**

**Proposed for Public Hearing on July 3, 2018**

## **Introduction**

The Urban Revitalization Act, Chapter 404 of the Code of Iowa, is intended to encourage development, redevelopment and revitalization within designated areas of the City by authorizing property tax development incentives to the private sector. Qualified real estate within a designated area may be eligible to receive a total or partial exemption from property taxes on improvements for a specified number of years with the goal of encouraging new construction or rehabilitation which might not otherwise occur.

Section 404.2 of the Code of Iowa requires that a city prepare a plan to govern activities within the proposed revitalization area, and the balance of this document is intended to set out the elements of a plan that are mandated by state law.

This plan affirms a crucial partnership between the private and public sectors. This document establishes the framework and procedures for the public sector to modify its power to tax real property in order to encourage private reinvestment in the portions of Davenport where the need is greatest.

## **Effective Date**

The provisions of the Plan shall be effective as of the date the City council has approved and published the ordinance designating the boundaries of the Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas.

## **Goals and Purposes**

The general goals and purposes to be addressed within the Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas are as follows:

1. To encourage private investment and reinvestment within targeted areas of the city and thus improve the stability, economic vitality, and living environment of these areas.
  1. To encourage the preservation of existing and the expansion of new housing within the URA
  2. To encourage business growth and redevelopment within the URA
2. To encourage the rehabilitation of structures that are deficient with respect to building, housing and fire code standards.
3. To use the incentives set forth in this plan, together with other economic development programs of the City to achieve increased assistance for projects which otherwise would not occur.
4. To implement the exemptions and other benefits of this plan without unduly diminishing the City's tax revenues and its ability to provide necessary municipal services.

## **Legal Description**

The boundaries of the Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas are defined with the legal description of the entire area, which is provided in Attachment A to this plan.

## **Maps**

As noted, a map depicting the new area is shown in Attachment B. Detailed maps showing existing parcels of real estate in the area are available in the Department of Community Planning and Economic Development, City Hall.

## **Designation Criteria**

In accordance with Section 404.1 of the Act, the City Council has made the following determinations with respect to the Revitalization Area:

1. A portion of the property situated in the Revitalization Area is an area which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, deterioration of site or other improvements, and a combination of these and other factors, substantially impairs or arrests the sound growth of the City, constitutes an economic and social liability and is a menace to the public welfare in its present condition and use; and
2. A portion of the property situated in the Revitalization Area is an area in which there is a predominance of building and improvements which, by reason of age, history, architecture and significance, should be preserved and/or restored to productive use; and
3. The Revitalization Area is an area which is appropriate as an economic development area as defined in Section 403.17 of the Code of Iowa; and
4. The rehabilitation, redevelopment, economic development and promotion of housing and residential development in the Revitalization Area is necessary in the interest of the public welfare of the residents of the City and the Revitalization Area substantially meets the criteria set forth in Section 404.1 of the Act.
5. A portion of the property situated in the Revitalization Area is an area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

## **Assessed Valuation**

The assessed valuation of the real estate for both land and buildings in the Davenport 2018 Urban Revitalization Area Plan for Central & North is available in the Department of Community Planning and Economic Development, City Hall.

**Proposals for Improving or Expanding City Services in the Area**

Pending proposals for the development or improvements to certain public facilities to be funded by the City and which will improve or expand services within the URA are included in the City's Capital Improvement Program. This report is available in the Department of Community Planning and Economic Development, City Hall.

**Grant and Loan Programs Available Within the Urban Revitalization Area**

Grant and loan programs are available to both housing and business owners in this area. Descriptions of programs supporting improvements to real property are available from the Department of Community Planning and Economic Development, City Hall.

**Zoning**

Existing zoning classifications and zoning district boundaries are available in the Department of Community Planning and Economic Development, City Hall.

**Owners of Record**

A list of the owners of record of real estate in the proposed additional area is on file in the Department of Community Planning and Economic Development, City Hall.

**Applicability**

The benefits of urban revitalization tax exemption as set forth in this plan are applicable to all classes of property in the area. Benefits are available both for rehabilitation of and additions to existing buildings, as well as new construction.

**Duration**

The area shall remain designated and the Plan in effect for an estimated period of ten (10) years after the adoption of the Plan; with the City Council having the option to extend the time period for a maximum of two (2) five (5)- year periods. Although it is presently the City's intent to have the Plan in effect for the ten (10) year base period and to present the opportunity for extension through the two five-year options, the City Council expressly reserves the right to repeal the Plan at any time.

When, in the opinion of the City Council, the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted by this Plan would cease to be of benefit to the City, the City Council may repeal the ordinance establishing the Urban Revitalization Area. In the event that the Revitalization Plan is repealed by the City Council, all existing tax exemptions shall continue until their expiration.

**Provisions for Relocation**

Among the objectives in revitalizing a targeted area is to promote a stable housing stock and strong economic base. In rehabilitating the present housing supply, these activities may cause a varying degree of displacement to tenants. It is the intent of this plan to discourage

displacement whenever possible. When displacement is unavoidable, it shall be done with minimum inconvenience and economic hardship to those being displaced.

The following provisions apply to the displacement and relocation of residential and business tenant of real estate for which the new investment is to be presented for consideration for conferring benefits under the provisions of this plan, particularly the Urban Revitalization Tax Exemption program described more fully later in this document.

#### Agency Responsible for Administering Relocation Activities

The City of Davenport Department of Community Planning and Economic Development will be responsible for the monitoring of the relocation program. The City's role in relocation will be to provide technical assistance, financial compensation in some cases, and social service referrals to those in need of relocation assistance.

#### Who is Eligible for Relocation?

A "qualified tenant" shall mean the legal occupant of a residential dwelling unit or commercial or industrial structure within the targeted revitalization area and who has occupied the same unit continuously since one year prior to the City's adoption of the Plan.

If the City of Davenport goes through eminent domain proceedings to acquire any property from homeowners or business interests, it shall adhere to all relevant provisions of the applicable state law.

Any interest applying for Industrial Revenue Bonds must submit a suitable relocation plan to cover residential and business relocation compensation unless waived by tenant. The plan shall be approved by the City prior to issuance of the bonds.

Any small business that leases the building in which it operates, who is displaced for rehabilitation can receive assistance from the Community Planning and Economic Development Department in finding a suitable replacement location.

Any low-moderate income person (but not a "qualified tenant") who is displaced by substantial rehabilitation as determined by the City from the dwelling in which they were residing may be eligible for assistance through the Community Planning and Economic Development Department in accordance with the City's Relocation Program. (Examples of substantial rehabilitation include the shutting off of utilities for rehabilitation purposes, extensive interior rehabilitation purposes, extensive interior rehabilitation, etc.) Whenever possible, assistance to locate temporary housing will be made available.

"Low- and moderate-income persons" shall mean those persons within a household whose income is at or below the United States Housing and Urban Development standard as to the maximum allowable gross income level, as published by HUD from time to time.



## Program Information

Information shall be provided by the owner, developer, or redeveloper to inform occupants within the targeted property of the benefits and assistance and grievance process. The program may include meetings, printed material, and media coverage. The information will be made available when the project is proposed. There will also be a conscientious attempt to inform tenant affected by displacement as a result of the tax exemption incentive prior to relocation.

## Relocation Assistance to Families and Individuals ("Qualified Tenants")

1. Assistance. Qualified Tenants shall receive technical information and referrals to available housing from the City of Davenport Relocation Specialist.
2. Notification. Qualified Tenants shall receive thirty (30) days notice of the need to relocate by the property owner causing the displacement.
3. Payment. Qualified Tenants of residential units shall be eligible to receive compensation under the provisions of the City's Relocation Program to the extent they meet the requirements of that program and as provided by the financial parameters of that program at the time of relocation.
4. Responsibility of Payment. Relocation payments are the responsibility of property owners causing displacement as a condition or receiving tax exemption, except as provided in 3 above. Payment shall be made within ten business days of the notification of the tenant. Failure to do so will result in the forfeiture of the tax exemption.

Anyone displaced who is aggrieved by the determination as to eligibility or for the amount of relocation payment shall submit in writing the nature of the complaint to the Department of Community Planning and Economic Development, City Hall. The Director of Community Planning and Economic Development shall make a decision concerning the grievance within 30 days.

## Tax Exemption

### Definitions:

"Qualified Real Estate", as used in this plan, means real property, other than land, which is located in a designated revitalization area and to which improvements have been made during the time the area was so designated, which has increased the actual value by at least the amount specified in the following section of the plan. "Qualified Real Estate" with regard to the Davenport 2013 URA may also be new construction.

"Improvements" includes rehabilitation and additions to existing structures as well as new construction. However, new construction on land assessed as agricultural property shall not qualify as "improvements" unless the City Council has resented justification at a public hearing held pursuant to section 404.2 of the Code of Iowa for the revitalization of land assessed as

agricultural property by means of new construction. Such justification shall demonstrate in addition to the other requirements of this chapter that the improvement on the land assessed as agricultural land will utilize the minimum amount of agricultural land necessary to accomplish the revitalization of the other classes of property within the urban revitalization area.

“Actual Value Added by the Improvements” means the actual value added as of the first year for which the exemption was received.

### **Increase in Actual Value Requirements**

1. Residential property: For property assessed as residential, there shall be no minimum increase in assessed value required for property tax exemption eligibility. Any dollar increase in actual value of such real estate shall qualify for the tax exemptions listed in this plan.
2. For property assessed other than residential, the improvements made to qualified real estate must increase the actual value of such real estate by at least ten (10) percent, in order to qualify for the tax exemptions provided in this plan.

### **Basis of Tax Exemption Central URTE Area:**

1. All qualified industrial or commercial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:
  1. For the first year, eighty percent.
  2. For the second year, seventy percent.
  3. For the third year, sixty percent.
  4. For the fourth year, fifty percent.
  5. For the fifth year, forty percent.
  6. For the sixth year, forty percent.
  7. For the seventh year, thirty percent.
  8. For the eighth year, thirty percent.
  9. For the ninth year, twenty percent.
  10. For the tenth year, twenty percent.
2. All qualified industrial or commercial real estate is eligible to receive a one hundred percent exemption from taxation on the value added by the improvements. The exemption is for a period of three years.
3. All qualified residential and multi-residential real estate is eligible to receive a one hundred percent exemption from taxation on the value added by the improvements. The exemption is for a period of ten years.

### **Basis of Tax Exemption North URTE Area:**

1. All qualified residential, multi-residential commercial or industrial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:
  1. For the first year, eighty percent.
  2. For the second year, seventy percent.
  3. For the third year, sixty percent.
  4. For the fourth year, fifty percent.
  5. For the fifth year, forty percent.
  6. For the sixth year, forty percent.
  7. For the seventh year, thirty percent.
  8. For eight year, thirty percent.
  9. For the ninth year, twenty percent.
  10. For the tenth year, twenty percent.
2. All qualified residential, multi-residential commercial or industrial real estate is eligible to receive a one hundred percent exemption from taxation on the value added by the improvements. The exemption is for a period of three years.

### **Procedures**

1. Applicants for tax exemption must fill out a form prepared by city staff and available at the Department of Community Planning and Economic Development, City Hall, or at the City's website, [www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com). The application shall contain, but not be limited to, the following information: the nature of the improvements, the cost, the estimated or actual date of completion, the tenants currently occupying the structure, and which exemption schedule is selected.
2. All applications for tax exemption shall be due February 1 of the year in which the improvements resulting from the project are assessed for taxation.
3. An application shall be filed for each new exemption claimed.

The Davenport City Council, upon review and recommendation by city staff, shall approve the application, subject to review by the City Assessor, if the project is in conformance with the plan for revitalization developed by the City, is located within a designated revitalization area and if the improvements were made during the time the area was so designated. The City shall forward for review all approved applications to the City Assessor by March 1 of each year indicating which exemption schedule apply. Applications for exemption for succeeding years for approved applications shall not be required.

If the real estate is assessed other than residential, the City Assessor shall review each first year application to determine if the improvements made increased the actual value of the

qualified real estate by the requisite percentage. If the Assessor determines that the actual value of the real estate has increased by the requisite percent, the Assessor shall proceed to determine the revised actual value of the property and certify the revised valuation to the County Auditor at the time of transmitting the assessment rolls.

If the application for exemption is denied as a result of failure to sufficiently increase the value of the real estate as provided in this plan, the owner may file a first annual application in the subsequent year when the additional improvements are made to satisfy the requirements of this plan. After the tax exemption is granted, the City Assessor shall continue to grant the tax exemption, after annual physical review by the Assessor, for the appropriate time period. The tax exemptions for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years.

Projects determined by the City Council not to be in conformance with the revitalization plan or with the Comprehensive Plan of the City of Davenport will be denied the benefits of this plan.

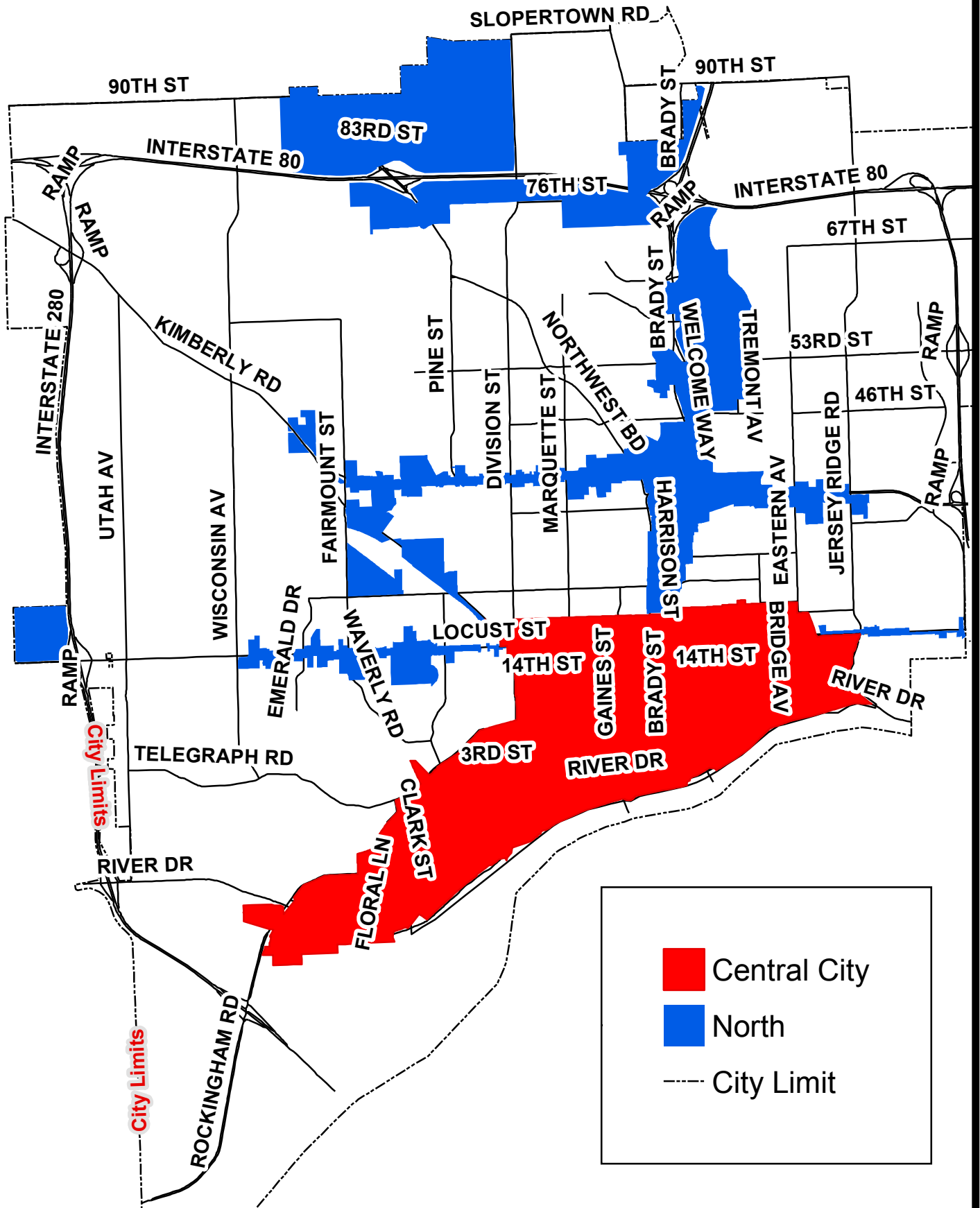
### **Attachment A Legal Description**

The legal description will be available at City Hall or by emailing [URTE@ci.davenport.ia.us](mailto:URTE@ci.davenport.ia.us) as of June 1, 2018.

## **Attachment B: Map of Area**



# Proposed URTE 2018 Areas



# Proposed URTE Schedules

## Central City

| Exemption Schedule | Use                                | How much of improvement's value is exempted?                                                           |
|--------------------|------------------------------------|--------------------------------------------------------------------------------------------------------|
| C1                 | Commercial & Industrial            | 1st yr- 80% 2nd yr- 70% 3rd yr- 60% 4th yr- 50% 5th & 6th yr- 40% 7th & 8th yr- 30% 9th & 10th yr- 20% |
| C2                 | Commercial & Industrial            | 100% for 3 years                                                                                       |
| C3                 | Residential and Multi- Residential | 100% for 10 years                                                                                      |

## North Area

| Exemption Schedule | Use                                                      | How much of improvement's value is exempted?                                                           |
|--------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| N1                 | Residential, Multi- Residential, Commercial & Industrial | 1st yr- 80% 2nd yr- 70% 3rd yr- 60% 4th yr- 50% 5th & 6th yr- 40% 7th & 8th yr- 30% 9th & 10th yr- 20% |
| N2                 | Residential, Multi- Residential, Commercial & Industrial | 100% for 3 years                                                                                       |

**Published in the Quad City Times  
June 21, 2018**

**NOTICE OF PUBLIC HEARING ON  
THE PROPOSED DAVENPORT 2018  
URBAN REVITALIZATION AREA PLAN FOR CENTRAL CITY & NORTH  
AREAS**

Notice is hereby given that the Davenport City Council will conduct a public hearing on the 3rd day of July, 2018 at 5:30pm in City Hall Council Chambers, 226 West Fourth Street, Davenport, IA on the proposed creation of the plan for the Davenport 2018 Urban Revitalization Area Plan for Central City & North Areas.

At said hearing, individuals may file written comments about proposed creation or may speak to this subject. Written comments may also be submitted to the Community Planning and Economic Development Department at 226 W 4<sup>th</sup> St. Davenport, Iowa 52801 by July 3, 2018.

A full description of the proposed plan and boundaries may be viewed at the Community Planning and Economic Development Department at City Hall, at the Davenport Public Libraries or by visiting the city's website at [www.cityofdavenportiowa.com/URTE](http://www.cityofdavenportiowa.com/URTE).  
PO1818779

City of Davenport

Agenda Group: Committee of the Whole  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn, 888-2286  
Wards: 1, 3

**Action / Date**  
**COW7/3/2018**

**Subject:**

Public Hearing for the Ordinance for Case ORD18-02 Ordinance amending Title 17 to incorporate a zoning component to promote and create a commercial identity for the Rockingham Road corridor through design and use standards. This text amendment will include a map amendment for the area along Rockingham Road from John Fell Drive in the southwest and to Marquette Street in the northeast portion of the corridor. City of Davenport is the Petitioner. Chapter 17.60 of the Davenport Municipal Code allows for text and map amendments. [Ward 1 and 3]

**Recommendation:**

Hold the public hearing.

**Relationship to Goals:**

Welcoming Neighborhoods  
Sustainable Infrastructure  
Fiscal Vitality

**Background:**

The Rockingham Corridor Area project is an outgrowth of the Rockingham Road moratorium on business licenses. Staff has been directed to draft a zoning ordinance change to address some the needs of this corridor. The goal of the rezoning is to foster better development designed to attract and maintain quality business and local retailers while protecting the investment of current owners along the corridor.

In 2017, the City of Davenport hired a consultant to rewrite the City's zoning code ordinance. This will include the rezoning of areas throughout the City as well as defining new zoning classifications. While the new zoning code ordinance will not be formally adopted until Fall 2018, the City Council has directed staff to begin a City initiated rezoning of the Rockingham Road corridor to accelerate the implementation this new zoning ordinance along Rockingham Road. In the future, these changes will encourage less intensive land uses along the corridor and help to foster an improved sense of commercial identity for the Rockingham Road corridor.

This ordinance amendment is essentially a corridor based rezoning which includes a zoning map change to the are from John Fell Drive to Marquette Street along Rockingham Road, as per the attached map.

The Plan and Zoning Commission considered Case No. ORD18-04 at its June 5, 2018 meeting and voted to forward Case No. ORD18-04 to the City Council with a recommendation for approval (without any special conditions).

The Commission vote was 10-yes and 0-no with 0-abstention.

The Plan and Zoning Commission considered Case No. ORD18-04 at its June 5, 2018 meeting and voted to forward Case No. ORD18-04 to the City Council with a recommendation for approval (without any special conditions).

The Commission vote was 10-yes and 0-no with 0-abstention.

**Findings:**

- Proposed ordinance has undergone a thorough public process including stakeholder input and neighborhood meetings
- Proposed ordinance is largely supported by the majority of the project participants
- Proposed ordinance will serve as an effective tool in the implementation of corridor enhancement by lessening the intensity of use, thus enhancing the environment for neighborhood commercial redevelopment

For further background information please refer to the background materials.

**ATTACHMENTS:**

| Type      | Description               |
|-----------|---------------------------|
| ▣ Exhibit | CD PH ORD18-02 Rockingham |
| ▣ Exhibit | Zoning Map                |
| ▣ Exhibit | Ordinance Code            |
| ▣ Exhibit | Vote Result               |
| ▣ Exhibit | P&Z Letter to Council     |
| ▣ Exhibit | Overview Map              |
| ▣ Exhibit | Adjacent Owner Notice     |
| ▣ Exhibit | QC Times Notice           |

**REVIEWERS:**

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 6/13/2018 - 2:53 PM |
| City Clerk | Admin, Default | Approved | 6/13/2018 - 2:53 PM |

## City of Davenport

Committee: Community Development  
Department: Community Planning and Economic  
Development  
Contact Info: Matt Flynn 888-2286  
Ward: All

Action / Date  
CD 06/20/18

### Subject:

Public Hearing for the Ordinance for Case ORD18-02 Ordinance amending Title 17 to incorporate a zoning component to promote and create a commercial identity for the Rockingham Road corridor through design and use standards. This text amendment will include a map amendment for the area along Rockingham Road from John Fell Drive in the southwest and to Marquette Street in the northeast portion of the corridor. City of Davenport is the Petitioner. Chapter 17.60 of the Davenport Municipal Code allows for text and map amendments. [Ward 1 and 3]

### Recommendation:

Hold the public hearing.

### Relationship to Goals:

Welcoming Neighborhoods  
Sustainable Infrastructure  
Fiscal Vitality

### Background:

The Rockingham Corridor Area project is an outgrowth of the Rockingham Road moratorium on business licenses. Staff has been directed to draft a zoning ordinance change to address some the needs of this corridor. The goal of the rezoning is to foster better development designed to attract and maintain quality business and local retailers while protecting the investment of current owners along the corridor.

In 2017, the City of Davenport hired a consultant to rewrite the City's zoning code ordinance. This will include the rezoning of areas throughout the City as well as defining new zoning classifications. While the new zoning code ordinance will not be formally adopted until Fall 2018, the City Council has directed staff to begin a City initiated rezoning of the Rockingham Road corridor to accelerate the implementation this new zoning ordinance along Rockingham Road. In the future, these changes will encourage less intensive land uses along the corridor and help to foster an improved sense of commercial identity for the Rockingham Road corridor.

This ordinance amendment is essentially a corridor based rezoning which includes a zoning map change to the are from John Fell Drive to Marquette Street along Rockingham Road, as per the attached map.



### Public Input:

A neighborhood meeting was held on March 19<sup>th</sup>. Additionally, a stakeholder committee (selected by the 1<sup>st</sup> and 3<sup>rd</sup> Ward Alderman) has met twice with staff and will continue to meet regarding other issues along the corridor.

| <u>List of Public Meetings</u>          | <u>Dates</u>   |
|-----------------------------------------|----------------|
| Neighborhood Meeting (1 <sup>st</sup> ) | March 15, 2018 |
| P&Z Public Hearing (1 <sup>st</sup> )   | March 20, 2018 |
| Stakeholder Meeting (1 <sup>st</sup> )  | May 3, 2018    |
| Stakeholder Meeting (2 <sup>nd</sup> )  | May 3, 2018    |
| Neighborhood Meeting (2 <sup>nd</sup> ) | May 19, 2018   |
| P&Z Public Hearing (2 <sup>nd</sup> )   | May 29, 2018   |

Originally a neighborhood meeting held on March 15<sup>th</sup> at the Roosevelt Community Center as part of the rezoning process. A Public Hearing was held for the Plan & Zoning Commission on March 20<sup>th</sup>. After that hearing the petitioner (City of Davenport) concluded that the process should be slowed down to more adequately allow for public participate and also to allow for more contemplation on the method of corridor improvement. With that in mind the City and Alderman Dunn and Alderman Meginnis established a stakeholder committee to help focus the work and to allow for more detailed input.

The Plan and Zoning Commission considered Case No. ORD18-04 at its June 5, 2018 meeting and voted to forward Case No. ORD18-04 to the City Council with a recommendation for approval (without any special conditions).

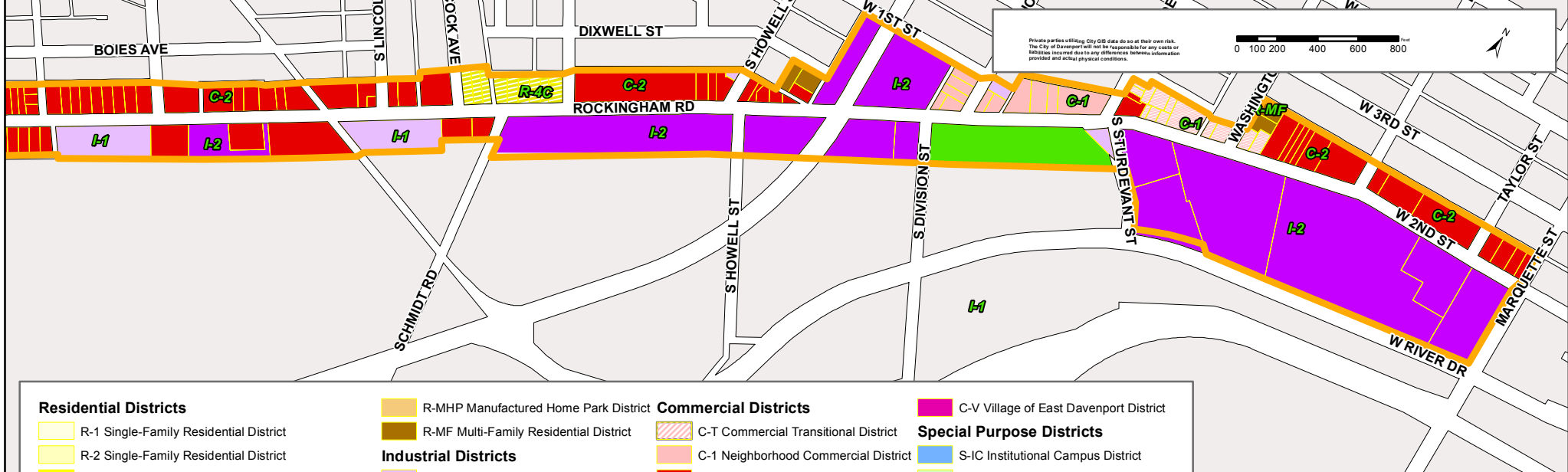
The Commission vote was 10-yes and 0-no with 0-abstention.

### Findings:

- Proposed ordinance has undergone a thorough public process including stakeholder input and neighborhood meetings
- Proposed ordinance is largely supported by the majority of the project participants
- Proposed ordinance will serve as an effective tool in the implementation of corridor enhancement by lessening the intensity of use, thus enhancing the environment for neighborhood commercial redevelopment

For further background information please refer to the background materials.

# Zoning Map - Case No. ORD18-02



## Residential Districts

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single + Two-Family Residential District
- R-3C Single + Two-Family Central Residential District
- R-4 Single + Two-Family Residential District
- R-4C Single + Two-Family Central Residential District

- R-MHP Manufactured Home Park District
- R-MF Multi-Family Residential District

## Industrial Districts

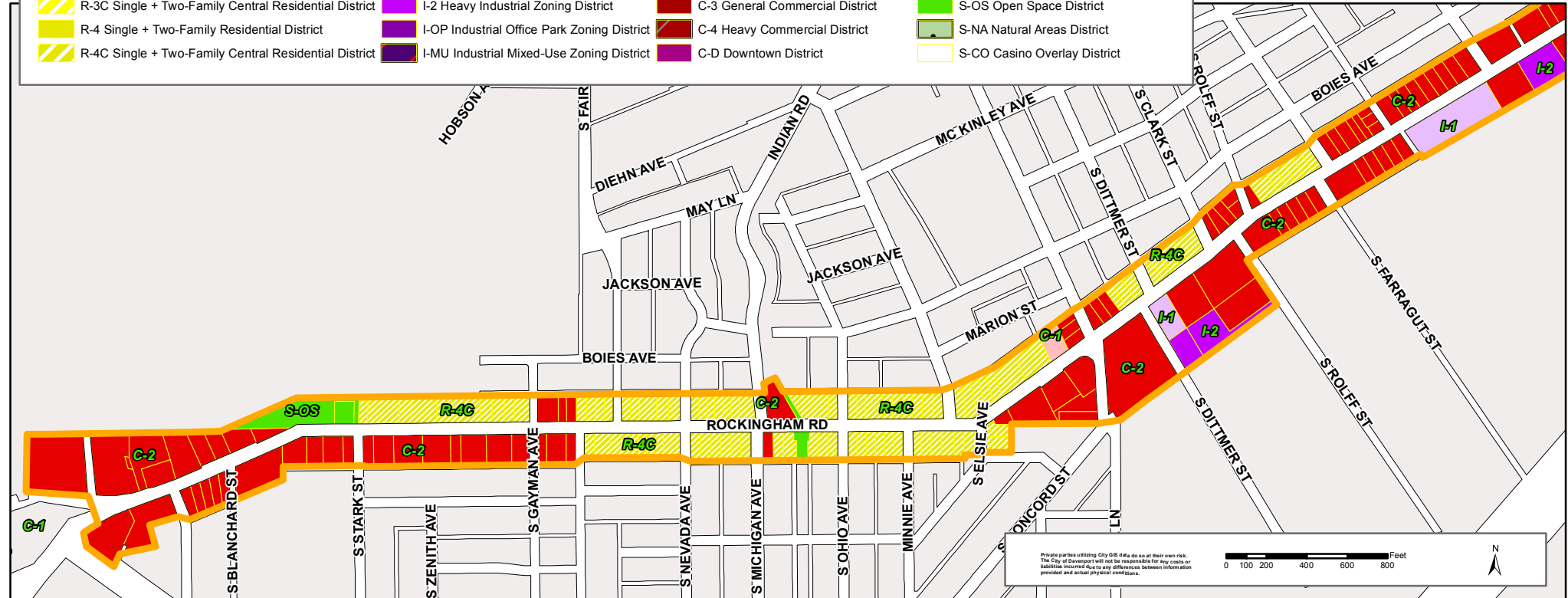
- I-1 Light Industrial Zoning District
- I-2 Heavy Industrial Zoning District
- I-OP Industrial Office Park Zoning District
- I-MU Industrial Mixed-Use Zoning District

## Commercial Districts

- C-T Commercial Transitional District
- C-1 Neighborhood Commercial District
- C-2 Corridor Commercial District
- C-3 General Commercial District
- C-4 Heavy Commercial District
- C-D Downtown District

## Special Purpose Districts

- C-V Village of East Davenport District
- S-IC Institutional Campus District
- S-AG Agricultural District
- S-OS Open Space District
- S-NA Natural Areas District
- S-CO Casino Overlay District



## **CHAPTER 4. RESIDENTIAL DISTRICTS**

- 4.1 PURPOSE STATEMENTS**
- 4.2 USES**
- 4.3 DIMENSIONAL STANDARDS**
- 4.4 R-MHP DISTRICT STANDARDS**
- 4.5 DESIGN STANDARDS**
- 4.6 GENERAL STANDARDS OF APPLICABILITY**

### **4.1 PURPOSE STATEMENTS**

#### **F. R-4C Single-Family and Two-Family Central Residential Zoning District**

The R-4C Single-Family and Two-Family Central Residential Zoning District is intended to preserve and protect Davenport's dense, centrally located, established urban residential neighborhoods. Standards of the R-4C District are intended to ensure that new development is complementary to the existing developed character of these neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-4C District.

#### **G. R-MF Multi-Family Residential Zoning District**

The R-MF Multi-Family Residential Zoning District is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including single-family dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

## 4.2 USES

Article 8 lists permitted and special principal uses and temporary uses for the residential districts.

## 4.3 DIMENSIONAL STANDARDS

Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. R-MHP District standards are found in Section 4.4. See Section 2.4 for measurement methodologies.

|                                            | <b>R-4C</b>                                                                                                                                                                                                                                           | <b>R-MF</b>                                                                                                                                 |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Bulk</b>                                |                                                                                                                                                                                                                                                       |                                                                                                                                             |
| <b>Minimum Lot Area</b>                    | SF: 4,000sf<br>2F: 5,500sf<br>Non-Residential: 10,000sf                                                                                                                                                                                               | SF, 2F: 6,000sf<br>TH: 2,000sf/du<br>MF: 1,500sf/du<br>Non-Residential: 10,000sf                                                            |
| <b>Minimum Lot Width</b>                   | 40'<br>Non-Residential: 75'                                                                                                                                                                                                                           | SF, 2F: 50'<br>TH: 20'/du<br>MF: 80'<br>Non-Residential: 75'                                                                                |
| <b>Maximum Building Height</b>             | 35'                                                                                                                                                                                                                                                   | SF, 2F, TH: 35'<br>MF: 70'                                                                                                                  |
| <b>Maximum Building Coverage</b>           | 40%<br>Non-Residential: 35%                                                                                                                                                                                                                           | SF: 40%<br>2F: 50%<br>TH, MF: 65%                                                                                                           |
| <b>Maximum Impervious Surface</b>          | 60%<br>Non-Residential: 70%                                                                                                                                                                                                                           | SF: 60%<br>2F: 70%<br>TH, MF: 75%<br>Non-Residential: 75%                                                                                   |
| <b>Setbacks</b>                            |                                                                                                                                                                                                                                                       |                                                                                                                                             |
| <b>Minimum Front Setback</b>               | 15' or average of front setback of abutting structures.                                                                                                                                                                                               | 25'                                                                                                                                         |
| <b>Minimum Interior Side Setback</b>       | 10% of lot width, or 5', whichever is less. In no case shall an interior side setback be less than 4'<br><br>For dwellings with a detached garage: if not served by an alley or rear service drive, one side setback must be a minimum of 9' in width | 10'<br><br>When abutting a residential district, structures over 45' in height require 1' additional setback for each 3' in height over 45' |
| <b>Minimum Corner Side Setback</b>         | 10'                                                                                                                                                                                                                                                   | 20'                                                                                                                                         |
| <b>Minimum Reverse Corner Side Setback</b> | 15'                                                                                                                                                                                                                                                   | 25'                                                                                                                                         |
| <b>Minimum Rear Setback</b>                | 30' or 20% of lot depth, whichever is less                                                                                                                                                                                                            | 30' or 20% of lot depth, whichever is less                                                                                                  |

## 4.5 DESIGN STANDARDS

In addition to the use standards for dwelling types located in Chapter 8, the following design standards apply to the R-4C District. The standards below are applicable to any new dwelling, or an addition to an existing dwelling that exceeds 25% of the gross floor area or building footprint of the structure as it was on the effective date of this Ordinance.

### A. Building Massing and Orientation

1. The scale of new construction must maintain compatibility with adjacent homes and the overall character of the surrounding area.
2. Architectural elements within the design must be in proportion to the overall structure.
3. The scale of additions to existing homes must maintain compatibility with the size of the existing structure and its architectural elements, as well as with the size of adjacent homes and the overall character of the surrounding area.

4. Foundation height must maintain compatibility with adjacent homes, provided adequate drainage can be achieved.
5. Dwellings must be oriented toward the residential street, and must connect to the sidewalk via walkways perpendicular to the street.
6. Where served by an alley or rear service drive, dwellings must orient garages or parking pads for access from the alley or rear service drive.

## **B. Façade Design**

1. All façades that face a street must have articulation in the form of windows, doors, or other significant architectural features that are projected or recessed to create shadow and visual interest.
2. The number and size of façade articulations must be scaled to the size of the façade to balance a home's compatibility within the neighborhood with its own unique character.
3. Additions to existing homes must continue the architectural vocabulary established by the original home, and must be informed by the overall character of the surrounding area.
4. Front porches are encouraged, to add interest and scale to the front of a home. Where provided, porches must maintain compatibility with adjacent homes.
5. The front entry to a home must be a prominent feature, and must be located on the front façade.

## **C. Fenestration**

1. The design of a home's fenestration must reflect a consistent rhythm, repeating elements or groups of elements in a consistent manner across a home's story and between stories. Individual elements may vary in size, but must relate to each other proportionally.
2. Elements of fenestration must relate to each other visually by sharing design features such as vertical or horizontal alignment, depth, or ornamentation such as muntins, mullions, sills, trim, lintels, etc.
3. Façades facing onto immediately adjacent properties must design their fenestration to respect the privacy of neighbors. This may be addressed through the height, size, or proportion of windows, the exclusion of balconies, and the use of opaque or translucent materials.

## **D. Roof Form**

1. Roof forms must be varied through a combination of structural articulations such as gables, hips, valleys, ridges, and saddles that complement the roof form of adjacent homes.
2. Roof pitch should be consistent for all sloped roof faces, and should maintain compatibility with adjacent homes and the overall character of the surrounding area.
3. Definition is encouraged, through integration of architectural features such as dormers, eyebrows, chimneys, and deep eaves, which create shadows across the façade of a structure and create visual interest.

## **E. Building Materials**

Building materials for new homes, or additions to existing homes must maintain compatibility with adjacent homes and the overall character of the surrounding area.

### **1. Primary Building Materials**

Primary building materials are the dominant component of a home's exterior walls, composing 75 to 90 percent of each building face.

- a. No more than two primary building materials are permitted for new homes, not including foundation.

**b.** For additions to existing homes, no more than two primary building materials are permitted, provided that the total number of primary building materials for the overall structure, including addition, is not more than two.

**c.** Color, texture, or finish changes within any category of materials count as separate primary building materials.

**d.** Permitted primary building materials include:

**i.** Brick and stone

**ii.** Wood

**iii.** Vinyl siding

**iv.** Aluminum Siding

**v.** Stucco

**e.** Building materials not listed above may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

## **2. Accent Materials**

Accent materials are secondary components of a home's exterior walls, typically used to provide architectural detail or visual interest to a façade. Accent materials may not compose more than 25% of each building face.

**a.** For new construction and additions to existing homes, if one primary building material is used (not including a foundation), a minimum of two but no more than three accent materials are permitted for the overall structure, including any addition.

**b.** For new construction and additions to existing homes, if two primary building materials are used (not including a foundation), a minimum of one but no more than two accent materials are permitted for the overall structure, including any addition.

**c.** Color, texture, or finish changes within any category of materials count as separate accent materials.

**d.** Permitted accent materials include:

**i.** Brick and stone

**ii.** Wood

**iii.** Architectural metal cladding

**iv.** Concrete masonry units

**v.** Stucco

**e.** Accent materials not listed above may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

## **3. Roofing Materials**

**a.** Roofing materials should complement the architectural style of a home.

**b.** A consistent application of one roofing material is required for all roof areas visible from the right of way or any neighboring property.

**c.** Color, texture, or finish changes within any category of materials listed below count as separate roofing materials.

**d.** Permitted roofing materials include the following:

- i.** Dimensional asphalt shingles
- ii.** Wood shingles and shakes
- iii.** Slate
- iv.** Ceramic tile
- v.** Metal tiles or standing seam

**e.** Roofing materials not listed above will be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

#### **4. Application of Building Materials**

**a.** Building materials should be consistently applied on all exterior faces of new homes. Elevations of different materials or colors are not permitted, such as brick or stone front facades, with vinyl siding on side and rear elevations.

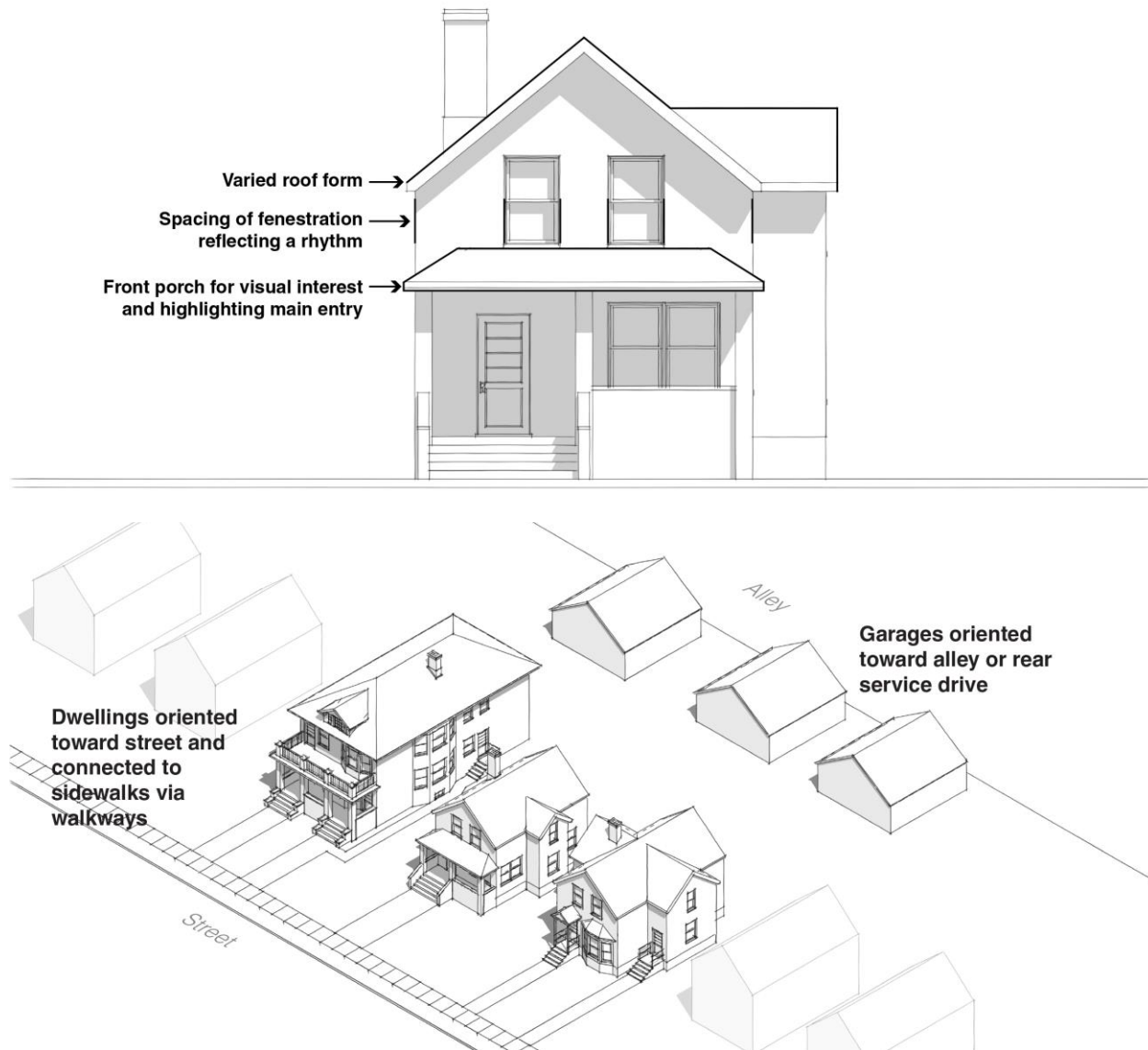
**b.** Visual balance should be maintained on each face of a structure. For both new construction and additions to existing homes, if multiple primary building materials are used on the overall structure, those that appear heavier, or that carry more visual weight should be placed toward the bottom of a structure, with materials that appear lighter placed above.

**c.** Frequent or irrational changes in building materials should be avoided. Change of materials should occur with prominent architectural features or changes in wall plane.

**d.** Where materials change with a change in wall plane, the material change should occur on the inside corner, not the outside edge.



## R-4C DISTRICT DESIGN STANDARDS



## CHAPTER 5. COMMERCIAL DISTRICTS

- 5.1 PURPOSE STATEMENTS
- 5.2 USES
- 5.3 DIMENSIONAL STANDARDS
- 5.4 DESIGN STANDARDS
- 5.5 C-D DISTRICT STANDARDS
- 5.7 GENERAL STANDARDS OF APPLICABILITY

### 5.1 PURPOSE STATEMENTS

#### A. C-T Commercial Transitional Zoning District

The C-T Commercial Transitional Zoning District is intended to accommodate low intensity limited office, service, and retail uses that may serve as a transition between residential areas and more intensely developed commercial or light industrial areas of the City. Low intensity mixed-use is allowed, with dwellings allowed above the ground floor

#### B. C-1 Neighborhood Commercial Zoning District

The C-1 Neighborhood Commercial Zoning 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, with dwellings allowed above the ground floor.

#### C. C-2 Corridor Commercial Zoning District

The C-2 Corridor Commercial Zoning District is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along the minor arterials and collectors in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport's commercial corridors.

### 5.2 USES

- A. Chapter 8 lists permitted and special principal uses and temporary uses for the commercial districts.

### 5.3 DIMENSIONAL STANDARDS

- A. Table 5-1: Commercial Districts Dimensional Standards establishes the dimensional standards for the commercial districts, with the exception of the C-D District. The dimensional standards for development in the C-D District are found in Sections 5.5 and 5.6 respectively, below. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

- B. In the C-T and C-1 Districts, non-residential development is limited to the maximum gross floor area indicated in Table 5-1. Additional gross floor area may be permitted if, during site plan review, it is found that the development meets the following standards:

1. The development maintains the privacy of adjacent residential lots through techniques such as decreased height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.
2. Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows.
3. The design of the site's circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design minimizes potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists.

|                                                   | C-T                        | C-1                        | C-2  |
|---------------------------------------------------|----------------------------|----------------------------|------|
| <b>Bulk</b>                                       |                            |                            |      |
| <b>Minimum Lot Area</b>                           | 10,000sf                   | None                       | None |
| <b>Minimum Lot Width</b>                          | 60'                        | None                       | None |
| <b>Maximum Gross Floor Area of Nonresidential</b> | 5,000sf unless meeting the | 5,000sf unless meeting the | None |

|                                                | <b>C-T</b>                                                                                  | <b>C-1</b>                                                                                   | <b>C-2</b>                                            |
|------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------|
|                                                | standards of Section 5.3.B                                                                  | standards of Section 5.3.B                                                                   |                                                       |
| <b>Maximum Building Height</b>                 | 35'                                                                                         | 35'                                                                                          | 45'                                                   |
| <b>Setbacks</b>                                |                                                                                             |                                                                                              |                                                       |
| <b>Minimum Front Setback</b>                   | Build-to zone of 0' to 20'                                                                  | Build-to zone of 0' to 15'                                                                   | None                                                  |
| <b>Front Setback Build-To Percentage</b>       | 70%                                                                                         | 70%                                                                                          | None                                                  |
| <b>Minimum Interior Side Setback</b>           | None, unless abutting a residential district then 20'                                       | None, unless abutting a residential district then 10'                                        | None, unless abutting a residential district then 10' |
| <b>Minimum Corner Side Setback</b>             | Build-to zone of 0' to 15'                                                                  | Build-to zone of 0' to 10'                                                                   | 10'                                                   |
| <b>Corner Side Setback Build-To Percentage</b> | 60%                                                                                         | 60%                                                                                          | None                                                  |
| <b>Minimum Rear Setback</b>                    | 15', unless abutting a residential district then 25' or 20% of lot depth, whichever is less | None, unless abutting a residential district then 15' or 20% of lot depth, whichever is less | None, unless abutting a residential district then 15' |

#### 5.4 Design Standards

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure in the commercial districts, with the exception of the C-D District. Design standards for development in the C-D District are found in Sections 5.5 and 5.6 respectively, below. Only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling.

## A. Commercial Districts Design Standards

Table 5-2: Commercial Districts Design Standards establishes the design standards for the commercial districts. In the table, a “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard does not apply to the district.

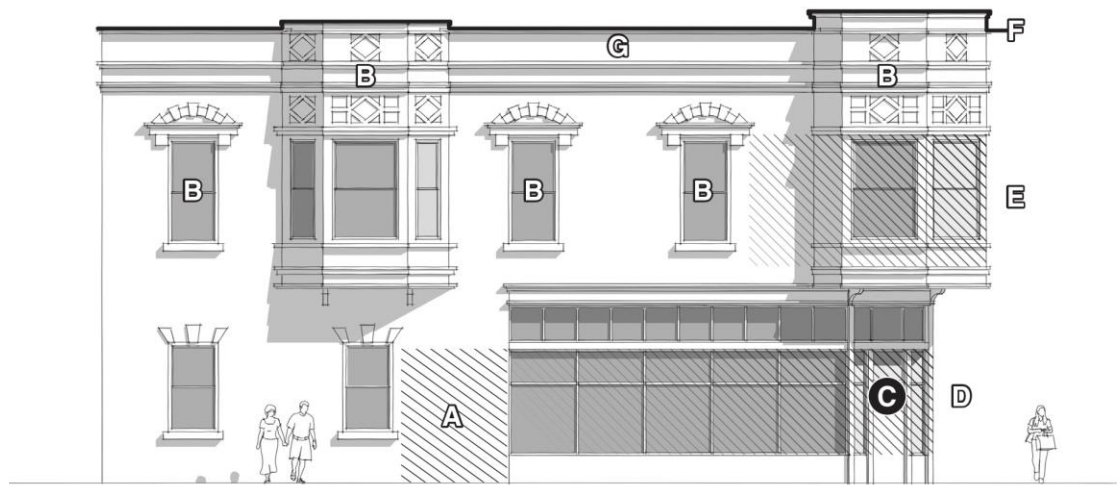
|                                                                                                                                                                                                                                                                                                                                                                                                                                            | C-T | C-1 | C-2 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|
| Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 40 linear feet, measured parallel to the street.                                                                                                                                                                                                                                                                         | •   | •   | •   |
| Building façades in excess of 100 linear feet that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 linear feet. | •   | •   | •   |
| All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.                                                                                                                                                                                                                     | •   | •   | •   |
| Building materials and visual elements used on the façade of the primary building frontage must continue on all building façades that abut a public right-of-way (excluding alleys) and/or the lot line of a residential district.                                                                                                                                                                                                         | •   | •   | •   |
| The ground floor of a façade abutting a public right-of-way (excluding alleys) must maintain a transparency of 50%, measured between two and ten feet in height from grade.                                                                                                                                                                                                                                                                |     | •   | •   |
| The ground floor of a façade abutting a public right-of-way (excluding alleys) must maintain a transparency of 35%, measured between two and ten feet in height.                                                                                                                                                                                                                                                                           |     |     |     |
| Upper floors of a façade abutting a public right-of-way (excluding alleys) must maintain a transparency of 15% of the wall area of the story.                                                                                                                                                                                                                                                                                              | •   | •   | •   |
| Rooflines over 100 linear feet in building length must contain variation, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.                                                                                                                                                               | •   | •   | •   |
| Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.                                                                                                                                                                                                                                                                                              | •   | •   | •   |
| Any roof that is visible from a public right-of-way must be shingle or colored standing seam metal roofing.                                                                                                                                                                                                                                                                                                                                | •   | •   | •   |
| Green roof, blue roof, and white roof designs are encouraged.                                                                                                                                                                                                                                                                                                                                                                              | •   | •   | •   |
| Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.                                                                                                                                                                                                                                    | •   | •   | •   |
| Sites must be designed to ensure safe pedestrian access to the center from the public right-of-way, and safe pedestrian circulation within the development.                                                                                                                                                                                                                                                                                |     | •   | •   |
| A cohesive character must be established through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.                                                                                                                                                                                                                                                    |     | •   | •   |
| Any outlot buildings must meet the minimum transparency requirements of the district on all facades except where such transparency on part or all of a facade would reveal preparation and/or storage areas. Prominent entrances must be oriented toward both the street and the interior parking lot.                                                                                                                                     |     |     |     |
| Outlot buildings that are part of a multi-tenant retail center must provide definition along the street frontage of the center by placement of the front building line within 0' to 30' of the front lot line. Outlot buildings may be placed within a required setback to comply with this standard.                                                                                                                                      |     |     |     |
| Commercial centers must provide definition along the street frontage by located part of the center or outlot buildings within 0' to 25' of the front lot line for a minimum of 30% of the frontage. The center or any outlot buildings may be placed within a required setback to comply with this standard.                                                                                                                               |     |     |     |

## **B. Building Material Restrictions**

In commercial districts, the following building materials are prohibited on any façade facing a public right-of-way (excluding alleys) or any façade that abuts the lot line of a residential district. However, such materials may be used as decorative or detail elements for up to 25% of the façade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel or other metal sidings (does not apply to C-1 and C-2 Districts)
4. Exposed aggregate (rough finish) concrete wall panels
5. T-111 composite plywood siding
6. Plastic
7. Vinyl

### **C-1 DISTRICT DESIGN STANDARDS**



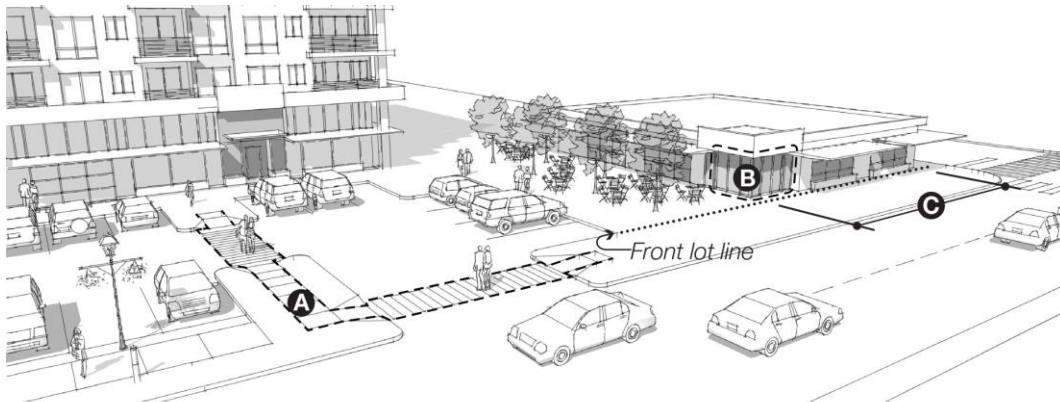
- |                                                                                              |                                                                                             |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| A. Blank wall area 40 linear feet or less, measured parallel to the street                   | E. Upper floor transparency of 15% of the wall area of the story                            |
| B. Repeating pattern of two elements at an interval of no more than 40 linear feet           | F. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet  |
| C. A visually distinct public entrance from the sidewalk along the primary building frontage | G. Parapet walls with three-dimensional cornice treatments or other shadow-creating details |
| D. First floor transparency of 50% measured between two and ten feet in height from grade    |                                                                                             |

## C-2 DISTRICT DESIGN STANDARDS



- A. Blank wall area 40 linear feet or less, measured parallel to the street
- B. Repeating pattern of two elements at an interval of no more than 40 linear feet
- C. A visually distinct public entrance from the sidewalk along the primary building frontage
- D. First floor transparency of 50% measured between two and ten feet in height from grade
- E. Upper floor transparency of 15% of the wall area of the story
- F. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet
- G. Parapet walls with three-dimensional cornice treatments or other shadow-creating details

## GENERAL COMMERCIAL SITE DESIGN STANDARDS



- A. Sites must be designed to ensure safe pedestrian access to the center from the public right-of-way, and safe pedestrian circulation within the development.
  - B. Any outlot buildings must meet the minimum transparency requirements of the district, and must include prominent entrances oriented toward both the street and the interior parking lot.
  - C. Outlot buildings that are part of a multi-tenant retail center must provide definition along the street frontage of the center by placement of the front building line within 0' to 30' of the front lot line. Outlot buildings may be placed within a required setback to comply with this standard.
- Retail centers must provide definition along the street frontage by located part of the center or outlot buildings within 0' to 25' of the front lot line for a minimum of 30% of the frontage. The center or any outlot buildings may be placed within a required setback to comply with this standard.



## **CHAPTER 6. INDUSTRIAL DISTRICTS**

- 6.1 PURPOSE STATEMENTS**
- 6.2 USES**
- 6.3 DIMENSIONAL STANDARDS**
- 6.4 DESIGN STANDARDS**
- 6.5 GENERAL STANDARDS OF APPLICABILITY**

### **6.1 PURPOSE STATEMENTS**

#### **A. I-1 Light Industrial Zoning District**

The I-1 Light Industrial Zoning 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.

#### **B. I-2 Heavy Industrial Zoning District**

The I-2 Heavy Industrial Zoning 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.

### **6.2 USES**

Chapter 8 lists permitted and special principal uses and temporary uses for the industrial districts.

### **6.3 DIMENSIONAL STANDARDS**

Table 6-1: Industrial Districts Dimensional Standards establishes the dimensional standards for the industrial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. See Section 2.4 for measurement methodologies.

|                                      | <b>I-1</b>                                          | <b>I-2</b>                                           |
|--------------------------------------|-----------------------------------------------------|------------------------------------------------------|
| <b>Bulk</b>                          |                                                     |                                                      |
| <b>Minimum Lot Area</b>              | None                                                | 10,000sf                                             |
| <b>Minimum Lot Width</b>             | None                                                | 70'                                                  |
| <b>Maximum Building Height</b>       | 90'                                                 | 90'                                                  |
| <b>Setbacks</b>                      |                                                     |                                                      |
| <b>Minimum Front Setback</b>         | 25'                                                 | 25'                                                  |
| <b>Minimum Interior Side Setback</b> | 5', unless abutting a residential district then 25' | 15', unless abutting a residential district then 25' |
| <b>Minimum Corner Side Setback</b>   | 20'                                                 | 20'                                                  |
| <b>Minimum Rear Setback</b>          | 15'                                                 | 25'                                                  |



## 6.4 DESIGN STANDARDS

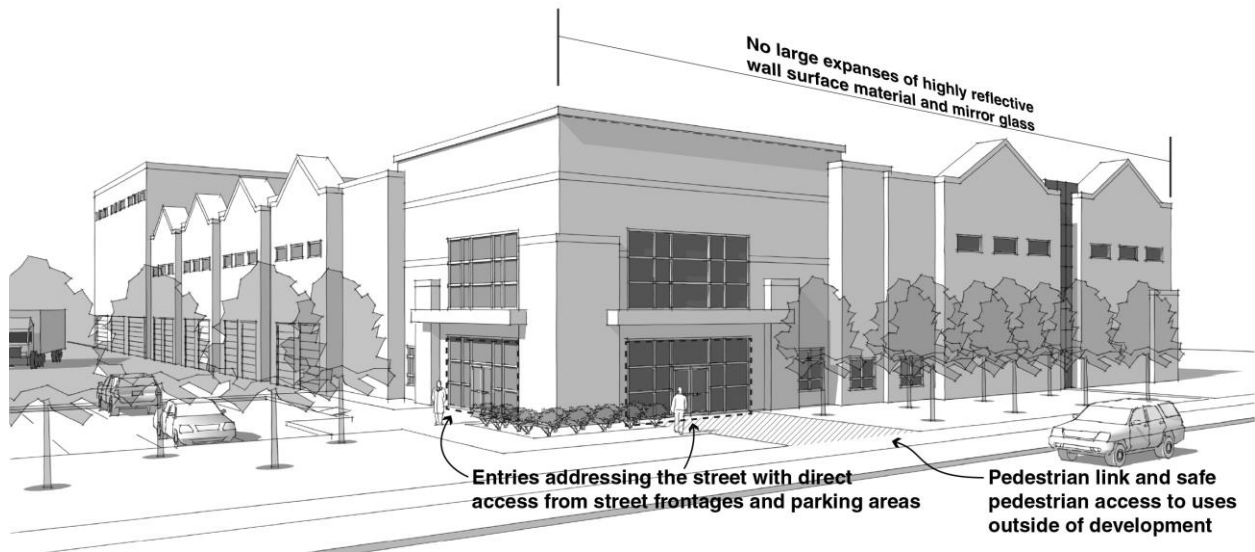
**A.** The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling. Table 6-2: Industrial Building Design Standards indicates the applicability of building design standards to the industrial districts. A “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard is not applicable.

|                                                                                                                                                                                                                                               | I-1 | I-2 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|
| <b>Façade Design</b>                                                                                                                                                                                                                          |     |     |
| Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.                                                                                                                                  | •   | •   |
| Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.                                                      |     |     |
| <b>Roof Design</b>                                                                                                                                                                                                                            |     |     |
| Green roof, blue roof, and white roof designs are encouraged.                                                                                                                                                                                 | •   | •   |
| Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.                                       | •   | •   |
| <b>Entrance Design</b>                                                                                                                                                                                                                        |     |     |
| Public entrances and primary building elevations must be oriented toward public streets. Main entrances to the buildings must be well defined.                                                                                                |     |     |
| Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.                                                                                      | •   |     |
| <b>Site Design</b>                                                                                                                                                                                                                            |     |     |
| In multi-building complexes, a distinct visual link must be established between various buildings through the use of architectural features or site design elements such as courtyards, plazas, landscape, and walkways to unify the project. |     |     |
| The parking lot must not be the dominant visual element of the site when viewed from the primary roadway. Multiple smaller lots separated by landscaping and buildings, or placement behind buildings, are required.                          |     |     |
| Developments should provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the site and commercial uses outside the development.                                                                     | •   |     |

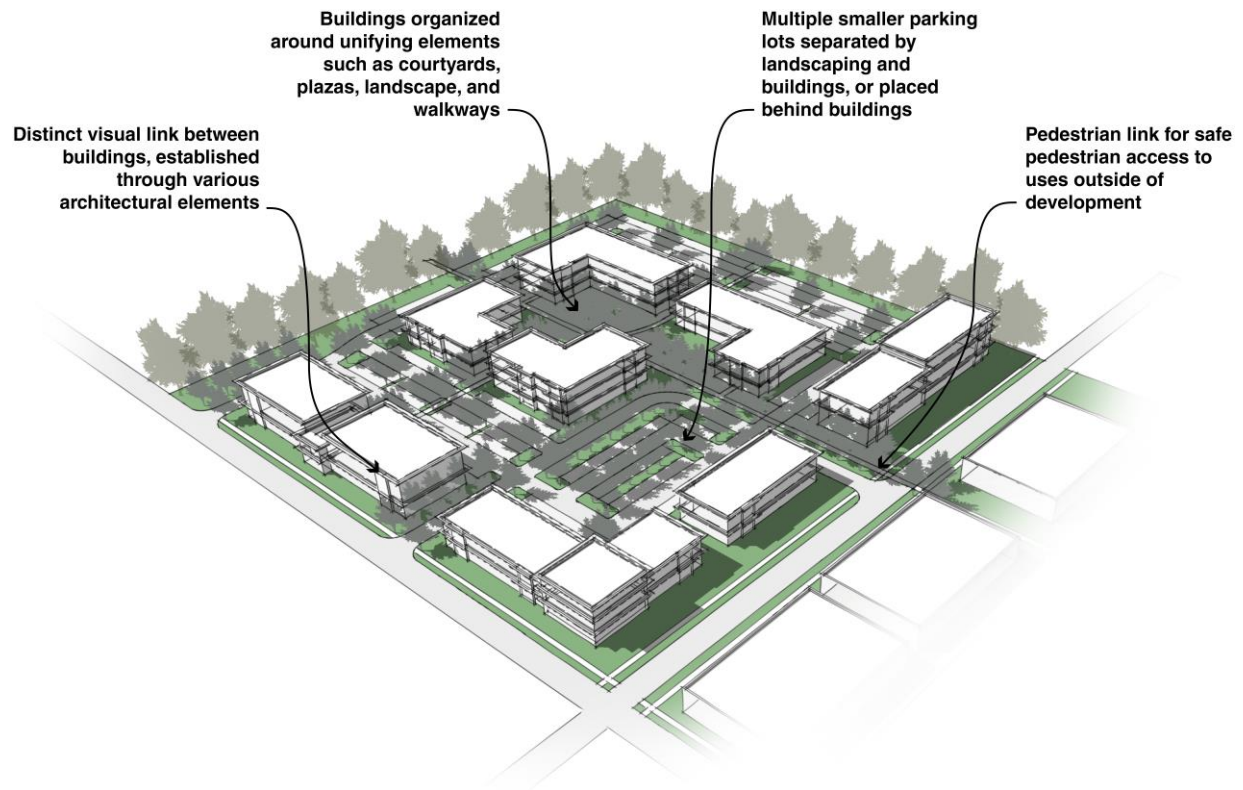
**B.** In the I-1 District, the following building materials are limited on any façade facing a public right-of-way, excluding alleys, or any façade that abuts a lot in residential district. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block (only prohibited in the I-OP District)
2. Corrugated metal
3. Aluminum, steel or other metal sidings (only prohibited in the I-OP District)
4. Exposed aggregate (rough finish) concrete wall panels
5. T-111 composite plywood siding
6. Plastic
7. Vinyl

## I-1 AND I-2 DISTRICT DESIGN STANDARDS



## GENERAL INDUSTRIAL SITE DESIGN STANDARDS





## CHAPTER 7. SPECIAL PURPOSE DISTRICTS

### 7.2 S-OS OPEN SPACE DISTRICT

#### 7.2 S-OS OPEN SPACE DISTRICT

##### A. Purpose

The S-OS Open Space District is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor. 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

##### B. Uses

Chapter 8 lists permitted and special principal uses and temporary uses for the S-OS District.

##### C. Dimensional Standards

Table 7-2: S-S-OS District Dimensional Standards establishes the dimensional standards for the S-OS District. See Section 2.4 for measurement methodologies.

| 7-2: S-OS District Dimensional Standards      |      |
|-----------------------------------------------|------|
| Bulk                                          |      |
| Minimum Lot Area                              | None |
| Maximum Building Height                       | 40'  |
| Setbacks (Apply to Principal Structures Only) |      |
| Minimum Front Setback                         | 15'  |
| Minimum Interior Side Setback                 | 25'  |
| Minimum Corner Side Setback                   | 15'  |
| Minimum Rear Setback                          | 25'  |

## **CHAPTER 8. USES**

- 8.1 GENERAL USE REGULATIONS**
- 8.2 USE MATRIX**
- 8.3 PRINCIPAL USE STANDARDS**
- 8.4 TEMPORARY USE STANDARDS**
- 8.5 USE DEFINITIONS**

### **8.1 GENERAL USE REGULATIONS**

- A.** No structure or land may be used or occupied unless allowed as a permitted or special use within the zoning district.
- B.** All uses must comply with any applicable federal and state requirements, and any additional federal, state, or city ordinances.
- C.** Any use that is not included in the use matrix and cannot be interpreted as part of a use within the matrix is prohibited in all districts.
- D.** A site may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. In certain cases, uses are defined to include ancillary uses that provide necessary support and/or are functionally integrated into the principal use.
- E.** All uses must comply with the use standards of Section 8.3, as applicable, as well as all other regulations of this Ordinance and the City.

### **8.2 USE MATRIX**

- A.** Table 8-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district.
- B.** Uses allowed in the R-4C District are those listed in Table 8-1 for the R-4 District.
- C.** P indicates that the use is permitted by-right in the district. S indicates that the use is a special use in the district and requires special use permit approval. If a cell is blank, the use is not allowed in the district.
- D.** In the case of temporary uses, a T indicates the temporary use is allowed in the district and may require approval of a temporary use permit per the standards of Section 8.4.

| TABLE 8-1: USE MATRIX                          |     |      |     |     |     |     |     |      |              |
|------------------------------------------------|-----|------|-----|-----|-----|-----|-----|------|--------------|
| PRINCIPAL USE                                  | R-4 | R-MF | C-T | C-1 | C-2 | I-1 | I-2 | S-OS | USE STANDARD |
| Adult Use                                      |     |      |     |     |     | S   | S   |      | Sec. 8.3.A   |
| Agriculture                                    |     |      |     |     |     |     |     |      |              |
| Amusement Facility - Indoor                    |     |      |     |     | P   |     |     |      |              |
| Amusement Facility - Outdoor                   |     |      |     |     |     |     |     |      |              |
| Animal Care Facility – Large Animal            |     |      |     |     |     |     |     |      |              |
| Animal Care Facility – Small Animal            |     |      | S   | S   | P   |     |     |      | Sec. 8.3.B   |
| Animal Breeder                                 |     |      |     |     |     |     |     |      | Sec. 8.3.B   |
| Art Gallery                                    |     |      | P   | P   | P   |     |     |      |              |
| Arts and Fitness Studio                        |     |      | P   | P   | P   |     |     |      |              |
| Bar                                            |     |      |     |     | P   |     |     |      |              |
| Bed and Breakfast                              |     |      |     |     |     |     |     |      | Sec. 8.3.C   |
| Body Modification Establishment                |     |      |     | S   | S   |     |     |      |              |
| Broadcasting Facility TV/Radio - With Antennae |     |      |     |     |     | P   | P   |      |              |
| Broadcasting Facility TV/Radio - No Antennae   |     |      | P   | P   | P   | P   | P   |      |              |
| PRINCIPAL USE                                  | R-4 | R-MF | C-T | C-1 | C-2 | I-1 | I-2 | S-OS | USE STANDARD |
| Campground                                     |     |      |     |     |     |     |     | P    | Sec. 8.3.D   |
| Car Wash                                       |     |      |     |     | S   |     |     |      | Sec. 8.3.E   |
| Cemetery                                       |     |      |     |     |     |     |     | P    |              |
| Children's Home                                |     | P    |     |     | P   |     |     |      | Sec. 8.3.F   |
| Community Center                               | P   | P    | P   | P   | P   |     |     | P    |              |
| Community Garden                               | P   | P    | P   | P   | P   |     |     | P    | Sec. 8.3.G   |
| Conservation Area                              |     |      |     |     |     |     |     | P    |              |
| Country Club                                   |     |      |     |     |     |     |     | P    |              |
| Cultural Facility                              |     |      | P   | P   | P   |     |     | P    |              |
| Day Care Center                                |     | P    | P   | P   | P   |     |     |      | Sec. 8.3.H   |
| Day Care Home                                  | P   | P    |     |     |     |     |     |      | Sec. 8.3.H   |
| Drive-Through Facility                         |     |      |     | S   | P   |     |     |      | Sec. 8.3.I   |
| Drug/Alcohol Treatment Facility, Residential   |     |      |     |     | S   |     |     |      | Sec. 8.3.J   |
| Drug Treatment Clinic                          |     |      |     |     | S   |     |     |      | Sec. 8.3.J   |
| Domestic Violence Shelter                      |     |      |     | P   | P   |     |     |      | Sec. 8.3.F   |
| Dwelling – Above the Ground Floor              |     |      | P   | P   | P   |     |     |      |              |

| TABLE 8-1: USE MATRIX                        |     |      |     |     |     |     |     |      |              |
|----------------------------------------------|-----|------|-----|-----|-----|-----|-----|------|--------------|
| PRINCIPAL USE                                | R-4 | R-MF | C-T | C-1 | C-2 | I-1 | I-2 | S-OS | USE STANDARD |
| Dwelling – Accessory Dwelling Unit           | P   |      |     |     |     |     |     |      | Sec. 8.3.K   |
| Dwelling – Manufactured Home                 |     |      |     |     |     |     |     |      | Sec. 8.3.L   |
| Dwelling - Multi-Family                      |     | P    | P   | P   | P   |     |     |      | Sec. 8.3.M   |
| Dwelling - Townhouse                         |     | P    | P   | P   | P   |     |     |      | Sec. 8.3.M   |
| Dwelling - Single-Family                     | P   |      | P   | P   | P   |     |     |      | Sec. 8.3.N   |
| Dwelling - Two-Family                        | P   |      | P   | P   | P   |     |     |      | Sec. 8.3.N   |
| Educational Facility - Primary or Secondary  | P   | P    |     |     |     |     |     |      |              |
| Educational Facility - University or College |     |      |     |     |     |     |     |      |              |
| Educational Facility - Vocational            |     |      | S   | S   | S   | P   | P   |      |              |
| Financial Institution                        |     |      | P   | P   | P   |     |     |      |              |
| Financial Institution, Alternative           |     |      |     |     | S   |     |     |      | Sec. 8.3.O   |
| Food Bank                                    |     |      |     |     |     | P   |     |      |              |
| Food Pantry                                  |     |      |     |     | S   |     |     |      |              |
| Funeral Home                                 |     |      |     |     | S   |     |     |      |              |
| Gas Station                                  |     |      |     |     | S   | P   | P   |      | Sec. 8.3.P   |
| Golf Course/Driving Range                    |     |      |     |     |     |     |     | P    |              |
| Government Office/Facility                   |     |      | P   | P   | P   | P   | P   |      |              |
| PRINCIPAL USE                                | R-4 | R-MF | C-T | C-1 | C-2 | I-1 | I-2 | S-OS | USE STANDARD |
| Greenhouse/Nursery - Retail                  |     |      |     |     |     |     |     |      |              |
| Group Home                                   | P   | P    |     |     |     |     |     |      | Sec. 8.3.Q   |
| Halfway House                                |     |      |     |     | S   |     |     |      | Sec. 8.3.J   |
| Healthcare Institution                       |     |      |     |     |     |     |     |      |              |
| Heavy Retail, Rental, and Service            |     |      |     |     |     | S   |     |      |              |
| Homeless Shelter                             |     |      |     |     | S   |     |     |      | Sec. 8.3.J   |
| Hotel                                        |     |      |     |     | P   |     |     |      |              |
| Industrial - General                         |     |      |     |     |     |     | P   |      |              |
| Industrial - Light                           |     |      |     |     |     | P   | P   |      |              |
| Industrial Design                            |     |      |     | P   | P   | P   | P   |      |              |
| Live Entertainment - Secondary Use           |     |      |     |     | S   |     |     |      |              |
| Live Performance Venue                       |     |      |     |     |     |     |     |      |              |
| Lodge/Meeting Hall                           | S   | S    | P   | P   | P   | P   | P   |      | Sec. 8.3.R   |
| Manufactured Home Park                       |     |      |     |     |     |     |     |      |              |
| Medical/Dental Office                        |     |      | P   | P   | P   |     |     |      |              |



| TABLE 8-1: USE MATRIX                             |     |      |     |     |     |     |     |      |              |
|---------------------------------------------------|-----|------|-----|-----|-----|-----|-----|------|--------------|
| PRINCIPAL USE                                     | R-4 | R-MF | C-T | C-1 | C-2 | I-1 | I-2 | S-OS | USE STANDARD |
| Micro-Brewery/Distillery/Winery                   |     |      |     |     | P   | P   |     |      |              |
| Needle Exchange Service                           |     |      |     |     | S   |     |     |      | Sec. 8.3.J   |
| Neighborhood Commercial Establishment             | S   | S    |     |     |     |     |     |      | Sec. 8.3.S   |
| Office                                            |     |      | P   | P   | P   | P   | P   |      |              |
| Outdoor Dining                                    |     |      | P   | P   | P   |     |     |      | Sec. 8.3.T   |
| Parking Lot (Principal Use)                       |     |      |     | S   | S   |     |     |      | Chapter 10   |
| Parking Structure (Principal Use)                 |     |      |     | S   | S   |     |     |      | Chapter 10   |
| Personal Service Establishment                    |     |      | P   | P   | P   | P   |     |      |              |
| Place of Worship                                  | P   | P    | P   | S   | P   |     |     |      |              |
| Public Park                                       | P   | P    | P   | P   | P   | P   |     | P    |              |
| Public Safety Facility                            |     | P    | P   | P   | P   | P   | P   |      |              |
| Public Works Facility                             |     |      |     |     |     | P   | P   |      |              |
| Reception Facility                                |     |      |     | S   | S   |     |     |      | Sec. 8.3.U   |
| Recreational Vehicle (RV) Park                    |     |      |     |     |     |     |     | S    | Sec. 8.3.D   |
| Research and Development                          |     |      |     |     |     | P   | P   |      |              |
| Residential Care Facility                         |     | P    |     |     | P   |     |     |      | Sec. 8.3.V   |
| Restaurant                                        |     |      | P   | P   | P   | P   | P   |      |              |
| Retail Goods Establishment                        |     |      | P   | P   | P   | P   | P   |      |              |
| Retail Alcohol Sales                              |     |      |     | S   | S   | P   |     |      |              |
| PRINCIPAL USE                                     | R-4 | R-MF | C-T | C-1 | C-2 | I-1 | I-2 | S-OS | USE STANDARD |
| Self-Storage Facility: Enclosed                   |     |      |     |     | S   | P   | P   |      | Sec. 8.3.W   |
| Self-Storage Facility: Outdoor                    |     |      |     |     |     | P   | P   |      | Sec. 8.3.W   |
| Social Service Center                             |     |      |     |     | P   |     |     |      |              |
| Solar Farm                                        |     |      |     |     |     | P   | P   |      | Sec. 8.3.X   |
| Specialty Food Service                            |     |      | S   | P   | P   | P   |     |      |              |
| Storage Yard - Outdoor                            |     |      |     |     |     | P   | P   |      | Sec. 8.3.Y   |
| Truck Stop                                        |     |      |     |     |     | P   | P   |      |              |
| Vehicle Dealership – Enclosed                     |     |      |     |     |     | S   |     |      |              |
| Vehicle Dealership – With Outdoor Storage/Display |     |      |     |     |     | S   |     |      |              |
| Vehicle Operation Facility                        |     |      |     |     |     | P   | P   |      |              |
| Vehicle Rental – Enclosed                         |     |      |     |     |     | S   |     |      |              |
| Vehicle Rental – With Outdoor Storage/Display     |     |      |     |     |     | S   |     |      |              |

[illegible]

### **8.3 PRINCIPAL USE STANDARDS**

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

#### **A. Adult Use**

1. There must be a minimum of 500 feet between adult uses. Only one adult use is allowed per lot.
  - a. An adult use must be a minimum of 1,000 feet from any of the following:
    - b. A residential district
    - c. A primary and/or secondary educational facility
    - d. A day care center
    - e. A place of worship
    - f. A public park
    - g. A conservation area
    - h. A cemetery
2. All distances are measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other of the same use is located. The adult use owner must provide the Zoning Administrator with a survey acceptable and satisfactory to the City that demonstrates the establishment meets the requirements of this section.
3. Any adult use as of the effective date of this Ordinance that does not meet these spacing requirements are deemed conforming. Such deemed conforming status is terminated when the adult use ceases to operate or when any required licenses are revoked or are not renewed. An adult use is not considered to cease operations when it is closed for renovations in conjunction with a lawfully issued building permit.
4. Signs for adult uses must meet the following:
  - a. All signs for adult uses must be flat wall signs.
  - b. The maximum sign area is one square foot of sign area per foot of lot frontage on the street, but cannot exceed 32 square feet.
  - c. The maximum number of signs is one per lot frontage.
  - d. Temporary signs are prohibited.
5. No adult use may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public rights-of-way or private property other than the lot on which the licensed adult use is located.
6. Words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner are prohibited that depict, describe, or relate to specified sexual activities or specified anatomical areas. This applies to any advertisement, display, promotional material, decoration, sign, performance, show, and to any window, door or other opening to the adult use.
7. No portion of the exterior of an adult establishment may utilize or contain any flashing lights, search lights, spotlights, or other similar lighting systems.

**B. Animal Care Facility – Small Animal, and Animal Breeder**

These standards do not apply to any animal shelters operated by a City agency.

1. Animal care facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet and a maximum of seven feet in height is required for all exterior exercise areas.
2. Animal care facilities must locate all overnight boarding facilities indoors. Outdoor boarding facilities for animal breeders are permitted but must be designed to provide shelter against sun/heat and weather.
3. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

**D. Campground and Recreational Vehicle (RV) Park**

1. The minimum area for a campground or RV park is three acres.
2. Campgrounds and RV parks must comply with all applicable State and City regulations, including those governing the installation, construction, and/or operation of swimming pools, water supply, sewage disposal, food storage and services, plumbing, structures, electrical wiring, and fire prevention.
3. Management headquarters, recreational facilities, coin operated laundry facilities, cabins for counselors, overnight accommodations, living space, and other uses and structures customarily associated with the operation of a campground or RV park are permitted.
4. Storage of equipment must be within enclosed structures.
5. Year-round residency is prohibited at any campground or RV park. Use of camping units or a recreational vehicles as a principal residence is prohibited. This excludes any structures erected for a caretaker or campground ranger, which may be a year-round residency.
6. A 25 foot perimeter setback from the lot line of the campground or RV park is required. No structures, campsites, or RV pads are allowed within this setback. The perimeter setback must be landscaped with shrubs planted at an interval of one shrub for every three feet of linear yard width, on center, and one shade or evergreen tree planted at an average of one tree for every 25 linear feet. Preservation of existing vegetation is encouraged and may be substituted for the required plantings.

**E. Car Wash**

When a car wash abuts the lot line of a residential district, it must be screened along the abutting lot line with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall; plantings must be placed inside the face of the fence toward the interior of the lot.

**F. Children's Home and Domestic Violence Shelter**

1. A children's home or domestic violence shelter require a health services and congregate living permit in accordance with Section 15.11.
2. The maximum ratio of staff to residents must be 1:20 or less.

**G. Community Garden**

1. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is prohibited.
2. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures, including but not limited to, sheds, gazebos, and pergolas, are also permitted. All accessory structures must be located a minimum of four feet from any lot line.
3. No livestock is permitted, including the keeping of chickens, fish, and bees.

4. On-site composting is permitted.
5. Farmstands are permitted and are limited to sales of items grown at the site. Farmstands must be removed from the premises during that time of the year when the use is not open to the public. Only one farmstand is permitted per lot.

#### **H. Day Care Center and Day Care Home**

1. Each day care must comply with all applicable state and federal regulations, including any licensing and registration.
2. The exterior of a day care home must maintain its original appearance as a single-family dwelling. No visitor/client parking may be located in the front yard.
3. One sign, either freestanding, window, or wall, is permitted for a day care home. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to six feet in height and must be a minimum of five feet from any lot line. (Day care centers are subject to the standards of Article 12.)
4. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

#### **I. Drive-Through Facility**

1. All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Stacking spaces provided for drive-through uses must be:
  - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
  - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menu board). Spaces must be placed in a single line behind each lane or bay.
2. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.

3. Drive-through facilities must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall; plantings must be placed inside the face of the fence toward the interior of the lot. This standard does not apply to drive-through facilities within multi-tenant retail centers.

4. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

**J. Drug Treatment Clinic, Drug/Alcohol Treatment Facility - Residential, Halfway House, Homeless Shelter, Needle Exchange Service**

1. A drug treatment clinic, drug/alcohol treatment facility, residential, halfway house, homeless shelter, and/or needle exchange service require a health services and congregate living permit in accordance with Section 15.11.

2. For residential facilities, the maximum ratio of staff to residents must be 1:20 or less.

3. For residential facilities, outdoor facilities are limited to the hours between 8:00 a.m. to 8:00 p.m.

4. An enclosed or screened waiting area for intake and/or appointments is required. No queuing may occur on any public right-of-way or any parking lot.

5. Security lighting is required for drug treatment clinics, needle exchange facilities, and halfway houses. The lighting must be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the surrounding area.

6. There must be a 1,000 foot separation between the same uses (for example, between two homeless shelters).

7. Unless allowed in a residential district, such uses must be 300 feet from any residential district.

**K. Dwelling – Accessory Dwelling Unit**

1. One of the dwelling units must be occupied by the owner of the property.

2. No more than one accessory dwelling unit is allowed per lot. When permitted, the accessory dwelling unit does not count toward the maximum number of dwelling units on a lot, including when the accessory dwelling unit is located in a detached structure.

3. Detached accessory dwelling units may only be located in the rear yard. Detached accessory dwelling units must be located ten feet from any lot line and from any principal building.

4. Both the principal dwelling unit and the accessory dwelling unit must maintain separate meter connections.

5. A detached accessory dwelling unit is subject to the height permitted for a detached garage.

6. No accessory dwelling unit may not exceed 800 square feet in gross floor area.

7. When a detached garage is converted to an accessory dwelling unit, the ground floor must be maintained as parking.

8. No additional parking is required for an accessory dwelling unit. Required parking for the principal structure must be maintained.

**L. Dwelling – Manufactured Home**

Manufactured homes must meet the following design standards when not located within a manufactured home park:

1. The front entry must be a dominant feature on the front elevation of a manufactured home, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings.
2. Windows, entrances, bay windows, or other architectural features are required on any street-facing walls.
3. Each manufactured home must utilize roofing materials such as asphalt shingles or similar material, similar in material and appearance to single-family dwellings.
4. All manufactured homes must be designed with skirting that is constructed of fire-resistant material that meets the requirements of the Building Code
5. The manufactured home must be set on a concrete slab or runway, and such slab or runway must be of a size large enough to accommodate a manufactured home in such a fashion that the concrete will extend at least two inches around the walls of the manufactured home on all sides.

**M. Dwelling - Multi-Family or Townhouse**

In the case of conflict with any design standards contained within Chapter 4, the standards of Chapter 4 control.

1. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
2. Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
3. The following minimum transparency requirements apply to any façade facing a street and are calculated on the basis of the entire area of the façade:
  - a. Townhouse: 15%
  - b. Multi-Family Dwelling: 25%
4. There must be a minimum separation of 15 feet between sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.
5. The following building materials are prohibited on any façade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.
  - a. The following building materials are prohibited on any part of any façade:
    - i. Plain concrete block
    - ii. Plastic
    - iii. Exterior insulating finish systems (EIFS)
  - b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:
    - i. Corrugated metal
    - ii. Aluminum, steel or other metal sidings
    - iii. Exposed aggregate (rough finish) concrete wall panels



iv. T-111 composite plywood siding

v. Vinyl

**N. Dwelling - Single-Family or Two-Family**

In the case of conflict with any design standards contained within Chapter 4, the standards of Chapter 4 control.

1. A dwelling must have a primary entrance from the façade facing the street. The front entry must be a dominant feature on the front elevation of a home and an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front façade.
2. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.
3. A 15% minimum transparency requirement applies to any façade and is calculated on the basis of the entire area of the façade.
4. Front-loaded attached garages are limited to 40% of the width of the front building line or 24 feet, whichever is greater. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors the distance is measure between the edge of the outmost doors.

**O. Financial Services, Alternative (AFS)**

1. Alternative financial services (AFS) must be located no closer than 1,000 feet from any other AFS, as measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located.
2. Any existing alternative financial service establishment as of the effective date of this Code that do not meet the spacing requirement is deemed conforming; this applies only to AFS that are allowed as a permitted or special use within the district. If an alternative financial service is no longer allowed within a district as of the effective date of this Code, it is nonconforming use.

**P. Gas Station**

1. All structures and all pump islands, compressed air connections, and similar equipment must be set back a minimum of 15 feet from interior side and rear lot lines. Structures are exempt from any build-to lines required by the district.
2. The minimum distance a freestanding canopy for gas pumps must be from any street lot line is ten feet and 15 feet from any interior lot line.
3. The ancillary uses of a retail goods establishment and one car wash bay are permitted in connection with the principal gas station use.

**Q. Group Home**

1. Such uses are subject to all federal, state, and city regulations, and must be licensed.
2. When a group home is located within an existing residential structure, the location, design, and operation of such facility must not alter the residential character of the structure.

**R. Lodge/Meeting Hall**

1. No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
2. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests only.
3. Sleeping facilities are prohibited.
4. Lodges/meeting halls leased or used as reception facilities must comply with the requirements for reception facilities.

**S. Neighborhood Commercial Establishment**

1. Neighborhood commercial establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Ordinance.
2. The following non-residential uses are permitted within a neighborhood commercial establishment:
  - a. Art gallery
  - b. Arts studio
  - c. Office
  - d. Personal service establishment
  - e. Restaurant (live entertainment - secondary use prohibited and sale of alcohol prohibited)
  - f. Retail goods establishment (retail sales of alcohol prohibited)
3. No off-street parking is required. However, any off-street parking currently provided must be maintained.
4. Drive-through facilities are prohibited.
5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
6. Signs are limited to those allowed in the C-T District.

**T. Outdoor Dining**

1. Outdoor dining is considered a separate principal use. Outdoor dining may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar or restaurant.
2. Outdoor dining must not interfere with any pedestrian access or parking spaces and aisles.
3. Outdoor dining areas must be located on private property. Outdoor dining on public property is not controlled by this Ordinance.
4. When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable façade, whichever is less, designated as outdoor dining maybe setback up to 30 feet from the required build-to line.

**U. Reception Facility**

A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.

**V. Residential Care Facility**

1. Residential care facilities are subject to all federal, state, and city regulations, and must be licensed.
2. When located in a nonresidential district, the structure must be designed with a lobby entrance along the primary frontage.

**W. Self-Storage Facility: Indoor and Outdoor**

1. Storage units cannot be used for residential occupancy or business.
2. No plumbing connections are permitted in self-storage units.
4. Storing hazardous or toxic materials is prohibited.

5. For self-storage facilities that include both indoor and outdoor facilities, both types of uses must be allowed in the district.
6. The following additional standards apply to indoor self-storage facilities:
  - a. All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units may be accessed from inside the building only.
  - b. All facilities must meet the design standards of the district.
  - c. No storage units located on the first floor may be located within the first 50 feet of the front facade. No storage units located on the first floor may be visible from any public right-of-way.
  - d. Access to loading areas must be located to the interior or rear of the building.
7. The following additional permissions apply to outdoor self-storage facilities:
  - a. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way.
  - b. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard.
  - c. No storage of recreational vehicles is allowed within 25 feet of any rear lot line. No storage of recreational vehicles is allowed within 30 feet of any interior side lot line. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.
  - d. If storage areas for recreational vehicles are provided, they must be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. One shrub a minimum of three feet in height at time of planting must be planted linearly every three feet on-center along such fence or wall; plantings must be placed inside the face of the fence toward the interior of the lot.

**X. Solar Farm**

1. Systems, equipment, and structures are limited to the maximum height of the district.
2. All solar farm structures must meet the district setbacks.
3. No grid tied photovoltaic system may be installed until evidence has provided that the owner has been approved by the utility company to install the system.
4. The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the end of the useful life of the solar farm. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more. Decommissioning includes removal of all solar equipment. Decommissioning includes removal of solar arrays, structures, private roads or driveways, and foundations, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar farm.

**Y. Storage Yard – Outdoor**

1. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress.
  - a. Fences or walls along the front or corner side lot line must be set back a minimum of ten feet from the lot line. Within that setback, one shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall, and one evergreen tree every 30 feet planted linearly; plantings must be placed outside the face of the fence facing the right-of-way.
  - b. Fences or walls along the rear or interior side lot line require the planting of shrubs a minimum of three feet in height at time of planting, planted linearly every three feet on-center along such fence or wall;

plantings must be placed inside the face of the fence toward the interior of the lot.

2. Storage of any kind is prohibited outside the fence or wall.
3. No items stored within 25 feet of the fence may exceed the height of the fence or wall for an outdoor storage yard.
4. A salvage yard is not an outdoor storage yard. Salvage yards, an establishment where vehicles or other machinery is broken up and the parts saved and processed for resale, are prohibited.

**Z. Vehicle Repair/Service – Major or Minor**

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
2. Repair of vehicles is prohibited in the front or side yards. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
3. Vehicle repair/service establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.
4. Outdoor repairs are only allowed in the rear yard and must be screened by a solid fence or masonry wall no less than six feet and no more than eight feet in height.
5. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
6. The sale of new or used vehicles is prohibited.
7. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

**AA. Wind Energy System**

1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.
2. All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a special use.
3. All wind energy system must be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.
4. All electrical components of the wind energy system must conform to applicable local, state, and national codes, and applicable international standards.
5. An engineer's certificate must be completed by a structural engineer, licensed in the State of Iowa, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
6. Wind turbines must comply with the following design standards:
  - a. Wind turbines must be a non-obtrusive and non-reflective color. The facility owner or operator must maintain the paint on wind turbines at all times in good repair.
  - b. Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
  - c. Within the wind energy system, wind turbines must be of a generally consistent size, design, and color,

of similar height and rotor diameter, and rotate in the same direction.

**d.** Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.

**e.** On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.

**f.** Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.

**g.** A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad-mounted transformers and substations.

**7.** The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert must also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application must be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.

**8.** Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

**9.** Wind turbines must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.

**10.** All wind turbines must be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning district or 110% of the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.

**11.** All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.

**12.** The facility owner or operator must comply with all applicable codes regulating sound generation. A predictive sound study of turbine noise must accompany the application to verify that all code requirements can be met for dBA sound levels. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels per the Municipal Code, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.

**13.** A shadow flicker study is required, and must be submitted with the application. A wind turbine's shadow flicker must not fall on any existing structure, measured at the nearest external wall or walls, or within the buildable area of an adjacent vacant lot, as defined by current setback requirements.

**14.** The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, within one year after the end of the useful life of the wind energy system or individual wind turbines. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.

## **BB. Wireless Telecommunications**

### **1. Application Requirements**

All applications to erect, construct, or modify any part of a wireless telecommunications system require site plan review must include the following items:

- a. A site plan showing:
  - i. The location, size, screening, and design of all structures, including fences.
  - ii. The location and size of all outdoor equipment.
  - iii. Elevations showing antenna height.
  - iv. If the site plan is for a new wireless telecommunications facility, a landscape plan showing all screening.
  - v. If the site plan is for a new wireless telecommunications tower, indication of the fall zone as a shaded circle.
- b. A maintenance plan and any applicable maintenance agreement designed to ensure long-term, continuous maintenance, such as maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.
- c. A disclosure of what is proposed, demonstrating the need for the wireless telecommunications system in the proposed location. This is not required for co-location or stealth design antennas.
- d. The reason or purpose for the placement, construction, or modification in the proposed location with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives. This is not required if the proposal is does not involve the erection of a new tower.
- e. The service area of the proposed wireless telecommunications system.
- f. If the proposal is for a new telecommunications tower, then a map showing collocation opportunities within the City and within areas surrounding the borders of the City must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
- g. If the proposal is for a new telecommunications tower, certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.

### **2. Setbacks**

- a. All wireless telecommunications towers must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, as defined by current setback requirements no less than the tower height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
- b. All wireless telecommunications facilities must be set back from all property lines in accordance with the minimum setback requirements in the zoning district.

### **3. Height**

The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily. The application for approval of a wireless telecommunications tower must demonstrate the minimum height needed for the tower to function, which will be reviewed and approved as part of site plan review. The City has the ability to hire an independent consultant to assist in review of the proposed height, whose fee will be charged to the applicant.

#### **4. Lighting and Marking**

Wireless telecommunications systems must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

#### **5. Specific Standards for Wireless Telecommunications Antennas**

Wireless telecommunications antennas are a special use in all districts, unless they are stealth design in which case they are a permitted use. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan review and approval. All applications for wireless telecommunications antennas must include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design must comply with the following regulations:

- a.** To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b.** Wireless telecommunication antennas must be mounted at least 30 feet above grade, as measured from grade to the base of the antenna, to qualify as stealth design, in addition to meeting the other requirements of this section. Wireless telecommunication antennas mounted lower than 30 feet are considered a special use.
- c.** Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls (must be behind the parapet wall), and steeples, and must be designed to blend in with the structure.
- d.** Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design. However, such antennas cannot increase the overall height of the existing wireless telecommunications tower.
- e.** No antenna may increase the overall height of any structure on which it is mounted by more than 12 feet.

#### **6. Specific Standards for Wireless Telecommunications Facilities**

- a.** Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation must not be stored on the site.
- b.** Commercial advertising is prohibited. Only signage that is part of the equipment as manufactured or warning signage is permitted.

#### **7. Specific Standards for Wireless Telecommunications Towers**

- a.** The use of guyed towers is prohibited. Towers must be monopoles, meaning self-supporting with no wires, cables, or beams.
- b.** Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
- c.** Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers must have a galvanized silver or gray finish.

#### **8. Specific Standards for Distributed Antenna Systems (DAS)**

If a distributed antenna systems (DAS) is installed and entirely enclosed within a principal building, the requirements of this Ordinance do not apply.

- a.** All equipment related to a distributed antenna system must be mounted/co-located on existing poles or other existing structures unless it can be shown that an alternate location will be less obtrusive and/or more beneficial to the public. The design of any new pole requested requires special use approval.



b. An applicant seeking installation of a distributed antenna system must demonstrate that it has made efforts to blend or camouflage the system with existing facilities and surroundings or has otherwise screened or concealed the system from view. Approved blending methods include, but are not limited to, location of equipment other than antennas within a tree canopy or other inconspicuous location, use of green, brown or other colored equipment (if commercially available to the applicant) designed to mimic the colors and/or materials of the tree canopy, co-location structure or other nearby structures, as well as use of textures and shapes as appropriate, all with the intent of minimizing the visual impact of the system. Unnatural colors and exposed cables are prohibited.

c. All pole-mounted distributed antenna systems must be installed at a minimum height of nine feet above the ground. Equipment may be housed in a cabinet at ground level only with the approval of the City as to location and with appropriate screening.

d. Distributed antenna systems may not extend more than seven feet above the height of the existing pole or other structure on which it is installed.

6. Where distributed antenna systems are placed in residential districts, every effort must be made to avoid placement at right of way locations directly in front of a residence. If placement directly in front of a residence is absolutely necessary for technological reasons, the City has the right to require screening or impose other design mitigation requirements.

7. The City may request that a particular node or nodes be placed in an alternative location to that proposed by the applicant. Where a request for an alternative location is unable to be accommodated by an applicant, the applicant must supply an explanation in writing as to why the suggested alternative location will materially compromise the functioning of the system or is otherwise impractical.

#### **9. Abandonment**

Any wireless telecommunications system that is not operated for a period of 180 consecutive days is considered abandoned. The owner must immediately remove the tower or facility, and all aboveground equipment and related debris. The City may ensure and enforce removal by means of its existing regulatory authority.

#### **10. Nonconformities**

a. Ordinary maintenance, including replacement/upgrading, of antenna equipment may be performed on nonconforming antennas or towers. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or tower, a variance is required.

b. Co-location of an antenna on an existing nonconforming tower is permitted as a special use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not increase the overall height of the nonconforming tower.

### **8.4 TEMPORARY USE STANDARDS**

Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Ordinance and any licensing requirements of the Municipal Code. These regulations are for temporary uses located on private property. A temporary use may require a temporary use permit if the requirement is specifically cited in the standards; otherwise the temporary use is exempt from a temporary use permit. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval.

#### **A. Farmers' Market**

A retail license is required per Chapter 5.17 (Retail Sales and Transient Merchants) of the Municipal Code.

#### **B. Real Estate Project Sales Office/Model Unit**

1. A real estate sales office/model unit(s) is allowed for a residential development. Multiple model units are allowed in a multi-family building or a residential subdivision of 20 or more units.

2. No real estate sales office/model unit(s) may be located in a manufactured home or off-site.

3. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit of the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development.

4. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

**C. Temporary Contractor's Office and Contractor's Yard**

1. A temporary contractor's office is allowed incidental to a construction project.

2. The temporary contractor's office must be removed within 30 days of completion of the construction project.

3. A contractor's yard is permitted on or adjacent to any construction demolition and can only be used during the life of the construction project.

**D. Temporary Outdoor Entertainment**

A special event permit from the City is required for temporary outdoor entertainment.

**Editor's Note: The special event permit will need to be modified to include such events on private property.**

**E. Temporary Outdoor Sales**

A special event permit from the City is required for temporary outdoor sales.

**Editor's Note: The special event permit will need to be modified to include such events on private property.**

**F. Temporary Outdoor Storage Container**

1. Temporary storage containers are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed 30 days.

2. Temporary storage containers may not be used for permanent storage. They may not serve as a substitute for permanent storage needs on the site on which they are located. Containers may not be permanently attached to the ground, serviced with permanent utilities, or stacked on the site.

3. Temporary storage containers cannot be placed in the public right-of-way or placed on a lot to block ingress/egress or impede right-of-way traffic.

4. Temporary storage containers for residential uses may be placed in a driveway only but cannot block the right-of-way, including sidewalks. No temporary storage containers may be placed within any yard.

## **8.5 USE DEFINITIONS**

All uses within Table 8-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

**Adult Use.** An adult store, adult cabaret, adult theater, nude model studio, sexual encounter center, adult motel, or escort agency. The following additional definitions apply to adult use:

1. **Adult Booth.** Any area of an adult use that is set off from the remainder of the establishment by one or more walls, partitions, or other dividers and is used to show, exhibit, play, display, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of any specified anatomical areas or the performance or simulation of any specified sexual activities.

2. **Adult Cabaret.** Any establishment that as a substantial or significant portion of its business provides any of the following:

a. Persons who appear nude.

b. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of a specified anatomical area or the performance or simulation of a specified sexual activity.

c. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations, recordings, imagery, illustration, or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of any specified anatomical area or the performance or simulation of any specified sexual activity.

**3. Adult Material.** Any of the following, whether new or used:

a. Books, magazines, periodicals, or other printed matter or digitally stored materials, films, motion pictures, video cassettes, audio cassettes, slides, computer displays or other visual or audio representations or recordings of any kind, DVD, CDROM, or similar item that is distinguished or characterized by an emphasis on the exposure, depiction, description, imagery or visual representation of any specified anatomical area or the performance or simulation of any specified sexual activity.

b. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities or that depict, describe or portray specified anatomical areas; except this does not include those items used for birth control or for the prevention of sexually transmitted diseases.

**4. Adult Motel.** Any motel, hotel or similar business that either: 1) offers accommodations to the public for any form of consideration, and provides patrons with closed-circuit television transmission, telephones, motion pictures, video cassettes, slides, or other material that is characterized by the depiction or description of any specified anatomical area or any specified sexual activity, and has a sign that is visible from the public right-of-way that advertises the availability of adult materials; 2) offers a room or suite for consideration for a period of time that is less than ten hours; or 3) allows a tenant, occupant or patron of a room or suite to sublet the room or suite for a period of time that is less than ten hours.

**5. Adult Store.** Any establishment that either: 1) contains one or more adult booths; and/or 2) as a substantial or significant portion of its business offers for sale, rental, exchange, or viewing any adult materials. Adult stores do not include establishments that offer for sale, rental, exchange, or viewing any adult materials as a sideline or adjunct to sales, rentals, exchanges or viewings of materials other than adult materials.

**6. Adult Theater.** Any establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations, recordings, imagery, illustration, or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of any specified anatomical area or the performance or simulation of any specified sexual activity.

**7. Escort.** A person who, for pecuniary consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease dance or otherwise perform or appear before another person while nude in or about any place of public or private resort or any private quarter or business premises.

**8. Escort Agency.** Any person or business entity furnishing or offering to furnish, or advertising to furnish escorts as one of its business purposes, for a fee, tip or any other form of consideration.

**9. Nude Model Studio.** Any place where a person who appears nude is provided for the purpose of being sketched, drawn, painted, sculptured, photographed, or similarly depicted by any other person who has paid money or any other form of consideration, barter, or exchange, or for whose benefit someone else has paid money or any other form of consideration, barter or exchange, for the purpose of being allowed to observe the person appearing nude being sketched, drawn, painted, sculptured, photographed, or similarly depicted. Nude model studio does not include public or private colleges or universities licensed by the State of Iowa that offer art, modeling, or anatomical drawing classes.

**10. Nude or State of Nudity.** A state of dress or undress that exposes to view less than completely and opaquely covered human genitals, pubic region, anus, or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed, or human male genitals in a discernibly turgid state even if completely and opaquely covered, or any device that when worn, simulates human male genitals in a discernibly turgid state.

**11. Sexual Encounter Center.** Any establishment that, for consideration, offers either: 1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; 2) activities between two or more persons regardless of gender when one or more of the persons is in a nude condition; 3) where two or more persons may congregate, associate or consort in connection with specified sexual activities or specified anatomical areas; or 4) where two persons may congregate, associate, or consort, in a private room, suite, or similar enclosure, with one of the two persons modeling lingerie, dancing in a sexually suggestive manner, or some similar activity for the pleasure or entertainment of the other. Sexual encounter center does not include a gymnastic, acrobatic, athletic, or similar demonstration or show that has been issued and holds a valid public amusement license under Chapter 5.40 of the Code.

**12. Specified Anatomical Area.** Any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola but not including any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered or any device or covering that when worn, simulates human male genitals in a discernibly turgid state.

**13. Specified Sexual Activity.** Any of the following:

- a. The fondling or touching of one person's human genitals, pubic region, buttocks, anus, or female breasts by another person.
- b. Sex acts, normal or perverted, actual or simulated, including without limitation, cunnilingus, fellatio, anilingus, bestiality, intercourse, oral copulation or sodomy.
- c. Masturbation, actual or simulated.
- d. Excretory or urinary functions as part of or in connection with any of the activities set forth in this definition.

**14. Substantial or Significant Portion of its Business.** 10% or more of the establishment's income is derived from the sale, rental, exchange, or viewing of any adult material, or 10% or more of the establishment's stock in trade or floor space is utilized for the display of any adult material, or that one or more persons appearing, performing, or working in a state of nudity constitutes a fundamental or essential part of or attraction of the business. Regardless of the foregoing, any business establishment that advertises or holds itself out as "XXX", "adult", or "sex" in conjunction with adult material and/or nude appearances or performances is deemed to meet the substantial or significant portion of its business standard.

**15. Adult Amusement Arcade.** An establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing areas, or similar devices either coin, token, or slug operated, or which in consideration of an entrance fee, displays materials distinguished or characterized by an emphasis on depictions of specified sexual acts or specified anatomical areas.

**Alternative Correctional Facility.** A facility for adults or minors that is required by the courts as an alternative to incarceration, also referred to as community correctional centers.

**Amusement Facility - Indoor.** A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, escape room/physical adventure game facilities, and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.

**Amusement Facility - Outdoor.** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, fairgrounds, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.

**Animal Care Facility – Large Animal.** An establishment that provides care for large animals, such as horses and cattle, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence. Animal care facilities do not include animal breeders.

**Animal Care Facility – Small Animal.** An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays. Animal care facilities do not include animal breeders.

**Animal Breeder.** An establishment where dogs over six months of age are bred, raised, and trained for commercial gain. Animal breeder does not include animal care facilities or shelter and training facilities for canine or equine units of public safety agencies.

**Art Gallery.** An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

**Arts and Fitness Studio.** An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes; health clubs are not an arts and fitness studio, but rather a personal service establishment.

**Bar.** An establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use.

**Bed and Breakfast.** A single-family dwelling where a resident/owner provides lodging for a daily fee in guest rooms with no in-room cooking facilities, and prepares meals for guests. A bed and breakfast may include dining facilities.

**Body Modification Establishment.** An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

**Broadcasting Facility - TV/Radio.** A facility engaged in broadcasting and information relay services for radio and television signals, including studio facilities. A broadcasting facility may or may not include antennas to broadcast the signal.

**Campground.** Land used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters.

**Car Wash.** An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

**Cemetery.** Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the internment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

**Children's Home.** An institutional residential facility that provides housing for and care to minors who are wards of the state, whose parents or guardians are deceased or otherwise unable or unwilling to care for them. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Community Center.** A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities. A community center may serve as a local “food hub” where regionally grown food, including value added food, can be grown and/or brought for distribution and sale.

**Community Garden.** The cultivation of fruits, flowers, vegetables, or ornamental plants by one or more persons, households, or organizations. Community gardens not include the raising of any livestock or the use of heavy machinery.

**Conservation Area.** Designated open space that preserves and protects natural features, wildlife, and critical environmental features, as well as undeveloped sites of historical or cultural significance. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education.

**Country Club.** An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which has indoor and/or outdoor recreation facilities, restaurants and bars, meeting rooms, and/or similar uses.

**Cultural Facility.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items and restaurants as ancillary uses.

**Day Care Center.** A facility where, for a portion of a 24 hour day, care and supervision is provided for children or elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator. Day care centers within a residential dwelling are prohibited.

**Day Care Home.** A residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for children or elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator of the facility for a portion of a 24 hour day. A child day care home does not include a dwelling that receives children from a single household.

**Domestic Violence Shelter.** A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety services to help individuals and their children including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

**Drive-Through Facility.** That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive through facility must be approved separately as a principal use when in conjunction with another principal uses such as restaurants and financial institutions. A standalone ATM is considered a drive-through facility for the purposes of this definition.

**Drug/Alcohol Treatment Facility, Residential.** A licensed care facility that provides 24-hour medical and/or non-medical/therapeutic care of persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities include medical detoxification. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Drug Treatment Clinic.** A facility authorized by the state to administer drugs, such as methadone, in the treatment, maintenance, or detoxification of persons.

**Dwelling - Above the Ground Floor.** Dwelling units located within a single multi-story building located above nonresidential uses on the ground floor or to the rear non-residential uses on the ground floor. In the case of dwelling units located behind non-residential uses on the ground floor, nonresidential uses must front on the primary street frontage.



**Dwelling - Accessory Dwelling Unit.** An additional dwelling unit associated with and incidental to a principal single-family dwelling on the same lot. An accessory dwelling unit must include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The accessory dwelling unit may be within or attached to the principal dwelling unit structure or within a detached accessory structure, such as a garage, and designed so that the appearance of the principal structure and the lot remains that of a single-family dwelling.

**Dwelling - Manufactured Home.** A manufactured home dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes include those transportable factory built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular homes are not considered manufactured homes, and refer to a method of construction.

**Dwelling - Multi-Family.** A structure containing three or more attached dwelling units used for residential occupancy. A multi-family dwelling does not include a three-family or townhouse dwelling.

**Dwelling - Townhouse.** A structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall. A townhouse is typically designed so that each unit has a separate exterior entrance and yard areas. A townhouse dwelling does not include a multi-family dwelling.

**Dwelling - Single-Family.** A structure containing only one dwelling unit on a single lot.

**Dwelling - Two-Family.** A structure containing two dwelling units on a single lot.

**Educational Facility - Primary or Secondary.** A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

**Educational Facility - University or College.** A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

**Educational Facility - Vocational.** A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility-vocational also applies to privately operated schools that do not offer a complete educational curriculum.

**Farmers Market.** Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from farmers or vendors that have taken such items on consignment for retail sale.

**Financial Institution.** A bank, savings and loan, credit union, or mortgage office.

**Financial Institution, Alternative (AFS).** An alternative financial service (AFS) is a financial service provided outside a traditional banking institution. AFS includes payday loans, tax refund anticipation loans, car title loans, check cashing establishments, and currency exchanges.

**Food Bank.** A non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to those in need from a food bank.

**Food Pantry.** A non-profit organization that provides food directly to those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be an ancillary use of a place of worship, social service center, and/or homeless shelter.

**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.



**Gas Station.** An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, an ancillary car wash bay, and solar and/or electric charging stations.

**Golf Course/Driving Range.** A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls. A country club may include a golf course and/or driving range, in which case the uses together are considered a country club.

**Government Office/Facility.** Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices do not include public safety or public works facilities.

**Greenhouse/Nursery - Retail.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale.

**Group Home.** A group care facility in a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; or 2) care of persons in transition or in need of supervision. Group homes include facilities for drug and alcohol rehabilitation, excluding medical detoxification services. Group home does not include facilities for adults or minors that function as a court ordered alternative to incarceration. Group home does not include group living facilities for persons who have been institutionalized for criminal conduct (see halfway house).

**Halfway House.** A residential facility for persons who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to society, which may or may not be court-ordered.

**Healthcare Institution.** Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses.

**Heavy Retail, Rental, and Service.** Retail, rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service or storage areas and/or partially enclosed structures. Examples of heavy retail, rental, and service establishments include large-scale home improvement centers (with outdoor storage, display, and rental components), lumberyards, amusement equipment rental, recreational vehicle dealerships, truck rental establishments, and sales, rental, and repair of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail, rental, and service establishments.

**Homeless Shelter.** A facility that provides temporary shelter to the homeless in general. Homeless shelters may distinguish populations served by age and/or gender.

**Hotel.** A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

**Industrial - General.** Manufacturing from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have ancillary outdoor storage areas.

**Industrial - Light.** Research and development activities, and the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, where such activities are conducted wholly within an enclosed building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

**Industrial Design.** An establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but may not mass manufacture products from the premises.

**Live Entertainment - Secondary Use.** A live performance, performed live by one or more persons including, but not limited to, musical acts, including disc jockeys (DJs), theatrical plays, performance art, stand-up comedy, and magic, included as part of the operation of a bar, restaurant, amusement facility, or similar use. As a secondary use, the other principal use operating on the site must be open to public during hours when no performance is scheduled. Live entertainment - secondary use is approved separately as a principal use. Live entertainment - secondary use does not include:

1. Adult uses.
2. Live performance venue.
3. Periodic performances or entertainment at educational facilities, places of worship, cultural facilities, reception facilities, and performances at weddings and similar events.
4. Incidental entertainment, which is defined as background music provided at a bar or restaurant.

**Live Performance Venue.** A facility for the presentation of live entertainment, including musical acts, including disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include any adult use.

**Lodge/Meeting Hall.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

**Medical/Dental Office.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

**Micro-Brewery.** A facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Brewery facilities that exceed this capacity are considered light or general industrial uses.

**Micro-Distillery.** A facility for the production and packaging of alcoholic spirits in quantities not to exceed twelve 12,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Distillery facilities that exceed this capacity are considered light or general industrial uses.

**Micro-Winery.** A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Wineries that exceed this capacity are considered light or general industrial uses.

**Mobile Food Sales.** A motor vehicle, or a food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

**Needle Exchange Service.** A facility providing a social service that allows injecting drug users (IDUs) to obtain hypodermic needles and associated paraphernalia at little or no cost.

**Neighborhood Commercial Establishment.** A commercial use within a residential neighborhood that is nonresidential in its original construction and/or use.

**Office.** An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, government office /facility, or industrial design.

**Outdoor Dining.** A seating area that is located outdoors and contiguous to a restaurant or bar, typically in addition to an indoor seating area. Outdoor dining is approved separately as a principal use. Outdoor dining areas may be roofed or covered with an awning.

**Parking Lot.** An open, hard-surfaced area, excluding a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

**Parking Structure.** A structure used for the parking or storage of operable vehicles, whether for compensation or at no charge.

**Personal Service Establishment.** An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

**Place of Worship.** A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary uses such as day care facilities, meeting rooms, auditoriums, and/or classrooms for weekly religious instruction.

**Public Park.** A facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor recreation facilities, and zoos and amphitheaters, as well as ancillary uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

**Public Works Facility.** A facility operated by the municipal public works departments to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles.

**Real Estate Project Sales Office/Model Unit.** A residential unit or other structure within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

**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.

**Recreational Vehicle (RV) Park.** Land used for the accommodation of two or more recreational vehicles for transient dwelling purposes.

**Research and Development.** A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

**Residential Care Facility.** A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. Residential care facility does not include a residential drug/alcohol treatment facility. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Restaurant.** An establishment where food and drinks are provided to the public for on-premises consumption by seated patrons and/or for carry-out service.

**Retail Goods Establishment.** An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishment do not include specialty food service.

**Retail Alcohol Sales.** A retail establishment that sells primarily beer, wine, and liquor.

**Self-Storage Facility: Enclosed.** A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.

**Self-Storage Facility: Outdoor.** A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.

**Social Service Center.** A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

**Solar Farm.** An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

**Specialty Food Service.** A business that specializes in the sale of certain food products, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service also includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.

**Storage Yard - Outdoor.** The storage of material outdoors as a principal use of land for more than 24 hours.

**Temporary Contractor Office and Contractor Yard.** A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

**Temporary Outdoor Entertainment.** A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary worship services, and others.

**Temporary Outdoor Sales.** Temporary uses, which may include temporary structures, where goods are sold, such

as consignment auctions, arts and crafts fairs, flea markets, yard sales, temporary vehicle sales, and holiday sales, such as firework stands, Christmas tree lots, and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

**Temporary Outdoor Storage Container.** Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

**Vehicle Dealership.** An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.

**Vehicle Operations Facility.** A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operations facility does not include a public works or public safety facility.

**Vehicle Rental.** An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

**Vehicle Repair - Major.** A business that provides services in engine rebuilding, major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame or fender straightening or repair, painting of motor vehicles, interior (upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include minor vehicle repair services.

**Vehicle Repair – Minor.** A business the provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Any type of vehicle repair services for recreational vehicles is a major vehicle repair business and does not qualify as minor repair under this Ordinance regardless of the level of repair service.

**Warehouse.** An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

**Wholesale Establishment.** A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

**Wind Energy System.** An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

**Wireless Telecommunications.** Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

1. **Antenna.** A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.
2. **Facility.** A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.

**3. Tower.** A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.

**4. Distributed Antenna System.** A wireless communications network with multiple spatially separated antenna nodes and related equipment mounted on existing infrastructure, typically power, light, and/or telephone poles, all connected to a common source via fiber optic cable or other transport medium, which provides enhanced coverage within a geographic area.

City Plan & Zoning Commission Voting Record

Meeting Date: 06-05-18

Meeting Location: Council Chambers-City Hall

APPROVED

| Name:    | Roll Call | ORD18-04<br>Sec17.29<br>DRB | ORD18-02<br>Rockingham<br>Corridor | P18-03<br>Pheasant Ridge<br>Subdivision | F18-04<br>Wedgewood<br>10th |  |  |  |
|----------|-----------|-----------------------------|------------------------------------|-----------------------------------------|-----------------------------|--|--|--|
| Connell  | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Hepner   | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Inghram  | P         |                             |                                    |                                         |                             |  |  |  |
| Johnson  | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Kelling  | P         | Y                           | Y                                  | ABS                                     | Y                           |  |  |  |
| Lammers  | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Maness   | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Medd     | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Quinn    | P         | Y                           | Y                                  | ABS                                     | Y                           |  |  |  |
| Reinartz | P         | Y                           | Y                                  | N                                       | Y                           |  |  |  |
| Tallman  | P         | Y                           | Y                                  | ABS                                     | Y                           |  |  |  |
|          |           | 10-YES<br>0-NO<br>0-ABSTAIN | 10-YES<br>0-NO<br>0-ABSTAIN        | 6-YES<br>1-NO<br>3-ABSTAIN              | 10-YES<br>0-NO<br>0-ABSTAIN |  |  |  |



June 6, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 5, 2018, the City Plan and Zoning Commission considered Case ORD18-02 Ordinance amending Title 17 to incorporate a zoning component to promote and create a commercial identity for the Rockingham Road corridor through design and use standards. This text amendment will include a map amendment for the area along Rockingham Road from John Fell Drive in the southwest and to Marquette Street in the northeast portion of the corridor. City of Davenport is the Petitioner. Chapter 17.60 of the Davenport Municipal Code allows for text and map amendments. [1<sup>st</sup> & 3<sup>rd</sup> Wards]

The Commission recommends approval of the ordinance.

Finding:

- Proposed ordinance has undergone a thorough public process including stakeholder input and neighborhood meetings
- Proposed ordinance is largely supported by the majority of the project participants
- Proposed ordinance will serve as an effective tool in the implementation of corridor enhancement by lessening the intensity of use, thus enhancing the environment for neighborhood commercial redevelopment

Conditions:

None.

The Plan and Zoning Commission accepts the finding and forwards Case No. ORD18-02 to the City Council for approval. The vote to approve was 10 – yes, 0 – no and 0 – abstained.

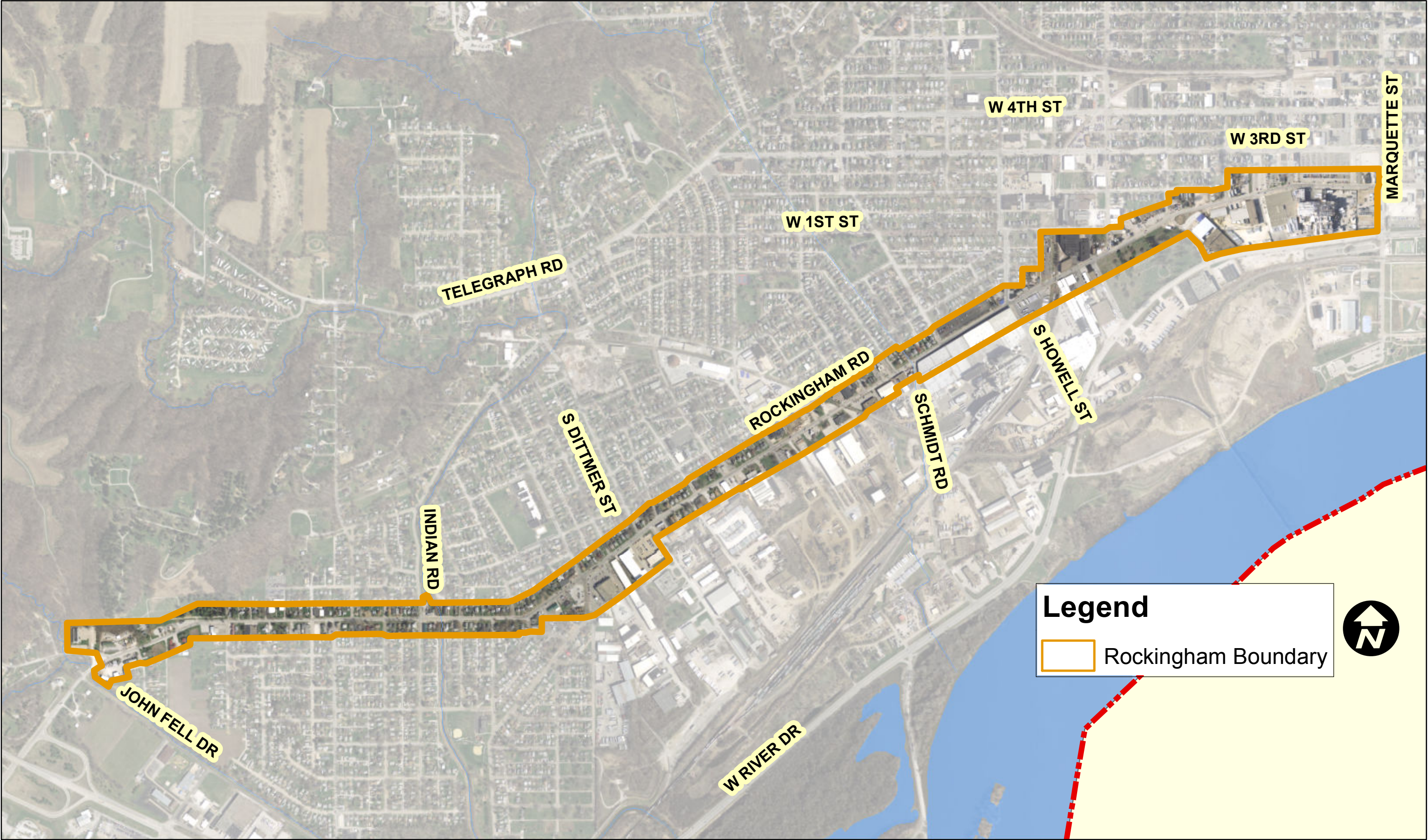
Respectfully submitted,



Robert Inghram, Chairperson  
City Plan and Zoning Commission



# Overview Map of Rockingham Corridor Area





**PUBLIC HEARING NOTICE  
CITY COUNCIL - COMMITTEE OF THE WHOLE (COW)  
CITY OF DAVENPORT**



**Public Hearing Details:**

Date: 6/20/2018

Ward: **1st & 3rd**

Time: 5:30 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

Subject: Public hearing for a text amendment (code change) request before City Council - COW

Case #: ORD18-02

To: All property owners within 200 feet of the subject property located along **Rockingham Corridor between John Fell Drive to Marquette Street.**

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a text amendment (code change) request. The purpose of the text amendment (code change) request is to change the verbiage or wording of existing code or add/delete portions of code.

Request Description

**Case ORD18-02 Ordinance amending Title 17 to incorporate a zoning component to promote and create a commercial identity for the Rockingham Road corridor through design and use standards. This text amendment will include a map amendment for the area along Rockingham Road from John Fell Drive in the southwest and to Marquette Street in the northeast portion of the corridor. City of Davenport is the Petitioner. Chapter 17.60 of the Davenport Municipal Code allows for text and map amendments. [1st & 3rd Wards]**

**What are the Next Steps after the Public Hearing?**

The City Plan and Zoning Commission forwarded this case to the City Council with a recommendation for approval at its last meeting. After this public hearing of the Committee of the whole this case will move on to the the next sheduled City Council meeting for the first of three readings. For the specific dates and times of subsequent meetings, please contact the case planner as provided on this notice.

**Would You Like to Submit an Official Comment?**

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

**Do You Have Any Questions?**

If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at [sek@ci.davenport.ia.us](mailto:sek@ci.davenport.ia.us) or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) for updates.

Thursday, June 07, 2018

Please publish the following public notice in the June 13, 2013 edition of the QC Times.

The PO number for this notice is: 1818247.

Please provide proof of publication for our records. If you have any questions, please contact us at [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or 563-326-7765.

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PUBLIC HEARING NOTICE  
WEDNESDAY, JUNE 20, 2018, 2018 5:30 PM  
CITY OF DAVENPORT COMMITTEE OF THE WHOLE  
COUNCIL CHAMBERS - DAVENPORT CITY HALL  
226 WEST 4th STREET – DAVENPORT, IOWA

There are on file in the City of Davenport Community Planning and Economic Development Department the following petitions:

Ordinance amending various sections of the Davenport Municipal Code, including Section 12.36.060 entitled "Encroachments – Granting of license – Revocation", Section 12.36.020 entitled "Definitions", Section 17.29.070 entitled "Design Review Board", section 17.29.080 entitled "Powers and Duties of the Board", Section 17.29.090.E entitled "Certificate of Design Approval", Section 15.30.180 entitled "Liability Insurance Required" and Chapter 5.02 entitled "Signs and Billboards" to bring uniformity to the process of licensing and permitting for right-of-way encroachments [Wards All]

The Plan and Zoning Commission forwards the Ordinance amendment pertaining to Sections 17.29.090.E

Case No. ORD18-02 Ordinance amending Title 17 to incorporate a zoning component to promote and create a commercial identity for the Rockingham Road corridor through design and use standards. This text amendment will include a map amendment for the area along Rockingham Road from John Fell Drive in the southwest and to Marquette Street in the northeast portion of the corridor. City of Davenport is the Petitioner. Chapter 17.60 of the Davenport Municipal Code allows for text and map amendments. [1<sup>st</sup> & 3<sup>rd</sup> Wards]

The property has the following legal description:

Part of the Northwest Quarter of Section 35 and the Northeast, Northwest and Southwest of Section 34, Southeast and Southwest Quarters Section 33 and Southeast Quarter of Section 32, in Township 78 North, Range 3 East of the 5th P.M. and part of the Northwest Quarter of Section 4 and Northeast and Northwest Quarters of Section 5 in Township 77 North, Range 3 East of the 5th P.M., all being in Davenport, Scott County, Iowa, being more particularly described as follows: Commencing as a point of beginning at the northeast corner of Lot 8, Green's First Addition, along the West line of the N Marquette Street right-of-way; Thence, South 01° 40' 36" East a distance of 147.47 feet along the West line of N Marquette Street right-of-way to the North line of the W 2<sup>nd</sup> Street right-of-way; Thence South 16° 14' 58" West a distance of 68.73 feet to a point on the South line of the W 2<sup>nd</sup> Street right-of-way; Thence South 01° 32' 53" East a distance of 420.54 feet along the West line of the Marquette Street right-of-way to a point on the North line of the River Drive right-of-way; Thence, South 80° 41' 27" West a distance of 225.01 feet along the North line of the River Drive right-of-way; Thence, South 80° 27' 01" West a distance of 871.64 feet along the North line of the River Drive right-of-way; Thence, South 81° 23' 34" West a distance of 311.08 feet along the North line of the River Drive right-of-way; Thence, North 50° 22' 34" West a distance of 50.78 feet along the

North line of the River Drive right-of-way; Thence, South 75° 57' 56" West a distance of 57.40 feet along the North line of the River Drive right-of-way; Thence, South 73° 15' 45" West a distance of 64.06 feet along the North line of the River Drive right-of-way; Thence, South 71° 08' 56" West a distance of 57.32 feet along the North line of the River Drive right-of-way; Thence, South 69° 16' 25" West a distance of 57.32 feet along the North line of the River Drive right-of-way; Thence, South 67° 23' 54" West a distance of 57.32 feet along the North line of the River Drive right-of-way; Thence, South 65° 31' 23" West a distance of 57.32 feet along the North line of the River Drive right-of-way; Thence, North 29° 02' 16" West a distance of 129.80 feet along the East line of the S Sturdevant right-of-way; Thence, North 46° 28' 20" West a distance of 170.38 feet along the East line of the S Sturdevant right-of-way; Thence, South 59° 39' 59" West a distance of 881.76 feet; Thence, South 60° 26' 40" West a distance of 1196.23 feet; Thence, South 57° 07' 56" West a distance of 1074.22 feet to a point on the East line of Schmidt Road right-of-way; Thence, North 07° 37' 22" West a distance of 99.07 feet along the East line of the Schmidt Road right-of-way; Thence, South 56° 42' 18" West a distance of 285.69 feet; Thence, South 33° 19' 42" East a distance of 51.50 feet; Thence, South 56° 42' 18" West a distance of 388.81 feet to a point on the North line of Canadian Pacific DME right-of-way; Thence, South 22° 15' 35" West a distance of 34.93 feet a point on the South line of Canadian Pacific DME right-of-way; Thence, South 56° 42' 19" West a distance of 238.02 feet; Thence, South 56° 42' 19" West a distance of 130.73 feet; Thence, South 57° 03' 35" West a distance of 108.81 feet; Thence, South 57° 05' 04" West a distance of 287.97 feet; Thence, South 58° 27' 03" West a distance of 719.81 feet to a point on South line of the Alley right-of-way South of Rockingham Road and West of S Farragut Street; Thence, North 35° 57' 12" West a distance of 20.03 feet along the East line of the Alley right-of-way; Thence, South 57° 00' 24" West a distance of 1008.32 feet along the North line of the Alley right-of-way to a point on the West line of the S Rolff Street right-of-way; Thence, South 35° 41' 36" East a distance of 266.67 feet along the West line of the S Rolff Street right-of-way; Thence, South 52° 02' 59" West a distance of 605.06 feet a point on the West line of the S Dittmer Street right-of-way; Thence, South 52° 42' 46" West a distance of 179.83 feet; Thence, South 51° 22' 43" West a distance of 177.76 feet to a point on the East line of the Floral Lane right-of-way; Thence, South 78° 54' 57" West a distance of 108.39 feet to a point on the West line of the S Concord Street right-of-way; Thence, South 87° 56' 01" West a distance of 432.45 feet; Thence, South 01° 38' 10" East a distance of 140.00 feet to the North line of the Johnson Avenue right-of-way; Thence, South 87° 56' 01" West a distance of 120.00 feet to a point on the East line of the S Elsie Avenue right-of-way; Thence, South 75° 21' 38" West a distance of 51.32 feet to a point on the West Line of the S Elsie Avenue right-of-way; Thence, South 88° 59' 53" West a distance of 62.00 feet; Thence, South 01° 38' 19" East a distance of 20.00 feet; Thence, South 87° 56' 00" West a distance of 1361.24 feet along the North line of the alley right-of-way South of Rockingham Road and North of Pearl Avenue to a point on the East line of the S Nevada Street right-of-way; Thence, North 70° 11' 18" West a distance of 53.73 feet to a point on the West line of the S Nevada Street right-of-way; Thence, South 87° 56' 01" West a distance of 475.20 feet along the North line of the alley right-of-way South of Rockingham Road and North of Johnson Avenue to a point on the East line of the Fairmount Street right-of-way; Thence, South 53° 29' 41" West a distance of 53.22 feet to a point on the West line of the Fairmount Street right-of-way; Thence, South 87° 42' 33" West a distance of 1032.02 feet along the North line of the alley right-of-way South of Rockingham Road and North of Johnson Avenue to a point on the North line of the alley right-of-way; Thence, North 76° 53' 58" West a distance of 18.84 feet to a point on the East line of the S Stark Street right-of-way; Thence, South 87° 42' 33" West a distance of 398.17 feet; Thence, South 01° 58' 47" East a distance of 66.02 feet; Thence, South 65° 29' 03" West a distance of 503.36 feet to a point on the East line of the S Pioneer Street right-of-way; Thence, North 77° 44' 14" West a distance of 60.19 feet to a point on the West line of the S Pioneer Street right-of-way; Thence, South 71° 15' 45" West a distance of 145.89 feet; Thence, South 16° 22' 43" East a distance of 110.66 feet; Thence, South 77° 25' 34" West a distance of 180.80 feet; Thence, South 22° 21' 13" West a distance of 70.36 feet to a point on the North line of the John Fell Drive right-of-way; Thence, North 55°

24' 13" West a distance of 170.66 feet along the North line of the John Fell Drive right-of-way; Thence, North 12° 26' 29" West a distance of 67.21 feet along the East line of the John Fell Drive right-of-way; Thence, North 54° 00' 51" East a distance of 42.59 feet along the South line of the Rockingham Road right-of-way; Thence, North 56° 39' 42" East a distance of 42.59 feet along the South line of the Rockingham Road right-of-way; Thence, North 59° 18' 33" East a distance of 0.72 feet along the South line of the Rockingham Road right-of-way; Thence, North 20° 56' 45" West a distance of 144.50 feet to a point on the North line of the Rickel Hill Road right-of-way; Thence, North 87° 26' 08" West a distance of 310.03 feet along the North line of the Rickel Hill Road right-of-way; Thence, North 00° 31' 30" West a distance of 284.14 feet; Thence, North 88° 02' 06" East a distance of 95.04 feet; Thence, South 87° 42' 33" East a distance of 689.73 feet; Thence, North 86° 30' 25" East a distance of 85.54 feet; Thence, North 86° 21' 44" East a distance of 85.96 feet; Thence, North 64° 51' 25" East a distance of 412.16 feet; Thence, North 87° 42' 33" East a distance of 1196.86 feet to a point on the East line of the S Gayman Avenue right-of-way; Thence, North 87° 38' 17" East a distance of 374.64 feet along the South line of the alley right-of-way between Rockingham Road and Boies Ave to a point on the West line of the S Fairmount Street right-of-way; Thence, North 87° 56' 00" East a distance of 40.00 feet to a point on the East line of the S Fairmount Street right-of-way; Thence, North 87° 56' 01" East a distance of 290.73 feet along the South line of the alley right-of-way between Rockingham Road and Boies Ave to a point on the West line of the Nevada Street right-of-way; Thence, North 88° 23' 05" East a distance of 49.91 feet to a point on the East line of the Nevada Street right-of-way; Thence, North 87° 53' 05" East a distance of 368.64 feet along the South line of the alley right-of-way between Rockingham Road and Boies Ave to a point on the East line of the Indian Road right-of-way; Thence, North 06° 32' 55" West a distance of 48.43 feet along the East line of the Indian Road right-of-way; Thence, North 63° 16' 30" East a distance of 62.70 feet; Thence, South 31° 54' 08" East a distance of 78.75 feet; Thence, North 87° 56' 01" East a distance of 786.61 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue to a point on the West line of the S Elsie Avenue right-of-way; Thence, North 68° 20' 32" East a distance of 60.06 feet to a point on the East line of the S Elsie Avenue right-of-way; Thence, North 63° 42' 17" East a distance of 213.46 feet along the South line of the alley right-of-way between Rockingham Road and Marion Street; Thence, South 21° 27' 22" East a distance of 3.75 feet; Thence, North 52° 08' 50" East a distance of 489.79 feet to a point on the West line of the S Concord Street right-of-way; Thence, North 57° 24' 16" East a distance of 59.93 feet to a point on the East line of the S Concord Street right-of-way; Thence, North 52° 12' 56" East a distance of 306.21 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue to a point on the West line of the S Dittmer Street right-of-way; Thence, North 52° 10' 14" East a distance of 61.20 feet to a point on the East line of the S Dittmer Street right-of-way; Thence, North 52° 10' 56" East a distance of 306.30 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue to a point on the West line of the S Clark Street right-of-way; Thence, North 39° 14' 13" East a distance of 66.08 feet to a point on the East line of the S Clark Street right-of-way; Thence, North 46° 53' 06" East a distance of 214.99 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue to a point on the West line of the S Rolff Street right-of-way; Thence, North 85° 49' 33" East a distance of 47.79 feet to a point on the East line of the S Rolff Street right-of-way; Thence, North 56° 47' 39" East a distance of 374.42 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue to a point on the West line of the S Farragut Street right-of-way; Thence, North 39° 08' 43" East a distance of 62.05 feet to a point on the East line of the S Farragut Street right-of-way; Thence, North 56° 55' 11" East a distance of 300.42 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue to a point on the West line of the S Birchwood Avenue right-of-way; Thence, North 56° 35' 03" East a distance of 40.04 feet to a point on the East line of the S Birchwood Avenue right-of-way; Thence, North 57° 06' 13" East a distance of 333.26 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue; Thence, North 57° 02' 11" East a distance of 189.50 feet along the South line of the alley right-of-way between Rockingham

Road and Boies Avenue to a point on the West line of the S Elmwood Avenue right-of-way; Thence, North 61° 03' 28" East a distance of 261.27 feet; Thence, North 56° 45' 43" East a distance of 251.15 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue; Thence, North 63° 42' 11" East a distance of 54.65 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue; Thence, North 53° 51' 51" East a distance of 93.18 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue; Thence, North 54° 49' 35" East a distance of 70.52 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue to a point on the West line of Canadian Pacific DME right-of-way; Thence, North 54° 49' 35" East a distance of 43.89 feet to a point on the East line of the Canadian Pacific DME right-of-way; Thence, North 55° 55' 24" East a distance of 339.85 feet along the South line of the alley right-of-way between Rockingham Road and Boies Avenue to a point on the West line of S Lincoln Avenue; Thence, North 53° 22' 44" East a distance of 60.07 feet to a point on the East line of S Lincoln Avenue; Thence, North 56° 42' 26" East a distance of 159.80 feet to a point on the East line of the alley right-of-way between S Lincoln Avenue and S Hancock Avenue; Thence, North 35° 32' 09" West a distance of 29.90 feet along the East line of the alley right-of-way; Thence, North 52° 57' 52" East a distance of 147.89 feet to a point on the West line of the S Hancock Avenue right-of-way; Thence, North 53° 03' 37" East a distance of 56.00 feet to a point on the East line of the S Hancock Avenue right-of-way; Thence, North 53° 03' 59" East a distance of 132.26 feet to a point on the East line of the alley right-of-way between S Hancock Avenue and S Pine Street; Thence, South 39° 25' 08" East a distance of 42.85 feet along the East line of the alley right-of-way; Thence, North 57° 22' 33" East a distance of 367.70 feet along the South line of the alley right-of-way between Rockingham Road and Dixwell Street to a point on the West line of the S Pine Street right-of-way; Thence, North 39° 00' 16" East a distance of 63.51 feet to a point on the East line of the S Pine Street right-of-way; Thence, North 57° 51' 00" East a distance of 826.83 feet to a point on the West line of the S Howell Street right-of-way; Thence, North 88° 00' 36" East a distance of 197.29 feet to a point on the South line of the alley right-of-way between Rockingham Road and Dixwell Street; Thence, North 01° 53' 12" West a distance of 170.86 feet to a point on the South line of the Dixwell Street right-of-way; Thence, North 88° 00' 36" East a distance of 192.40 feet along the South line of the Dixwell Street right-of-way to a point on the East line of the alley right-of-way between S Howell Street and S Division Street; Thence, North 01° 59' 23" West a distance of 380.49 feet along the East line of the alley right-of-way to a point on the South line of the W 1<sup>st</sup> Street right-of-way; Thence, North 87° 57' 02" East a distance of 655.00 feet along the South line of W 1<sup>st</sup> Street right-of-way to a point on the East line of the S Division Street right-of-way; Thence, North 54° 12' 02" East a distance of 71.14 feet to a point on the East line of the S Division Street right-of-way; Thence, North 88° 09' 35" East a distance of 110.00 feet to a point on the West line of the alley right-of-way between S Division Street and N Sturdevant Street; Thence, North 01° 50' 25" West a distance of 84.74 feet along the West line of the alley right-of-way; Thence, North 69° 17' 00" East a distance of 517.58 feet along the North line of the alley right-of-way between Rockingham Road and W 2<sup>nd</sup> Street to a point on the East line of the N Sturdevant Street right-of-way; Thence, North 01° 56' 20" West a distance of 92.45 feet along the East line of the N Sturdevant Street right-of-way; Thence, North 87° 57' 02" East a distance of 85.16 feet; Thence, North 02° 33' 11" West a distance of 31.17 to a point on the South line of the W 2<sup>nd</sup> Street right-of-way; Thence, North 87° 49' 16" East a distance of 327.94 feet along the South line of the W 2<sup>nd</sup> Street right-of-way to a point on the West line of the alley right-of-way between N Sturdevant Street and Washington Street; Thence, South 61° 50' 17" East a distance of 22.80 feet to a point on the East line of the alley right-of-way; Thence, North 75° 10' 39" East a distance of 184.82 feet to a point on the East line of the Washington Street right-of-way; Thence, North 02° 15' 35" West a distance of 170.90 feet along the East line of the Washington Street right-of-way to a point on the South line of the alley right-of-way between Rockingham Road and W 3<sup>rd</sup> Street; Thence, North 87° 44' 25" East a distance of 600.00 feet along the South line of the alley right-of-way to a point on the West line of the Filmore Street right-of-way; Thence, North 87° 52' 26" East a distance of 704.90 feet along the



South line of the alley right-of-way to a point on the East line of the Taylor Street right-of-way; Thence, North 87° 46' 06" East a distance of 251.57 feet along the South line of the alley right-of-way to the point of beginning. All bearings are based on the NAD83 Iowa State Planes South coordinate system. For purposes of this description the West line of N Marquette Street right-of-way is assumed to bear South 01° 40' 36" East. The land described in this description contains 149.073 acres, more or less.

The City Plan and Zoning Commission forwards Case No. ORD18-02 to the City Council with a recommendation for approval. (not subject to any special conditions)

Public hearing(s) on the above matter(s) are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, June 20, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No 1818247.

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

City of Davenport

Agenda Group: Public Works  
Department: Public Works - Engineering  
Contact Info: Nick Schmuecker; (563) 327-5162  
Wards: 1, 5, 6, & 7

**Action / Date**  
**PW7/3/2018**

**Subject:**

Public Hearing on the plans, specifications, forms of contract and estimated cost for the 2018 Bridge Maintenance Construction Program, CIP #21001. [Wards 1, 5, 6, & 7]

**Recommendation:**

Hold the hearing.

**Relationship to Goals:**

Sustainable Infrastructure.

**Background:**

This program is intended to repair and perform maintenance to various bridges throughout the City. The repairs are based on the biannual citywide bridge inspections last completed in 2017.

The program is scheduled to be bid this summer with construction to be completed by mid-October of this year. Funding for the 2018 Bridge Maintenance Construction Program is established within CIP #21001. The current estimate is \$300,000.

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 6/27/2018 - 4:56 PM  |
| Public Works Committee     | Lechvar, Gina  | Approved | 6/28/2018 - 10:09 AM |
| City Clerk                 | Admin, Default | Approved | 6/28/2018 - 12:05 PM |

## City of Davenport

Agenda Group: Public Works  
 Department: Public Works - Admin  
 Contact Info: John Powell; (563) 888-2150  
 Wards: All

**Action / Date**  
**PW7/3/2018**

**Subject:**  
 Public Hearing on the proposed changes to the shuttle that connects the Ground Transportation Center, Rock Island and the Main Street Hub to Alorica (previously APAC). [All Wards]

**Recommendation:**  
 Hold the hearing

**Relationship to Goals:**  
 Fiscal Vitality

**Background:**  
 To increase ridership and promote job growth, Davenport Citibus is modifying the Alorica Shuttle by adding service to the Kraft Heinz and Sterilite plants north of I-80.

The new schedule below will be effective Monday, August 6, 2018.

### Industrial Park Service

#### WEEKDAYS ONLY

| Rock Island | GTC     | Main St. Hub | Kraft              | Sterilite | Alorica | Alorica | Sterilite | Kraft          | Main St. Hub | GTC     | Rock Island |
|-------------|---------|--------------|--------------------|-----------|---------|---------|-----------|----------------|--------------|---------|-------------|
| 6:05 AM     | 6:13 AM | 6:25 AM      | 6:42 AM            | 6:49 AM   | 6:57 AM | 6:57 AM |           | Express to GTC |              | 6:11 AM |             |
|             | 7:13 AM | 7:25 AM      | 7:42 AM            | 7:49 AM   | 7:57 AM | 7:57 AM |           | Express to GTC |              | 7:11 AM |             |
|             | 8:13 AM | 8:25 AM      | 8:42 AM            | 8:49 AM   | 8:57 AM | 8:57 AM |           | Express to GTC |              | 8:11 AM |             |
|             | 9:13 AM | 9:25 AM      | 9:42 AM            | 9:49 AM   | 9:57 AM |         |           |                |              |         |             |
|             |         |              |                    |           |         | 2:40 PM | 2:48 PM   | 2:55 PM        | 3:12 PM      | 3:22 PM |             |
|             | 3:24 PM |              | Express to Alorica |           | 3:33 PM | 3:40 PM | 3:48 PM   | 3:55 PM        | 4:12 PM      | 4:22 PM |             |
|             | 4:24 PM |              | Express to Alorica |           | 4:33 PM | 4:40 PM | 4:48 PM   | 4:55 PM        | 5:12 PM      | 5:22 PM |             |
|             | 5:24 PM |              | Express to Alorica |           | 5:33 PM | 5:40 PM | 5:48 PM   | 5:55 PM        | 6:12 PM      | 6:22 PM |             |
|             | 6:24 PM | 6:36 PM      | xxxxxx             | 6:49 AM   | 6:57 AM | 7:05 PM | 7:13 PM   | xxxxx          | 7:32 PM      | 7:42 PM | 7:50 PM     |

#### REVIEWERS:

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 6/28/2018 - 11:38 AM |
| Public Works Committee | Lechvar, Gina  | Approved | 6/28/2018 - 11:38 AM |
| City Clerk             | Admin, Default | Approved | 6/28/2018 - 12:06 PM |

City of Davenport

Agenda Group: Public Works  
Department: Public Works - Engineering  
Contact Info: Zach Peterson; (563) 328-6709  
Wards: 3

**Action / Date**  
**PW7/3/2018**

**Subject:**

Public Hearing on the plans, specifications, form of contract and estimate of cost covering the Main Street Landing, Phase II Construction Project, CIP #68004. [Ward 3]

**Recommendation:**

Hold the hearing

**Relationship to Goals:**

Vibrant Region

**Background:**

The City of Davenport is set to continue the next phase of riverfront site redevelopment at the re-envisioned public park amenity known as "Main Street Landing."

Phase II will continue the construction of the block face known as "N5" (bounded by Brady Street to the West, River Drive to the North, Perry Street to the East, and the Canadian Pacific Railroad to the South). The construction activities outlined by this initial project will provide the necessary site finish work to open the flexible parking lot/event space to the public.

Site improvements under this contract to include River Drive streetscape, concrete paver installation, seating areas, and a water line extension with maintenance hookups. The outlined improvements to be incorporated into this contract are set to commence upon the completion of the Phase I improvements (currently under construction) with an estimated late September 2018 construction start date with substantial completion to occur in Fall 2018.

A remaining contract will be issued in 4Q 2018 to complete site lighting and electrical to coincide with the commercial availability of new efficient LED parking lot lighting options.

The total project cost for this project phase is estimated at \$850,000.

**ATTACHMENTS:**

| Type      | Description |
|-----------|-------------|
| ▣ Exhibit | Rendering   |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 6/27/2018 - 4:38 PM  |
| Public Works Committee     | Lechvar, Gina  | Approved | 6/28/2018 - 10:10 AM |
| City Clerk                 | Admin, Default | Approved | 6/28/2018 - 12:06 PM |





## City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn, 888-2286

Wards: 6

**Action / Date**

**5/16/2018**

Subject:

Third Consideration: Ordinance for Case No. ORD18-01: Amending Title 17.41 of the Davenport Municipal Code, entitled, "Zoning, HCOD Highway Corridor Overlay District and ECOD Elmore Corners Overlay District", by creating an Elmore Corners Overlay District and Design Standards [Ward 6]

Recommendation:

The Plan and Zoning Commission recommends approval of the ordinance which would establish the ECOD Overlay Zone and Design Standards without the THF First Addition property. This position differs from staff's recommendation to include the property.

Relationship to Goals:

Fiscal Vitality

Background:

The proposed ordinance represents the implementation tool in achieving the vision of the Elmore Corners Plan. The ordinance creates the new zoning overlay district and establishes specific design standards unique to the overlay district.

Individual developments will be required to obtain administrative approval ensuring high quality design, compatibility and cohesiveness with surrounding development. Inability to reach administrative approval will result in additional review by the Design Review Board, and ultimately, City Council.

The Plan and Zoning Commission's original recommendation eliminated property owned and developed by THF Development (Walmart/Dicks Sporting Goods, etc.). At the April 18, 2018 Committee of the Whole, the proposed ordinance was returned to the Plan and Zoning Commission for clarification. At the May 1, 2018 Plan and Zoning Commission meeting, the Commission voted again to not add the THF property within the area subject to the ECOD requirements.

For clarity, a simple majority is required to approve this item as recommended by the P&Z Commission. Similarly, a simple majority vote is required should Council want to amend the boundaries. However, a super majority vote would be required to adopt the ordinance as amended.

### ATTACHMENTS:

| Type              | Description                       |
|-------------------|-----------------------------------|
| ▣ Ordinance       | Proposed Ordinance                |
| ▣ Backup Material | P&Z Staff Report Plus Attachments |
| ▣ Backup Material | P&Z Supplemental Report           |
| ▣ Backup Material | P&Z Letter - Updated              |

### REVIEWERS:

| Department | Reviewer | Action | Date |
|------------|----------|--------|------|
|------------|----------|--------|------|





ORDINANCE NO. 2018 -

An ORDINANCE to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning", by creating Chapter 17.41.060, entitled, "Elmore Corners Overlay District", and establishing said District and Design Standards. (City of Davenport, petitioner; Case No. ORD18-01, 6<sup>th</sup> Ward)

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

Section 1: Chapter 17.41 of the Davenport Municipal Code is hereby amended to read as follows:

Chapter 17.41 HCOD HIGHWAY CORRIDOR AND ELMORE CORNERS OVERLAY DISTRICT

Sections:

- 17.41.010 Intent.
- 17.41.020 Applicability.
- 17.41.030 Use regulations.
- 17.41.040 Height, yard, lot width and area regulations.
- 17.41.045 Design review.
- 17.41.050 Performance standards.
- 17.41.060 ECOD Elmore Corners Overlay District

17.41.010 Intent.

This district is intended to establish a physically attractive pattern of development on certain major entrance corridors into the city of Davenport, to protect these areas from the negative effects of incompatible development and to protect the traffic carrying of important highways within the city. (Ord. 2011-471 § 6 (part)).

17.41.020 Applicability.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the "HCOD" highway corridor overlay district. (Ord. 2011-471 § 6 (part)).

17.41.030 Use regulations.

Permitted uses shall be all uses allowed in the underlying zoning districts. All future rezonings in the "HCOD" highway corridor overlay district other than single-family residential shall be limited to "PUD" planned development district, "PCP" planned commerce park district, and "M-3" planned industrial district, as these districts allow the degree of review and control necessary to achieve the goals of the "HCOD" highway corridor overlay district and allow a complete range of allowable uses for low density residential to retail to industrial.

This chapter shall not apply to single-family detached homes or single-family subdivisions. (Ord. 2011-471 § 6 (part)).

17.41.040 Height, yard, lot width and area regulations.

All requirements of the underlying zoning districts concerning building height, lot area, and yard depths shall remain applicable with the following exceptions:

A. A twenty-five foot landscape buffer shall be required on all major arterial or minor arterial streets. Parking lot circulation may cross the landscape buffer area but parking may not be developed within the required setback. On all other streets a similar ten foot landscape buffer shall be required. In cases where other provisions of the zoning ordinance requires more restrictive standards, the more restrictive standards shall apply.

B. All immediate structures for non-residential uses shall be set back from any immediately contiguous property used for residential development a minimum of twenty-five feet for a one and one-half story building (maximum height fifteen feet) and forty feet for a two story building (maximum height twenty-five feet). Structures shall be set back an additional one foot for each foot of building height over twenty-five feet to a maximum setback of seventy feet from any immediately contiguous residential property line or residential zone. Property separated by public rights-of-way shall not be considered immediately contiguous property.

The zoning board of adjustment may grant variances in cases where the above setback regulations (subsections A and B) unduly impact the developability of any lot subdivided for development prior to the passage of this chapter. The Board may consider the feasibility of complying with the additional setback requirements based upon all of the following:

1. Existing lot size.
2. Compatibility with adjacent development.
3. Locational and topographical factors. (Ord. 2011-471 § 6 (part)).

#### 17.41.045 Design review.

Prior to the issuance of a building permit for the construction of a building, structure, or sign, as defined in Chapter 17.04, the plans shall be administratively reviewed and approved by the planning and economic director or his/her designee, to ensure that the building, structure, or sign complies with the performance standards and guidelines established in, and pursuant to, Section 17.41.050, Performance Standards (HCOD) and Section 17.41.055, Performance Standards (ECOD).

##### A. Exceptions.

1. Single-family dwellings and accessory structures thereto are not subject to review.
2. The review of public utility structures (except for public utility buildings which are subject to architectural review) shall be limited to requirements for berming and landscaping. Requirements may be extensive and shall include a mix of plant materials having year round effectiveness.
3. Exempted signs, as enumerated in Section 17.45.025 of the zoning ordinance.
4. Temporary signs, which are in compliance with the regulations enumerated Section 17.45.050 of the zoning ordinance.

Notwithstanding the above, the development official, may require the replacement of any of the above signs listed in subsection A, 4 above after one year, if in his or her opinion the sign has become unattractive or deteriorated. Appeals of such administrative decisions shall be made to the zoning board of adjustment within ten days of receipt of the notification of any defect.

##### B. Authority.

1. As part of the review by the commission of a final development plan, as required by the provisions of Chapter 17.32, "PDD" planned development district, Chapter 17.40, "M-3" planned industrial district, or Chapter 17.50, "PUD" planned unit development, the commission shall review the materials referenced in subsection C, 1 of this section and make recommendations to the commission and the city council relative to the commission and the city council relative to the compliance of the application with the criteria set forth in Section 17.41.050.

2. For other construction subject to the provisions of this chapter but not subject to final development plan approval, the community planning and economic director or his/her designee shall review the materials referenced in subsection C, 1 of this section and approve, conditionally approve, continue or deny any application, basing its decisions on the criteria set forth in Section 17.14.050. Approvals shall be valid for a period of one year from the date of approval. If no building permit has been issued pursuant to the development of the approved project within one year of approval, the approval shall expire.

C. Procedure. In the interests of neighborhood harmony and courtesy, a meeting with adjacent property owners and neighbors is strongly encouraged.

1. Prior to the preparation of final architectural drawings and prior to the issuance of any building permit for any proposal, the applicant shall submit the following information and materials:

- a. The completed application form;
- b. A dimensioned site plan, including the locations of any proposed or existing buildings on the subject parcel and on surrounding parcels, if the buildings are within one hundred feet of the subject parcel;
- c. A verifiable legal description, or a land survey, where deemed necessary by the development official;
- d. A map showing the existing topography of the subject parcel and the topography of other properties at two foot contour intervals, extending one hundred feet from the subject parcel;
- e. A preliminary grading plan showing before and after grades at two foot contour intervals;
- f. A landscape plan (although the authority of staff to approve site plans under Section 17.56 of the Zoning Ordinance remains in effect).
- g. Elevation drawings, in color and drawn to scale, of the front, sides, rear, and roof lines of all proposed buildings or structures, illustrating the appearance and treatment of required screening elements for roof-mounted equipment. Outdoor storage areas that are part of any submittal shall be reflected in the elevation drawings submitted and shall show their relationship to the building elevations as well as the material and treatment proposed that would accurately reflect the screening of the storage areas. A second set of elevations (not colored) shall be submitted on eight and one-half by eleven inch paper.
- h. Samples of each type of exterior building materials, including the color.
- i. Samples of the materials, including the color, along with scaled, accurately colored elevations, of any proposed sign and/or sign package.

2. Prior to issuance of a building permit, the development official shall determine that the submitted plans for the building permit are in substantial conformance with those approved as part of the final development plan, as stated in subsection B, 1 of this section, or by the community planning and economic development director or his/her designee, as stated in subsection B, 2 of this section, and that the time period for approvals has not expired. The stamping of the plans and the signature of the development official, and the date of the signature shall indicate that the plans are in conformance.

3. Prior to any external change, including, but not limited to, a remodeling or elevation alteration which includes changes in materials or colors, the property owner or his or her designated representative shall present the change for review to the development official. The development official may approve a sign, a change to the color scheme or an existing building, a building addition or structure, or a revised landscape plan based upon the following criteria:

a. Building addition or structure:

The addition of accessory structure shall not substantially alter the appearance of the site as viewed from off the site; or be visually incompatible with the existing building or structure.

(1) An addition to an existing building or accessory structure of one thousand square feet or less or;

(2) Which shall not increase the area of coverage by more than fifteen percent increase the number of stories or propose substantial changes to building materials. In no case shall increases greater than fifteen percent of the area of the building coverage, increases in the number of stories in a building, or substantial changes in exterior building materials be considered minor.

b. Landscaping:

(1) The quantity, density, and quality of the plant material is increased and upgraded; and

(2) The changes reflect a substantial improvement of the plan.

Exterior changes not meeting the criteria of subsection C, 3a. and b. shall be reviewed pursuant to the provisions of subsection B of this section.

4. Any conditions prescribed through the approval of the final development plan or by the community planning and economic development director or his/her designee shall be considered an integral part of the construction plans. The conditions shall be noted on all plans as may be required to applicable city departments.

5. Any building, structure, or sign which has been approved, constructed, or installed in accordance with the approval of a final development plan or of the community planning and economic development director or his/her designee may be removed. However, it shall not be modified, altered, or changed in any manner without additional review by the development official, who shall decide whether the proposed change shall be reviewed pursuant to the provisions of subsection C of this section.

6. Initiating construction or development prior to the issuance of building permits or noncompliance with approved plans and conditions shall be grounds for either stopping work on the project or denial of a certificate of occupancy.

7. Upon completion, prior to issuance of a certificate of occupancy, the property owner or general contractor shall certify in writing that, to the best of his or her knowledge, the building, structure, and site detail have been completed in accordance with the approved design and applicable codes.

8. Lack of maintenance of any portion of an approved project approved through the approval of a final development plan or by the community planning and economic development director or his/her designee of this code.

D. Appeal.

1. The applicant for design review, may appeal any decision of the community planning and economic development director or his/her designee to the design review board by filing written notice of appeal to the community planning and economic development department within ten working days of the date of the decision. Notice of such appeal and the date for its consideration.

2. The design review board shall base its decision to affirm, modify, or reverse the decision of the community planning and economic development director or his/her designee based on the information and materials previously submitted to the community planning and economic development director or his/her designee.

E. Violations and penalties. It shall be unlawful to construct, erect, install, alter, change, maintain, or permit the construction, erection, installation, alteration, change, maintenance of any building, structure, sign, wall, or landscaping, or use or permit the use of any lot or other land contrary to, or in violation of, any of the provisions of this chapter, and is punishable as set forth in Chapter 17.62 of this code. (Ord. 2011-471 § 6 (part)).

17.41.050 Performance standards.

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

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

The minimum site landscaping requirement shall be as required in Chapter 17.56 entitled "Site Plans." Additional plantings, and larger caliper sizes and heights may be required by the

development official to achieve the goals of this chapter. This landscaping shall be designed to minimize the adverse effects of long expanses of wall, exposed parking, and service areas.

Tree planting shall include a combination of evergreen and deciduous trees and shrubs. In the required front yard, canopy trees shall have a minimum caliper of two and one-half inches, multi-stem clumps shall have a minimum height of ten feet, understory trees shall have a minimum height of five feet, deciduous shrubs shall have a minimum height of twenty-four inches, and evergreen shrubs shall have a minimum height of eighteen inches.

"Caliper" shall be defined according to the standards of the American Association of Nurserymen.

Where fences are necessary for commercial projects, masonry, wrought iron/aluminum, moisture resistant wood (other than stockade) and hedges are encouraged. If visible from a public street, galvanized chain link fences are not to be allowed unless complemented by continuous tall shrubbery completely obscuring the fence.

B. Architectural standards. Buildings within the "HCOD" highway corridor overlay district shall be constructed of quality materials that have strength and permanence. Permanence means that buildings will age without deteriorating, given a minimum level of maintenance. The development shall recognize the strength and permanency of stone, brick, concrete, and steel as opposed to the frailty of light gauge sheet metal and constant maintenance of wood veneer. While no specific materials are disallowed, certain materials will be approved for exterior use only if they are an integral part of a design of unusual merit. Among those materials are architectural metal wall panels, plywood and composition siding such as hardboard. Other materials may be appropriate in one use or situation but be totally inappropriate in another.

The city council shall establish design guidelines to help guide the decisions by the design review board, city staff and to aid petitioners with design considerations.

C. Restricted uses. There are some uses that require additional restrictions within the "HCOD" highway corridor overlay district to lessen their negative impact and make them more compatible with the goals of this chapter. The following uses are restricted:

1. Automobile salesroom or showroom, or new or used car sales or vehicle storage lots. Design principles shall be incorporated into the design of auto dealerships which minimize the unattractive aspects of large areas of parked cars. One-car-deep display areas along arterial and collector streets and freeways shall be permitted. Display rows shall be screened from public rights-of-way with an eighteen inch earth berm. Additional rows of cars shall be separated from the initial row by a shrubbery hedge that completely conceals the view of these additional rows of cars from the public right-of-way. Five percent of the balance of the parking lot shall be landscaped and permeable in the form of islands and peninsulas. Signs applied to, located in, or painted onto vehicle bodies or windshields on cars in the display area are prohibited with the exception of factory invoices. The use of pennants and tinsel are prohibited. Elevated or tilted vehicle display platforms are prohibited. An earth berm or other form of



landscape buffer shall be located around the sides and rear of the property to shield the view of stored cars from adjoining residences and streets, if any. Berming and landscaping may be required to shield the view from commercial areas depending on sight lines. Lighting design shall be integrated with the design of the dealership. Non-glare, cut off luminaries shall be required so that lighting does not spill over onto adjacent properties. The leasing or renting of trucks intended for short term lease of less than seven days shall be prohibited either as a primary or an accessory use.

2. Public garages, service stations, car washes, repair shops, auto parts installation shops, auto service malls, and other similar uses. Building forms and materials shall emphasize masonry and be compatible with nearby retail buildings. Canopies over pumps and their supports shall have no lettering, logos, or striping, and shall be integrated with the building design. The use of pennants and tinsel are prohibited. Car wash structures shall be a minimum of fifty feet from any residential property line or residential zone. Outdoor storage shall be confined to areas enclosed by masonry walls. Stacks of tires, oil cans, and promotional items are not permitted. Garage bays shall be concealed from view from adjacent streets and parking lots whenever possible. The leasing or renting of trucks intended for short term lease of less than seven days shall be prohibited either as a primary or an accessory use.

3. Outdoor retailing. Outdoor retailing areas, such as garden centers, shall be orderly and attractive, with low screening walls concealing merchandise, except plant materials, from view. Additional landscaping similar to at least a "G" buffer as shown in Chapter 17.56 entitled "Site Plans" and berming may be required with such uses.

4. Contractor's yards and other similar uses involving the outside storage of materials and/or vehicles and equipment. Contractor's yards and other similar uses shall be orderly with screening walls, berms, and landscape buffers similar to at least a "G" buffer as shown in Chapter 17.56 entitled "Site Plans" to completely screen them from adjacent properties and public roads.

5. Outdoor vending machines. For the purposes of this chapter, outdoor vending machines shall also be considered outdoor retailing. Such vending machines shall be screened from public rights-of-way.

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

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

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

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

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

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

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

7. Erosion control. Davenport Municipal Code 13.34.310–360, "Erosion Control" shall be used to regulate erosion on development sites. All development with a disturbed site in excess of five acres shall submit a copy of State of Iowa Department of Natural Resources Permit Number 2 with accompanying plans. Similarly, sites less than five acres shall submit a copy of the permit and plans if they are part of a larger development, the whole of which exceeds five acres. On sites less than five acres, an erosion control plan shall be required if, in the opinion of the city engineer, it is necessary to protect off-site properties. An approved grading plan shall be required prior to the commencement of any grading.

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

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

E. Off-street parking and loading. The required number of spaces shall remain the same as that of the underlying zoning districts. In all cases, parking lots created in the "HCOD" highway corridor overlay district shall be constructed with concrete or asphalt curbing. In all cases parking areas shall be screened from any public right-of-way or adjacent residential area by proper siting, the use of earth berms and vegetation. Earth berms shall be a minimum of three

feet in height (with the exception of those on automobile sales display rows) and shall be supplemented with substantially mature trees and shrubs which have year-round effectiveness. Service areas, loading docks, and garbage facilities shall be located properly and screened as well. Landscaped parking islands and peninsulas shall be included in lot layout to reduce the visual impact and produce shade. In parking lots of twenty or more spaces, an area equal to five percent of the total parking lot area must be landscaped and permeable. This shall not include perimeter plantings. This requirement may be waived in the case of industrial properties where interior landscaping may interfere with the necessary movement of trucks and other equipment.

F. Signage requirements. Signage shall be consistent with the central aesthetic theme of the "HCOD" highway corridor overlay district; sign materials shall be permanent or long lasting in quality. The lighting of signs shall be non-intrusive with back lighting or other methods of indirect lighting required.

Refer to Chapter 17.45 of the city of Davenport's zoning ordinance entitled, "Sign Regulations" Section 17.45.090 K. for a complete description of sign regulations in the "HCOD" highway corridor overlay district.

#### 17.41.060 Elmore Corners Overlay District (ECOD)

##### A. Administration

1. Purpose. The purpose of the Elmore Corners Overlay District is to establish high quality design standards and coordination for new development to ensure implementation of the Elmore Corners Area Plan, an element of the Davenport Comprehensive Plan.

2. Subject Area. Attached Exhibit "A" depicts the area subject to the ECOD standards.

3. Process. The review process shall follow the process outlined in Title 17.41.045.

4. Design Standards. Prior to issuance of a building or development permit involving site alterations, new construction, or exterior change to a building or sign, the Highway Corridor Overlay (HCOD) standards and the following standards must be met. Unless otherwise noted, the standards contained herein are mandatory.

a. Use. Permitted uses are dictated based on the underlying zoning district. The following uses are prohibited anywhere within the ECOD: Single Family Detached Residential, Warehouse and Distribution Facilities, Self Storage Facilities, Outdoor Storage, and Billboards.

##### b. Building Composition

(1) Guideline: Buildings shall be of a quality design that contribute to the Elmore Corners destination appearance.

## (2) Base, Middle, Top

Building facades shall be composed to define base, middle and top elements. The base of the building anchors it to the ground and is the interface between the building and people. This element shall be the most articulated. The transition between the middle of the building and the base and top shall be varied by use of materials, composition, repetition or ornamental features. The top terminates the building against the sky and provides an opportunity to create an interesting silhouette.

## (3) Rhythm

Rhythm refers to the regular or harmonious recurrence of building elements. Rhythmic elements need not be boring, but can provide the visual “glue” that links together various buildings on a street. These patterns commonly reflect the building’s repetitive structural bays, often with the end bays given special identity. This articulation of the facade helps provide scale by comprising the facade into smaller visual parts. The variation of rhythm from building to building reaffirms the individuality of each building, while the recurrence of an overall rhythm helps unify the facade. The building’s structural column lines shall in some way be evident or expressed on its facade.

## (4) Scale

In general, distinctive compositional elements of buildings (entries, structural bays, roof elements, windows) shall be distinguishable from both near and far distances. The size and shape of these elements shall give the building scale to relate to pedestrians as well as surrounding buildings. Special attention shall be paid to overall building height and massing in order to maintain a scale and character compatible with the area.

## (5) Massing

Large buildings shall be comprised of a hierarchy of masses and forms to give the building a more human scale and visual richness. Techniques include using designed recesses or projections, creating distinct building components, and varying occasional roof forms according to individual building components. However, excessive use of changes in form can create a decidedly confused street façade and disharmony.

## (6) Proportion

Building massing and components shall demonstrate consistent proportional harmonies. Typically, pedestrian friendly streets have building elements that rely more on vertically proportioned elements than horizontally proportioned elements. While no architectural rule is always valid, the use of vertically proportioned facade components seems to offer a traditionally street-friendly composition (regardless of specific architectural styles). The use of proportion is intended to provide a sense of visual harmony among elements of a building.

(7) Architectural Form

- Buildings shall be designed to create a pedestrian friendly and scale neighborhood
- Buildings shall be primarily rectangular in form and sited parallel to public streets
- Buildings are encouraged to have a mix of tenants and uses
- Entrances shall be provided at public streets and on parking sides
- Connect building entrances to public sidewalks and pedestrian pathways
- Articulate building shapes with window bays, cornices, parapets, and towers
- Buildings shall have primarily flat roofs with varied or broken lines
- Roof mechanicals shall be screened
- Locate service areas away from public streets and provide architectural screening
- Drive through facilities shall be located on rear building façades as to not dominate the streetscape
- Modify franchise architecture to fit the desired Elmore Corners character

(8) Inappropriate Design

- Flat, massive, monolithic geometric shapes
- Plain, undersigned buildings with large blank spaces
- Small buildings with single occupants
- Gabled, hipped, or steeply pitched roofs
- Large, monotonous roof forms
- Visible building mechanicals
- Faux-historic buildings

b. Building Facade

- (1) Guideline: Buildings shall have varied facades composed of high quality lasting materials as described under (3) below.

- Façades shall be articulated on all sides to provide visual interest.
- Break up façades and create visual interest and pedestrian scale by:
  - Varying materials and colors
  - Varying façade vertical and horizontal setbacks
  - Incorporate architectural reveals or floor step backs
  - Vary window styles and moldings
  - Design enhanced architectural details on the ground level
- Façades on multiple-tenant buildings shall be broken into design elements that reflect individual tenant spaces through vertical façade plain staggering, window/door groupings, and awnings
- Differentiate ground and above floors through horizontal banding, signage bands, and windows
- First floor façades shall be transparent to allow retail uses to interact with the street and parking-side entrances
- Commercial and retail façades shall have at least 40% transparency on the street façade
- Secondary façades that do not face the public street or parking areas are encouraged to have transparent windows. If

this is not possible, then façades shall contain architectural features that provide interest

- Building at corners shall contain interesting architectural features that address the corner such as towers, entrances, and metal or cloth awnings
- Identify building entrances through permanent awnings, overhangs, or signage

## (2) Inappropriate Façade Treatment

- Large unarticulated wall planes
- Large expanses of walls without windows
- Projecting wall-mounted mechanical units
- Vinyl awnings

- Buildings with no pedestrian scale or defined entryways

### (3) Materials

- High quality materials shall be installed on buildings to promote Elmore Corners
- Long lasting materials such as brick and stone shall be used to withstand weather and provide a feeling of permanence
- Primary building materials shall be natural stone, masonry, brick, and glass and be of natural earth tone colors
- Secondary materials such as decorative metal, wood, stucco, and cement board may be incorporated
- Using a mix of materials is recommended to create visual diversity on the building façade
- Enrichment of the pedestrian realm requires building materials at the street level to be of high quality:
  - These could include items such as brick, stone, decorative concrete masonry units, metal panel systems, or other creatively used high quality and durable building materials
  - Decorative finished block systems can be used along the base of the buildings, and as an accent, but are not recommended as the dominant building material on the entire building
  - Utility grade materials shall only be used on facades of the building not visible from publicly accessible areas
- Freestanding commercial structures shall be designed as four-sided architecture with finish grade materials used consistently on all façades:
  - Recommended primary materials include brick, stone and glass
  - Other materials such as precast concrete, decorative concrete block or decorative facade panels may be appropriate if properly detailed and integrated with the architecture
  - Metal and finished wood may be used as accents, but generally shall not be the primary material for any façade

### (4) Inappropriate Materials

- Unfinished concrete, unless integral to the design of the building



- Corrugated metal typically found in 'pole buildings', vinyl, or aluminum siding
- Plywood siding panels
- Exposed treated lumber
- EIFS as a primary material or located on the first floor
- Windows
- Moderate to highly reflective glazing
- Strongly colored or darkly-tinted glazing
- Colors
- Predominant use of bright, high intensity colors
- Predominant use of metallic and neon colors

#### c. Setbacks

(1) Guideline: To provide a continuous street edge along the Elmore Corners District, buildings shall be sited within setback areas unless not possible due to affecting business operations.

- Along Elmore Avenue and Veterans Memorial Parkway, the primary building façade shall be located within 20-40 feet from the property line
- Along secondary streets, the primary building façade shall be located 0-10 feet from the property line
- To maintain an urban edge that is pedestrian friendly, areas adjacent to parking lots shall be screened with enhanced landscaping

#### (2) Inappropriate design

- Buildings set back over 40 feet from public streets
- Parking lots between public streets and the primary façade of a building

#### d. Density

(1) Guideline: Develop land as densely as possible to increase tax base while providing adequate landscaping, stormwater management, and connections to public ways.

- Development shall be designed to an urban density with minimal spaces between buildings
- Install advanced stormwater management practices to increase density
- Density may increase through vertical mixed-use and shared parking arrangements

#### e. Signage

(1) Guideline: Signage shall function as a marketing device, complement building architecture and materials, and not dominate the site. All signs must meet City Sign Codes.

- Appropriate and attractively designed site signage is an important component of the overall aesthetic appeal of any commercial or mixed-use area. Good signage based on design and graphic quality is encouraged throughout Elmore Corners.
- Business signage shall be wall mounted (projecting or flat), monument (if located away from the building), and window, canopy or awning style
- Similar materials, colors and styles shall be used to ensure the signage is consistent with the building design
- Signs shall reflect and enhance the nature and appeal of the retail and commercial experience and not be just a list of tenants
- Materials shall be of high quality to prevent premature weathering of the sign
- Signs shall fit within and not overwhelm the architectural features of the buildings
- Signs shall harmonize with their surroundings in terms of size, shape, color, texture, and lighting so that they complement the character of the neighborhood
- Signs shall be professionally constructed using high quality materials such as metal, stone, tile, composites, brass/metal plated, hardwood, and glass
- The creative use of materials, lettering, and interesting use of graphics is allowed and encouraged if the signs work well and complement the overall building and street design
- Signs shall be designed with the purpose of promoting retail and street activity while enhancing the pedestrian experience
- Addresses shall be clearly visible from the public right-of-way
- The use of tastefully designed pedestrian scale directories is encouraged for multi-tenant buildings

- Monument signs shall contain a base and not be pole-mounted
- Monument signs shall contain landscaping at the base that will not grow to cover the sign message
- Lighting shall be designed carefully to avoid excessive glare or over illumination:
- Letters can be illuminated internally or externally
- External lighting must be discreet and unobtrusive, and not shine outward into the pedestrian or driver vision path
- Fixtures shall be simple but attractive
- Lighting signs and letters shall be done in an attractive and subtle technique
- Individual letters that are backlit, halo-lit, reverse illumination channel letters, and neon are encouraged

## (2) Inappropriate Signage

- Pole signs, billboard style wall-mounted and roof mounted signs are not allowed
- without special permission from the City Plan Commission
- Monument signs advertising individual businesses
- Tall mast signs
- Large temporary signs that impede pedestrian traffic
- Inflatable signs
- Overly illuminated signs
- Unshielded sign light sources, allowing upward transmission of light
- LED, animated, flashing, blinking, and video signs
- Plastic box signs
- Generic, un-stylized signs
- Large temporary signage located in windows that reduces transparency
- Large-scale street-level signage that overwhelms the pedestrian environment

- Signage that obscures architectural details
- Glaring and directed spotlights that affects neighboring properties

### (3) Entertainment District Signage

Since the area around the Rhythm City Casino is planned for entertainment purposes, sign design and guidelines may be relaxed to create an exciting sense of place. Signs in this area may be taller along the interstate corridors, contain additional illumination, and may have moving components to advertise this district and its activities.

### f. Site Design Guidelines

(1) Parking Lots – Design and Location Guideline: Parking lots shall be located behind buildings or interior of sites whenever possible and contain landscaping to buffer views from public ways.

- Parking lots shall be designed to allow for ease of vehicular circulation and meet all parking lot requirements set in this Title
- Locating parking lots at corners shall be avoided, when possible
- Safe pedestrian ways shall be provided between parking spaces and building entrances
- Canopy trees shall be planted at a minimum of every 12 parking stalls to reduce heat islands
- Edge landscaping shall be installed to screen parking lots from public streets
- Planting areas shall be incorporated into landscape islands and planting areas between parking bays
- Bio-swales and stormwater best management practices shall be used to collect and infiltrate stormwater run off
- Parking lot lights shall be 18-25 feet in height along pedestrian ways and edges
- Tall pole lights may be installed in parking lot internal bays with a maximum height of 30 feet
- Site lighting along pedestrian walkways is encouraged in bollards to provide safe lighting, but not over-illumination
- Lighting shall cast downward and be full cut-off
- Illumination levels shall not exceed 0.5 foot candles at the property line

- Businesses shall provide bicycle parking
- Short-term bicycle parking areas shall be provided within 20 feet of each commercial primary building entrance when possible
- Long-term bicycle parking areas shall be provided within 100 feet of each commercial primary building entrance when possible
- One bicycle parking space per 2,000 gross square feet shall be provided for retail uses. A minimum of two spaces is required
- One bicycle parking space per 10,000 gross square feet shall be provided for office. A minimum of two spaces is required
- A minimum of one bicycle parking spaces per residential unit shall be provided. In-building or covered bicycle parking is encouraged

## (2) Inappropriate Parking Lot Design

- Parking lots located between buildings and public streets
- Parking areas located on corners
- Individual parking lots for each development/business
- Numerous access drives into disconnected parking areas
- No parking lot landscaping
- No bicycle parking

## (3) Parking Management Guideline: Connect parking lots between developments and share parking between uses to minimize large parking lots and automobile traffic on public streets.

- Parking management shall promote effective economic activity, maximize the sharing of parking areas for commercial activity, and avoid inefficiencies in parking in which parking occupancy patterns discourage higher density and compact development
- Shared parking strategies are encouraged to eliminate redundant and unnecessarily large parking areas and to provide more land for taxable development. Parking lots are encouraged to be shared between building uses that require parking at separate times such as office parking during the day and residential parking at night
- New uses shall be required to produce a parking design and management study which documents the level of use at regular and peak times, the degree of sharing for parking with

nearby users, the way in which the owner/user intends to maximize efficient use, and sharing of the parking

- Cross access and/or joint parking easements may need to be developed in the event of the parcel being subdivided.
- Shared driveways shall be used to serve groups of buildings with shared parking courts between buildings
- Sharing arrangements shall be codified in covenants, deed restrictions, and developer agreements
- Connecting parking lots between development lots is encouraged to reduce traffic congestion on public streets

(4) Inappropriate Parking Management

- Individual parking lots by building, use, or development project
- Parking lots that are overbuilt and unused

(5) Site Circulation Guideline: A pedestrian friendly environment is encouraged to provide safe circulation within the site and between sites. Private development shall connect into existing public infrastructure.

- Concrete or similar material pedestrian walkways shall connect parking areas to building entrances
- Pedestrian walkways shall connect development sites to existing public sidewalks and paths such as the Urban Greenway
- Walkways shall be located outside of vehicle parking areas
- Walkways shall be safely illuminated

(6) Inappropriate Site Circulation

- Unpaved pedestrian walkways
- Parking lots with no pedestrian walkways
- Dark, unlit walkways

(7) Drive-Through and Service Guideline: Drive-throughs shall be located at the rear or side of buildings and shall not be placed between a public street/easement and the main building structure.

- Every effort shall be made to coordinate and integrate drive-through facilities into the overall architectural treatment of the main building
- Creative design solutions such as remote kiosks are encouraged to minimize the impact of the drive-through facility on the overall site design
- Clearly defined pedestrian crossings shall be provided where walkways intersect drive-through access lanes. In all cases drive-through facilities shall be designed to operate without endangering the public safety

#### (8) Inappropriate Drive-Through

- Drive-through window and service line visible from public streets

#### (9) Service, Storage, and Utility Areas Guideline: Service, loading, and utility areas, while necessary for business operation, shall be located away from the public view.

- Refuse and recycling areas shall be integrated into the building architecture with high quality design and/or screened with similar building materials to the main architecture. The areas shall be kept clean and avoid accumulation of excess disposal materials and the enclosure shall be locked
- When possible, service and utility areas shall be inside the building or integrated into the architecture of the building
- Loading areas shall be located behind buildings, away from parking areas and public streets
- Loading doors shall not be visible from public streets
- To reduce the amount of area dedicated to these needs, shared service areas between adjacent users and buildings shall be allowed and encouraged
- If indoor reuse is not possible, outdoor refuse areas shall be enclosed with attractive design and materials that match building architecture. Recommended enclosures would be of masonry or stone with gated access and surrounding landscaping. The gate and enclosure opening shall not be visible from public ways
- Rooftop mechanicals shall be screened with materials that match the building architecture

#### (10) Inappropriate Service Area

- Service areas and utility equipment along public streets
- Prefabricated storage sheds



- Visible garbage dumpsters
- Unscreened service, storage, or utility areas

(11) Landscaping Guideline: Create pedestrian-friendly landscapes that are functional, visually appealing, and relate to building activities and architecture. Use landscaping to screen undesirable views.

- Incorporate landscape elements that complement the character of the building and provide a pleasing relationship with adjoining properties, the public sidewalk, and the street
- Use appropriate landscape elements to establish continuity between buildings and to define the block face where there are no buildings
- Plant shade trees in surface parking lots to reduce heat islands
- Incorporate mid-level plantings and ground covers into parking planting areas
- Native plants shall be installed whenever possible
- Consider prairie plantings instead of turf to minimize maintenance and establish animal and insect habitat
- Use plant materials that provide year-round interest, add desirable color, texture, and smells to a site's experience
- Install plants to screen parking areas from public streets.
- Install plants to screen building mechanicals
- Incorporate rain gardens and bioretention basins to collect runoff and filter pollutants
- Install bioretention areas in surface parking lots for stormwater infiltration
- Use plant materials that are compatible with urban environments and will maintain their health with the expected amount of care
- Use salt tolerant plants due to the urban pedestrian environment

(12) Inappropriate Site Landscaping

- Single species planting schemes
- Residential or suburban landscape treatment such as boulders, bark chips, plastic edging, railroad ties, etc.

- Chain link, metal mesh, wire or barbed wire fencing
- Site furnishings not located adjacent to common spaces

(13) Urban Greenway Guideline: An urban greenway shall be established on the west edge of the planning area to both buffer new development from existing neighborhoods and provide an open space corridor for recreation and natural habitat.

- The urban greenway corridor shall be a 100 foot wide minimum public corridor
- Naturalized landscaping shall be installed to establish the natural space and buffer
- Low-maintenance native species including trees, shrubs and grasses shall be planted
- A 10 foot wide asphalt path may be constructed to provide an alternative transportation route and recreation trail
- The path shall connect to private development, public streets, and sidewalks

(14) Site Features and Urban Spaces Guideline: Private development is encouraged to establish urban spaces and install site features to enhance the Elmore Corners District and contribute to a pedestrian friendly streetscape.

- Commercial uses are encouraged to have public plaza spaces to provide space for activities such as outdoor dining or seating areas
- Commercial urban spaces shall be accessible from public ways
- Any security fencing shall consist of decorative materials (such as wrought iron, brick or stone)
- Select and locate site furnishings (benches, trash receptacles, bicycle racks, etc.) to unify the Elmore Corners District and provide a pleasing relationship with adjoining properties, the public sidewalk, and street
- Site furnishings shall be of high-quality materials that last in all-weather environments

(15) Inappropriate Site Features & Urban Spaces

- Urban gathering spaces that are closed off from public ways
- Site features of low quality that do not complement building architecture

(16) Public Streets and Streetscaping Guideline: Public streets shall be designed as complete streets serving all modes of transportation users including vehicles, bicycles, and pedestrians.

Streets shall contain streetscape elements to enhance the visual aesthetics of these public spaces.

- Primary public streets shall contain streetscape elements of a vehicular scale including:
  - Street lights – tall poles to safely illuminate the street
  - Sidewalk on one side and bicycle path on the other side
  - Turf terraces
  - District gateway features
  - Wayfinding sign directing visitors to district destinations
  - Light pole banners advertising special events
- Secondary streets shall contain streetscape elements of a pedestrian scale including:
  - Street lights – pedestrian scale with decorative fixtures
  - Concrete sidewalks on both sides of the street
  - Decorative brick, paver, or stamped concrete terraces
  - Wayfinding signs or kiosks directing visitors to district locations
  - Light pole banners advertising locations, uses, or events
  - Landscape planters with flowers and grasses
  - All street lights shall contain LED energy efficient fixtures
  - Street lights shall contain decorative poles and bases
  - Street lights shall be down casting to reduce light pollution
  - Stormwater management could be incorporated into the street terrace through stormwater planters, inlets, and swales
- Secondary streets may designate bicycle access through painted sharrows on street lanes

(17) Stormwater Management Guideline: All future developments must meet City Stormwater Ordinance requirements. In general, stormwater best management practices are encouraged and shall be incorporated into site designs, limiting large, monolithic retention ponds.

- Incorporate stormwater systems into development site plans and landscape plans
- Encourage regional ponds or ponds that serve multiple developments to density development and allow development to occur in urban form
- Utilize stormwater management techniques that maximize infiltration and filter runoff
- Incorporate bio-swales into parking lots to collect surface water and infiltrate on-site
- Install urban stormwater management systems where appropriate such as stormwater planters, rain gardens, underground cisterns and cells, porous pavement, and green street terraces
- Green roofs are encouraged to aid in reducing the amount of impervious surfaces
- Collect roof water into “purple pipe” grey water systems to reuse for irrigation, toilets or other non-potable uses
- If water does run off buildings, direct it into planting areas and rain barrels
- Include stormwater pond aeration systems and fountains to improve water quality and appearance
- Inappropriate Stormwater Management
- Direct stormwater runoff into the Pheasant Creek
- Large, unnaturally shaped stormwater detention ponds with no landscaping or aeration

B. Appeals. Appeals of any administrative decision made under this section shall be made in writing by the owner(s) of record of the property to the City Design Review Board no less than thirty (30) days prior to any rescheduled meeting of the Board. Appeals of any decision of the Design Review Board shall be made in writing by the owner(s) of record of the property to the City Council no less than thirty (30) days prior to the scheduled Council meeting.

Section 2. That the ECOD, Elmore Corners Overlay District is hereby created and encompasses the property described as follows:

Part of Sections 5, 6, 7 and 8 of Township 78 North, Range 4 East of the 5th P.M. being more particularly described as follows: River 80 First Addition; Jersey Farms Commercial Park First Addition; Jersey Farms Commercial Park Second Addition; and Parcel No. Y0801-02A being a 15.43 acre, more or less, tract of land owned by Schaefer Living Trust as general partner of the V & T Schaefer Family Partnership LP and described as Tract A in the following documents filed for record in Scott County as Trustee’s Quit Claim Deed document No. 2006-4757, Plat of Survey document No. 2001-37358. Boundary of the property contains 342 acres, more or less (area includes rights-of-way).

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

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch, Mayor

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

Jackie Holecek, MMC  
Deputy City Clerk

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



## **PLAN AND ZONING COMMISSION**

**Meeting Date:** April 3, 2018  
**Request:** Proposed Zoning Ordinance Text Amendment adopting Design Standards for Elmore Corners.  
**Ward:** 6th  
**Case No.:** ORD18-01  
**Applicant:** City of Davenport

**Contact:** Matthew G. Flynn, AICP  
Senior Planning Manager  
matt.flynn@ci.davenport.ia.us  
563-888-2286

### **Recommendation:**

Staff recommends the Plan and Zoning Commission forward Case No. ORD18-01 to the City Council for approval.

### **Introduction:**

Case No. ORD18-01: Zoning Ordinance Text Amendment adopting Design Standards for Elmore Corners and creating the Elmore Corners Overlay District (ECOD).

### **Background:**

Commercial Corridor Revitalization is a major goal of the City Council.

The Elmore Corners Plan and Design Standards project was authorized by City Council. Following a national search, Vandewalle Associates of Madison Wisconsin was selected to lead the City through the process.

The study area of the Plan closely matches the area proposed to be the overlay district.

The preliminary draft of the design standards is attached. Changes suggested the Plan and Zoning Commission at the Public Hearing are in blue type.

The design standards are intended to ensure a high quality level of coordinated development within the area designed to attract quality national and local retailers while protecting investment.

Following adoption, the new regulations will be incorporated into the new zoning ordinance as well.

**Public Input:**

Public input has been sought throughout the process.

There was a kick off meeting on July 18, 2017, where key stakeholders were interviewed and provided an overview of the project.

On October 25, 2017, the draft plan was presented to the steering committee. Comments were incorporated into the final draft.

On January 22, 2018, a public meeting was held to review the draft plan. Approximately 80 people attended.

On January 29, 2018, the draft plan was discussed at a 6th Ward meeting.

On February 22, 2018, a follow up public meeting was held.

A public hearing was held by the Plan and Zoning Commission at its March 20, 2018 meeting. No one from the public spoke.

Notices of this public hearing were sent to properties within and adjacent to the Proposed Overlay Area. Signs were posted and an ad run in the Quad City Times. As of this writing, no comments have been received.

**Discussion:**

These proposed regulations are an important implementation tool of the Comprehensive Plan and more specifically, the Elmore Corners Area Plan. The vision of the Area Plan cannot be reasonable expected to be achieved without the zoning changes.

Like any major zoning change (which would include the future complete zoning ordinance revamp) amendments may be necessary to repair errors and omissions from the current draft under consideration.

**Recommendation:**

Findings:

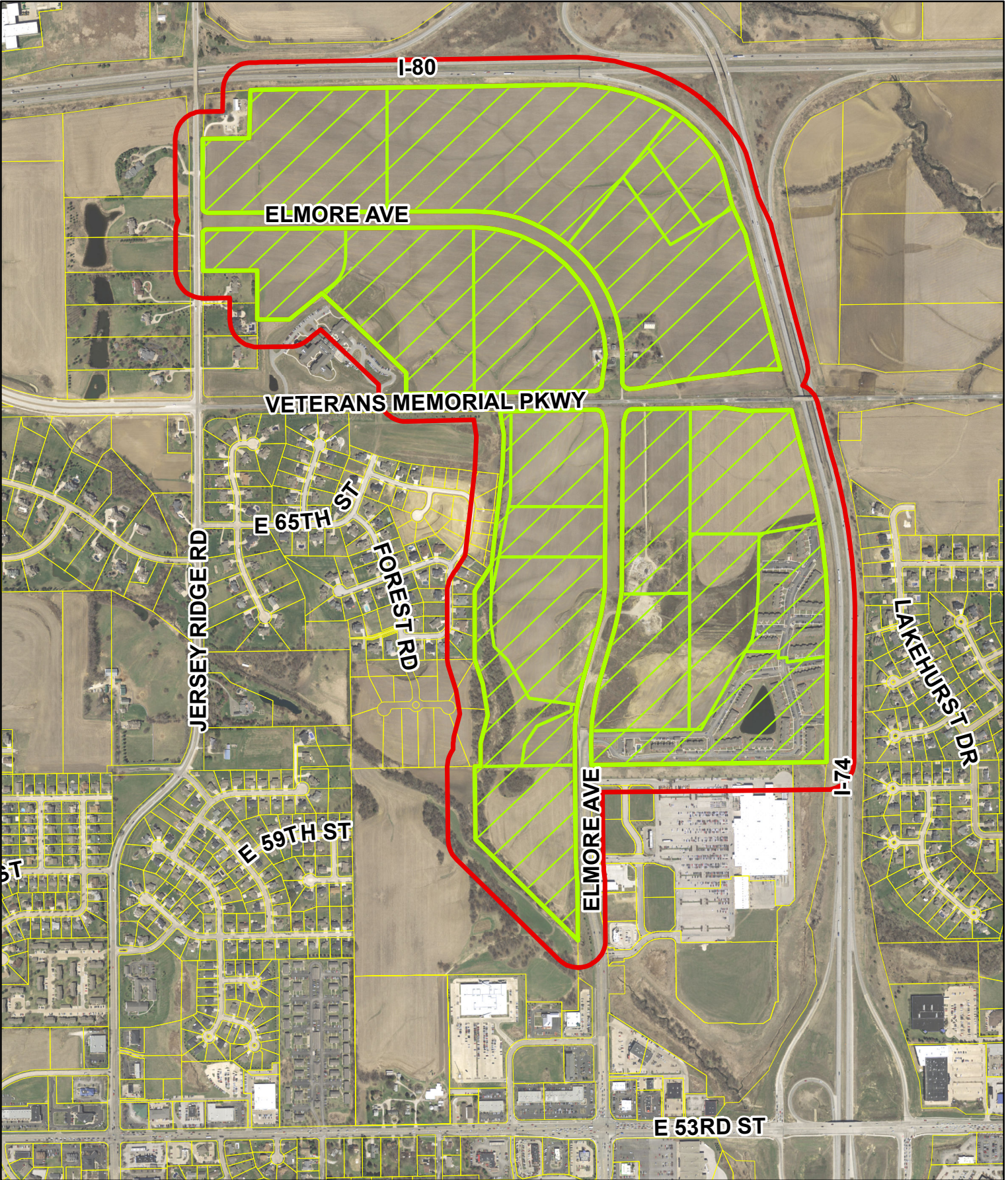
Proposed ordinance will serve as an effective tool in the implementation of the Elmore Corners Master Plan

Recommendation:

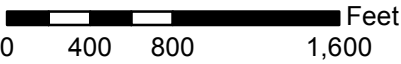
Staff recommends the Plan and Zoning Commission forward Case No. ORD18-01 to the City Council for approval.



**Plan & Zoning Commission: Adjacent Property Owner Notice Area**



-  Adjacent Owner Notice Boundary
-  Elmore Corners Overlay Area





## Elmore Corners Notice List - Mailing List

| Parcel         | Property Address          | Owner Name                             | Owner Street                                                                                                                                      | Owner CityStateZip    |
|----------------|---------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Petitioner:    | City of Davenport         |                                        |                                                                                                                                                   |                       |
| P&Z Chair:     | Bob Inghram               |                                        | <a href="mailto:binghram@activethermal.net">binghram@activethermal.net</a>                                                                        |                       |
| Council Clerk: | Tiffany Hickman           |                                        | <a href="mailto:tiffanyh@ci.davenport.ia.us">tiffanyh@ci.davenport.ia.us</a>                                                                      |                       |
| Neighborhood:  | Jersey Farms NA           | Tom Jacobson (563) 343-4352            | <a href="mailto:tljacobson@mediacommbb.net">tljacobson@mediacommbb.net</a> ; <a href="mailto:tomjacobson52@gmail.com">tomjacobson52@gmail.com</a> |                       |
| Ward/Ald:      | 6th Ward                  | Alderman Clewell                       | <a href="mailto:rclewell@ci.davenport.ia.us">rclewell@ci.davenport.ia.us</a>                                                                      | 39 Notices Sent       |
| Ward/Ald:      | 8th Ward                  | Alderman Tompkins                      | <a href="mailto:ktompkins@ci.davenport.ia.us">ktompkins@ci.davenport.ia.us</a>                                                                    |                       |
| Ward/Ald:      | At-Large                  | Alderman Condon                        |                                                                                                                                                   |                       |
| Ward/Ald:      | At-Large                  | Alderman Gripp                         | <a href="mailto:kgripp@ci.davenport.ia.us">kgripp@ci.davenport.ia.us</a>                                                                          |                       |
| Y0655-08A      | 2913 E 63RD ST            | A.J. MURPHY                            | 2913 E 63RD ST                                                                                                                                    | DAVENPORT IA 52807    |
| Y0533B01       | 6600 ELMORE AV            | ARROWHEAD LLC                          | 6600 ELMORE AV                                                                                                                                    | DAVENPORT IA 52807    |
| Y0533B02       | 6500 ELMORE AV            | ARROWHEAD LLC                          |                                                                                                                                                   |                       |
| Y0501A03A      |                           | BAXTER CONSTRUCTION CO LLC             | 3225 AVE N                                                                                                                                        | FORT MADISON IA 52627 |
| Y0801-11       | 5701 ELMORE AV            | BEATON HOLDING COMPANY LC              | 5805 COUNCIL ST NE STE D                                                                                                                          | CEDAR RAPIDS IA 52402 |
| Y0655-05A      | 6315 FAIRHAVEN RD         | BRETT L FELS LIVING TRUST              | 6315 FAIRHAVEN RD                                                                                                                                 | DAVENPORT IA 52807    |
| Y0639-01A      | 6403 FAIRHAVEN RD         | BRIAN S SMITH                          | 6403 FAIRHAVEN RD                                                                                                                                 | DAVENPORT IA 52807    |
| Y0549-01A      |                           | CITY OF DAVENPORT                      | 226 W 4TH ST                                                                                                                                      | DAVENPORT IA 52801    |
| Y0533BOLA      |                           | CITY OF DAVENPORT                      |                                                                                                                                                   |                       |
| Y0501A03B      |                           | CITY OF DAVENPORT                      |                                                                                                                                                   |                       |
| Y0639-19F      |                           | CITY OF DAVENPORT IOWA                 |                                                                                                                                                   |                       |
| Y0655A11       | 10 WOODVIEW WAY           | DOUGLAS N WATTERS                      | 10 WOODVIEW WAY                                                                                                                                   | DAVENPORT IA 52807    |
| Y0655-07A      | 6301 FAIRHAVEN RD         | DUEKER LIVING TRUST                    | C/O A DUEKER                                                                                                                                      | DAVENPORT IA 52807    |
| Y0551A04       | 6403 ELMORE AV            | ELMORE STORAGE LLC                     | 3245 E. 35TH ST CT                                                                                                                                | DAVENPORT IA 52807    |
| Y0621-25       | 6901 JERSEY RIDGE RD      | ERIC G VANSEVEREN                      | 6901 JERSEY RIDGE RD                                                                                                                              | DAVENPORT IA 52807    |
| Y0801-09       | 5705 ELMORE AV            | HALLE PROPERTIES LLC                   | 20225 N SCOTTSDALE RD                                                                                                                             | SCOTTSDALE AZ 85255   |
| Y0639-03A      | 6329 FAIRHAVEN RD         | JAMES M SULLIVAN                       | 6329 FAIRHAVEN RD                                                                                                                                 | DAVENPORT IA 52807    |
| Y0549A03       |                           | JCO PROPERTIES INC                     | 3885 ELMORE AV STE 100                                                                                                                            | DAVENPORT IA 52807    |
| Y0655-06A      | 6307 FAIRHAVEN RD         | JEFF M HYLAND                          | 6307 FAIRHAVEN RD                                                                                                                                 | DAVENPORT IA 52807    |
| Y0535A06       | 6551 ELMORE AV            | JJO LLC                                | 6215 UTICA RIDGE RD                                                                                                                               | DAVENPORT IA 52807    |
| Y0621A01       |                           | KAHL HOME FOR AGED AND INFIRM          | 6701 JERSEY RIDGE RD                                                                                                                              | DAVENPORT IA 52807    |
| Y0623A06       |                           | KAHL HOME FOR AGED AND INFIRM          |                                                                                                                                                   |                       |
| Y0605-25B      | 7403 JERSEY RIDGE RD      | KARLL FARM L C                         | 3211 E 35TH CT                                                                                                                                    | DAVENPORT IA 52807    |
| Y0639-05F      | 6455 FAIRHAVEN RD         | LAURIE A DOBESH                        | 6455 FAIRHAVEN RD                                                                                                                                 | DAVENPORT IA 52807    |
| Y0639-QLF      |                           | LAURIE A DOBESH                        |                                                                                                                                                   |                       |
| Y0621-01       |                           | LEON S ERNESTO                         | 2921 E 46TH ST                                                                                                                                    | DAVENPORT IA 52807    |
| Y0605-01       | 7400 JERSEY RIDGE RD      | LINDA R DUFFY REV TRUST                | 7400 JERSEY RIDGE RD                                                                                                                              | DAVENPORT IA 52807    |
| Y0655A09       |                           | MCCARTNEY IMPROVEMENT CO               | 5715 NW BD                                                                                                                                        | DAVENPORT IA 52806    |
| Y0639-QLC      |                           | MEADOW BUILDERS INC                    | 4929 UTICA RIDGE RD                                                                                                                               | DAVENPORT IA 52807    |
| Y0655-04A      | 6321 FAIRHAVEN RD         | MICHAEL A INGLEBY                      | 6321 FAIRHAVEN RD                                                                                                                                 | DAVENPORT IA 52807    |
| Y0655A12       |                           | MINH B LAI                             | 921 W 66TH ST                                                                                                                                     | DAVENPORT IA 52806    |
| Y0605-02       | 7200 JERSEY RIDGE RD      | NARIDER KUMAR                          | 7200 JERSEY RIDGE RD                                                                                                                              | DAVENPORT IA 52807    |
| Y0621-02       | 7000 JERSEY RIDGE RD      | NIDAL H HARB TRUST                     | 7000 JERSEY RIDGE RD                                                                                                                              | DAVENPORT IA 52807    |
| Y0639-08F      | 6435 FAIRHAVEN RD         | NORTHWEST BANK & TRUST COMPANY         | 100 E KIMBERLY RD                                                                                                                                 | DAVENPORT IA 52806    |
| Y0535A05       | 3250 VETERANS MEM PARKWAY | O'BROS L.L.C.                          | 3885 ELMORE AVE                                                                                                                                   | DAVENPORT IA 52807    |
| Y0500-01B      |                           | PEDCOR INVESTMENTS                     | PO BOX 574                                                                                                                                        | CARMEL IN 46082       |
| Y0535-01N      |                           | PEDCOR INVESTMENTS                     |                                                                                                                                                   |                       |
| Y0605A01       |                           | QC EQUITY INVESTMENTS LLC              | 201 HARRISON ST STE 402                                                                                                                           | DAVENPORT IA 52801    |
| Y0621A07       |                           | QC EQUITY INVESTMENTS LLC              |                                                                                                                                                   |                       |
| Y0501A04       |                           | QC EQUITY INVESTMENTS LLC              |                                                                                                                                                   |                       |
| Y0517A05       |                           | QC EQUITY INVESTMENTS LLC              |                                                                                                                                                   |                       |
| Y0533B03       | 6300 ELMORE AV            | QC SOUTH LANDS EQUITY INVESTMENTS LLC  |                                                                                                                                                   |                       |
| Y0549A02       |                           | QC SOUTH LANDS EQUITY INVESTMENTS LLC  |                                                                                                                                                   |                       |
| Y0639-02A      | 6335 FAIRHAVEN RD         | RANDALL E BOLDT                        | 6335 FAIRHAVEN RD                                                                                                                                 | DAVENPORT IA 52807    |
| Y0621-26       | 6801 JERSEY RIDGE RD      | RICK W HOLLINGSWORTH                   | 6801 JERSEY RIDGE RD                                                                                                                              | DAVENPORT IA 52807    |
| Y0607A02       | 7077 ELMORE AV            | RYTHYM CITY CASINO LLC                 | 7077 ELMORE AVE                                                                                                                                   | DAVENPORT IA 52807    |
| Y0707-01C      |                           | WEBBER LIVING TRUST                    | 19134 246TH AVE                                                                                                                                   | BETTENDORF IA 52722   |
| Y0801-06       |                           | THF DAVENPORT NORTH DEVELOPMEN         | 211 N STADIUM BD STE 201                                                                                                                          | COLUMBIA MO 65203     |
| Y0801-07       |                           | THF DAVENPORT NORTH DEVELOPMEN         |                                                                                                                                                   |                       |
| Y0801-08       |                           | THF DAVENPORT NORTH DEVELOPMEN         |                                                                                                                                                   |                       |
| Y0801-10       |                           | THF DAVENPORT NORTH DEVELOPMEN         |                                                                                                                                                   |                       |
| Y0801-OLC      |                           | THF DAVENPORT NORTH DEVELOPMEN         |                                                                                                                                                   |                       |
| Y0803-01       | 5811 ELMORE AV            | THF DAVENPORT NORTH DEVELOPMEN         |                                                                                                                                                   |                       |
| Y0819AOLA1     |                           | THF DAVENPORT NORTH DEVELOPMENT        |                                                                                                                                                   |                       |
| Y0639-09F      |                           | TOWNE & COUNTRY MANOR DEVELOPMENT CORP | 2660 E 53RD ST STE 7                                                                                                                              | DAVENPORT IA 52807    |
| Y0639-OLE      |                           | TOWNE & COUNTRY MANOR DEVELOPMENT CORP |                                                                                                                                                   |                       |
| Y0639-OLD      |                           | TOWNE & COUNTRY MANOR DEVELOPMENT CORP |                                                                                                                                                   |                       |
| Y0639-OLB      |                           | TOWNE & COUNTRY MANOR DEVELOPMENT CORP |                                                                                                                                                   |                       |
| Y0639-OLA      |                           | TOWNE & COUNTRY MANOR DEVELOPMENT CORP |                                                                                                                                                   |                       |
| Y0639-10F      | 6411 FAIRHAVEN RD         | TOWNE & COUNTRY MANOR DEVELOPMENT CORP |                                                                                                                                                   |                       |
| Y0639-07F      |                           | TOWNE & COUNTRY MANOR DEVELOPMENT CORP |                                                                                                                                                   |                       |
| Y0639-06F      |                           | TOWNE & COUNTRY MANOR DEVELOPMENT CORP |                                                                                                                                                   |                       |
| Y0639-04F      |                           | TOWNE & COUNTRY MANOR DEVELOPMENT CORP |                                                                                                                                                   |                       |
| Y0801-02A      |                           | VTS FARM PARCEL A LLC                  | 19134 246TH AV                                                                                                                                    | BETTENDORF IA 52722   |
| Y0621-24       | 7001 JERSEY RIDGE RD      | WALTER J BRADLEY                       | 7001 JERSEY RIDGE RD                                                                                                                              | DAVENPORT IA 52807    |
| Y0655A10       | 9 WOODVIEW WAY            | WOOD TRUST CMA                         | 2805 E 43RD ST                                                                                                                                    | DAVENPORT IA 52807    |

|          |           | APPROVED                          | APPROVED                                                               | APPROVED                                                      | FAILED                                       | APPROVED                            | APPROVED                                     |  |  |
|----------|-----------|-----------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------|----------------------------------------------|-------------------------------------|----------------------------------------------|--|--|
| Name:    | Roll Call | CP18-01<br>Elmore Corners<br>Plan | Amend<br>ORD18-01<br>Amend 17.41<br>Elmore Corners<br>Overlay District | ORD18-01<br>Amend 17.41<br>Elmore Corners<br>Overlay District | Table<br>ORD18-03<br>Amend 17.36<br>M-1 Uses | ORD18-03<br>Amend 17.36<br>M-1 Uses | F18-02<br>Bett's<br>Corporation<br>2nd Add'n |  |  |
| Connell  | EX        |                                   |                                                                        |                                                               |                                              |                                     |                                              |  |  |
| Hepner   | P         | Y                                 | Y                                                                      | Y                                                             | N                                            | Y                                   | Y                                            |  |  |
| Inghram  | P         |                                   |                                                                        |                                                               |                                              |                                     |                                              |  |  |
| Kelling  | P         | Y                                 | Y                                                                      | Y                                                             | Y                                            | N                                   | Y                                            |  |  |
| Lammers  | P         | Y                                 | Y                                                                      | Y                                                             | Y                                            | N                                   | Y                                            |  |  |
| Maness   | EX        |                                   |                                                                        |                                                               |                                              |                                     |                                              |  |  |
| Martinez | A         |                                   |                                                                        |                                                               |                                              |                                     |                                              |  |  |
| Medd     | P         | Y                                 | Y                                                                      | Y                                                             | N                                            | Y                                   | Y                                            |  |  |
| Quinn    | A         |                                   |                                                                        |                                                               |                                              |                                     |                                              |  |  |
| Reinartz | P         | Y                                 | N                                                                      | N                                                             | N                                            | Y                                   | Y                                            |  |  |
| Tallman  | P         | Y                                 | Y                                                                      | Y                                                             | N                                            | Y                                   | Y                                            |  |  |
|          | 7         | 6-YES<br>0-NO<br>0-ABSTAIN        | 5-YES<br>1-NO<br>0-ABSTAIN                                             | 5-YES<br>1-NO<br>0-ABSTAIN                                    | 2-YES<br>4-NO<br>0-ABSTAIN                   | 4-YES<br>2-NO<br>0-ABSTAIN          | 6-YES<br>0-NO<br>0-ABSTAIN                   |  |  |

**PASTRNAK LAW FIRM, P.C.**

**Attorneys at Law  
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Phone: (563) 323-7737, Ext. 230  
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Thomas J. Pastrnak\*  
Candy K. Pastrnak\*

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Troy D. Venner\*

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Milan, IL 61264

Thomas R. Schulz – Of Counsel \*  
Gregory S. Jager – Of Counsel\*\*  
Dee Runnells – Of Counsel\*

\* Admitted in Iowa and Illinois  
\*\* Admitted in Iowa Only

Planning and Zoning Commission  
C/o Matt Flynn  
City of Davenport  
226 W. 4th St  
Davenport, Iowa 52801

March 30, 2018

Re: Elmore Corridor Overlay District and  
Design Standards

Dear members of the Commission:

We represent THF Davenport North Development, L.L.C., the owner of the Walmart, Dick's, Golf Galaxy and other vacant parcels referred to as Lots 1,4,5,6,7,8, and 10 in the THF First Addition to the City of Davenport, and on behalf of the owner, we object to any rezoning of these parcels or zoning overlay districts being added thereto.

We have thoroughly reviewed the proposed design standards and building restrictions proposed for the Elmore Corners Overlay District and believe they will make it more difficult to market and find tenants or purchasers of the remaining vacant parcels.

The Walmart store was constructed at a time when no one was considering developing Elmore Ave. Recently there has been more than 160,000 sq. ft. of commercial use added to the site with the location/expansion of Dick's Sporting Goods, Golf Galaxy, Field and Stream, and Hobby Lobby. The owner's investment in this area has totaled \$43,158,467. We have worked with Davenport councils and staff for over 17 years to make development on this site possible.

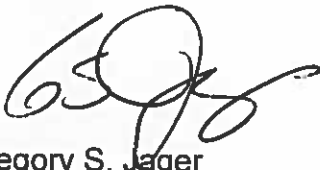
***PASTRNAK LAW FIRM, P.C.***

Gregory S. Jager  
March 30, 2018  
Page 2

When Walmart first located in Davenport, the City Council established numerous conditions upon the ultimate development of the site. (ordinances #94-644, 2001-229. 2001-230) with which we have complied. Those conditions were in response to concerns of the Council and neighbors regarding the development, and time has shown that we have not had the adverse impact that some had feared. We consider our development to be a main destination for many shoppers in Davenport and throughout the Quad City area. To impose additional regulations on property which is in the process of development and already subject to council review via the planned development district process is unnecessarily expensive and burdensome.

If the council must impose zoning restrictions beyond those already established by law on properties within the area, we ask that our ground be removed from the overlay district. Otherwise, we are opposed to the ECOD Elmore Corners Overlay District, and ask our objection be placed of record.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Jager', with a large circular flourish at the end.

Gregory S. Jager  
Attorney at Law  
For: Pastrnak Law Firm  
On Behalf of: THF Davenport North Development, L.L.C.



## **PLAN AND ZONING COMMISSION**

**Meeting Date:** May 1, 2018  
**Request:** Proposed Zoning Ordinance Text Amendment establishing an Elmore Corners Overlay District and adopting Design Standards for Elmore Corners.  
**Ward:** 6th  
**Case No.:** ORD18-01  
**Applicant:** City of Davenport  
  
**Contact:** Matthew G. Flynn, AICP  
Senior Planning Manager  
matt.flynn@ci.davenport.ia.us  
563-888-2286

### **Recommendation:**

Staff recommends the Plan and Zoning Commission forward Case No. ORD18-01 to the City Council for approval, including the entire THF First Addition being part of the area subject to the proposed ECOD Overlay District.

### **Update:**

This case was remanded back to the Plan and Zoning Commission by the Committee of the Whole on April 18, 2018 for clarification of its recommendation.

Recall that at its April 3, 2018 meeting, the Commission heard from representatives of THF Development requesting that the area known as THF First Addition (Davenport Commons; Walmart/Dick's Shopping Center) be removed from the area subject to proposed ECOD Design Standards.

Staff did not oppose removal of the area at the April 3, 2018 meeting. This, however, did not reflect the position of overall City staff and was presented in error. The Commission voted in favor of removing the property from the proposed overlay district.

Staff advertised for the Public Hearing before the Committee of the Whole with the THF First development removed. There is uncertainty of what exactly is the intent of the Plan and Zoning Commission's recommendation. Further, what effect, if any, does this recommendation have on a possible requirement of a supermajority vote by the Council in order to approve.

## **Discussion:**

- 1) Staff reiterates its position to keep the THF First Addition within the area subject to the proposed ECOD Design standards for the following reasons:
  - The area has always been part of the Elmore Corners Plan project area with no opposition being expressed until the day before the Plan and Zoning Commission vote.
  - Pheasant Creek provides a clear physical boundary for Elmore Corners.
  - The ECOD Design standards will ensure quality development strived for on the existing vacant parcels and possible expansion or development on the currently developed portions of the THF property.
- 2) Procedurally, the City Council is seeking to clarify whether the Plan and Zoning Commission recommendation is to approve the Elmore Corners Overlay District and Design Standards *only* if the aforementioned THF properties are removed OR if the Commission recommends approval of the District and Standards regardless of whether the THF properties are removed.

Obviously, the Commission could choose to take other action on this particular case as well. But the primary need is to clarify when a Council supermajority would be necessary.

The previous staff report (attached) contains additional information.

May 2, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of May 1, 2018, per your request to clarify its recommendation made on April 3, 2018, the City Plan and Zoning Commission considered Case No. ORD18-01: Request of the City of Davenport to create an ECOD, Elmore Corners Overlay District and to establish design standards for said district.

A motion to add the THF First Addition into the area subject to the proposed overlay failed by a vote of 3-yes and 5-no.

The Commission maintains its original recommendation and recommends approval of the ordinance deleting the property owned and developed by THF development from the overlay and corresponding design standards.

Finding:

- 1) Proposed ordinance will serve as an effective tool in the implementation of the Elmore Corners Master Plan

Conditions:

None.

The Plan and Zoning Commission accepts the finding and forwards Case No. ORD18-01 to the City Council for approval. The vote to approve was 5 – yes and 1 – no (Reinartz).

Respectfully submitted,



Robert Inghram, Chairperson  
City Plan and Zoning Commission



City of Davenport

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

**Action / Date**  
**6/6/2018**

Subject:

Third Consideration: Ordinance for Case No. REZ18-04 Request of Pheasant Creek Properties, LLC, to rezone 33.11 acres, more or less, of property located east of Jersey Meadows Subdivision and north of East 53<sup>rd</sup> Street from A-1, Agricultural District to R-2, Low Density Residential District. [Ward 6]

Recommendation:  
Adopt the Ordinance

Relationship to Goals:  
Welcoming Neighborhoods

Background:

The property is located immediately east of Jersey Meadows Subdivision and immediately north of the Costco site. The proposed rezoning would facilitate the construction of approximately 64 single family dwellings. Three streets within Jersey Meadows Subdivision would provide access.

The property is designated as RG - Residential General in the Comprehensive Plan.

At its regular meeting of May 15, the City Plan and Zoning Commission considered Case No. REZ18-04: Request of Pheasant Creek LLC for the rezoning of approximately 33.11 acres, more or less, of property located east of Jersey Meadows Subdivision and north of East 53<sup>rd</sup> Street from A-1 Agricultural District to R-2, Low Density Dwelling District.

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing to the west.
3. Existing street network can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected. This may require the installation of traffic signals at East 58th Street and Jersey Ridge Road sometime in the future.

Conditions:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

On an affirmative vote of 3-2, the Plan and Zoning Commission accepts the findings and forwards

Case No. REZ18-04 to the City Council for approval.

The protest rate is currently 18.5% with 18 property owners objecting.

See attachments for additional information.

ATTACHMENTS:

| Type              | Description                            |
|-------------------|----------------------------------------|
| ▣ Ordinance       | Ordinance                              |
| ▣ Backup Material | Location Map                           |
| ▣ Backup Material | Background Material                    |
| ▣ Backup Material | Public Engagement Summary              |
| ▣ Backup Material | Additional Public Comment as of 6-7-18 |

REVIEWERS:

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Admin, Default | Approved | 6/19/2018 - 11:05 AM |

ORDINANCE NO.

Ordinance offered by Alderman Gripp.

Ordinance for Case No. REZ18-04 Request of Pheasant Creek Properties, LLC, to rezone 33.11 acres, more or less, of property located east of Jersey Meadows Subdivision and north of East 53<sup>rd</sup> Street from A-1, Agricultural District to R-2, Low Density Residential District. [6th Ward]

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:  
Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned from A-1 Agricultural District to R-2, Low Density Residential District.

The Legal Description is as follows:

Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" West 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 358.73 feet;

thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ;  
thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence N01°-18'-15" West 50.00 feet;

thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;

thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa, to a point on the north line of the Northeast Quarter of said Section 7;

thence North 89°-43'-55" East 230.81 feet along the north line of the Northeast Quarter of said Section 7;

thence South 65°-30'-40" East 586.00 feet;

thence South 25°-39'-00" East 320.00 feet to the point of beginning.

Containing 33.11 acres, more or less, subject to easements of record.

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

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing to the west.
3. Existing street network can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected. This may require the installation of traffic signals at East 58th Street and Jersey Ridge Road sometime in the future.

Conditions:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

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

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank J. Klipsch  
Mayor

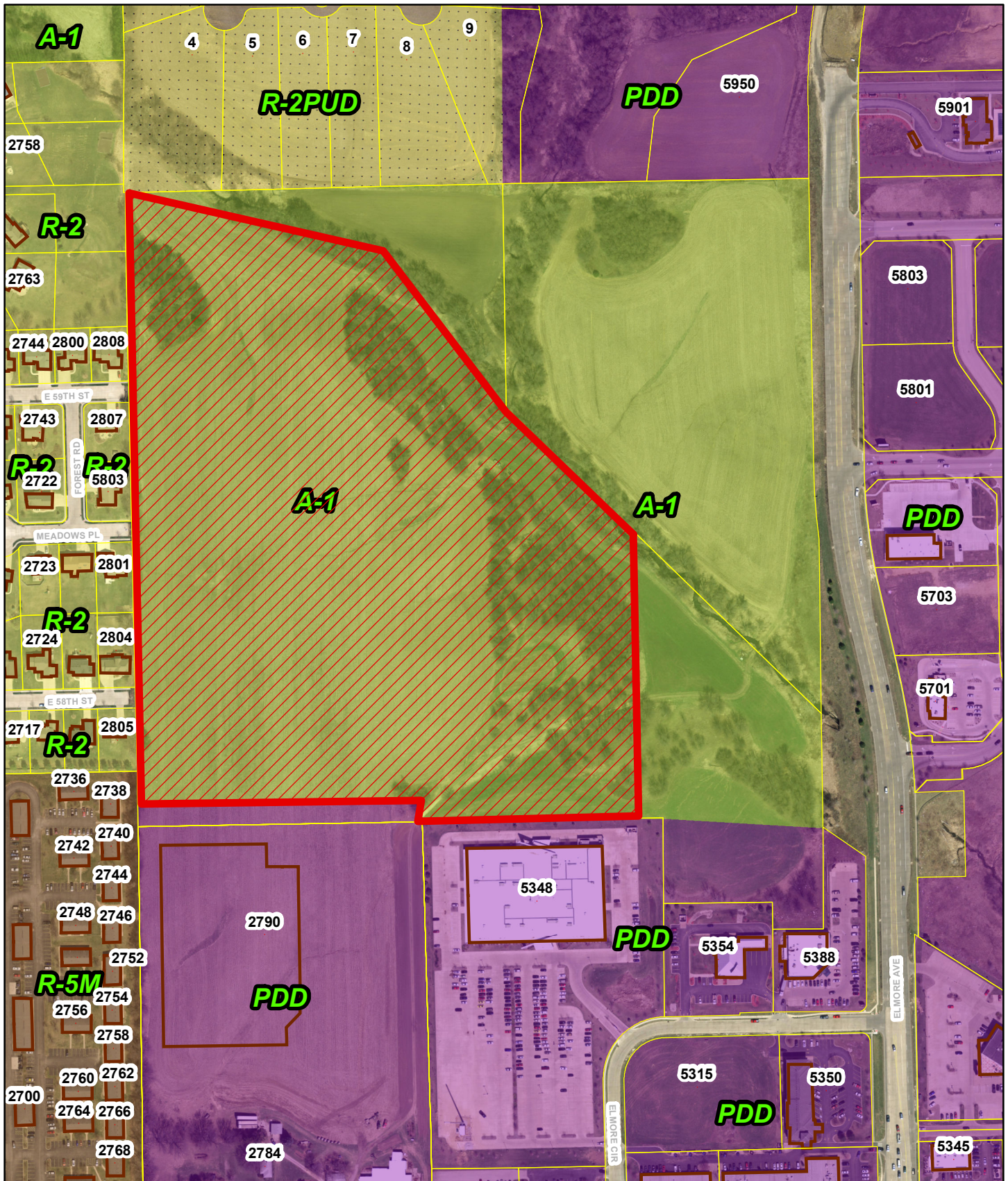
Attest: \_\_\_\_\_  
Jackie Holecek, CMC  
Deputy City Clerk

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



# LOCATION MAP

## REZ18-04: Pheasant Creek A-1 to R-2



0 70 140 280 420 560 Feet



## **BACKGROUND MATERIAL**

### **CASE NO's REZ18-04 and REZ18-05**

Please note that some earlier material references the acreage of the property proposed to be zoned PDD (Case No. REZ18-05) at 5.55 acres. The legal description was corrected and right size (7.41 acres) has been properly filed in the Legal Notice, neighbor letter for COW and drafted ordinance.





## **PLAN AND ZONING COMMISSION**

**Meeting Date:** May 15, 2018  
**Request:** Request to rezone 33.11 acres from A-1 Agricultural to R-2 Low Density Residential and 5.55 acres from A-1 Agricultural to PDD Planned Development District.  
**Case No.:** REZ18-04; REZ18-05 (NOTE THIS IS A COMBINED STAFF REPORT)  
**Applicant:** Adam Seitz, Pheasant Creek Properties, LLC (Advance Homes)  
**Ward:** 6th  
  
**Contact:** Matthew G. Flynn, AICP  
Senior Planning Manager  
matt.flynn@ci.davenport.ia.us  
563-888-2286

### **Recommendation:**

Staff recommends the Plan and Zoning Commission accepts the listed findings and forward both cases to the City Council for approval.

### **Background:**

Petitioner intends to develop an approximate 64 lot single family residential subdivision to the east of Jersey Meadows Subdivision. The proposed R-2 zoning would provide for lots with a minimum of 60 feet of frontage at the building line and a minimum of 10,000 square feet.

The intent is to connect this subdivision by the existing terminated streets on the east side of Jersey Meadows – E 58<sup>th</sup> Street, E 59<sup>th</sup> Street, and Meadows Place. Preliminary and final plats are anticipated to be filed following successful completion of the rezoning effort.

The easternmost 5.55 acres is proposed for PDD, Planned Development District. A portion of the property is already zoned as such. This property presents development challenges as there are topography, drainage and access limitations. Nothing is planned at this time.

### **Site Characteristics:**

**Current Land Use:** The property is currently in row crops. Pheasant creek runs along the east side in a significant swale and creates a natural boundary with properties to the east and the Elmore Corridor.

**Comprehensive Plan.** The property is within the Urban Service District and urban services can be reasonably accessed.

The Future Land Use Plan for this property indicates RG Residential General for the western portion and RC Regional Commercial to the east along Elmore Avenue.

The description of those classifications are as follows:

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

Regional Commercial (RC) - Designates the most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; although some residential, service and institutional uses may also be located within RC. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street, through parking lots and between individual uses with connectivity to nearby neighborhoods being less important.

Existing Zoning: The property is currently zoned A-1 Agriculture. Surrounding properties are zoned as described on exhibit attached to this report.

### **Technical Review:**

Technical review comments from Davenport Engineering and Traffic Engineering have been received.

Engineering general comments:

1. *No comment from traffic at this time for the layout given*
2. *Natural Resources are having the Storm Water Ordinance revised. It is anticipated to be approved by council the first week in June. It would be recommended to have the site designed per the latest standards being adopted. We can provide them to the developer's engineer.*
3. *To continue our goals of multimodal transportation and connectivity, a pedestrian access to the COSTCO site from this neighborhood would be beneficial*
4. *In addition, the Davenport GO plan has indicated a proposed trail section along this stream corridor. Will that be a requirement here?*
5. *The buffer distance will be 50' by the time the platting is finalized, see note 1.*
6. *The proposed detention area may not be sufficient, given the site topography, this standard will be revised per the ordinance see note 1*
7. *Any detention or quality features must have easement access for maintenance and inspection; contiguous with other City ROW*
8. *No access point or features are shown on the commercial area to comment at this time.*
9. *ROW width 50' minimum, street width 27' minimum*

Traffic Engineering comments:

*The built-out subdivision will have about 220 units. The trips equate to 9.57 per day per unit (we usually round up to 10) so it's 2200 vehicles per day, 50% in and 50% out.*

*During the AM peak hour, the factor is 0.77 with 26% in and 74% out. This equates to 44 vehicles entering and 125 exiting during the AM peak hour.*

*During the PM peak hour, the factor is 1.02 with 64% in and 36% out. This equates to 144 vehicles entering and 81 vehicles exiting during the PM peak hour.*

*The counts on Jersey Ridge Road were obtained from the casino study which assumes full build-out of that commercial corridor on Elmore Avenue.*

*They estimate about 11,000 vehicles per day for Jersey Ridge Road with the AM peak at 1000 vehicles and PM peak at 1100 vehicles.*

*The traffic signal warrant most easily met is Interruption of Continuous Traffic. With the current roadway for the intersection of Jersey Ridge Road and Jersey Meadows Drive, there would need to be 8 separate hours where the volume on Jersey Ridge Road is at least 750 vehicles and the exiting volume on Jersey Meadows Drive is 75 during those same 8 hours. Even though this intersection lines up with the driveway for the apartments across the street, the signal warrants only use the higher volume leg of the minor street.*

*Based on the traffic study for the casino, there could be 8 hours with 750 vehicles or more on Jersey Ridge Road. Some of the estimated hours show 800 vehicles, so Jersey Ridge Road might have enough traffic after everything is built out. Assuming 75% of the traffic in the subdivision uses Jersey Meadows Drive, then 94 vehicles will exit during the AM peak and 61 during the PM peak. Therefore, I expect the AM peak to be 1 of the 8 hours required for signalization and there might not be many more.*

*I do not think traffic signal warrants will be met, even after everything is built out. Keep in mind that this is assuming the subdivision is full of houses and Elmore has been filled in with commercial buildings, so this won't happen overnight.*

*When traffic volumes get higher and delays occur at this intersection, we will study it to see if traffic signals are warranted. If they are, we will install them.*

Staff has also reached out to the Fire Marshall specifically to ensure no particular issues will be encountered with emergency response. A fire station is approximately one mile away.

If the rezoning is approved, more technical comments can be expected as part of the consideration of subdivision plats and construction plans. No construction will be allowed to commence without proper approvals.

### **Discussion:**

The majority of this discussion will be in reference to the proposed rezoning to R-2 (REZ18-04).

The request, if approved, will result in development consistent with the existing Jersey Meadows Subdivision to the west. The proposed development is consistent with the Comprehensive Plan.

Traffic will increase as the development is completed. Future traffic congestion, if it is to occur, will likely be the result of increases in volume on Jersey Ridge Road. Signalization along Jersey Ridge Road cannot be ruled out in the future as the area continues to develop, as planned.

Staff does not recommend connecting this development directly to Elmore as it would encourage cut through traffic and would result in excessive costs in crossing Pheasant Creek. While some neighbors have advocated for this connection, staff sees otherwise and recommends a condition be included prohibiting this from happening.

Also included within this request is the rezoning of 5.55 acres to PDD, Planned Development (REZ18-05). Development of this property for commercial purposes would be consistent with the Comprehensive Plan. It should be noted, however, that topography visibility and access are challenges and development may not occur for some time. Zoning now, however, will facilitate development in the future.

## **Public Input Summary:**

Public Meeting: A public meeting has been scheduled for April 30 at the Public Works Center.

Public Meeting Notice: 43 notices mailed April 18.

Signs Posted: 3 signs were posted on April 16

Public Hearing Notice: The notice was sent to the QCT for publication on April 17.

Public Hearing Mailing: Mailed to approximately 43 neighbors on April 18. To date, three protests have been filed (1.9%) been filed.

Plan and Zoning Commission Public Hearing. Approximately 3 people spoke against the proposal citing traffic, drainage, and improper notification.

Upcoming Committee of the Whole Public Hearing. Assuming action by the Plan and Zoning Commission at this meeting to move this case forward, the Committee of the Whole Public Hearing will be held on June 6, 2018.

## **Recommendation:**

**Since there are two cases, two separate recommendations are presented:**

### **Case No. REZ18-04:**

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing to the west.
3. Existing street network can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected. This may require the installation of traffic signals at East 58th Street and Jersey Ridge Road sometime in the future.

Conditions:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

Final Recommendation: Staff recommends the Plan Commission accept the findings and condition and forward Case No. REZ18-04 to the City Council for approval.

**Case No. REZ18-05:**

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing to the west.
3. Existing street network can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected. This may require the installation of traffic signals at East 58th Street and Jersey Ridge Road sometime in the future.

Conditions:

1. No street connection from Elmore Avenue west to the proposed Pheasant Creek Subdivision shall be made.

Final Recommendation: Staff recommends the Plan Commission accept the findings and condition and forward Case No. REZ18-05 to the City Council for approval.

## Zoning Map Amendment Application

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

### COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

**Property Address\***  See Attachment A

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

#### **Applicant (Primary Contact)\*\***

Name:  Adam Seitz  
Company:  Pheasant Creek Estates, LLC  
Address:  4215 East 60th Street  
City/State/Zip:  Davenport, IA 52807  
Phone:  563-940-4030  
Email:  adamseitz@advancehomesinc.com

*Application Form Type:*

#### **Plan and Zoning Commission**

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

#### **Owner** (if different from Applicant)

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

#### **Zoning Board of Adjustment**

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

#### **Engineer** (if applicable)

Name:  David L. Meyer  
Company:  Verbeke-Meyer Consulting Engineers  
Address:  4111 East 60th Street  
City/State/Zip:  Davenport, IA 52807  
Phone:  563-359-1348  
Email:  dlm@verbeke-meyer.com

#### **Design Review Board**

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

#### **Architect** (if applicable)

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

#### **Historic Preservation Commission**

- Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

#### **Attorney** (if applicable)

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

#### **Administrative**

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

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

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

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

**Formal Procedure:****(1) Application:**

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

**(2) Public Notice for the Plan and Zoning Commission public hearing:**

- After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
- The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
- Planning staff will send a public hearing notice to surrounding property owners.

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

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

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

- Planning staff will send a public hearing notice to surrounding property owners.
- The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.



Applicant:

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 4<sup>th</sup> Street, Davenport, Iowa.

## ATTACHMENT A

### LEGAL DESCRIPTION FOR REZONING

Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" East 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 358.73 feet;

thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ;

thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North 00°-18'-15" West 50.00 feet;

thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;

thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa, to a point on the north line of the Northeast Quarter of said Section 7;

thence North 89°-43'-55" East 230.81 feet along the north line of the Northeast Quarter of said Section 7;

thence South 65°-30'-40" East 586.00 feet;

thence South 25°-39'-00" East 320.00 feet to the point of beginning.

Containing 33.11 acres, more or less, subject to easements of record.

Also, to be known as Lot 1, Pheasant Ridge First Addition to the City of Davenport, Iowa.

March 12, 2018  
VMCE #17361-C  
Page 1 of 2

LEGAL DESCRIPTION – SCHAEFER DEVELOPMENT GROUND  
ADVANCE HOMES PURCHASE  
DAVENPORT, IOWA

Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" West 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 358.73 feet;

thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ;

thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North 00°-18'-15" West 50.00 feet;

thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;

thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa, to a point on the north line of the Northeast Quarter of said Section 7;

March 12, 2018  
VMCE #17361-C  
Page 2 of 2

thence North  $89^{\circ}-43'-55''$  East 230.81 feet along the north line of the Northeast Quarter of said Section 7;

thence South  $65^{\circ}-30'-40''$  East 586.00 feet;

thence South  $25^{\circ}-39'-00''$  East 320.00 feet to the point of beginning.

Containing 33.11 acres, more or less, subject to easements of record.

February 27, 2018  
VMCE # 17361-B

LEGAL DESCRIPTION – SCHAEFER EXTRA TRACT  
ADVANCE HOMES PURCHASE  
DAVENPORT, IOWA

Part of the Northeast Quarter of Section 7, Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 8, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 00°-06'-45" West 534.52 feet along the west line of the Northwest Quarter of said Section 8;

thence North 25°-39'-00" West 320.00 feet;

thence North 65°-30'-40" West 560.00 feet to a point on the north line of the Northeast Quarter of said Section 7;

thence North 89°-43'-55" East 672.86 feet along the north line of the Northeast Quarter of said Section 7 to the point of beginning.

Containing 2.75 acres, more or less, subject to easements of record.

March 12, 2018  
VMCE #17361-C  
Page 1 of 2

LEGAL DESCRIPTION – SCHAEFER DEVELOPMENT GROUND  
ADVANCE HOMES PURCHASE  
DAVENPORT, IOWA

Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" East 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 358.73 feet;

thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ;

thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North 00°-18'-15" West 50.00 feet;

thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;

thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa, to a point on the north line of the Northeast Quarter of said Section 7;

March 12, 2018  
VMCE #17361-C  
Page 2 of 2

thence North  $89^{\circ}-43'-55''$  East 230.81 feet along the north line of the Northeast Quarter of said Section 7;

thence South  $65^{\circ}-30'-40''$  East 586.00 feet;

thence South  $25^{\circ}-39'-00''$  East 320.00 feet to the point of beginning.

Containing 33.11 acres, more or less, subject to easements of record.



March 12, 2018  
VMCE #17361-D  
Page 1 of 2

LEGAL DESCRIPTION – PROPOSED COMMERCIAL DEVELOPMENT  
ADVANCE HOMES PURCHASE  
DAVENPORT, IOWA

Part of the Northwest Quarter of Section 8, Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 44°-59'-10" East 358.74 feet to the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing South 44°-59'-10" East 690.31 feet to a point on the west right of way line of Elmore Avenue as now established in the City of Davenport, Iowa, said point also being on the west line of the South 75 Acres of the East 115 Acres of the Northwest Quarter of said Section 8;

thence South 00°-08'-25" West 511.79 feet along the west line of the South 75 Acres of the East 115 Acres of the Northwest Quarter of said Section 8 to an angle point on the north line of Lot 1 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa;

thence South 89°-41'-45" West 121.43 feet along the north line of Lot 1 of said Lakehurst Commercial Park Fifth Addition to a point on the east line of Lot 1 of Lakehurst Commercial Park Fourth Addition to the City of Davenport, Iowa;

thence North 00°-18'-15" West 65.00 feet along the east line of Lot 1 of said Lakehurst Commercial Park Fourth Addition;

thence South 89°-41'-45" West 260.00 feet along the north line of Lot 1 of said Lakehurst Commercial park Fourth Addition to a point on the east line of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

March 12, 2018  
VMCE # 17361-D  
Page 2 of 2

thence North  $00^{\circ}-18'-15''$  West 205.00 feet along the east line of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

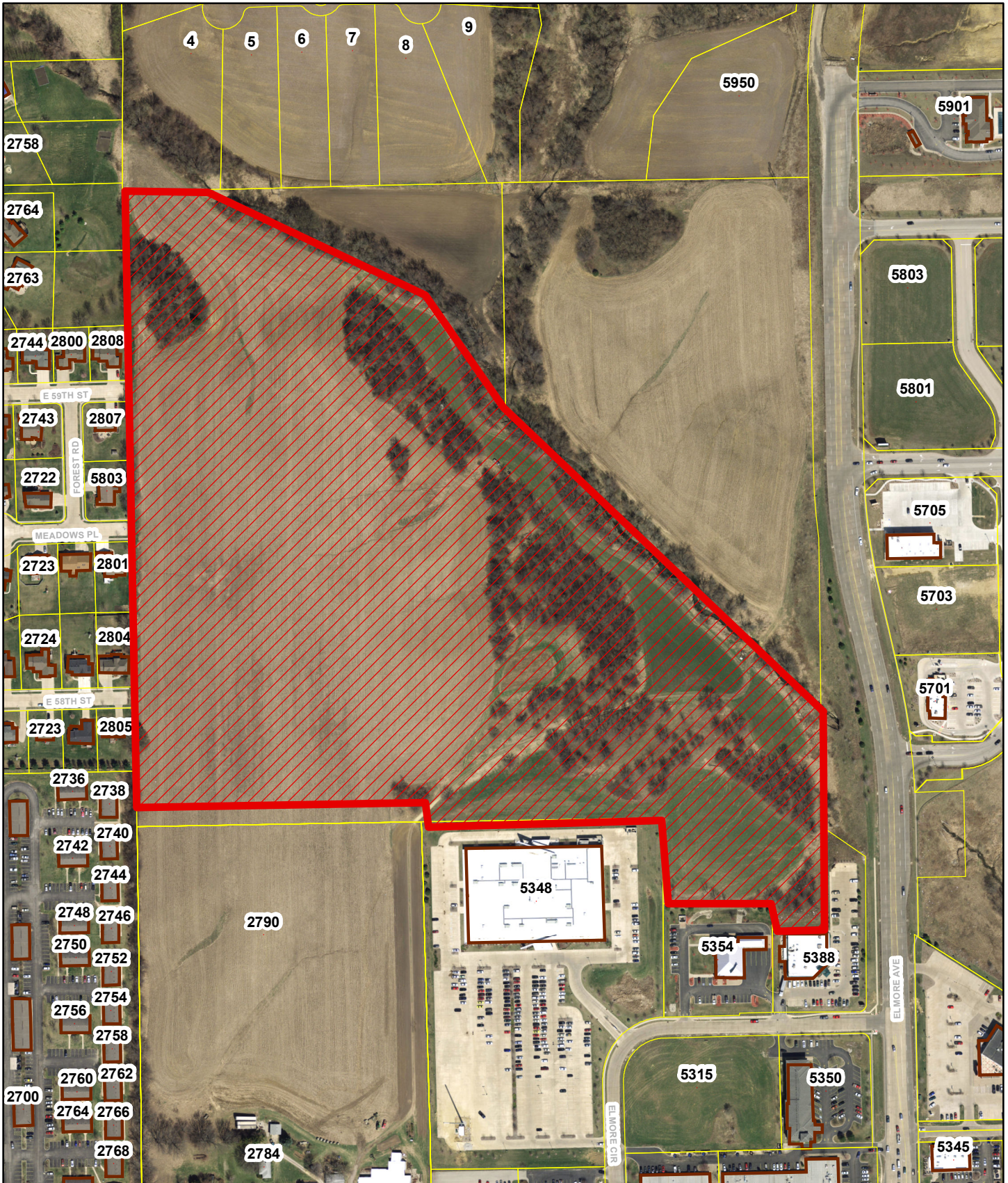
thence South  $89^{\circ}-41'-45''$  West 100.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North  $00^{\circ}-18'-15''$  West 732.61 feet to the point of beginning.

Containing 7.41 acres, more or less, subject to easements of record.



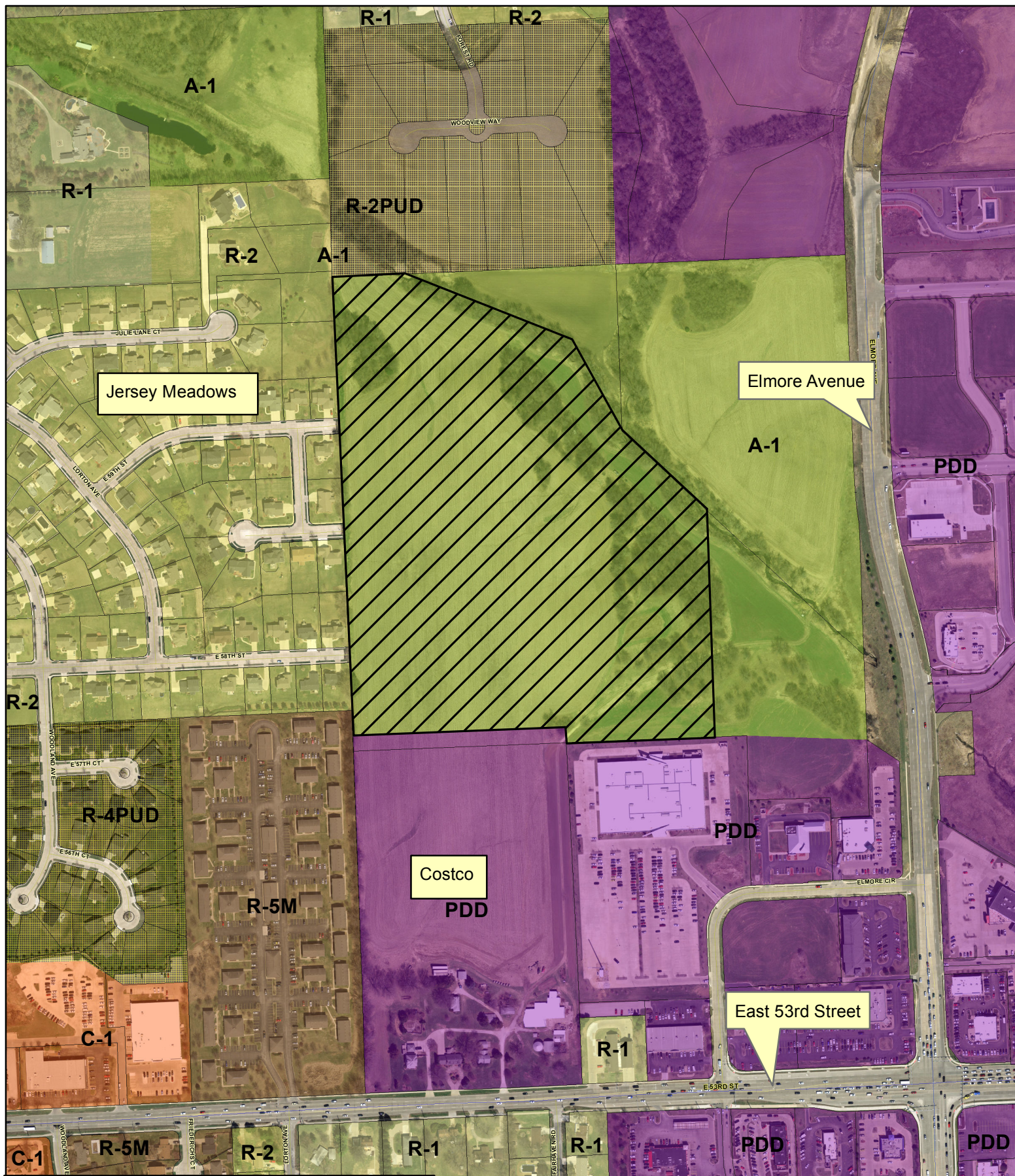
# REZ18-04: Pheasant Creek



0 70 140 280 420 560 Feet





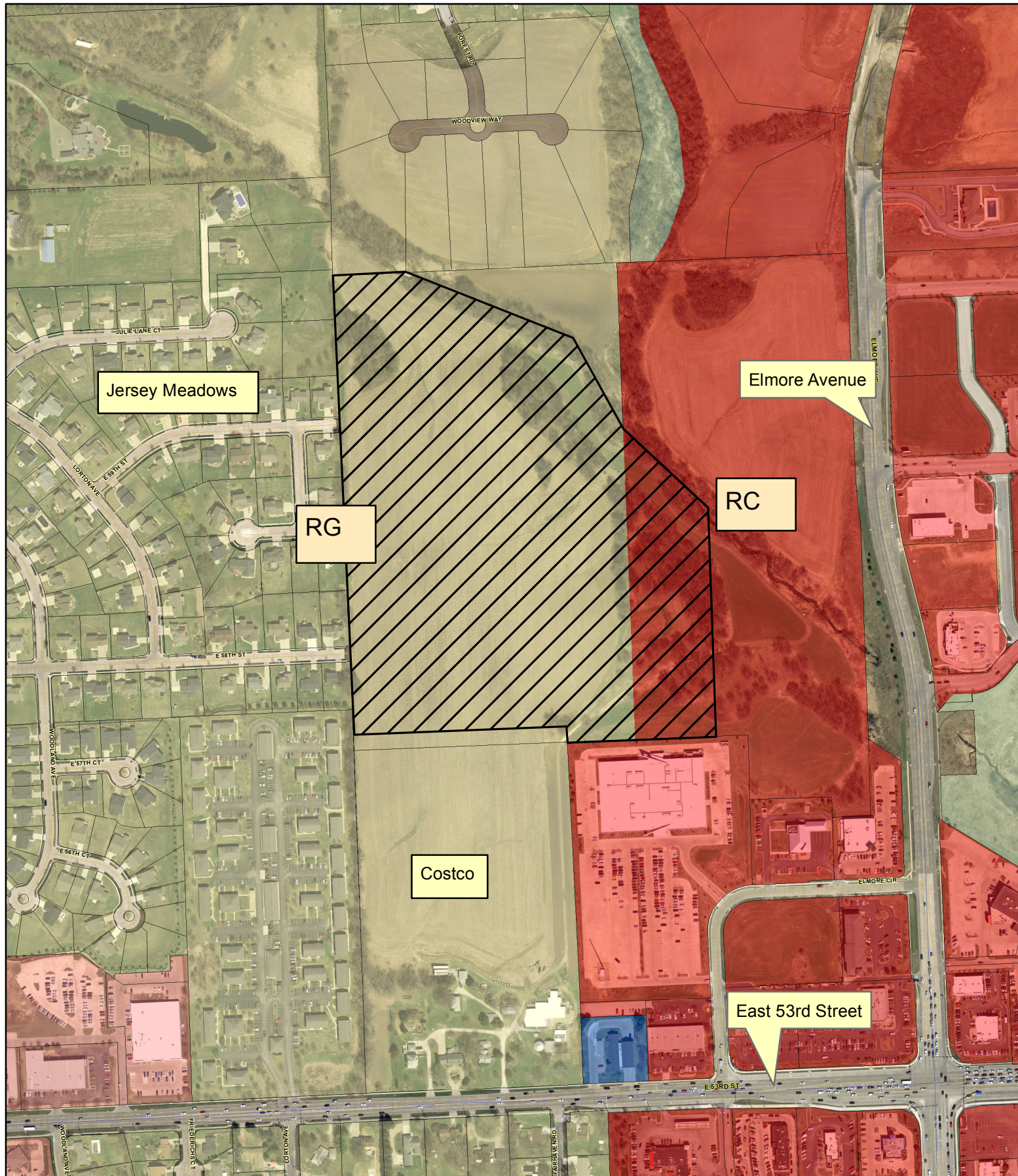


A-1 Agricultural  
R-2 Low Density Dwelling  
R-5M Medium Density Dwelling  
PDD Planned Development

0 200 400 800 Feet





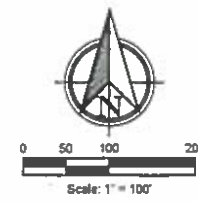
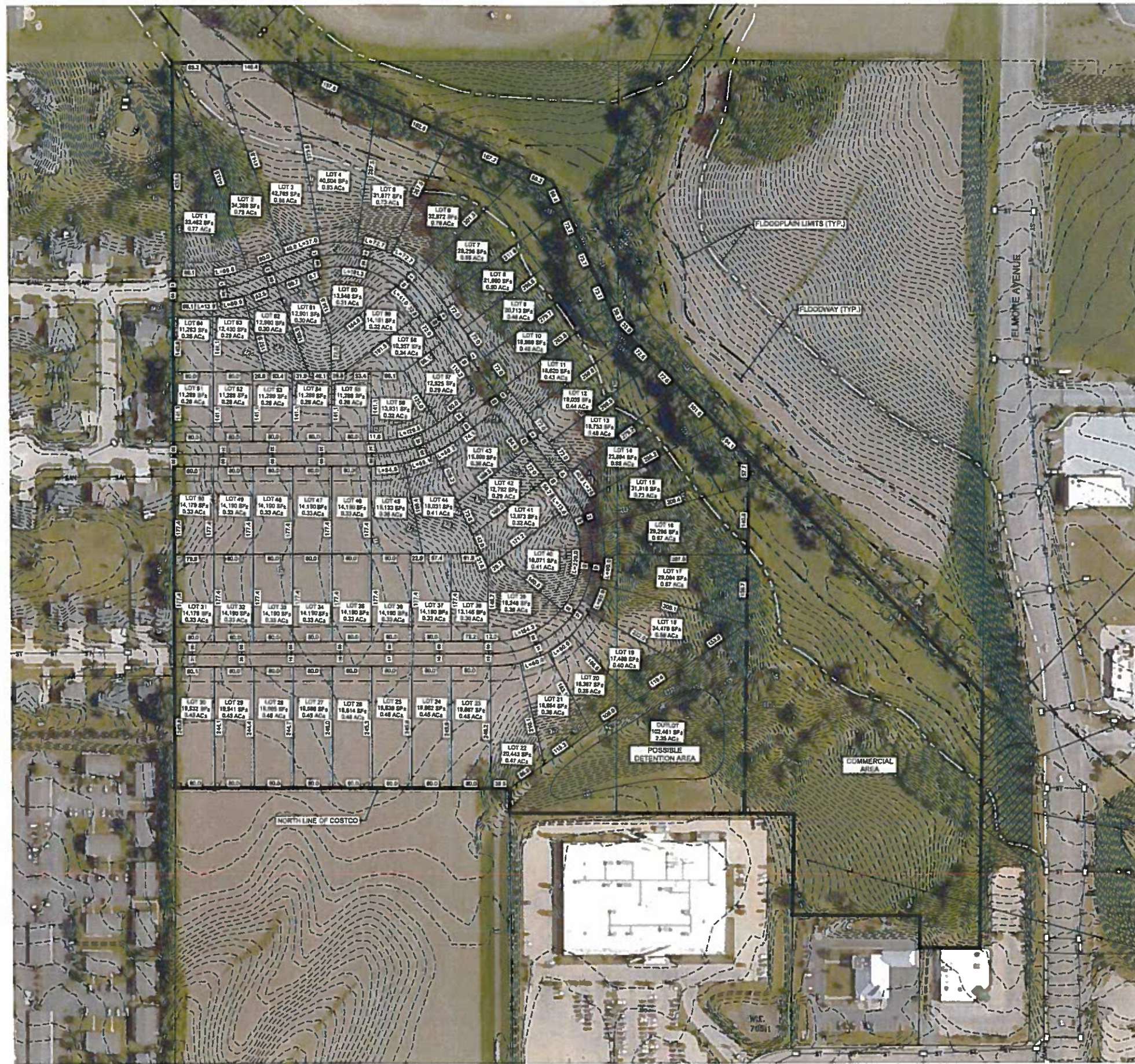


RG Residential General  
RC Regional Commercial

0 200 400 800  
Feet







LOT LAYOUT IS BASED ON R-2 ZONING FOR THE CITY OF DAVENPORT WHICH REQUIRES THE FOLLOWING:

- 30' FRONT YARD SETBACK
- 60' LOT WIDTH AT BUILDING LINE
- 10,000 SF MINIMUM LOT AREA



2550 middle road, ste. 300  
bettendorf, ia 52722

www.jmcivildesign.com

| revision |  |
|----------|--|
| date     |  |
| no.      |  |



APPROXIMATE LOCATION OF EXISTING BOX CULVERT



LOOKING SOUTH FROM THIS APPROXIMATE LOCATION

DRAWINGS PROVIDED BY ADVANCE HOMES SHOW THIS AS PART OF PURCHASE.  
DRAWINGS FROM CITY SHOW THIS AS RIGHT-OF-WAY



LOOKING EAST FROM THIS APPROXIMATE LOCATION

Subdivision Concept Plan  
Northeast Davenport Near Elmore Avenue

ADVANCE HOMES

|                  |            |
|------------------|------------|
| jmad project no. | P16-028    |
| drawn by:        | cam        |
| checked by:      |            |
| date:            | 03.08.2018 |

Concept  
Plan





# City of Davenport

Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

## NOTICE

### PUBLIC HEARING

TUESDAY, MAY 1st 2018, 5:00pm

DAVENPORT CITY PLAN AND ZONING COMMISSION

COUNCIL CHAMBERS - DAVENPORT CITY HALL

226 WEST 4th STREET – DAVENPORT, IOWA

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case No. REZ18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)

A public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday May 1, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.

Any written comments (which can be sent via email) to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s).

If you believe you are affected by the proposed changes and have questions, please contact the Community Planning Division.

E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765

Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

I/we Joseph & Katherine Palmer who own property located at (be specific as possible)  
2800 E. 59th St. - Davenport

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: Joseph Palmer Katherine Palmer

Date: 4/24/18

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801



---

Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**NOTICE  
PUBLIC HEARING  
TUESDAY, MAY 1, 2018  
DAVENPORT CITY PLAN AND ZONING COMMISSION  
COUNCIL CHAMBERS - DAVENPORT CITY HALL  
226 WEST 4th STREET – DAVENPORT, IOWA**

**Please be aware of possible zoning changes that may impact your property or neighborhood.**

**Case No. REZ18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)**

**A public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday May 1, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.**

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**If you believe you are affected by the proposed changes and have questions, please contact the Community Planning Division.**

**E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)**

**Phone: (563) 326-7765**

---

Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

I/we \_\_\_\_\_ who own property located at (be specific as possible)

---

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801



# Zoning Map Amendment: Adjacent Property Owner Notice Area



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

0 200 400 800 Feet





**NOTICE  
PUBLIC MEETING  
MONDAY, APRIL 30, 5:30 PM  
DAVENPORT PUBLIC WORKS CENTER  
1200 EAST 46<sup>TH</sup> STREET, DAVENPORT, IOWA 52807**

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezoning property has been filed by Adam Seitz, Pheasant Creek Properties, LLC (Advance Homes) for 33.11 acres from A-1 Agricultural to R-2 Low Density Residential and 7.41 acres from A-1 Agricultural to PDD Planned Development District. (See map of the affected property on reverse side of this notice). The intent of this request is to allow for single family development on the larger tract and possible future commercial development on the smaller tract, which fronts Elmore Avenue.

One of the first steps in the rezoning process is to hold a public meeting, which provides an opportunity for the petitioner to explain the request further and for City staff to outline the formal process to come.

The public meeting will be held at the Davenport Public Works Center on the date and time listed above. Public Works can be reached by following Tremont Street south from East 53<sup>rd</sup> Street to East 46<sup>th</sup> Street; then traveling east. Signs will be posted on-site to direct you to the meeting room.

Public hearings before both the Plan and Zoning Commission and City Council will be forthcoming; you will be notified of these meetings as well. The public hearing before the Plan and Zoning Commission is tentatively set for Tuesday, May 1, 2018, 5:00 pm at City Hall.

The City welcomes public participation in the rezoning process and your comments are important. If you cannot attend the public meeting and have questions or concerns, please contact the Community Planning Division.

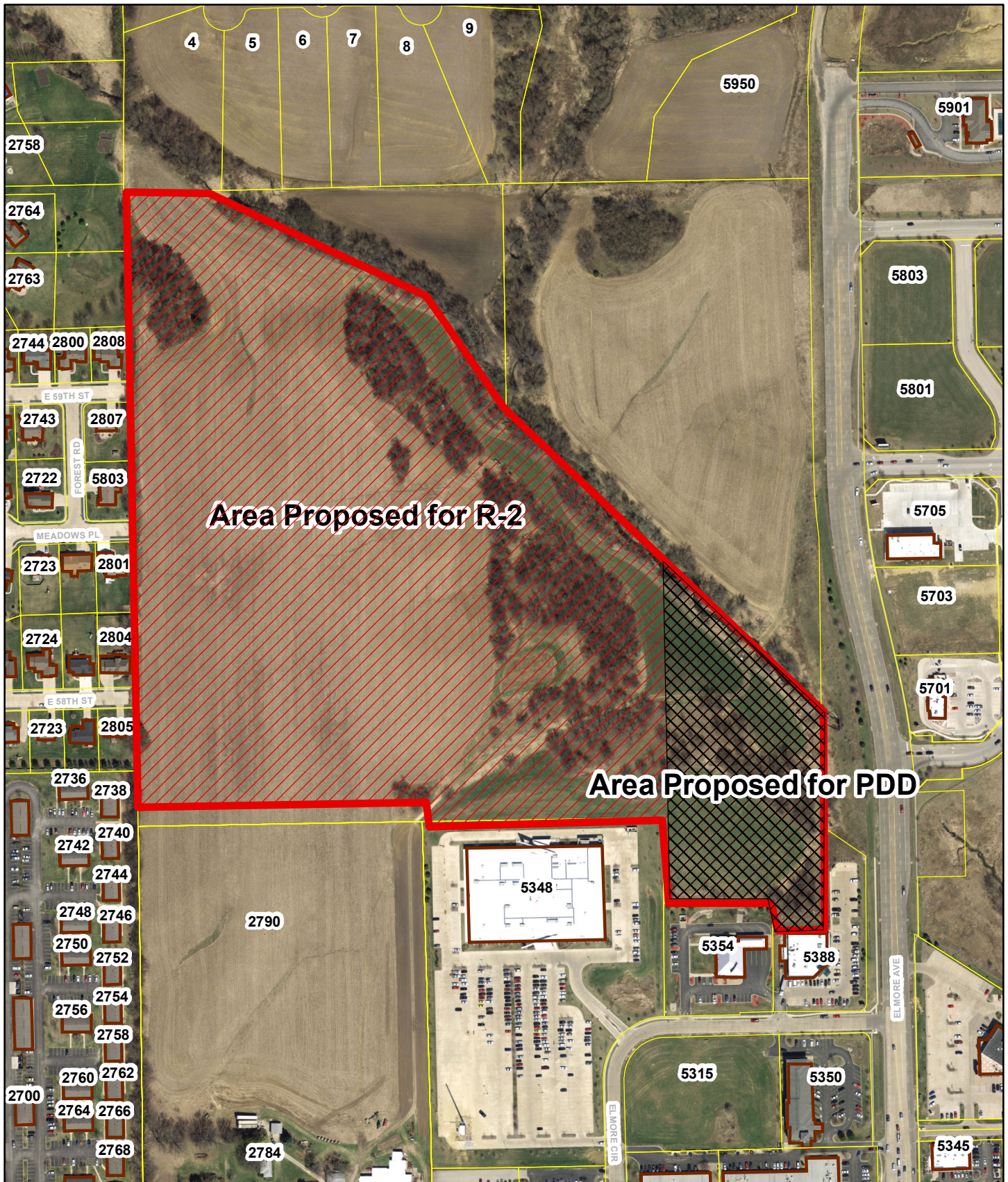
Case No. REZ18-04; REZ18-05

E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765



# REZ18-04: Pheasant Creek



0 70 140 280 420 560 Feet





## Neighborhood Meeting Attendance List

|                       |                 |                                                                                      |
|-----------------------|-----------------|--------------------------------------------------------------------------------------|
| <b>Case: REZ18-04</b> | <b>REZ18-05</b> | <b>Date: April 30th 2018</b>                                                         |
| Gary Aitchison        | 563-370-4480    | <a href="mailto:aitchisongary@gmail.com">aitchisongary@gmail.com</a>                 |
| Gary Andrade          | 563-676-4102    |                                                                                      |
| Kristan Mitchell      | 563-650-9580    | <a href="mailto:kristinm@mchsi.com">kristinm@mchsi.com</a>                           |
| Bill Hurt             | 563-271-2830    | <a href="mailto:bill.hurt615@gmail.com">bill.hurt615@gmail.com</a>                   |
| Mike DeJulius         | 563-529-4457    | <a href="mailto:mike@njmiller-hawkeye.com">mike@njmiller-hawkeye.com</a>             |
| Denuis Williams       | 563-359-0308    | Advanced Home                                                                        |
| Kathy & Joe Palmer    | 563-323-9303    | <a href="mailto:jkpalm2@mchsi.com">jkpalm2@mchsi.com</a>                             |
| Scott Kelling         | 2801 Meadows Pl | <a href="mailto:skelling@melfosterco.com">skelling@melfosterco.com</a>               |
| Susie & Jeff Seitz    | 563-528-0448    | <a href="mailto:susieseitz@advancedhomesinc.com">susieseitz@advancedhomesinc.com</a> |
| Bob Inghram           | 563-349-0341    | <a href="mailto:bingghram@activethermal.net">bingghram@activethermal.net</a>         |
| Pete McGee            | 563-940-3043    | <a href="mailto:pmcghee511@aol.com">pmcghee511@aol.com</a>                           |
| Renee McGhee          | 563-344-4896    |                                                                                      |
| Joe Maluck            | 708-837-0007    | <a href="mailto:j_maluck756@yahoo.com">j_maluck756@yahoo.com</a>                     |
| Rich Clewell          | 563-340-0559    | <a href="mailto:rclewell@ci.davenport.ia.us">rclewell@ci.davenport.ia.us</a>         |

**From:** [carberfamily@mchsi.com](mailto:carberfamily@mchsi.com)  
**To:** [Mack Stephens](#)  
**Cc:** [adams3883@gmail.com](mailto:adams3883@gmail.com); [aitchisonsharon@gmail.com](mailto:aitchisonsharon@gmail.com); [Kathy cameron](#); [msangellab@hotmail.com](mailto:msangellab@hotmail.com); [mike crisciusa](mailto:mike crisciusa); [Nan4285@yahoo.com](mailto:Nan4285@yahoo.com); [david eisbrener](mailto:david eisbrener); [Jenniferfrandsen7@gmail.com](mailto:Jenniferfrandsen7@gmail.com); [robinsnest1985@aol.com](mailto:robinsnest1985@aol.com); [director@revealed.net](mailto:director@revealed.net); [par4greens@mediacombb.net](mailto:par4greens@mediacombb.net); [chrishllgn@aol.com](mailto:chrishllgn@aol.com); [mlhayman75@hotmail.com](mailto:mlhayman75@hotmail.com); [duhmoin54@gmail.com](mailto:duhmoin54@gmail.com); [Dkitchen@perryreid.com](mailto:Dkitchen@perryreid.com); [samos1961@gmail.com](mailto:samos1961@gmail.com); [3beetles@mchsi.com](mailto:3beetles@mchsi.com); [Teresalavonnelandon@yahoo.com](mailto:Teresalavonnelandon@yahoo.com); [pmccauley7@mchsi.com](mailto:pmccauley7@mchsi.com); [mcquire0397@msn.com](mailto:mcquire0397@msn.com); [anatcraig@aol.com](mailto:anatcraig@aol.com); [kristanm@mchsi.com](mailto:kristanm@mchsi.com); [molina910@yahoo.com](mailto:molina910@yahoo.com); [swnelson82@gmail.com](mailto:swnelson82@gmail.com); [ananikolop@gmail.com](mailto:ananikolop@gmail.com); [jkpalm1@mchsi.com](mailto:jkpalm1@mchsi.com); [sp paudel](mailto:sp paudel); [spauli40@aol.com](mailto:spauli40@aol.com); [fxpham@hotmail.com](mailto:fxpham@hotmail.com); [Angelasav75@gmail.com](mailto:Angelasav75@gmail.com); [kelimneal@gmail.com](mailto:kelimneal@gmail.com); [lcragone@gmail.com](mailto:lcragone@gmail.com); [rnkrice@mchsi.com](mailto:rnkrice@mchsi.com); [nathanschramm@yahoo.com](mailto:nathanschramm@yahoo.com); [brschrack@yahoo.com](mailto:brschrack@yahoo.com); [Danielsherman911@yahoo.com](mailto:Danielsherman911@yahoo.com); [sierrabe3@gmail.com](mailto:sierrabe3@gmail.com); [kevinskillett@gmail.com](mailto:kevinskillett@gmail.com); [Cale vangenderen](mailto:Cale vangenderen); [connievanlauwe@hotmail.com](mailto:connievanlauwe@hotmail.com); [weipertl@msn.com](mailto:weipertl@msn.com); [cinwink@gmail.com](mailto:cinwink@gmail.com); [zepeda@mchsi.com](mailto:zepeda@mchsi.com); [mkotula@reagan.com](mailto:mkotula@reagan.com); [leseymaluck@gmail.com](mailto:leseymaluck@gmail.com); [ingra123@aol.com](mailto:ingra123@aol.com); [Planning Division – CPED](#); [Gripp, Kyle](#); [Condon, JJ](#); [Clew, Rich](#); [mattflynn@ci.davenport.ia.us](mailto:mattflynn@ci.davenport.ia.us)  
**Subject:** Re: URGENT MEETING TONIGHT PLEASE ATTEND!  
**Date:** Tuesday, May 01, 2018 12:55:39 PM

---

Mack,

Thanks for the email. I have lived at the end of 58th street right next to the cornfield for 12 years. I can see them building Costco from my front door and will have construction equipment for all of the houses going right by my house, so obviously there is some change that you cannot stop. However, can you help me understand the recommendation for a street connection to Elmore on the Southeast side (presuming connecting to 58th)? I understand the thought that traffic from the extra homes would add traffic to our/59th streets, but I really think that a connection from Elmore to our neighborhood would have people coming off Elmore through our neighborhood to get to Jersey Ridge to avoid Costco and 53rd especially given Davenport's upcoming construction of widening 53rd. I would rather have the contained traffic from the extra 64 houses versus that situation of people racing down our street and past our kids to get from point A to point B.

Since receiving this email, I have spoken with several neighbors who live on 58th who agree that this is not what they would like either. They were not on the original email (you most likely didn't have them yet), but I have included them now. Unfortunately I cannot attend the meeting tonight as I have a prior commitment with my kids, but I have cc'd our Davenport city planner and Aldermen to show our concerns with the proposal of a connecting street to Elmore.

Thank you,  
Brian Carber

----- Original Message -----

From: "Mack Stephens" <[jerseymeadows52807@gmail.com](mailto:jerseymeadows52807@gmail.com)>  
To: [adams3883@gmail.com](mailto:adams3883@gmail.com), [aitchisonsharon@gmail.com](mailto:aitchisonsharon@gmail.com), "Kathy cameron" <[Kathy.cameron@mchsi.com](mailto:Kathy.cameron@mchsi.com)>, [carberfamily@mchsi.com](mailto:carberfamily@mchsi.com), [msangellab@hotmail.com](mailto:msangellab@hotmail.com), "mike crisciusa" <[mike.crisciusa@gmail.com](mailto:mike.crisciusa@gmail.com)>, [Nan4285@yahoo.com](mailto:Nan4285@yahoo.com), "david eisbrener" <[david.eisbrener@gkn.com](mailto:david.eisbrener@gkn.com)>, [Jenniferfrandsen7@gmail.com](mailto:Jenniferfrandsen7@gmail.com), [robinsnest1985@aol.com](mailto:robinsnest1985@aol.com), [director@revealed.net](mailto:director@revealed.net), [par4greens@mediacombb.net](mailto:par4greens@mediacombb.net), [chrishllgn@aol.com](mailto:chrishllgn@aol.com), [mlhayman75@hotmail.com](mailto:mlhayman75@hotmail.com), [duhmoin54@gmail.com](mailto:duhmoin54@gmail.com), [Dkitchen@perryreid.com](mailto:Dkitchen@perryreid.com), [samos1961@gmail.com](mailto:samos1961@gmail.com), [3beetles@mchsi.com](mailto:3beetles@mchsi.com), [Teresalavonnelandon@yahoo.com](mailto:Teresalavonnelandon@yahoo.com), [pmccauley7@mchsi.com](mailto:pmccauley7@mchsi.com), [mcquire0397@msn.com](mailto:mcquire0397@msn.com), [anatcraig@aol.com](mailto:anatcraig@aol.com), [kristanm@mchsi.com](mailto:kristanm@mchsi.com), [molina910@yahoo.com](mailto:molina910@yahoo.com), [swnelson82@gmail.com](mailto:swnelson82@gmail.com), [ananikolop@gmail.com](mailto:ananikolop@gmail.com), [jkpalm1@mchsi.com](mailto:jkpalm1@mchsi.com), "sp paudel" <[sp\\_paudel@yahoo.com](mailto:sp_paudel@yahoo.com)>, [spauli40@aol.com](mailto:spauli40@aol.com), [fxpham@hotmail.com](mailto:fxpham@hotmail.com), [Angelasav75@gmail.com](mailto:Angelasav75@gmail.com), [kelimneal@gmail.com](mailto:kelimneal@gmail.com), [lcragone@gmail.com](mailto:lcragone@gmail.com), [rnkrice@mchsi.com](mailto:rnkrice@mchsi.com), [nathanschramm@yahoo.com](mailto:nathanschramm@yahoo.com), [brschrack@yahoo.com](mailto:brschrack@yahoo.com), [Danielsherman911@yahoo.com](mailto:Danielsherman911@yahoo.com), [sierrabe3@gmail.com](mailto:sierrabe3@gmail.com), [kevinskillett@gmail.com](mailto:kevinskillett@gmail.com), "Cale vangenderen" <[Cale.vangenderen@gmail.com](mailto:Cale.vangenderen@gmail.com)>, [connievanlauwe@hotmail.com](mailto:connievanlauwe@hotmail.com), [weipertl@msn.com](mailto:weipertl@msn.com), [cinwink@gmail.com](mailto:cinwink@gmail.com), [zepeda@mchsi.com](mailto:zepeda@mchsi.com)  
Sent: Tuesday, May 1, 2018 11:00:01 AM  
Subject: URGENT MEETING TONIGHT PLEASE ATTEND!

Here is a little more info that I was going to circulate in the neighborhood but I ran out of time. This whole thing is moving rather fast...Scott Kelling is trying to slow it down.

CONCERNED ABOUT TRAFFIC ?

PLANS ARE TO BUILD 64 HOMES EAST OF OUR SUBDIVISION, NORTH OF COSTCO  
(corn field)

ALL ADDITIONAL TRAFFIC WILL ENTER/EXIT ON 58TH AND 59TH STREETS

WE'RE SUGGESTING ADDING A STREET AT SOUTHEAST CORNER CONNECTING TO ELMORE

PLEASE ATTEND TO LEARN MORE AND/OR EXPRESS YOUR CONCERNS

ZONING MEETING TONITE MAY 1ST AT 5:00  
COUNCIL CHAMBERS, CITY HALL  
226 WEST 4th ST



**From:** [Gaynell Foster](#)  
**To:** [Planning Division – CPED](#)  
**Subject:** Rezoning filed by Pheasant Creek Properties  
**Date:** Monday, April 30, 2018 4:41:44 PM

---

I am objecting to this rezoning as it has been presented. My concern is the traffic overload on E. 58th and 59th Streets.

These streets were built for light residential traffic. Their carrying capacity is not up to more traffic.

I believe a traffic study must be done for this to legitimately proceed.

Also, the routes from Jersey Ridge to the subject property are circuitous at the very least. Coming in from Jersey via 58th or 59th, a full four turns are required, some only a block long. Children and dog walkers frequent this route. The turns are tight enough as it is.

These other streets would be overloaded also: Julie Lane, Lorton Ave., and Woodland Ct.

There is no street that can become a collector street available.

I am Gaynell Foster  
2743 E. 59th St.  
Davenport

I hold a Master's Degree in Urban and Regional Planning  
I have served on the Davenport Historic Preservation Commission,  
The Riverboat Development Authority, and numerous non profit boards, such as the Putnam.

I can be reached at 563- 528-5434.

Gaynell Foster  
563.528.5434

**From:** [Cale VanGenderen](#)  
**To:** [Planning Division – CPED](#); [Flynn, Matt](#); [Jen](#)  
**Subject:** RE: Case No. REZ18-04; REZ18-05  
**Date:** Monday, April 30, 2018 11:28:44 AM

---

Hello,

I am writing this email in response to the rezoning request east of the Jersey Meadows Subdivision. We live at 2736 E 59th Street in the subdivision. We have no issue with the plans that have been submitted and can be viewed and retrieved online as of 4/30/2018.

We do want to ensure that there is no access planned to Elmore Ave with this new subdivision. We do not want E 58th St, E 59th St, and Meadows PI to become a through street similar to 53rd Street. This would bring unwanted traffic through this residential neighborhood creating a concern on home values and safety. The streets of E 58th St, E 59th St, and Meadows PI were not built to be through streets. This would eliminate parking and create a severe safety hazard.

Please let us know if the plans change and include access from E 58th, E 59th, and Meadows PI to Elmore Ave. We are firmly against any access to Elmore Ave from the Jersey Meadows subdivision.

Thank you for your consideration!

Cale VanGenderen

--



**Cale VanGenderen**

VP Mortgage Sales | NMLS # 772698 | Vibrant Credit Union  
800-323-5109 x2003

NOTICE: This electronic mail message and any files transmitted with it are intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and/or privileged information. Any unauthorized review, use, printing, saving, copying, disclosure or distribution is strictly prohibited. If you have received this message in error, please immediately advise the sender by reply email and delete all copies.



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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

May 16, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of May 15, the City Plan and Zoning Commission considered Case No. REZ18-04: Request of Pheasant Creek LLC for the rezoning of approximately 33.11 acres, more or less, of property located east of Jersey Meadows Subdivision and north of East 53<sup>rd</sup> Street from A-1 Agricultural District to R-2, Low Density Dwelling District.

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing to the west.
3. Existing street network can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected. This may require the installation of traffic signals at East 58th Street and Jersey Ridge Road sometime in the future.

Conditions:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

On an affirmative vote of 3-2, the Plan and Zoning Commission accepts the findings and forwards Case No. REZ18-04 to the City Council for approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', written over a light gray rectangular background.

Robert Inghram, Chairperson  
City Plan and Zoning Commission

**CITY PLAN AND ZONING COMMISSION  
CITY OF DAVENPORT, IOWA**

**TUESDAY MAY 15, 2018 • 5:00 PM  
COUNCIL CHAMBERS – DAVENPORT CITY HALL  
226 W 4<sup>TH</sup> STREET DAVENPORT, IA**

**MINUTES**

---

**PUBLIC HEARING AGENDA**

The public hearing was opened at 5:00 P.M. and the following public hearing was held:

**OLD BUSINESS –**

**NEW BUSINESS –**

- Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, “Zoning” by amending Section 17.29 in part by clarifying the Design Review Board's consideration of encroachment permits as recommendation only.  
[Wards All]

The public hearing was closed at 5:04 P.M.

**Next Public Hearing:**

Tuesday, June 05, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall – 226 West 4<sup>th</sup> Street.

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**REGULAR MEETING AGENDA**

The regular meeting was called to order at 5:04 P.M. following the public hearing.

**I. Roll Call of the Membership**

Present: Connell, Hepner, Inghram, Maness, Medd, Quinn, Reinartz and Tallman

Excused: Johnson, Kelling and Lammers

Absent: None

Staff: Flynn, Longlett Rusnak, Statz, Wille and attorney Heyer

**II. Report of the City Council Activity – as presented**

**III. Secretary's Report** May 01, 2018 meeting minutes were corrected to reflect Kelling as abstaining, not Hepner.

**IV. Report of the Comprehensive Plan Committee**

**V. Zoning Activity**

**A. Old Business**

**B. New Business -**

1. Case No REZ18-04 being the request of Adam Seitz dba Pheasant Creek Estates LLC for a rezoning from “A-1” Agricultural District to “R-2” Low Density Dwelling District on 33.11 acres, more or less, located west of Elmore Avenue and north of 53<sup>rd</sup> Street for residential development.

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing to the west.
3. Existing street network can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected. This may require the installation of traffic signals at East 58th Street and Jersey Ridge Road sometime in the future.

Condition:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

Final Recommendation: Staff recommends the Plan Commission accept the findings and condition and forward Case No. REZ18-04 to the City Council for approval.

Several members of the audience spoke in favor of a connection to Elmore Avenue while several in the audience living on 58<sup>th</sup> Street spoke against the connection.

A motion by Medd, seconded by Connell to accept the findings and forward Case No REZ18-04 to the City Council for approval subject to the above stated condition was approved on a split vote of 3-yes, 2-no (Hepner & Reinartz) and 2-abstention (Quinn & Tallman).

2. Case No REZ18-05 being the request of Adam Seitz dba Pheasant Creek Estates LLC for a rezoning from “A-1” Agricultural District to “PDD” Planned Development District on 7.41 acres, more or less, located west of Elmore Avenue and south of Pheasant Creek for commercial development.

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing along the Elmore Avenue Corridor.
3. Existing Elmore Avenue can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected.

Condition:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

Final Recommendation: Staff recommends the Plan Commission accept the findings and condition and forward Case No. REZ18-05 to the City Council for approval.

On a motion by Medd, seconded by Hepner, the Commission accepts the findings and forwards Case No. REZ18-05 to the City Council for approval subject to the above stated condition on a vote of 5-yes, 0-no and 2-abstention (Quinn & Tallman).

## **VI. Subdivision Activity**

### **A. Old Business –**

### **B. New Business –**

1. Case No. F18-03: Final plat of Pheasant Ridge First Addition on 43.27 acres, more or less located west of Elmore Avenue and north of East 53<sup>rd</sup> Street containing three (3) lots. [Ward 6]

#### Findings:

- The proposed plat facilitates the sale and proposed development of the property.
- The proposed plat complies with the land use portion of Davenport+2035: Comprehensive Plan for the City.

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F18-03 to the City Council for approval subject to the following conditions:

1. That a drainage easement and the Flood Insurance Rate Map floodplain boundary be shown on the plat as it impacts each lot and potential development within this plat.
2. The drainage easement along Pheasant Creek which includes the floodplain area shall also be designated a greenway easement.

On a motion by Reinartz, seconded by Medd, the Commission forwards Case No. F18-03 to the City Council for approval subject to the above stated conditions on a vote of 5-yes, 0-no and 2-abstention (Quinn & Tallman).

## **VII. Other Business – Election of Officers**

A motion by Hepner, seconded by Reinartz, to re-elect the current slate of officers was approved on three separate unanimous voice votes, one for each office, with Tallman being retained as Secretary, Connell being retained as Vice-Chairman and Inghram being retained as Chairman.

## **VIII. Future Business – Preview of items for the June 5<sup>th</sup> public hearing and/or regular meeting (*note-not all items to be heard may be listed*):**

### **IX. Communications (Time open for citizens wishing to address the Commission on matters not on the established agenda)**

### **X. Adjourn – The meeting was adjourned at 6:08 P.M.**

- *Note: Pursuant to §17.60.030 and §2.64.120 of the Davenport City Code the Commission is required to act on this item within 30 days unless the petitioner waives this requirement.*



*Pursuant to the city code if the Commission does not act and report on this item within 30 days' time this agenda item is to be construed as approved by the Commission.*

- *Note: The Plan and Zoning Commission meeting is not a public hearing. It is time for the commission to discuss the issue(s) with City staff and if questions rise, with the developer.*
- *A rezoning or ordinance text amendment has a second public hearing before the City Council at its Committee of the Whole meeting. Notification of that meeting will be sent to surrounding owners following the Plan and Zoning Commission meeting.*

**Next Public Hearing/Regular Plan & Zoning Meeting:**

**Tuesday, June 05, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall  
226 West 4<sup>th</sup> Street.**

## APPROVED

| Name:    | Roll Call | REZ18-04<br>Pheasant Creek<br>LLC | REZ18-05<br>Pheasant Creek<br>LLC | F18-01<br>Pheasant Ridge<br>1st |  |  |  |  |  |
|----------|-----------|-----------------------------------|-----------------------------------|---------------------------------|--|--|--|--|--|
| Connell  | P         | Y                                 | Y                                 | Y                               |  |  |  |  |  |
| Hepner   | P         | N                                 | Y                                 | Y                               |  |  |  |  |  |
| Inghram  | P         |                                   |                                   |                                 |  |  |  |  |  |
| Johnson  | EX        |                                   |                                   |                                 |  |  |  |  |  |
| Kelling  | EX        |                                   |                                   |                                 |  |  |  |  |  |
| Lammers  | EX        |                                   |                                   |                                 |  |  |  |  |  |
| Maness   | P         | Y                                 | Y                                 | Y                               |  |  |  |  |  |
| Medd     | P         | Y                                 | Y                                 | Y                               |  |  |  |  |  |
| Quinn    | P         | ABS                               | ABS                               | ABS                             |  |  |  |  |  |
| Reinartz | P         | N                                 | Y                                 | Y                               |  |  |  |  |  |
| Tallman  | P         | ABS                               | ABS                               | ABS                             |  |  |  |  |  |
|          |           | 3-YES<br>2-NO<br>2-ABSTAIN        | 5-YES<br>0-NO<br>2-ABSTAIN        | 5-YES<br>0-NO<br>2-ABSTAIN      |  |  |  |  |  |

## **PUBLIC ENGAGEMENT SUMMARY**

### **Case No's. REZ18-04 and REZ18-05**

**Public Meeting Notice:** Signs Posted: 3 signs were posted on April 16

**Public Meeting:** 43 notices mailed April 18. A public meeting was held on April 30 at the Public Works Center. Approximately 30 people attended

**Public Hearing Notice:** The notice was sent to the QCT for publication on April 17.

**Public Hearing Mailing:** Mailed to approximately 43 neighbors on April 18.

**P&Z Public Hearing:** Held on May 1. 3 people spoke against the proposal citing traffic, drainage, and improper notification.

**P&Z Recommendation:** Held on May 15<sup>th</sup>. Additional comments were received. REZ18-04 was recommended for approval by a vote of 3-2. REZ18-05 was recommended for approval by a vote of 5-0.

**COW Neighbor Mailing:** Sent on approximately May 18.

**COW Public Hearing Notice:** Was published in the QCT on May 25.

**Protest Rate:** To date, 17 protests have been filed (18.1%) been filed for Case No. REZ18-04; none for Case No. REZ18-5 (0.0%)

**NOTICE  
PUBLIC MEETING  
MONDAY, APRIL 30, 5:30 PM  
DAVENPORT PUBLIC WORKS CENTER  
1200 EAST 46<sup>TH</sup> STREET, DAVENPORT, IOWA 52807**

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezoning property has been filed by Adam Seitz, Pheasant Creek Properties, LLC (Advance Homes) for 33.11 acres from A-1 Agricultural to R-2 Low Density Residential and 7.41 acres from A-1 Agricultural to PDD Planned Development District. (See map of the affected property on reverse side of this notice). The intent of this request is to allow for single family development on the larger tract and possible future commercial development on the smaller tract, which fronts Elmore Avenue.

One of the first steps in the rezoning process is to hold a public meeting, which provides an opportunity for the petitioner to explain the request further and for City staff to outline the formal process to come.

The public meeting will be held at the Davenport Public Works Center on the date and time listed above. Public Works can be reached by following Tremont Street south from East 53<sup>rd</sup> Street to East 46<sup>th</sup> Street; then traveling east. Signs will be posted on-site to direct you to the meeting room.

Public hearings before both the Plan and Zoning Commission and City Council will be forthcoming; you will be notified of these meetings as well. The public hearing before the Plan and Zoning Commission is tentatively set for Tuesday, May 1, 2018, 5:00 pm at City Hall.

The City welcomes public participation in the rezoning process and your comments are important. If you cannot attend the public meeting and have questions or concerns, please contact the Community Planning Division.

Case No. REZ18-04; REZ18-05

E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765

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Case No. REZ18-04; REZ18-05

E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765



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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**NOTICE  
PUBLIC HEARING  
TUESDAY, MAY 1, 2018  
DAVENPORT CITY PLAN AND ZONING COMMISSION  
COUNCIL CHAMBERS - DAVENPORT CITY HALL  
226 WEST 4th STREET – DAVENPORT, IOWA**

**Please be aware of possible zoning changes that may impact your property or neighborhood.**

**Case No. REZ18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)**

**A public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday May 1, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.**

**Any written comments (which can be sent via email) to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s).**

**If you believe you are affected by the proposed changes and have questions, please contact the Community Planning Division.**

**E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)**

**Phone: (563) 326-7765**

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Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

I/we \_\_\_\_\_ who own property located at (be specific as possible)

---

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801





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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
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**Phone: (563) 326-7765**

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I/we \_\_\_\_\_ who own property located at (be specific as possible)

---

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801



# City of Davenport

Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

## NOTICE

### PUBLIC HEARING

TUESDAY, MAY 1st 2018, 5:00pm

DAVENPORT CITY PLAN AND ZONING COMMISSION

COUNCIL CHAMBERS - DAVENPORT CITY HALL

226 WEST 4th STREET – DAVENPORT, IOWA

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E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765

Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

I/we Joseph & Katherine Palmer who own property located at (be specific as possible)  
2800 E. 59th St. - Davenport

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: Joseph Palmer Katherine Palmer

Date: 4/24/18

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801

## Neighborhood Meeting Attendance List

|                       |                 |                                                                                      |
|-----------------------|-----------------|--------------------------------------------------------------------------------------|
| <b>Case: REZ18-04</b> | <b>REZ18-05</b> | <b>Date: April 30th 2018</b>                                                         |
| Gary Aitchison        | 563-370-4480    | <a href="mailto:aitchisongary@gmail.com">aitchisongary@gmail.com</a>                 |
| Gary Andrade          | 563-676-4102    |                                                                                      |
| Kristan Mitchell      | 563-650-9580    | <a href="mailto:kristinm@mchsi.com">kristinm@mchsi.com</a>                           |
| Bill Hurt             | 563-271-2830    | <a href="mailto:bill.hurt615@gmail.com">bill.hurt615@gmail.com</a>                   |
| Mike DeJulius         | 563-529-4457    | <a href="mailto:mike@njmiller-hawkeye.com">mike@njmiller-hawkeye.com</a>             |
| Denuis Williams       | 563-359-0308    | Advanced Home                                                                        |
| Kathy & Joe Palmer    | 563-323-9303    | <a href="mailto:jkpalm2@mchsi.com">jkpalm2@mchsi.com</a>                             |
| Scott Kelling         | 2801 Meadows Pl | <a href="mailto:skelling@melfosterco.com">skelling@melfosterco.com</a>               |
| Susie & Jeff Seitz    | 563-528-0448    | <a href="mailto:susieseitz@advancedhomesinc.com">susieseitz@advancedhomesinc.com</a> |
| Bob Inghram           | 563-349-0341    | <a href="mailto:bingghram@activethermal.net">bingghram@activethermal.net</a>         |
| Pete McGee            | 563-940-3043    | <a href="mailto:pmcghee511@aol.com">pmcghee511@aol.com</a>                           |
| Renee McGhee          | 563-344-4896    |                                                                                      |
| Joe Maluck            | 708-837-0007    | <a href="mailto:j_maluck756@yahoo.com">j_maluck756@yahoo.com</a>                     |
| Rich Clewell          | 563-340-0559    | <a href="mailto:rclewell@ci.davenport.ia.us">rclewell@ci.davenport.ia.us</a>         |

**From:** [carberfamily@mchsi.com](mailto:carberfamily@mchsi.com)  
**To:** [Mack Stephens](#)  
**Cc:** [adams3883@gmail.com](mailto:adams3883@gmail.com); [aitchisonsharon@gmail.com](mailto:aitchisonsharon@gmail.com); [Kathy cameron](#); [msangellab@hotmail.com](mailto:msangellab@hotmail.com); [mike crisciusa](mailto:mike crisciusa); [Nan4285@yahoo.com](mailto:Nan4285@yahoo.com); [david eisbrener](mailto:david eisbrener); [Jenniferfrandsen7@gmail.com](mailto:Jenniferfrandsen7@gmail.com); [robinsnest1985@aol.com](mailto:robinsnest1985@aol.com); [director@revealed.net](mailto:director@revealed.net); [par4greens@mediacombb.net](mailto:par4greens@mediacombb.net); [chrishllgn@aol.com](mailto:chrishllgn@aol.com); [mlhayman75@hotmail.com](mailto:mlhayman75@hotmail.com); [duhmoin54@gmail.com](mailto:duhmoin54@gmail.com); [Dkitchen@perryreid.com](mailto:Dkitchen@perryreid.com); [samos1961@gmail.com](mailto:samos1961@gmail.com); [3beetles@mchsi.com](mailto:3beetles@mchsi.com); [Teresalavonnelandon@yahoo.com](mailto:Teresalavonnelandon@yahoo.com); [pmccauley7@mchsi.com](mailto:pmccauley7@mchsi.com); [mcquire0397@msn.com](mailto:mcquire0397@msn.com); [anatcraig@aol.com](mailto:anatcraig@aol.com); [kristanm@mchsi.com](mailto:kristanm@mchsi.com); [molina910@yahoo.com](mailto:molina910@yahoo.com); [swnelson82@gmail.com](mailto:swnelson82@gmail.com); [ananikolop@gmail.com](mailto:ananikolop@gmail.com); [jkpalm1@mchsi.com](mailto:jkpalm1@mchsi.com); [sp paudel](mailto:sp paudel); [spauli40@aol.com](mailto:spauli40@aol.com); [fxpham@hotmail.com](mailto:fxpham@hotmail.com); [Angelasav75@gmail.com](mailto:Angelasav75@gmail.com); [kelimneal@gmail.com](mailto:kelimneal@gmail.com); [lcragone@gmail.com](mailto:lcragone@gmail.com); [rnkrice@mchsi.com](mailto:rnkrice@mchsi.com); [nathanschramm@yahoo.com](mailto:nathanschramm@yahoo.com); [brschrack@yahoo.com](mailto:brschrack@yahoo.com); [Danielsherman911@yahoo.com](mailto:Danielsherman911@yahoo.com); [sierrabe3@gmail.com](mailto:sierrabe3@gmail.com); [kevinskillett@gmail.com](mailto:kevinskillett@gmail.com); [Cale vangenderen](mailto:Cale vangenderen); [connievanlauwe@hotmail.com](mailto:connievanlauwe@hotmail.com); [weipertl@msn.com](mailto:weipertl@msn.com); [cinwink@gmail.com](mailto:cinwink@gmail.com); [zepeda@mchsi.com](mailto:zepeda@mchsi.com); [mkotula@reagan.com](mailto:mkotula@reagan.com); [leseymaluck@gmail.com](mailto:leseymaluck@gmail.com); [ingra123@aol.com](mailto:ingra123@aol.com); [Planning Division – CPED](#); [Gripp, Kyle](#); [Condon, JJ](#); [Clew, Rich](#); [mattflynn@ci.davenport.ia.us](mailto:mattflynn@ci.davenport.ia.us)  
**Subject:** Re: URGENT MEETING TONIGHT PLEASE ATTEND!  
**Date:** Tuesday, May 01, 2018 12:55:39 PM

---

Mack,

Thanks for the email. I have lived at the end of 58th street right next to the cornfield for 12 years. I can see them building Costco from my front door and will have construction equipment for all of the houses going right by my house, so obviously there is some change that you cannot stop. However, can you help me understand the recommendation for a street connection to Elmore on the Southeast side (presuming connecting to 58th)? I understand the thought that traffic from the extra homes would add traffic to our/59th streets, but I really think that a connection from Elmore to our neighborhood would have people coming off Elmore through our neighborhood to get to Jersey Ridge to avoid Costco and 53rd especially given Davenport's upcoming construction of widening 53rd. I would rather have the contained traffic from the extra 64 houses versus that situation of people racing down our street and past our kids to get from point A to point B.

Since receiving this email, I have spoken with several neighbors who live on 58th who agree that this is not what they would like either. They were not on the original email (you most likely didn't have them yet), but I have included them now. Unfortunately I cannot attend the meeting tonight as I have a prior commitment with my kids, but I have cc'd our Davenport city planner and Aldermen to show our concerns with the proposal of a connecting street to Elmore.

Thank you,  
Brian Carber

----- Original Message -----

From: "Mack Stephens" <[jerseymeadows52807@gmail.com](mailto:jerseymeadows52807@gmail.com)>  
To: [adams3883@gmail.com](mailto:adams3883@gmail.com), [aitchisonsharon@gmail.com](mailto:aitchisonsharon@gmail.com), "Kathy cameron" <[Kathy.cameron@mchsi.com](mailto:Kathy.cameron@mchsi.com)>, [carberfamily@mchsi.com](mailto:carberfamily@mchsi.com), [msangellab@hotmail.com](mailto:msangellab@hotmail.com), "mike crisciusa" <[mike.crisciusa@gmail.com](mailto:mike.crisciusa@gmail.com)>, [Nan4285@yahoo.com](mailto:Nan4285@yahoo.com), "david eisbrener" <[david.eisbrener@gkn.com](mailto:david.eisbrener@gkn.com)>, [Jenniferfrandsen7@gmail.com](mailto:Jenniferfrandsen7@gmail.com), [robinsnest1985@aol.com](mailto:robinsnest1985@aol.com), [director@revealed.net](mailto:director@revealed.net), [par4greens@mediacombb.net](mailto:par4greens@mediacombb.net), [chrishllgn@aol.com](mailto:chrishllgn@aol.com), [mlhayman75@hotmail.com](mailto:mlhayman75@hotmail.com), [duhmoin54@gmail.com](mailto:duhmoin54@gmail.com), [Dkitchen@perryreid.com](mailto:Dkitchen@perryreid.com), [samos1961@gmail.com](mailto:samos1961@gmail.com), [3beetles@mchsi.com](mailto:3beetles@mchsi.com), [Teresalavonnelandon@yahoo.com](mailto:Teresalavonnelandon@yahoo.com), [pmccauley7@mchsi.com](mailto:pmccauley7@mchsi.com), [mcquire0397@msn.com](mailto:mcquire0397@msn.com), [anatcraig@aol.com](mailto:anatcraig@aol.com), [kristanm@mchsi.com](mailto:kristanm@mchsi.com), [molina910@yahoo.com](mailto:molina910@yahoo.com), [swnelson82@gmail.com](mailto:swnelson82@gmail.com), [ananikolop@gmail.com](mailto:ananikolop@gmail.com), [jkpalm1@mchsi.com](mailto:jkpalm1@mchsi.com), "sp paudel" <[sp\\_paudel@yahoo.com](mailto:sp_paudel@yahoo.com)>, [spauli40@aol.com](mailto:spauli40@aol.com), [fxpham@hotmail.com](mailto:fxpham@hotmail.com), [Angelasav75@gmail.com](mailto:Angelasav75@gmail.com), [kelimneal@gmail.com](mailto:kelimneal@gmail.com), [lcragone@gmail.com](mailto:lcragone@gmail.com), [rnkrice@mchsi.com](mailto:rnkrice@mchsi.com), [nathanschramm@yahoo.com](mailto:nathanschramm@yahoo.com), [brschrack@yahoo.com](mailto:brschrack@yahoo.com), [Danielsherman911@yahoo.com](mailto:Danielsherman911@yahoo.com), [sierrabe3@gmail.com](mailto:sierrabe3@gmail.com), [kevinskillett@gmail.com](mailto:kevinskillett@gmail.com), "Cale vangenderen" <[Cale.vangenderen@gmail.com](mailto:Cale.vangenderen@gmail.com)>, [connievanlauwe@hotmail.com](mailto:connievanlauwe@hotmail.com), [weipertl@msn.com](mailto:weipertl@msn.com), [cinwink@gmail.com](mailto:cinwink@gmail.com), [zepeda@mchsi.com](mailto:zepeda@mchsi.com)  
Sent: Tuesday, May 1, 2018 11:00:01 AM  
Subject: URGENT MEETING TONIGHT PLEASE ATTEND!

Here is a little more info that I was going to circulate in the neighborhood but I ran out of time. This whole thing is moving rather fast...Scott Kelling is trying to slow it down.

CONCERNED ABOUT TRAFFIC ?

PLANS ARE TO BUILD 64 HOMES EAST OF OUR SUBDIVISION, NORTH OF COSTCO  
(corn field)

ALL ADDITIONAL TRAFFIC WILL ENTER/EXIT ON 58TH AND 59TH STREETS

WE'RE SUGGESTING ADDING A STREET AT SOUTHEAST CORNER CONNECTING TO ELMORE

PLEASE ATTEND TO LEARN MORE AND/OR EXPRESS YOUR CONCERNS

ZONING MEETING TONITE MAY 1ST AT 5:00  
COUNCIL CHAMBERS, CITY HALL  
226 WEST 4th ST

**From:** [Gaynell Foster](#)  
**To:** [Planning Division – CPED](#)  
**Subject:** Rezoning filed by Pheasant Creek Properties  
**Date:** Monday, April 30, 2018 4:41:44 PM

---

I am objecting to this rezoning as it has been presented. My concern is the traffic overload on E. 58th and 59th Streets.

These streets were built for light residential traffic. Their carrying capacity is not up to more traffic.

I believe a traffic study must be done for this to legitimately proceed.

Also, the routes from Jersey Ridge to the subject property are circuitous at the very least. Coming in from Jersey via 58th or 59th, a full four turns are required, some only a block long. Children and dog walkers frequent this route. The turns are tight enough as it is.

These other streets would be overloaded also: Julie Lane, Lorton Ave., and Woodland Ct.

There is no street that can become a collector street available.

I am Gaynell Foster  
2743 E. 59th St.  
Davenport

I hold a Master's Degree in Urban and Regional Planning  
I have served on the Davenport Historic Preservation Commission,  
The Riverboat Development Authority, and numerous non profit boards, such as the Putnam.

I can be reached at 563- 528-5434.

Gaynell Foster  
563.528.5434



**From:** [Orfitelli, Michael](#)  
**To:** [Planning Division – CPED](#)  
**Subject:** Case No. REZ18-04 In protest of rezoning Advance Homes/Jersey Meadows  
**Date:** Tuesday, May 01, 2018 11:19:14 AM

---

Dear Planning and Zoning,

RE: Case No REZ18-04

I am writing in protest to the rezoning of the property petitioned to be rezoned from Agricultural to Low Density R-2 to the east of 58<sup>th</sup> street/Meadows Place/59<sup>th</sup> streets in Davenport, 52807. Proposed rezoning will allow for around 64 new homes to be built on the site. This site is now locked in by topography, and business due to the approved Costco construction. Adding 64 homes to the site as currently planned will create an overflow of traffic through the current neighborhood currently serving around 150 homes. The only access points are Jersey Meadows Drive and Lorton. The proposition would almost double the traffic into the access points, the neighborhood and Jersey Ridge Rd. Including 33.11 acres of homes with the current design proposed and access points would create regular unsafe conditions for neighbors, (including children), and emergency access. Although there is no code for the number of residences per required neighborhood access points, if approved the rezoning would result in the highest density of homes with the fewest access points. The access option was closed when Costco was approved, leaving this land locked. I understand the intention years ago was to have residential in the space. The recent development has created access challenges, this past plan must be changed and you must deny or table the decision to rezone the property to R-2.

Furthermore, I also understand the requirement of notification of rezoning; 200 ft. from the proposed area. Although the requirement was fulfilled this proposal has a great effect on far more than those 200 ft. from the site. Again, there are about 150 homes that will be effected. A good neighbor due diligence would have provided the entire neighborhood with a notice to provide for an appropriate voice in this manner. Our entire neighborhood has not had ample opportunity to study and provide a voice. I am again requesting this proposal to be denied and/or tabled at this time. Finally, as a neighbor close to the proposed site, I am very concerned with environmental factors that will result as the land is developed. The most worrisome of these factors is water run-off. Our property is affected during every rain, I can only anticipate greater water run-off and possible damage to our dwelling and property.

There are a number of factors that are of concern related to the petitioned rezoning. I would ask of Planning and Zoning, as well as the city to deny the petition.

Mike Orfitelli  
2723 Meadows Place  
Davenport, IA 52807

**From:** [Cale VanGenderen](#)  
**To:** [Planning Division – CPED](#); [Flynn, Matt](#); [Jen](#)  
**Subject:** RE: Case No. REZ18-04; REZ18-05  
**Date:** Monday, April 30, 2018 11:28:44 AM

---

Hello,

I am writing this email in response to the rezoning request east of the Jersey Meadows Subdivision. We live at 2736 E 59th Street in the subdivision. We have no issue with the plans that have been submitted and can be viewed and retrieved online as of 4/30/2018.

We do want to ensure that there is no access planned to Elmore Ave with this new subdivision. We do not want E 58th St, E 59th St, and Meadows PI to become a through street similar to 53rd Street. This would bring unwanted traffic through this residential neighborhood creating a concern on home values and safety. The streets of E 58th St, E 59th St, and Meadows PI were not built to be through streets. This would eliminate parking and create a severe safety hazard.

Please let us know if the plans change and include access from E 58th, E 59th, and Meadows PI to Elmore Ave. We are firmly against any access to Elmore Ave from the Jersey Meadows subdivision.

Thank you for your consideration!

Cale VanGenderen

--



**Cale VanGenderen**

VP Mortgage Sales | NMLS # 772698 | Vibrant Credit Union  
800-323-5109 x2003

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**To:** [Planning Division – CPED](#)  
**Subject:** Case REZ18-04 Pheasant Creek LLC Rezoning  
**Date:** Thursday, May 03, 2018 8:15:12 AM

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To whom it may concern:

I am writing in regards to Case REZ18-04 discussed on May 1, 2018 at the city council meeting. This case proposed the rezoning of Pheasant Creek LLC A-1 to R-2 in the lot immediately east of the Jersey Meadows subdivision. My husband and I are new residents of the Jersey Meadows subdivision and reside at 2717 E 58<sup>th</sup> St. We did not know at the time we purchased our home that it would no longer be a dead end, and while we are disappointed about that, we are very concerned about a thoroughfare being built to Elmore. While I understand that some residents of the neighborhood are in favor of an outlet to Elmore, please know that we are not. The residents in favor of this reside on 59<sup>th</sup> St, and the thoroughfare would impact us, not them. I know that many people would use 58<sup>th</sup> to bypass 53<sup>rd</sup>, particularly those residing in the Crystal Ridge subdivision. If we limit the roads to the residences in Jersey Meadows and the new development and not allow an outlet to Elmore, we can almost guarantee traffic will be residential only.

My husband, Joe, and I believe that if the residences are inevitable, it is best for them to be on a loop or in cul-de-sacs for traffic minimization. We are also concerned about the construction equipment and low-boys traveling down our street during the construction of these residences, as the streets are not wide and were not built to support that type of use. In addition, we have concerns about screws or other equipment falling off construction trucks and damaging tires, etc. Please note we are not opposed to the construction of these residences, but we would like some protection if this were to damage our road/property.

We do most certainly believe that reducing the number of homes being built is the best option as residents of the Jersey Meadows subdivision, as 64 homes leaves much more supply than demand, which will make selling our properties difficult in the coming years, and increases traffic drastically more. However, if this is inevitable, please do not allow an outlet to Elmore to be built. I do urge you to consider rezoning to R-1, if that is in the realm of possibility. I know Advance homes has to make a profit, but I don't want the overflow of housing to be detrimental to our bottom lines, either.

Please do not hesitate to contact me if you have any questions.

Best regards,  
Kelsey

**Kelsey Maluck**  
**Internal Control Accountant**  
Deere & Company  
3400 80<sup>th</sup> St.  
Moline, IL 61265  
Work: (309) 748-8477  
Email: [MaluckKelseyA@JohnDeere.com](mailto:MaluckKelseyA@JohnDeere.com)

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MAY 15 2018

330 1/2 N 1st St  
Davenport, IA 52801

## PETITION TO CITY OF DAVENPORT PLANNING &amp; ZONING COMMISSION

We, the undersigned residents of the Jersey Meadows Additions, are OPPOSED to the re-zoning Petition REZ18-04 and REZ18-05. We believe an additional traffic outlet to this 33-acre parcel should be provided to Elmore Avenue or Elmore Circle. Furthermore, written notification of the Re-zoning was only given to a handful of homeowners in the Jersey Meadows Additions.

| NAME                    | ADDRESS             | PHONE             | EMAIL                           |
|-------------------------|---------------------|-------------------|---------------------------------|
| Kevin & Renee Skilllett | 2764 Julie Lane Ct. | (563) 343-6429    | kskilllett@bettendorf.k12.ia.us |
| Joel & Tracie Mohr      | 2723 Julie Lane Ct. | 563-508-5204      | joe/water@i.com                 |
| Jim & Lynn Olsen        | 2729 Julie Lane Ct. | 563-391-9376      | 50531@aol.com                   |
| Tim & Lynn McFadden     | 2736 Julie Lane Ct. | 563-376-7697      | Lynnsphone@icloud.com           |
| Kath & Angie Berthel    | 2755 Julie Lane Ct. | 563-940-5745      | Berthel@usd.com                 |
| John & Stephanie Stork  | 2763 Julie Lane Ct. | 563-370-5147      | Stork.f@medison-bb.com          |
| Mark & Nicole Mandke    | 2758 Julie Lane Ct. | 563-209-2883      | markmandke@icloud.com           |
| Brian Henderson         | 2728 Julie Lane Ct. | 309-235-6682      | bhenders@smail.com              |
| Chris Silverstein       | 2728 Julie Lane Ct. | 563-271-3790      | chrisilverstein@gmail.com       |
| Clara Wiseman           | 2722 Julie Lane Ct. | 563-940-2036      |                                 |
| Mary & Steve Telisak    | 2735 Julie Lane Ct. | (830) 352-6230    | mtelisk@gmail.com               |
| Paul & Anita Ferdinand  | 2752 Julie Lane Ct. | 563-320-5673      | aferdinand@icloud.com           |
| Gayle Hawn              | 2744 Julie Ln Ct.   | (563)-309-7370490 | gaylehawn378@gmail.com          |
| Reed & Karen Carlsen    | 2710 Julie Ln Ct.   | 563-514-7795      | Jrkar469191@gmail.com           |
| Monica Adams            | 5905 Loreton Ave    | 563-349-3215      | adams3883@gmail.com             |
| Pete & Linda McGee      | 2708 E 59th St      | 563-940-3043      | pmcgee511@aol.com               |
| Anthony & Deanna        | 2721 E 59th Street  | 309-781-0287      | Michael@cmthighway.com          |
| Donald Mankin           | 2744 E 59th St      | 563-354-6412      | d.wisbren@enchsi.com            |
| DAVID EISENBERG         | 2807 E 59th St      | 563-271-8663      | gibster@me.com                  |
| Garnell Foster          | 2743 E 59th St.     | 563-528-5434      | bill.hurt65@gmail.com           |
| Bill Hurt               | 2731 E 59th St      | 563-271-2830      | timandjankay@regan.com          |
| Tom KAY                 | 5803 Forest Rd      | 563-508-9538      | kristian@icloud.com             |
| Kristen Pultenell       | 2729 Meadows Pl.    | 563-344-0445      | kristian@icloud.com             |
| Mike Orfelli            | 2723 Meadows Pl.    | 563-586-5542      | mikeorfelli@yahoo.com           |
| Jerome mena             | 2711 Meadows Pl     | 563-450-9252      | to.m.mena@icloud.com            |

MAY 15 2018

## PETITION TO CITY OF DAVENPORT PLANNING &amp; ZONING COMMISSION

We, the undersigned residents of the Jersey Meadows Additions, are OPPOSED to the re-zoning Petition REZ18-04 and REZ18-05. We believe an additional traffic outlet to this 33-acre parcel should be provided to Elmore Avenue or Elmore Circle. Further, we would like notification of the Re-zoning was only given to a handful of homeowners in the Jersey Meadows Additions.

| NAME             | ADDRESS           | PHONE          | EMAIL                      |
|------------------|-------------------|----------------|----------------------------|
| Crystal Miguel   | 6011 Lorton Ave   | (563) 528-5072 | Cmiguie@gmail.com          |
| David Miguel     | 6011 Lorton Ave   | (563) 658-3126 | cmiguie199@gmail.com       |
| Derrick Frost    | 6056 Lorton Ave   | (563) 528-1208 | Dfrost46@gmail.com         |
| Holly Frost      | 6056 Lorton Ave   | (563) 271-9822 | Hollyd.frost@yahoo.com     |
| WONELD AUGUSTO   | 2622 Julie Lane   | 563-359-4878   | augusto11@gmail.com        |
| Collin Frost     | 5817 Woodland Ave | 563-676-1322   | colinfrost@gmail.com       |
| Kenneth West     | 2705 Julie Lane   | 563-585-4216   | westkenneth@gmail.com      |
|                  |                   |                |                            |
|                  |                   |                |                            |
| Mike Wilkins     | 5826 Woodland Ave | 563-320-3206   | mt.wilkins@hotmail.com     |
| Thomas Wilkins   | "                 | "              | "                          |
| Andrew Smith     | 2603              | 563-579-8668   | "                          |
| William & Mahli  | 5829 Woodland     | 563-650-6420   | Mohli1970@yahoo.com        |
| Donell Forrest   | 5821 Woodland     | 309-269-3012   | dforrest@hotmail.com       |
| Tim Forrest      | 5821 Woodland     | 309-286-4650   | dforrest@hotmail.com       |
| HUNG PHAM        | 2610 E. 58th St.  | 563-355-2676   | hpham@hotmail.com          |
| Mark Van Laune   | 2611 E. 58th St   | 563-359-3623   | vanlaune@hotmail.com       |
| Connie Van Laune | 2611 E. 58th St   | 563-359-3623   | connievanlaune@hotmail.com |
| Chris Halligan   | 2618 E. 58th St   | 563-326-4237   | chris119@aol.com           |
| John Halligan    | 2618 E. 58th St   | 563-326-4237   | handfordsales@aol.com      |
|                  |                   |                |                            |
|                  |                   |                |                            |
|                  |                   |                |                            |



We, the undersigned residents of the Jersey Meadows Additions, are OPPOSED to the re-zoning Petition REZ18-0001. We believe an additional traffic outlet to this 33-acre parcel should be provided to Elmore Avenue or Elmore Circle. notification of the Re-zoning was only given to a handful of homeowners in the Jersey Meadows Additions.

[illegible]



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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**PUBLIC HEARING NOTICE  
WEDNESDAY, JUNE 6, 2018  
DAVENPORT COMMITTEE OF THE WHOLE  
COUNCIL CHAMBERS - DAVENPORT CITY HALL - 226 WEST 4th STREET – DAVENPORT, IOWA**

**Please be aware of possible zoning changes that may impact your property or neighborhood.**

**Case No. REZ18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)**

**The Plan and Zoning Commission voted on May 15, 2018 to recommend approval of the request.**

**A public hearing before the Davenport Committee of the Whole on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Tuesday May 1, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.**

**Any written comments or protests (which can be sent via email) to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). If you signed the petition presented at the May 15, 2018 Plan and Zoning Commission, your protest is registered and you do not need to contact us again.**

**Please contact the Community Planning Division for additional information.**

**E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) Phone: (563) 326-7765**

---

Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

I/we \_\_\_\_\_ who own property located at (be specific as possible)

---

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801



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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**PUBLIC HEARING NOTICE  
WEDNESDAY, JUNE 6, 2018  
DAVENPORT COMMITTEE OF THE WHOLE  
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**Please contact the Community Planning Division for additional information.**

**E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) Phone: (563) 326-7765**

---

Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

I/we \_\_\_\_\_ who own property located at (be specific as possible)

---

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801



# Zoning Map Amendment: Adjacent Property Owner Notice Area



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

0 200 400 800 Feet





**From:** [Clewell, Rich](#)  
**To:** [Jenny VanGenderen](#)  
**Cc:** [Cale VanGenderen](#); [Gripp, Kyle](#); [Condon, JJ](#); [Flynn, Matt](#)  
**Subject:** Re: Case No. REZ18-04; REZ18-05  
**Date:** Monday, May 21, 2018 2:34:51 PM  
**Attachments:** [image001.png](#)

---

Jenny, thanks for taking the time to let me know your positions on the Pheasant Creek addition. You are in the majority on your positions regarding this project.

Sincerely,

Richard A. Clewell  
Davenport City Council  
6th Ward Alderman  
563.340.0559  
<https://www.facebook.com/Clewell4Council/>

On May 21, 2018, at 12:10, Jenny VanGenderen <[jenny.hinchman@gmail.com](mailto:jenny.hinchman@gmail.com)> wrote:

Hello,

My husband Cale and I previously sent an email in regards to the zoning changes and plans submitted by Pheasant Creek LLC (Advanced Homes) that affect our neighborhood, Jersey Meadows. We are not able to make it to the meeting tonight, and wanted to make sure our voices are heard.

1. We are in favor of the proposed zoning changes and plans submitted by Advanced Homes. However, we do want an **addendum added** saying that at no time will they or another developer be permitted to build anything other than single family homes on the land.
2. We are firmly **against** any plans that will connect Elmore Ave to the proposed subdivision along with Jersey Meadows.

Please feel free to reach out to us with any questions. We appreciate you taking the time to read our email, and make sure our voices are heard. Thank you.

Jennifer and Cale VanGenderen  
2736 East 59th Street

On Tue, May 1, 2018 at 12:20 PM, Cale VanGenderen  
<[cvangenderen@vibrantcreditunion.org](mailto:cvangenderen@vibrantcreditunion.org)> wrote:

Hello,

Please see the email below that was sent to Matt Flynn. Jennifer and I are residents of the Jersey Meadows subdivision. We are in favor of the proposed zoning changes and the plans as submitted by Pheasant Creek LLC (Advance Homes). We are firmly against any plans that will

connect Elmore Ave to the proposed subdivision along with Jersey Meadows.

We are unable to make the meeting tonight due to work travel and want to ensure our voices are heard.

Thank you!

Cale & Jennifer VanGenderen  
[2736 E 59th Street](#)  
[Davenport, IA 52807](#)

----- Forwarded message -----

From: **Cale VanGenderen** <[cvangenderen@vibrantcreditunion.org](mailto:cvangenderen@vibrantcreditunion.org)>  
Date: Tue, May 1, 2018 at 11:55 AM  
Subject: Re: Case No. REZ18-04; REZ18-05  
To: "Flynn, Matt" <[matt.flynn@ci.davenport.ia.us](mailto:matt.flynn@ci.davenport.ia.us)>, Jen  
<[jenny.hinchman@gmail.com](mailto:jenny.hinchman@gmail.com)>

Hello Matt,

Jennifer and I are unable to attend the meeting tonight pertaining to Pheasant Creek LLC and the Jersey Meadows subdivision. There is a petition circling Jersey Meadows to ask Pheasant Creek LLC and the City of Davenport to add access to Elmore Ave on the southeast corner of the 33 acre plot of land.

Jennifer and I are firmly against adding any access to Elmore Ave from Jersey Meadows and Pheasant Creek LLC. We do not want E 59th and E 58th Streets to become a thoroughfare for WalMart and Cross Creek Apartments. We support the plans as submitted and welcome the new, higher end construction.

Thank you!

Cale & Jennifer VanGenderen  
[2736 E 59th Street](#)  
[Davenport, IA 52807](#)

On Mon, Apr 30, 2018 at 11:37 AM, Flynn, Matt  
<[matt.flynn@ci.davenport.ia.us](mailto:matt.flynn@ci.davenport.ia.us)> wrote:

Thank you Cale - - I have heard rumors that people think there is a street extension proposed to Elmore. That is not the case. Thanks again for sharing your thoughts.

Matt Flynn, AICP



Senior Planning Manager

City of Davenport, Iowa

Direct Phone: 563.888.2286

Visit our new website!

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

<image001.png>

**From:** Cale VanGenderen [mailto:[cvangenderen@vibrantcreditunion.org](mailto:cvangenderen@vibrantcreditunion.org)]

**Sent:** Monday, April 30, 2018 11:29 AM

**To:** Planning Division – CPED; Flynn, Matt; Jen

**Subject:** RE: Case No. REZ18-04; REZ18-05

Hello,

I am writing this email in response to the rezoning request east of the Jersey Meadows Subdivision. We live at 2736 E 59th Street in the subdivision. We have no issue with the plans that have been submitted and can be viewed and retrieved online as of 4/30/2018.

We do want to ensure that there is no access planned to Elmore Ave with this new subdivision. We do not want E 58th St, E 59th St, and Meadows Pl to become a through street similar to 53rd Street. This would bring unwanted traffic through this residential neighborhood creating a concern on home values and safety. The streets of E 58th St, E 59th St, and Meadows Pl were not built to be through streets. This would eliminate parking and create a severe safety hazard.

Please let us know if the plans change and include access from E 58th, E 59th, and Meadows Pl to Elmore Ave. We are firmly against any access to Elmore Ave from the Jersey Meadows subdivision.

Thank you for your consideration!

Cale VanGenderen

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[<~WRD161.jpg>](#)

**Cale VanGenderen**

VP Mortgage Sales | NMLS # 772698 | Vibrant Credit Union  
800-323-5109 x2003

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**Cale VanGenderen**

VP Mortgage Sales | NMLS # 772698 | Vibrant Credit Union  
800-323-5109 x2003

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**Cale VanGenderen**

VP Mortgage Sales | NMLS # 772698 | Vibrant Credit Union  
800-323-5109 x2003

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**From:** [Gaynell Foster](#)  
**To:** [Planning Division – CPED](#)  
**Subject:** Rezoning Case No. REZ18-04  
**Date:** Tuesday, May 22, 2018 4:44:11 PM

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City of Davenport

Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**PUBLIC HEARING NOTICE**  
**WEDNESDAY, JUNE 6, 2018 at 5:30 pm**  
**DAVENPORT COMMITTEE OF THE WHOLE**  
**COUNCIL CHAMBERS - DAVENPORT CITY HALL - 226 WEST 4th STREET - DAVENPORT, IOWA**

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case No. REZ18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)

The Plan and Zoning Commission voted on May 15, 2018 to recommend approval of the request.

A public hearing before the Davenport Committee of the Whole on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday June 6, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.

Any written comments or protests (which can be sent via email) to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). If you signed the petition presented at the May 15, 2018 Plan and Zoning Commission, your protest is registered and you do not need to contact us again.

Please contact the Community Planning Division for additional information.

E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) Phone: (563) 326-7765

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-04

I/we Gaynell Ben Foster 2011 Estate Trust who own property located at (be specific as possible)

2743 E. 59th St.

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: Gaynell Ben Foster signature of Trustee, South Dakota Bank + Trust

Date: May 22, 2018

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801

I/we understand that Advance Homes has purchased a parcel of land east of our Jersey Meadows neighborhood. They are requesting the property be rezoned from A-1 (agricultural) to R-2 (low density residential) and plan to build 64 houses on this land. Unfortunately, there are currently only two access points to this area from Jersey Ridge Road . The additional 64 homes will create a 43% increase in the amount of traffic flowing through our neighborhood. I/we also have grave concerns about all the heavy construction equipment that will be tearing up our streets for the next five years. Obviously, this will also greatly impact the safety of our children.

I/we strongly oppose the rezoning and development of this property unless a third access point is created. It is understood that Advance Homes has also purchased a parcel of land at the southeast corner of the proposed housing area. This land lies between the housing area and Elmore Avenue. Advance Homes is requesting this land be rezoned from A-1 to PDD (planned development district). Since this property fronts Elmore Avenue, it is prime commercial real estate and will require access to Elmore Avenue at some time. I/we believe it would be wise to create a street connecting this area, and the proposed housing area, to Elmore Avenue now, rather than later. Advance Homes should consider this a real selling point to their prospective 64 home buyers. It would also alleviate many of the concerns of the current residents of Jersey Meadows.

Based on the above, I/we respectfully protest the proposed Rezoning Case No. REZ18-04.

Name 1 (printed): Peter C Rink (and Merriam)

Name 1 (signed): PC Rink Merriam

Name 2 (printed): \_\_\_\_\_

Name 2 (signed): \_\_\_\_\_

Address: 9 Woodview Way

Date: 5/23/15

I/we understand that Advance Homes has purchased a parcel of land east of our Jersey Meadows neighborhood. They are requesting the property be rezoned from A-1 (agricultural) to R-2 (low density residential) and plan to build 64 houses on this land. Unfortunately, there are currently only two access points to this area from Jersey Ridge Road . The additional 64 homes will create a 43% increase in the amount of traffic flowing through our neighborhood. I/we also have grave concerns about all the heavy construction equipment that will be tearing up our streets for the next five years. Obviously, this will also greatly impact the safety of our children.

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Based on the above, I/we respectfully protest the proposed Rezoning Case No. REZ18-04.

Name 1 (printed): Tom Kay

Name 1 (signed): Thomas W. Kay

Name 2 (printed): \_\_\_\_\_

Name 2 (signed): \_\_\_\_\_

Address: 5803 FOREST RD. DAVENPORT, IA 52807

Date: 5/21/2018

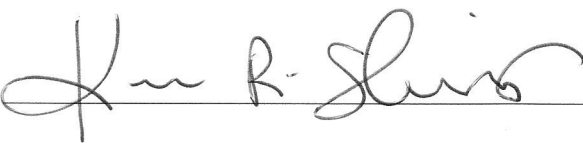


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Based on the above, I/we respectfully protest the proposed Rezoning Case No. REZ18-04.

Name 1 (printed): KEVIN SKILLETT

Name 1 (signed): 

Name 2 (printed): \_\_\_\_\_

Name 2 (signed): \_\_\_\_\_

Address: 2764 Julie Lane CT. DAV. Ia. 52807

Date: May 24<sup>th</sup>, 2018

I/we understand that Advance Homes has purchased a parcel of land east of our Jersey Meadows neighborhood. They are requesting the property be rezoned from A-1 (agricultural) to R-2 (low density residential) and plan to build 64 houses on this land. Unfortunately, there are currently only two access points to this area from Jersey Ridge Road . The additional 64 homes will create a 43% increase in the amount of traffic flowing through our neighborhood. I/we also have grave concerns about all the heavy construction equipment that will be tearing up our streets for the next five years. Obviously, this will also greatly impact the safety of our children.

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Based on the above, I/we respectfully protest the proposed Rezoning Case No. REZ18-04.

Name 1 (printed): JED + ANITA FERDINAND

Name 1 (signed): Jed + Anita Ferdinand

Name 2 (printed): JED FERDINAND

Name 2 (signed): Jed Ferdinand

Address: 2752 Julie Ln CT

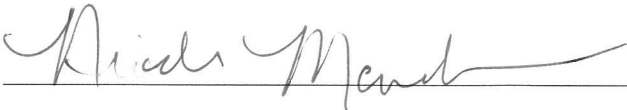
Date: 5-21-18

I/we understand that Advance Homes has purchased a parcel of land east of our Jersey Meadows neighborhood. They are requesting the property be rezoned from A-1 (agricultural) to R-2 (low density residential) and plan to build 64 houses on this land. Unfortunately, there are currently only two access points to this area from Jersey Ridge Road . The additional 64 homes will create a 43% increase in the amount of traffic flowing through our neighborhood. I/we also have grave concerns about all the heavy construction equipment that will be tearing up our streets for the next five years. Obviously, this will also greatly impact the safety of our children.

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Based on the above, I/we respectfully protest the proposed Rezoning Case No. REZ18-04.

Name 1 (printed): Nicole Mancha

Name 1 (signed): 

Name 2 (printed): \_\_\_\_\_

Name 2 (signed): \_\_\_\_\_

Address: 2758 Julie Lane Ct Davenport IA 52807

Date: 5/21/18

I/we understand that Advance Homes has purchased a parcel of land east of our Jersey Meadows neighborhood. They are requesting the property be rezoned from A-1 (agricultural) to R-2 (low density residential) and plan to build 64 houses on this land. Unfortunately, there are currently only two access points to this area from Jersey Ridge Road. The additional 64 homes will create a 43% increase in the amount of traffic flowing through our neighborhood. I/we also have grave concerns about all the heavy construction equipment that will be tearing up our streets for the next five years. Obviously, this will also greatly impact the safety of our children.

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Based on the above, I/we respectfully protest the proposed Rezoning Case No. REZ18-04.

Name 1 (printed): AUGUSTO ANZOLA

Name 1 (signed): 

Name 2 (printed): LUZVELLY ANZOLA

Name 2 (signed): 

Address: 2722 MEADOWS PLACE, DAVENPORT-IA 52807

Date: MAY 19, 2018

**From:** [carberfamily@mchsi.com](mailto:carberfamily@mchsi.com)  
**To:** [Mack Stephens](#)  
**Cc:** [adams3883@gmail.com](mailto:adams3883@gmail.com); [aitchisonsharon@gmail.com](mailto:aitchisonsharon@gmail.com); [Kathy cameron](#); [msangellab@hotmail.com](mailto:msangellab@hotmail.com); [mike crisciusa](mailto:mike crisciusa); [Nan4285@yahoo.com](mailto:Nan4285@yahoo.com); [david eisbrener](mailto:david eisbrener); [Jenniferfrandsen7@gmail.com](mailto:Jenniferfrandsen7@gmail.com); [robinsnest1985@aol.com](mailto:robinsnest1985@aol.com); [director@revealed.net](mailto:director@revealed.net); [par4greens@mediacombb.net](mailto:par4greens@mediacombb.net); [chrishllgn@aol.com](mailto:chrishllgn@aol.com); [mlhayman75@hotmail.com](mailto:mlhayman75@hotmail.com); [duhmoin54@gmail.com](mailto:duhmoin54@gmail.com); [Dkitchen@perryreid.com](mailto:Dkitchen@perryreid.com); [samos1961@gmail.com](mailto:samos1961@gmail.com); [3beetles@mchsi.com](mailto:3beetles@mchsi.com); [Teresalavonnelandon@yahoo.com](mailto:Teresalavonnelandon@yahoo.com); [pmccauley7@mchsi.com](mailto:pmccauley7@mchsi.com); [mcquire0397@msn.com](mailto:mcquire0397@msn.com); [anatcraig@aol.com](mailto:anatcraig@aol.com); [kristanm@mchsi.com](mailto:kristanm@mchsi.com); [molina910@yahoo.com](mailto:molina910@yahoo.com); [swnelson82@gmail.com](mailto:swnelson82@gmail.com); [ananikolop@gmail.com](mailto:ananikolop@gmail.com); [jkpalm1@mchsi.com](mailto:jkpalm1@mchsi.com); [sp paudel](mailto:sp paudel); [spauli40@aol.com](mailto:spauli40@aol.com); [fxpham@hotmail.com](mailto:fxpham@hotmail.com); [Angelasav75@gmail.com](mailto:Angelasav75@gmail.com); [kelimneal@gmail.com](mailto:kelimneal@gmail.com); [lcragone@gmail.com](mailto:lcragone@gmail.com); [rnkrice@mchsi.com](mailto:rnkrice@mchsi.com); [nathanschramm@yahoo.com](mailto:nathanschramm@yahoo.com); [brschrack@yahoo.com](mailto:brschrack@yahoo.com); [Danielsherman911@yahoo.com](mailto:Danielsherman911@yahoo.com); [sierrabe3@gmail.com](mailto:sierrabe3@gmail.com); [kevinskillett@gmail.com](mailto:kevinskillett@gmail.com); [Cale vangenderen](mailto:Cale vangenderen); [connievanlauwe@hotmail.com](mailto:connievanlauwe@hotmail.com); [weipertl@msn.com](mailto:weipertl@msn.com); [cinwink@gmail.com](mailto:cinwink@gmail.com); [zepeda@mchsi.com](mailto:zepeda@mchsi.com); [mkotula@reagan.com](mailto:mkotula@reagan.com); [leseymaluck@gmail.com](mailto:leseymaluck@gmail.com); [ingra123@aol.com](mailto:ingra123@aol.com); [Planning Division – CPED](#); [Gripp, Kyle](#); [Condon, JJ](#); [Clewell, Rich](#); [mattflynn@ci.davenport.ia.us](mailto:mattflynn@ci.davenport.ia.us)  
**Subject:** Re: URGENT MEETING TONIGHT PLEASE ATTEND!  
**Date:** Tuesday, May 01, 2018 12:55:39 PM

---

Mack,

Thanks for the email. I have lived at the end of 58th street right next to the cornfield for 12 years. I can see them building Costco from my front door and will have construction equipment for all of the houses going right by my house, so obviously there is some change that you cannot stop. However, can you help me understand the recommendation for a street connection to Elmore on the Southeast side (presuming connecting to 58th)? I understand the thought that traffic from the extra homes would add traffic to our/59th streets, but I really think that a connection from Elmore to our neighborhood would have people coming off Elmore through our neighborhood to get to Jersey Ridge to avoid Costco and 53rd especially given Davenport's upcoming construction of widening 53rd. I would rather have the contained traffic from the extra 64 houses versus that situation of people racing down our street and past our kids to get from point A to point B.

Since receiving this email, I have spoken with several neighbors who live on 58th who agree that this is not what they would like either. They were not on the original email (you most likely didn't have them yet), but I have included them now. Unfortunately I cannot attend the meeting tonight as I have a prior commitment with my kids, but I have cc'd our Davenport city planner and Aldermen to show our concerns with the proposal of a connecting street to Elmore.

Thank you,  
Brian Carber

----- Original Message -----

From: "Mack Stephens" <[jerseymeadows52807@gmail.com](mailto:jerseymeadows52807@gmail.com)>  
To: [adams3883@gmail.com](mailto:adams3883@gmail.com), [aitchisonsharon@gmail.com](mailto:aitchisonsharon@gmail.com), "Kathy cameron" <[Kathy.cameron@mchsi.com](mailto:Kathy.cameron@mchsi.com)>, [carberfamily@mchsi.com](mailto:carberfamily@mchsi.com), [msangellab@hotmail.com](mailto:msangellab@hotmail.com), "mike crisciusa" <[mike.crisciusa@gmail.com](mailto:mike.crisciusa@gmail.com)>, [Nan4285@yahoo.com](mailto:Nan4285@yahoo.com), "david eisbrener" <[david.eisbrener@gkn.com](mailto:david.eisbrener@gkn.com)>, [Jenniferfrandsen7@gmail.com](mailto:Jenniferfrandsen7@gmail.com), [robinsnest1985@aol.com](mailto:robinsnest1985@aol.com), [director@revealed.net](mailto:director@revealed.net), [par4greens@mediacombb.net](mailto:par4greens@mediacombb.net), [chrishllgn@aol.com](mailto:chrishllgn@aol.com), [mlhayman75@hotmail.com](mailto:mlhayman75@hotmail.com), [duhmoin54@gmail.com](mailto:duhmoin54@gmail.com), [Dkitchen@perryreid.com](mailto:Dkitchen@perryreid.com), [samos1961@gmail.com](mailto:samos1961@gmail.com), [3beetles@mchsi.com](mailto:3beetles@mchsi.com), [Teresalavonnelandon@yahoo.com](mailto:Teresalavonnelandon@yahoo.com), [pmccauley7@mchsi.com](mailto:pmccauley7@mchsi.com), [mcquire0397@msn.com](mailto:mcquire0397@msn.com), [anatcraig@aol.com](mailto:anatcraig@aol.com), [kristanm@mchsi.com](mailto:kristanm@mchsi.com), [molina910@yahoo.com](mailto:molina910@yahoo.com), [swnelson82@gmail.com](mailto:swnelson82@gmail.com), [ananikolop@gmail.com](mailto:ananikolop@gmail.com), [jkpalm1@mchsi.com](mailto:jkpalm1@mchsi.com), "sp paudel" <[sp\\_paudel@yahoo.com](mailto:sp_paudel@yahoo.com)>, [spauli40@aol.com](mailto:spauli40@aol.com), [fxpham@hotmail.com](mailto:fxpham@hotmail.com), [Angelasav75@gmail.com](mailto:Angelasav75@gmail.com), [kelimneal@gmail.com](mailto:kelimneal@gmail.com), [lcragone@gmail.com](mailto:lcragone@gmail.com), [rnkrice@mchsi.com](mailto:rnkrice@mchsi.com), [nathanschramm@yahoo.com](mailto:nathanschramm@yahoo.com), [brschrack@yahoo.com](mailto:brschrack@yahoo.com), [Danielsherman911@yahoo.com](mailto:Danielsherman911@yahoo.com), [sierrabe3@gmail.com](mailto:sierrabe3@gmail.com), [kevinskillett@gmail.com](mailto:kevinskillett@gmail.com), "Cale vangenderen" <[Cale.vangenderen@gmail.com](mailto:Cale.vangenderen@gmail.com)>, [connievanlauwe@hotmail.com](mailto:connievanlauwe@hotmail.com), [weipertl@msn.com](mailto:weipertl@msn.com), [cinwink@gmail.com](mailto:cinwink@gmail.com), [zepeda@mchsi.com](mailto:zepeda@mchsi.com)  
Sent: Tuesday, May 1, 2018 11:00:01 AM  
Subject: URGENT MEETING TONIGHT PLEASE ATTEND!

Here is a little more info that I was going to circulate in the neighborhood but I ran out of time. This whole thing is moving rather fast...Scott Kelling is trying to slow it down.

CONCERNED ABOUT TRAFFIC ?

PLANS ARE TO BUILD 64 HOMES EAST OF OUR SUBDIVISION, NORTH OF COSTCO  
(corn field)

ALL ADDITIONAL TRAFFIC WILL ENTER/EXIT ON 58TH AND 59TH STREETS

WE'RE SUGGESTING ADDING A STREET AT SOUTHEAST CORNER CONNECTING TO ELMORE

PLEASE ATTEND TO LEARN MORE AND/OR EXPRESS YOUR CONCERNS

ZONING MEETING TONITE MAY 1ST AT 5:00  
COUNCIL CHAMBERS, CITY HALL  
226 WEST 4th ST



**From:** [Orfitelli, Michael](#)  
**To:** [Planning Division – CPED](#)  
**Subject:** Case No. REZ18-04 In protest of rezoning Advance Homes/Jersey Meadows  
**Date:** Tuesday, May 01, 2018 11:19:14 AM

---

Dear Planning and Zoning,

RE: Case No REZ18-04

I am writing in protest to the rezoning of the property petitioned to be rezoned from Agricultural to Low Density R-2 to the east of 58<sup>th</sup> street/Meadows Place/59<sup>th</sup> streets in Davenport, 52807. Proposed rezoning will allow for around 64 new homes to be built on the site. This site is now locked in by topography, and business due to the approved Costco construction. Adding 64 homes to the site as currently planned will create an overflow of traffic through the current neighborhood currently serving around 150 homes. The only access points are Jersey Meadows Drive and Lorton. The proposition would almost double the traffic into the access points, the neighborhood and Jersey Ridge Rd. Including 33.11 acres of homes with the current design proposed and access points would create regular unsafe conditions for neighbors, (including children), and emergency access. Although there is no code for the number of residences per required neighborhood access points, if approved the rezoning would result in the highest density of homes with the fewest access points. The access option was closed when Costco was approved, leaving this land locked. I understand the intention years ago was to have residential in the space. The recent development has created access challenges, this past plan must be changed and you must deny or table the decision to rezone the property to R-2.

Furthermore, I also understand the requirement of notification of rezoning; 200 ft. from the proposed area. Although the requirement was fulfilled this proposal has a great effect on far more than those 200 ft. from the site. Again, there are about 150 homes that will be effected. A good neighbor due diligence would have provided the entire neighborhood with a notice to provide for an appropriate voice in this manner. Our entire neighborhood has not had ample opportunity to study and provide a voice. I am again requesting this proposal to be denied and/or tabled at this time. Finally, as a neighbor close to the proposed site, I am very concerned with environmental factors that will result as the land is developed. The most worrisome of these factors is water run-off. Our property is affected during every rain, I can only anticipate greater water run-off and possible damage to our dwelling and property.

There are a number of factors that are of concern related to the petitioned rezoning. I would ask of Planning and Zoning, as well as the city to deny the petition.

Mike Orfitelli  
2723 Meadows Place  
Davenport, IA 52807

**From:** [Gaynell Foster](#)  
**To:** [Planning Division – CPED](#)  
**Subject:** Rezoning filed by Pheasant Creek Properties  
**Date:** Monday, April 30, 2018 4:41:44 PM

---

I am objecting to this rezoning as it has been presented. My concern is the traffic overload on E. 58th and 59th Streets.

These streets were built for light residential traffic. Their carrying capacity is not up to more traffic.

I believe a traffic study must be done for this to legitimately proceed.

Also, the routes from Jersey Ridge to the subject property are circuitous at the very least. Coming in from Jersey via 58th or 59th, a full four turns are required, some only a block long. Children and dog walkers frequent this route. The turns are tight enough as it is.

These other streets would be overloaded also: Julie Lane, Lorton Ave., and Woodland Ct.

There is no street that can become a collector street available.

I am Gaynell Foster  
2743 E. 59th St.  
Davenport

I hold a Master's Degree in Urban and Regional Planning  
I have served on the Davenport Historic Preservation Commission,  
The Riverboat Development Authority, and numerous non profit boards, such as the Putnam.

I can be reached at 563- 528-5434.

Gaynell Foster  
563.528.5434

**From:** [Cale VanGenderen](#)  
**To:** [Planning Division – CPED](#); [Flynn, Matt](#); [Jen](#)  
**Subject:** RE: Case No. REZ18-04; REZ18-05  
**Date:** Monday, April 30, 2018 11:28:44 AM

---

Hello,

I am writing this email in response to the rezoning request east of the Jersey Meadows Subdivision. We live at 2736 E 59th Street in the subdivision. We have no issue with the plans that have been submitted and can be viewed and retrieved online as of 4/30/2018.

We do want to ensure that there is no access planned to Elmore Ave with this new subdivision. We do not want E 58th St, E 59th St, and Meadows Pl to become a through street similar to 53rd Street. This would bring unwanted traffic through this residential neighborhood creating a concern on home values and safety. The streets of E 58th St, E 59th St, and Meadows Pl were not built to be through streets. This would eliminate parking and create a severe safety hazard.

Please let us know if the plans change and include access from E 58th, E 59th, and Meadows Pl to Elmore Ave. We are firmly against any access to Elmore Ave from the Jersey Meadows subdivision.

Thank you for your consideration!

Cale VanGenderen

--



**Cale VanGenderen**

VP Mortgage Sales | NMLS # 772698 | Vibrant Credit Union  
800-323-5109 x2003

NOTICE: This electronic mail message and any files transmitted with it are intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and/or privileged information. Any unauthorized review, use, printing, saving, copying, disclosure or distribution is strictly prohibited. If you have received this message in error, please immediately advise the sender by reply email and delete all copies.

Publication

Quad-City Times

|             |
|-------------|
| Contact     |
| Address 1   |
| Address 2   |
| City St Zip |
| Phone       |
| Fax         |

CITY OF DAVENPORT - LEGALS  
226 W 4TH ST  
  
DAVENPORT IA 52801  
5638882074

|             |
|-------------|
| PO Number   |
| Rate        |
| Order Price |
| Amount Paid |
| Amount Due  |

1817093  
Legal  
87.00  
0.00  
87.00

|            |
|------------|
| Section    |
| SubSection |
| Category   |

Notices & Legals  
  
2520 Miscellaneous Notice

|                 |
|-----------------|
| Start/End Dates |
| Insertions      |
| Size            |

05/25/2018 - 05/25/2018  
1  
165

|          |
|----------|
| Ad Key   |
| Keywords |

7165-1  
NOTICE PUBLIC HEARING WEDNESDA

|                |
|----------------|
| Salesperson(s) |
| Taken By       |

Obits Legals O10  
Samantha Greene

|       |
|-------|
| Notes |
|-------|

Please release as this is a legal notice.  
[Samantha Greene 5/21/2018 1:16:17 PM]

Ad Proof

NOTICE  
PUBLIC HEARING  
WEDNESDAY,  
JUNE 6, 2018, 2018 5:30 PM  
CITY OF DAVENPORT  
COMMITTEE OF THE WHOLE  
COUNCIL CHAMBERS  
DAVENPORT CITY HALL  
226 WEST 4th STREET  
DAVENPORT, IOWA

There are on file in the City of Davenport Community Planning and Economic Development Department the following petitions:  
Case No. ORD18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District.[6th Ward]  
The legal description of the proposed rezoning is as follows:  
Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particularly described as follows:  
Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" West 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described: thence South 44°-59'-10" East 358.73 feet;  
thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ; thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition; thence N011h 00°-18'-15" West 50.00 feet;  
thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;  
thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa, to a point on the north line of the Northeast Quarter of said Section 7;  
thence North 89°-43'-55" East 230.81 feet along the north line of the Northeast Quarter of said Section 7;  
thence South 65°-30'-40" East 586.00 feet;  
thence South 25°-39'-00" East 320.00

feet to the point of beginning.  
 Containing 33.11 acres, more or less,  
 subject to easements of record.  
 The Plan and Zoning Commission  
 forwarded Case REZ18-04 to the City  
 Council with a recommendation for  
 approval.  
 Case No. REZ18-05: Request of Pheasant  
 Creek, LLC to rezone approximately  
 7.41 acres located immediately west of  
 Elmore Avenue and south of Pheasant  
 Creek from A-1 Agricultural District to  
 PDD, Planned Development District. [6th  
 Ward]  
 The legal description of the proposed  
 rezoning is as follows:  
 Part of the Northwest Quarter of Section  
 8, Township 78 North, Range 4 East of  
 the 5th P.M., Davenport, Scott County,  
 Iowa, being more particularly described s  
 follows:  
 Commencing, as a point of reference, at  
 the northwest corner of the Northwest  
 Quarter of said Section 8; thence South  
 00°-06'-45" West 534.52 feet along the  
 west line of the Northwest Quarter of said  
 Section 8; thence South 44°-59'-10" East  
 358.74 feet to the POINT OF BEGIN-  
 NING of the tract of land hereinafter  
 described:  
 thence continuing South 44°-59'-10" East  
 690.31 feet to a point on the west right of  
 way line of Elmore Avenue as now  
 established in the City of Davenport,  
 Iowa, said point also being on the west  
 line of the South 75 Acres of the East 115  
 Acres of the Northwest Quarter of said  
 Section 8;  
 thence South 00°-08'-25" West 511.79  
 feet along the west line of the South 75  
 Acres of the East 115 Acres of the  
 Northwest Quarter of said Section 8 to an  
 angle point on the north line of Lot 1 of  
 Lakehurst Commercial Park Fifth Addition  
 to the City of Davenport, Iowa;  
 thence South 89°-41'-45" West 121.43  
 feet along the north line of Lot 1 of said  
 Lakehurst Commercial Park Fifth Addition  
 to a point on the east line of Lot 1 of  
 Lakehurst Commercial Park Fourth Addi-  
 tion to the City of Davenport, Iowa;  
 thence North 00°-18'-15" West 65.00 feet  
 along the east line of Lot 1 of said  
 Lakehurst Commercial Park Forth Addi-  
 tion;  
 thence South 89°-41'-45" West 260.00  
 feet along the north line of Lot 1 of said  
 Lakehurst Commercial park Fourth Addi-  
 tion to a point on the east line of Lot 2 of  
 said Lakehurst Commercial Park Fifth  
 Addition;  
 thence North 00°-18'-15" West 205.00  
 feet along the east line of Lot 2 of said  
 Lakehurst Commercial Park Fifth Addi-  
 tion;  
 thence South 89°-41'-45" West 100.00  
 feet along the north line to the northwest  
 corner of Lot 2 of said Lakehurst  
 Commercial Park Fifth Addition;  
 thence North 00°-18'-15" West 732.61  
 feet to the point of beginning.  
 Containing 7.41 acres, more or less,  
 subject to easements of record.  
 The Plan and Zoning Commission  
 forwarded Case REZ18-05 to the City  
 Council with a recommendation for  
 approval.  
 Public hearing(s) on the above matter(s)  
 are scheduled for 5:30 p.m. or as soon  
 thereafter as possible on Wednesday,  
 June 6, 2018 in the Council Chambers of  
 the Davenport City Hall, 226 West 4th  
 Street, Davenport, Iowa. You may submit  
 written comments on the above item(s) or  
 to attend the public hearing to express  
 your views, or both. Any written com-  
 ments to be reported at the public hearing  
 should be received in the Department of  
 Community Planning & Economic Devel-  
 opment, at the above address, no later  
 than 12:00 noon on the day of the public  
 hearing(s). PO No 1817093.  
 Department of Community Planning &  
 Economic Development  
 E-MAIL: planning@ci.davenport.ia.us  
 PHONE: 563-326-7765

# REZ18-04 Rezoning Protest Area Calculation (Autosaved)

| PARCEL<br>NUMBER | NOTICE<br>AREA | NOTICE<br>% | PROTEST<br>(YES/NO) | PROTEST % | PROPERTY<br>ADDRESS | PROPERTY<br>OWNER(S)                  | OWNER<br>ADDRESS   | OWNER<br>CITY/STATE/ZIP |
|------------------|----------------|-------------|---------------------|-----------|---------------------|---------------------------------------|--------------------|-------------------------|
| Y0707-18C        | 11510.25137    | 1.0%        | Yes                 | 1.0%      | 2808 E 59TH ST      | AITCHISON FAMILY REVOCABLE TRUST      | 2808 E 59TH ST     | DAVENPORT IA 52807      |
| Y0707-28C        | 6896.403881    | 0.6%        | Yes                 | 0.6%      | 2722 MEADOWS PL     | AUGUSTO ANZOLA                        | 2722 MEADOWS PLACE | DAVENPORT IA 52807      |
| Y0707-44C        | 15539.96307    | 1.4%        | Yes                 | 1.4%      | 2804 E 58TH ST      | BENJAMIN KIMBELL                      | 2804 E 58TH ST     | DAVENPORT IA 52807      |
| Y0707-43C        | 15252.89917    | 1.4%        |                     | 0.0%      | 2730 E 58TH ST      | BRIAN G CARBER                        | 2730 E 58TH ST     | DAVENPORT IA 52807      |
| Y0723-02E        | 106450.6519    | 9.7%        |                     | 0.0%      | 2790 E 53RD ST      | COSTCO WHOLESALE CORPORATION          | 999 LAKE DR        | ISSAQUAH WA 98027       |
| Y0707-04         | 12307.34969    | 1.1%        |                     | 0.0%      | 2729 E 58TH ST      | CYNTHIA L KOTHENBEUTEL                | 2729 E 58TH ST     | DAVENPORT IA 52807      |
| Y0707-19C        | 15171.03955    | 1.4%        | Yes                 | 1.4%      | 2807 E 59TH ST      | EISBRENERLIVING TRUST                 | 2807 E 59TH ST     | DAVENPORT IA 52807      |
| Y0707-29C        | 5681.011385    | 0.5%        | Yes                 | 0.5%      | 2743 E 59TH ST      | GAYNELL BARR FOSTER 2011 ESTATE TRUST | 2743 E 59TH ST     | DAVENPORT IA 52807      |
| Y0655AOLA        | 2024.18404     | 0.2%        | Yes                 | 0.2%      |                     | JED FERNINAND                         | 2752 JULIE LANE CT | DAVENPORT IA 52807      |
| Y0723-01         | 47562.90217    | 4.3%        |                     | 0.0%      | 2700 E 53RD ST      | JERSEY MEADOWS APARTMENTS             | 2700 E 53RD ST     | DAVENPORT IA 52807      |
| Y0655A05         | 46994.92505    | 4.3%        |                     | 0.0%      | 4 WOODVIEW WAY      | JOE B SLAVENS                         | 4 WOODVIEW WAY     | DAVENPORT IA 52807      |
| Y0707-17C        | 11177.06063    | 1.0%        | Yes                 | 1.0%      | 2800 E 59TH ST      | JOSEPH L PALMER                       | 280 E 59TH ST      | DAVENPORT IA 52807      |
| Y0707-14D        | 4517.737734    | 0.4%        | Yes                 | 0.4%      | 2764 JULIE LANE CT  | KEVIN R SKILLETT                      | 2764 JULIE LANE CT | DAVENPORT IA 52807      |
| Y0707-OLC        | 27450.17103    | 2.5%        | Yes                 | 2.5%      |                     | KEVIN R SKILLETT                      | 2764 JULIE LANE CT | DAVENPORT IA 52807      |
| Y0707-42C        | 5008.55346     | 0.5%        |                     | 0.0%      | 2724 E 58TH ST      | MARIAN INGRAHAM TRUST                 | 2724 E 58TH ST     | DAVENPORT IA 52807      |
| Y0655-13C        | 641.6206695    | 0.1%        | Yes                 | 0.1%      | 2758 JULIE LANE CT  | MARK A MANCHA                         | 2758 JULIE LANE CT | DAVENPORT IA 52807      |
| Y0655A09         | 2265.115818    | 0.2%        |                     | 0.0%      |                     | MCCARTNEY IMPROVEMENT CO              | 5715 NW BD         | DAVENPORT IA 52806      |
| Y0655A08         | 8501.770718    | 0.8%        |                     | 0.0%      |                     | MCCARTNEY IMPROVEMENT CO              | 5715 NW BD         | DAVENPORT IA 52806      |
| Y0655A07         | 14809.6326     | 1.3%        |                     | 0.0%      |                     | MCCARTNEY IMPROVEMENT CO              | 5715 NW BD         | DAVENPORT IA 52806      |
| Y0655A06         | 25798.29762    | 2.3%        |                     | 0.0%      |                     | MCCARTNEY IMPROVEMENT CO              | 5715 NW BD         | DAVENPORT IA 52806      |
| Y0707-23C        | 4442.580086    | 0.4%        | YES                 | 0.4%      | 2723 MEADOWS PL     | MICHAEL C ORFITELLI                   | 2723 MEADOWS PL    | DAVENPORT IA 52807      |
| Y0707-03         | 4102.811295    | 0.4%        |                     | 0.0%      | 2723 E 58TH ST      | MICHAEL R KOTULA                      | 2723 E 58TH ST     | DAVENPORT IA 52807      |
| Y0707-22C        | 14347.19281    | 1.3%        | Yes                 | 1.3%      | 2729 MEADOWS PL     | MITCHELL D BRON                       | 2729 MEADOWS PL    | DAVENPORT IA 52807      |
| Y0707-01C        | 280528.0503    | 25.5%       |                     | 0.0%      |                     | PHEASANT CREEK ESTATES LLC            | 4215 E 60TH ST     | DAVENPORT IA 52807      |
| Y0707-16C        | 3304.844242    | 0.3%        | Yes                 | 0.3%      | 2744 E 59TH ST      | RONALD C MATHIAS                      | 2744 E 59TH ST     | DAVENPORT IA 52807      |
| Y0707-21C        | 14693.2236     | 1.3%        |                     | 0.0%      | 2801 MEADOWS PL     | SCOTT D KELLING                       | 2801 MEADOWS PL    | DAVENPORT IA 52807      |
| Y0817-02E        | 113682.2052    | 10.3%       |                     | 0.0%      | 5348 ELMORE CR      | TELECOMMUNICATIONS SPRINGING LLC      | 1 ATT WAY          | BEDMINSER NJ 07921      |
| Y0707-20C        | 15248.57036    | 1.4%        | Yes                 | 1.4%      | 5803 FOREST RD      | THOMAS W KAY                          | 5803 FOREST RD     | DAVENPORT IA 52807      |
| Y0707-05         | 13579.51314    | 1.2%        |                     | 0.0%      | 2805 E 58TH ST      | TIMOTHY S HILTON                      | 2805 E 58TH ST     | DAVENPORT IA 52807      |
| Y0707-15D        | 5238.636761    | 0.5%        | Yes                 | 0.5%      | 2763 JULIE LANE CT  | TODD R STONE                          | 2763 JULIE LANE CT | DAVENPORT IA 52807      |
| Y0707-OLD        | 30931.30352    | 2.8%        | Yes                 | 2.8%      |                     | TODD R STONE                          | 2763 JULIE LN CT   | DAVENPORT IA 52807      |
| Y0655AOLB        | 24459.19148    | 2.2%        | Yes                 | 2.2%      |                     | TODD RINEHART                         | 2758 JULIE LANE CT | DAVENPORT IA 52806      |
| Y0801-02A        | 145267.5814    | 13.2%       |                     | 0.0%      |                     | VTs FARM LLC PARCEL A                 | 19134 246TH AV     | BETTENDORF IA 52722     |

**PARCELS** 1,055,387.2 96.0%  
**ROW** 44,161.5 4.0%

Alderman: Clewell

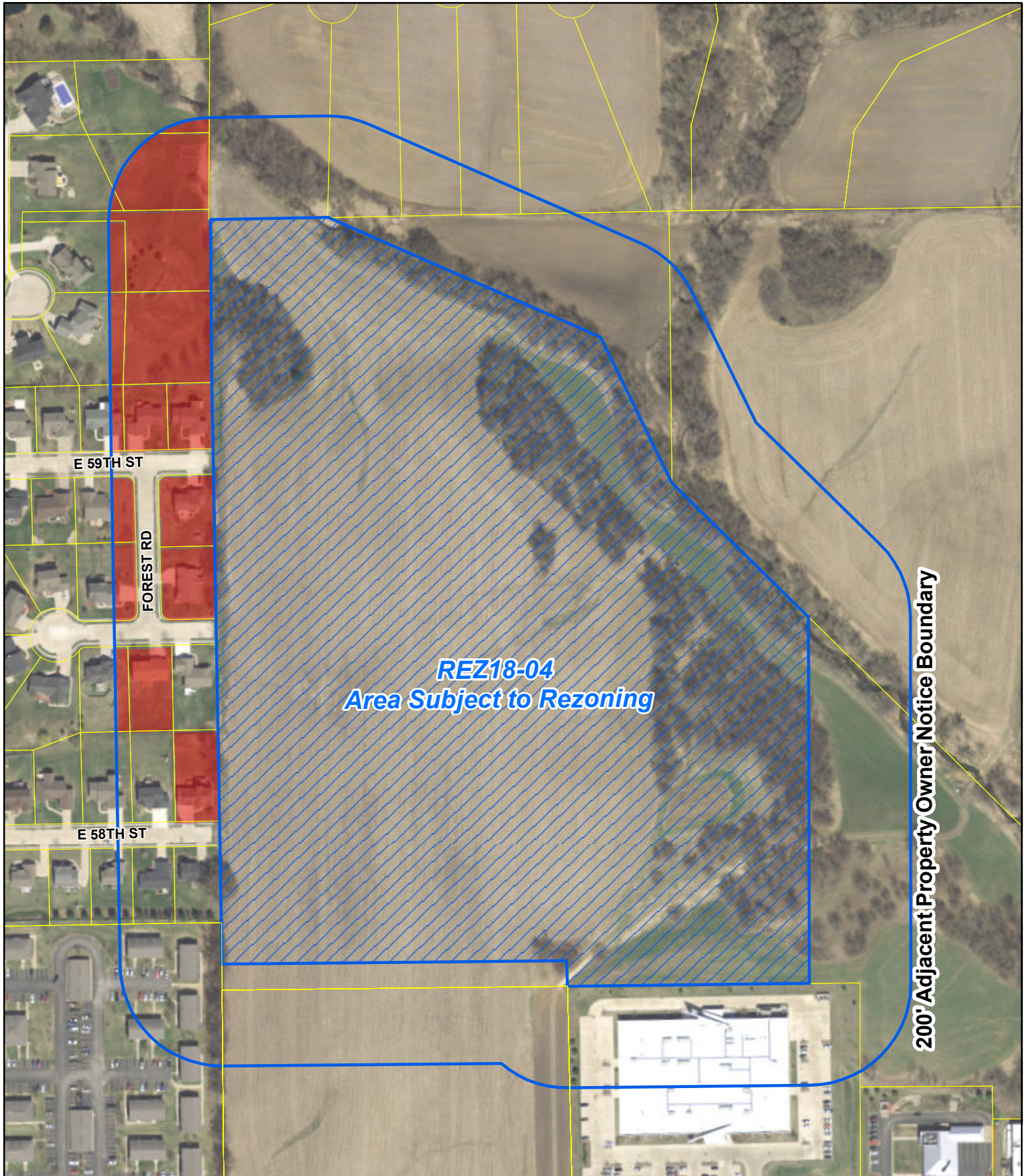
**TOTAL**  
**NOTICE AREA** 1,099,548.8 100%  
**18.1% PROTEST RATE**

Protests: 17

Properties: 33



# REZ18-04 Protest Map



## Legend

### REZ18-04 PROTEST AREA

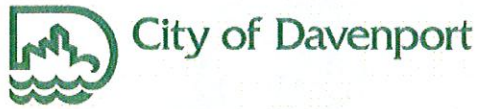
 Property Protesting the Rezoning

0 100 200 400  
Feet

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







Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**PUBLIC HEARING NOTICE**  
**WEDNESDAY, JUNE 6, 2018 at 5:30 pm**  
**DAVENPORT COMMITTEE OF THE WHOLE**  
**COUNCIL CHAMBERS - DAVENPORT CITY HALL - 226 WEST 4th STREET – DAVENPORT, IOWA**

**Please be aware of possible zoning changes that may impact your property or neighborhood.**

Case No. REZ18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)

The Plan and Zoning Commission voted on May 15, 2018 to recommend approval of the request.

A public hearing before the Davenport Committee of the Whole on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday June 6, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.

Any written comments or protests (which can be sent via email) to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). If you signed the petition presented at the May 15, 2018 Plan and Zoning Commission, your protest is registered and you do not need to contact us again.

Please contact the Community Planning Division for additional information.

**E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) Phone: (563) 326-7765**

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-04

I/we Kevin R. Skillett & Renee C. Skillett who own property located at (be specific as possible)

Jersey Meadows 9th Add Parcel Y0707-14D & Y0707-OLC 2764 Julie Ln. Ct. Davenport IA 52807

Oppose proposed R2 rating and use of Jersey Meadows subdivision entrances as outlined.

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: Kevin R. Skillett Renee C. Skillett

Date: May 30, 2018

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801

**From:** [Renee Skillett](#)  
**To:** [Planning Division – CPED](#)  
**Subject:** Protest to Case No. REZ18-04  
**Date:** Wednesday, May 30, 2018 3:33:49 PM  
**Attachments:** [Case No. REZ18-04.pdf](#)

---

Dear Members of the Davenport Committee of the Whole,

Please find attached our written protest for Case No. REZ18-04. Kevin and I will be in attendance at the public hearing set for Wednesday, June 6th, 2018 at 5:30 PM.

Our protest is not against urban development, rather it is against:

- The utilization of Jersey Meadows subdivision entrances for the proposed 64 unit Pheasant Creek Subdivision. As it stands, Jersey Meadows has 158 residential/townhome units using two entrances off of a very busy road (Jersey Ridge Road).
- The request for an R-2 Low Density Residential District. As described by the owner/builder Mr. Seitz during the May 15th, 2018 Plan and Zoning Meeting, he believes the price point of his Pheasant Creek Subdivision should be \$350,000 to \$500,000. If that is the case, we do not understand why the need for an R-2 zoning. We know that an R-1 Low Density Residential District has requirements of a larger width lot and greater setback, but in the price point he proposed, we would think a larger lot would be expected. If R-2 Zoning is granted, Mr. Seitz could change his proposed single family residence to multi-unit residence which would affect our home.

We sincerely appreciate your time and consideration.

Best regards,

Renee Skillett

# REZ18-04 Rezoning Protest Area Calculation (Autosaved)

| PARCEL NUMBER | NOTICE AREA | NOTICE % | PROTEST (YES/NO) | PROTEST % | PROPERTY ADDRESS   | PROPERTY OWNER(S)                     | OWNER ADDRESS      | OWNER CITY/STATE/ZIP |
|---------------|-------------|----------|------------------|-----------|--------------------|---------------------------------------|--------------------|----------------------|
| Y0707-18C     | 11510.25137 | 1.0%     | Yes              | 1.0%      | 2808 E 59TH ST     | AITCHISON FAMILY REVOCABLE TRUST      | 2808 E 59TH ST     | DAVENPORT IA 52807   |
| Y0707-28C     | 6896.403881 | 0.6%     | Yes              | 0.6%      | 2722 MEADOWS PL    | AUGUSTO ANZOLA                        | 2722 MEADOWS PLACE | DAVENPORT IA 52807   |
| Y0707-44C     | 15539.96307 | 1.4%     | Yes              | 1.4%      | 2804 E 58TH ST     | BENJAMIN KIMBELL                      | 2804 E 58TH ST     | DAVENPORT IA 52807   |
| Y0707-43C     | 15252.89917 | 1.4%     |                  | 0.0%      | 2730 E 58TH ST     | BRIAN G CARBER                        | 2730 E 58TH ST     | DAVENPORT IA 52807   |
| Y0723-02E     | 106450.6519 | 9.7%     |                  | 0.0%      | 2790 E 53RD ST     | COSTCO WHOLESALE CORPORATION          | 999 LAKE DR        | ISSAQUAH WA 98027    |
| Y0707-04      | 12307.34989 | 1.1%     |                  | 0.0%      | 2729 E 58TH ST     | CYNTHIA L KOTHENBEUTEL                | 2729 E 58TH ST     | DAVENPORT IA 52807   |
| Y0707-19C     | 15171.03955 | 1.4%     | Yes              | 1.4%      | 2807 E 59TH ST     | EISRENERLIVING TRUST                  | 2807 E 59TH ST     | DAVENPORT IA 52807   |
| Y0707-29C     | 5681.011385 | 0.5%     | Yes              | 0.5%      | 2743 E 59TH ST     | GAYNELL BARR FOSTER 2011 ESTATE TRUST | 2743 E 59TH ST     | DAVENPORT IA 52807   |
| Y0655AOLA     | 2024.18404  | 0.2%     | Yes              | 0.2%      |                    | JED FERNINAND                         | 2752 JULIE LANE CT | DAVENPORT IA 52807   |
| Y0723-01      | 47562.90217 | 4.3%     |                  | 0.0%      | 2700 E 53RD ST     | JERSEY MEADOWS APARTMENTS             | 2700 E 53RD ST     | DAVENPORT IA 52807   |
| Y0655A05      | 46994.92505 | 4.3%     |                  | 0.0%      | 4 WOODVIEW WAY     | JOE B SLAVENS                         | 4 WOODVIEW WAY     | DAVENPORT IA 52807   |
| Y0707-17C     | 11177.06063 | 1.0%     | Yes              | 1.0%      | 2800 E 59TH ST     | JOSEPH L PALMER                       | 280 E 59TH ST      | DAVENPORT IA 52807   |
| Y0707-14D     | 4517.737734 | 0.4%     | Yes              | 0.4%      | 2764 JULIE LANE CT | KEVIN R SKILLETT                      | 2764 JULIE LANE CT | DAVENPORT IA 52807   |
| Y0707-01C     | 27450.17103 | 2.5%     | Yes              | 2.5%      |                    | KEVIN R SKILLETT                      | 2764 JULIE LANE CT | DAVENPORT IA 52807   |
| Y0707-42C     | 5008.55346  | 0.5%     | Yes              | 0.5%      | 2724 E 58TH ST     | MARIAN INGRAHAM TRUST                 | 2724 E 58TH ST     | DAVENPORT IA 52807   |
| Y0655-13C     | 641.6206695 | 0.1%     | Yes              | 0.1%      | 2758 JULIE LANE CT | MARK A MANCHA                         | 2758 JULIE LANE CT | DAVENPORT IA 52807   |
| Y0655A09      | 2265.115818 | 0.2%     |                  | 0.0%      |                    | MCCARTNEY IMPROVEMENT CO              | 5715 NW BD         | DAVENPORT IA 52806   |
| Y0655A08      | 8501.770718 | 0.8%     |                  | 0.0%      |                    | MCCARTNEY IMPROVEMENT CO              | 5715 NW BD         | DAVENPORT IA 52806   |
| Y0655A07      | 14809.6326  | 1.3%     |                  | 0.0%      |                    | MCCARTNEY IMPROVEMENT CO              | 5715 NW BD         | DAVENPORT IA 52806   |
| Y0655A06      | 25798.29762 | 2.3%     |                  | 0.0%      |                    | MCCARTNEY IMPROVEMENT CO              | 5715 NW BD         | DAVENPORT IA 52806   |
| Y0707-23C     | 4442.580086 | 0.4%     | YES              | 0.4%      | 2723 MEADOWS PL    | MICHAEL C ORFITELLI                   | 2723 MEADOWS PL    | DAVENPORT IA 52807   |
| Y0707-03      | 4102.811295 | 0.4%     |                  | 0.0%      | 2723 E 58TH ST     | MICHAEL R KOTULA                      | 2723 E 58TH ST     | DAVENPORT IA 52807   |
| Y0707-22C     | 14347.19281 | 1.3%     | Yes              | 1.3%      | 2729 MEADOWS PL    | MITCHELL D BRON                       | 2729 MEADOWS PL    | DAVENPORT IA 52807   |
| Y0707-01C     | 280528.0503 | 25.5%    |                  | 0.0%      |                    | PHEASANT CREEK ESTATES LLC            | 4215 E 60TH ST     | DAVENPORT IA 52807   |
| Y0707-16C     | 3304.844242 | 0.3%     | Yes              | 0.3%      | 2744 E 59TH ST     | RONALD C MATHIAS                      | 2744 E 59TH ST     | DAVENPORT IA 52807   |
| Y0707-21C     | 14693.2236  | 1.3%     |                  | 0.0%      | 2801 MEADOWS PL    | SCOTT D KELLING                       | 2801 MEADOWS PL    | DAVENPORT IA 52807   |
| Y0817-02E     | 113682.2052 | 10.3%    |                  | 0.0%      | 5348 ELMORE CR     | TELECOMMUNICATIONS SPRINGING LLC      | 1 ATT WAY          | BEDMINSER NJ 07921   |
| Y0707-20C     | 15248.57036 | 1.4%     | Yes              | 1.4%      | 5803 FOREST RD     | THOMAS W KAY                          | 5803 FOREST RD     | DAVENPORT IA 52807   |
| Y0707-05      | 13579.51314 | 1.2%     |                  | 0.0%      | 2805 E 58TH ST     | TIMOTHY S HILTON                      | 2805 E 58TH ST     | DAVENPORT IA 52807   |
| Y0707-15D     | 5238.636761 | 0.5%     | Yes              | 0.5%      | 2763 JULIE LANE CT | TODD R STONE                          | 2763 JULIE LANE CT | DAVENPORT IA 52807   |
| Y0707-01D     | 30931.30352 | 2.8%     | Yes              | 2.8%      |                    | TODD R STONE                          | 2763 JULIE LN CT   | DAVENPORT IA 52807   |
| Y0655AOLB     | 24459.19148 | 2.2%     | Yes              | 2.2%      |                    | TODD RINEHART                         | 2758 JULIE LANE CT | DAVENPORT IA 52806   |
| Y0801-02A     | 145267.5814 | 13.2%    |                  | 0.0%      |                    | VTS FARM LLC PARCEL A                 | 19134 246TH AV     | BETTENDORF IA 52722  |

Alderman: Clewell

TOTAL NOTICE AREA 1,099,548.8 100% 18.5% PROTEST RATE 18 Properties 33

Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

I/we Marian Ingraham who own property located at (be specific as possible)  
2724 E 58<sup>th</sup> St DAY IA

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: Marian Ingraham

Date: May 23, 2018

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801

Not within 200'.



City of Davenport

Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**PUBLIC HEARING NOTICE**

**WEDNESDAY, JUNE 6, 2018 at 5:30 pm**

**DAVENPORT COMMITTEE OF THE WHOLE**

**COUNCIL CHAMBERS - DAVENPORT CITY HALL - 226 WEST 4th STREET - DAVENPORT, IOWA**

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case No. REZ18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)

The Plan and Zoning Commission voted on May 15, 2018 to recommend approval of the request.

A public hearing before the Davenport Committee of the Whole on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday June 6, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.

Any written comments or protests (which can be sent via email) to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). If you signed the petition presented at the May 15, 2018 Plan and Zoning Commission, your protest is registered and you do not need to contact us again.

Please contact the Community Planning Division for additional information.

E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-04

I/we Daniel & Tiffany Jaros who own property located at (be specific as possible)  
2625 Julie Lane Davenport, IA 52807

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: Tiffany Jaros [Signature]

Date: 5/23/2018

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801



**Flynn, Matt**

---

**From:** Flynn, Matt  
**Sent:** Friday, June 01, 2018 10:24 AM  
**To:** 'Joe Slavens'  
**Cc:** Pete Mullarkey; Berger, Bruce  
**Subject:** RE: Rezoning of Land Immediately North of Costco

Thanks Joe for your comments. We will pass them on to the Council.

You, as well as anyone potentially impacted by rezonings in the City, are encouraged to share concerns.

The Committee of the Whole will hold a public hearing on the Pheasant Creek rezoning on June 6, 2018, 5:30 pm in the Council Chambers. You are welcome to attend.

Please let me know if you would like to discuss further!

**Matt Flynn, AICP**  
Senior Planning Manager  
City of Davenport, Iowa  
Direct Phone: 563.888.2286

Visit our new website!  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)



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**From:** Joe Slavens [<mailto:JBslavens@northwestbank.com>]  
**Sent:** Thursday, May 31, 2018 5:51 PM  
**To:** Flynn, Matt  
**Cc:** Pete Mullarkey  
**Subject:** Rezoning of Land Immediately North of Costco

Hi Matt,

My name is Joe Slavens and I live at 4 Woodview Way, Davenport, Iowa, within the 200 hundred foot boundary of the residential development proposed immediately north of the new Costco.

First and foremost, I support the rezoning as proposed. Everyone living in a single-family residential neighbor prefers to live next to another single-family residence. There is no question single family residential is the highest and best use of the property.

I was approached to sign a petition opposing the development unless a third access point is created which would connect the development to Elmore. I did not sign the petition as I saw it as inaccurate and unwise. First, the property proposed to be rezoned does not even have frontage to Elmore. Second, the land to its east of the property to be rezoned will likely be commercial and I would suggest that the best buffer between a new residential neighborhood and future commercial development is the absence of a connecting road. Third, long-term road planning should not be (and

has not been in the past) based upon short-term heavy equipment traffic to a newly developing area. Fourth, traffic pressure on Elmore is going to grow as its frontages develop. Why would you want to increase that pressure? Fifth, even if an Elmore outlet were added, I would suggest people traveling west certainly won't use an Elmore outlet and many people traveling east will not use it and proceed to Vets or 53<sup>rd</sup> to avoid ever increasing Elmore traffic. If you add it, locals won't use it. **However, sixth and most important, if I were to live in one of the newly developed homes or an existing homes, I would not want an outlet onto Elmore because there is more risk of generating even more traffic (and lower quality traffic – higher speed) from people cutting through the neighborhood to avoid the 53<sup>rd</sup> and Elmore intersection than you will reduce the use from people who do live there.**

One final comment, the petition I saw refers to a 43% increase in traffic. This may be statistically correct, but it misses the point. Adding one house to a previously one-house road increases traffic by 100%. The correct question is whether the two streets as currently in place and as designed for extension as a part of the new development property support the level of projected residential traffic. While I believe they are, this question is far better answered by you than by me or the current residents.

Thank you for the opportunity to provide my thoughts. Please feel free to share them with the public bodies with responsibility for taking action on the proposed rezoning. And finally, I would be happy to talk further if you would like.

Thanks again,

Joe Slavens  
4 Woodview Way  
Davenport, IA 52807  
563-343-1654

City of Davenport

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

**Action / Date**  
**6/6/2018**

Subject:

Third Consideration: Ordinance for Case No. REZ18-05 Request of Pheasant Creek Properties, LLC, to rezone 7.41 acres, more or less, of property located west of Elmore Avenue and south of Pheasant Creek from A-1, Agricultural District to PDD, Planned Development District. [Ward 6]

Recommendation:

Adopt the ordinance

Relationship to Goals:

Fiscal Vitality

Background:

The proposed rezoning would facilitate future commercial development along Elmore Avenue. Nothing is planned at this time.

The Comprehensive Plan designates this property as RC - Regional Commercial. It is located immediately south of the proposed Elmore Corners Overlay District.

At its regular meeting of May 15, the City Plan and Zoning Commission considered Case No. REZ18-05: Request of Pheasant Creek LLC for the rezoning of 7.41 acres, more or less, of property located west of Elmore Avenue and south of Pheasant Creek from A-1 Agricultural District to PDD, Planned Development District [6<sup>th</sup> Ward].

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing along the Elmore Avenue Corridor.
3. Existing Elmore Avenue can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected.

Conditions:

1. No street connection from Elmore Avenue west to the proposed Pheasant Creek Subdivision shall be made.

On an affirmative vote of 5-0, the Plan and Zoning Commission accepts the findings and forwards Case No. REZ18-05 to the City Council for approval.

No protests have been filed.

See attachments for additional background information.

**ATTACHMENTS:**

| Type              | Description               |
|-------------------|---------------------------|
| ▣ Ordinance       | Ordinance                 |
| ▣ Backup Material | Location Map              |
| ▣ Backup Material | Background Material       |
| ▣ Backup Material | Public Engagement Summary |

**REVIEWERS:**

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Admin, Default | Approved | 6/19/2018 - 11:05 AM |

ORDINANCE NO.

Ordinance offered by Alderman Gripp.

Ordinance for Case No. REZ18-05 Request of Pheasant Creek Properties, LLC, to rezone 7.41 acres, more or less, of property located west of Elmore Avenue and south of Pheasant Creek from A-1, Agricultural District to PDD, Planned Development District. [6th Ward]

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:  
Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned from A-1 Agricultural District to PDD, Planned Development District.

The Legal Description is as follows:

Part of the Northwest Quarter of Section 8, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" West 534.52 feet along the west line of the Northwest Quarter of said Section 8; thence South 44°-59'-10" East 358.74 feet to the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing South 44°-59'-10" East 690.31 feet to a point on the west right of way line of Elmore Avenue as now established in the City of Davenport, Iowa, said point also being on the west line of the South 75 Acres of the East 115 Acres of the Northwest Quarter of said Section 8;

thence South 00°-08'-25" West 511.79 feet along the west line of the South 75 Acres of the East 115 Acres of the Northwest Quarter of said Section 8 to an angle point on the north line of Lot 1 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa;

thence South 89°-41'-45" West 121.43 feet along the north line of Lot 1 of said Lakehurst Commercial Park Fifth Addition to a point on the east line of Lot 1 of Lakehurst Commercial Park Fourth Addition to the City of Davenport, Iowa;  
thence North 00°-18'-15" West 65.00 feet along the east line of Lot 1 of said Lakehurst Commercial Park Forth Addition;

thence South 89°-41'-45" West 260.00 feet along the north line of Lot 1 of said Lakehurst Commercial park Fourth Addition to a point on the east line of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North 00°-18'-1 5" West 205.00 feet along the east line of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence South 89°-41'-45" West 100.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North 00°-18'-15" West 732.61 feet to the point of beginning.

Containing 7.41 acres, more or less, subject to easements of record.

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

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing along the Elmore Avenue Corridor.
3. Existing Elmore Avenue can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected.

Condition:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

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

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



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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank J. Klipsch  
Mayor

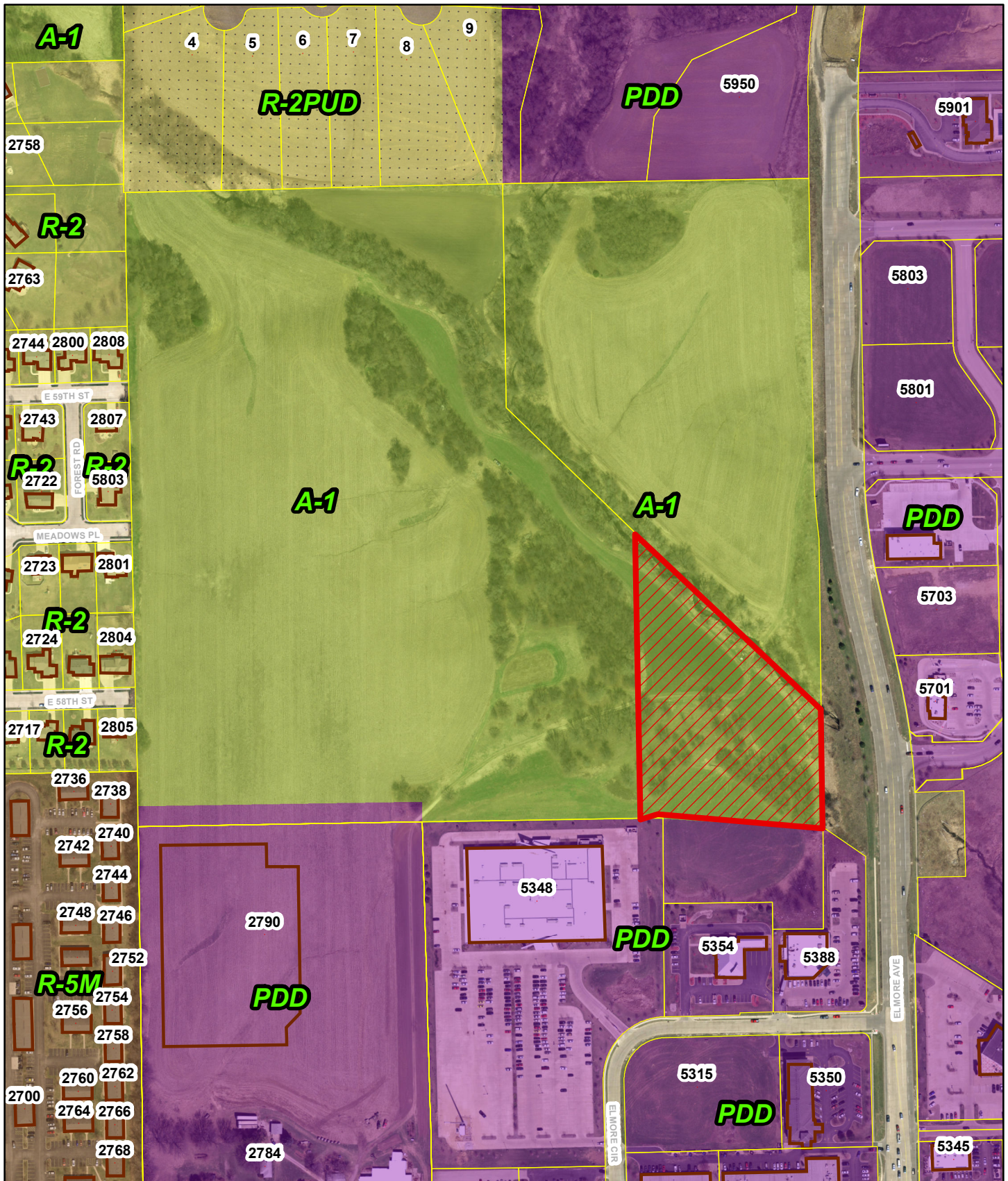
Attest: \_\_\_\_\_

Jackie Holecek, CMC  
Deputy City Clerk

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

# LOCATION MAP

## REZ18-05: Pheasant Creek A-1 to PDD



0 70 140 280 420 560 Feet



## **BACKGROUND MATERIAL**

### **CASE NO's REZ18-04 and REZ18-05**

Please note that some earlier material references the acreage of the property proposed to be zoned PDD (Case No. REZ18-05) at 5.55 acres. The legal description was corrected and right size (7.41 acres) has been properly filed in the Legal Notice, neighbor letter for COW and drafted ordinance.



## **PLAN AND ZONING COMMISSION**

**Meeting Date:** May 15, 2018  
**Request:** Request to rezone 33.11 acres from A-1 Agricultural to R-2 Low Density Residential and 5.55 acres from A-1 Agricultural to PDD Planned Development District.  
**Case No.:** REZ18-04; REZ18-05 (NOTE THIS IS A COMBINED STAFF REPORT)  
**Applicant:** Adam Seitz, Pheasant Creek Properties, LLC (Advance Homes)  
**Ward:** 6th  
  
**Contact:** Matthew G. Flynn, AICP  
Senior Planning Manager  
matt.flynn@ci.davenport.ia.us  
563-888-2286

### **Recommendation:**

Staff recommends the Plan and Zoning Commission accepts the listed findings and forward both cases to the City Council for approval.

### **Background:**

Petitioner intends to develop an approximate 64 lot single family residential subdivision to the east of Jersey Meadows Subdivision. The proposed R-2 zoning would provide for lots with a minimum of 60 feet of frontage at the building line and a minimum of 10,000 square feet.

The intent is to connect this subdivision by the existing terminated streets on the east side of Jersey Meadows – E 58<sup>th</sup> Street, E 59<sup>th</sup> Street, and Meadows Place. Preliminary and final plats are anticipated to be filed following successful completion of the rezoning effort.

The easternmost 5.55 acres is proposed for PDD, Planned Development District. A portion of the property is already zoned as such. This property presents development challenges as there are topography, drainage and access limitations. Nothing is planned at this time.

### **Site Characteristics:**

**Current Land Use:** The property is currently in row crops. Pheasant creek runs along the east side in a significant swale and creates a natural boundary with properties to the east and the Elmore Corridor.

**Comprehensive Plan.** The property is within the Urban Service District and urban services can be reasonably accessed.

The Future Land Use Plan for this property indicates RG Residential General for the western portion and RC Regional Commercial to the east along Elmore Avenue.



The description of those classifications are as follows:

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

Regional Commercial (RC) - Designates the most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; although some residential, service and institutional uses may also be located within RC. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street, through parking lots and between individual uses with connectivity to nearby neighborhoods being less important.

Existing Zoning: The property is currently zoned A-1 Agriculture. Surrounding properties are zoned as described on exhibit attached to this report.

### **Technical Review:**

Technical review comments from Davenport Engineering and Traffic Engineering have been received.

Engineering general comments:

1. *No comment from traffic at this time for the layout given*
2. *Natural Resources are having the Storm Water Ordinance revised. It is anticipated to be approved by council the first week in June. It would be recommended to have the site designed per the latest standards being adopted. We can provide them to the developer's engineer.*
3. *To continue our goals of multimodal transportation and connectivity, a pedestrian access to the COSTCO site from this neighborhood would be beneficial*
4. *In addition, the Davenport GO plan has indicated a proposed trail section along this stream corridor. Will that be a requirement here?*
5. *The buffer distance will be 50' by the time the platting is finalized, see note 1.*
6. *The proposed detention area may not be sufficient, given the site topography, this standard will be revised per the ordinance see note 1*
7. *Any detention or quality features must have easement access for maintenance and inspection; contiguous with other City ROW*
8. *No access point or features are shown on the commercial area to comment at this time.*
9. *ROW width 50' minimum, street width 27' minimum*

Traffic Engineering comments:

*The built-out subdivision will have about 220 units. The trips equate to 9.57 per day per unit (we usually round up to 10) so it's 2200 vehicles per day, 50% in and 50% out.*

*During the AM peak hour, the factor is 0.77 with 26% in and 74% out. This equates to 44 vehicles entering and 125 exiting during the AM peak hour.*

*During the PM peak hour, the factor is 1.02 with 64% in and 36% out. This equates to 144 vehicles entering and 81 vehicles exiting during the PM peak hour.*

*The counts on Jersey Ridge Road were obtained from the casino study which assumes full build-out of that commercial corridor on Elmore Avenue.*

*They estimate about 11,000 vehicles per day for Jersey Ridge Road with the AM peak at 1000 vehicles and PM peak at 1100 vehicles.*

*The traffic signal warrant most easily met is Interruption of Continuous Traffic. With the current roadway for the intersection of Jersey Ridge Road and Jersey Meadows Drive, there would need to be 8 separate hours where the volume on Jersey Ridge Road is at least 750 vehicles and the exiting volume on Jersey Meadows Drive is 75 during those same 8 hours. Even though this intersection lines up with the driveway for the apartments across the street, the signal warrants only use the higher volume leg of the minor street.*

*Based on the traffic study for the casino, there could be 8 hours with 750 vehicles or more on Jersey Ridge Road. Some of the estimated hours show 800 vehicles, so Jersey Ridge Road might have enough traffic after everything is built out. Assuming 75% of the traffic in the subdivision uses Jersey Meadows Drive, then 94 vehicles will exit during the AM peak and 61 during the PM peak. Therefore, I expect the AM peak to be 1 of the 8 hours required for signalization and there might not be many more.*

*I do not think traffic signal warrants will be met, even after everything is built out. Keep in mind that this is assuming the subdivision is full of houses and Elmore has been filled in with commercial buildings, so this won't happen overnight.*

*When traffic volumes get higher and delays occur at this intersection, we will study it to see if traffic signals are warranted. If they are, we will install them.*

Staff has also reached out to the Fire Marshall specifically to ensure no particular issues will be encountered with emergency response. A fire station is approximately one mile away.

If the rezoning is approved, more technical comments can be expected as part of the consideration of subdivision plats and construction plans. No construction will be allowed to commence without proper approvals.

### **Discussion:**

The majority of this discussion will be in reference to the proposed rezoning to R-2 (REZ18-04).

The request, if approved, will result in development consistent with the existing Jersey Meadows Subdivision to the west. The proposed development is consistent with the Comprehensive Plan.

Traffic will increase as the development is completed. Future traffic congestion, if it is to occur, will likely be the result of increases in volume on Jersey Ridge Road. Signalization along Jersey Ridge Road cannot be ruled out in the future as the area continues to develop, as planned.

Staff does not recommend connecting this development directly to Elmore as it would encourage cut through traffic and would result in excessive costs in crossing Pheasant Creek. While some neighbors have advocated for this connection, staff sees otherwise and recommends a condition be included prohibiting this from happening.

Also included within this request is the rezoning of 5.55 acres to PDD, Planned Development (REZ18-05). Development of this property for commercial purposes would be consistent with the Comprehensive Plan. It should be noted, however, that topography visibility and access are challenges and development may not occur for some time. Zoning now, however, will facilitate development in the future.



## **Public Input Summary:**

Public Meeting: A public meeting has been scheduled for April 30 at the Public Works Center.

Public Meeting Notice: 43 notices mailed April 18.

Signs Posted: 3 signs were posted on April 16

Public Hearing Notice: The notice was sent to the QCT for publication on April 17.

Public Hearing Mailing: Mailed to approximately 43 neighbors on April 18. To date, three protests have been filed (1.9%) been filed.

Plan and Zoning Commission Public Hearing. Approximately 3 people spoke against the proposal citing traffic, drainage, and improper notification.

Upcoming Committee of the Whole Public Hearing. Assuming action by the Plan and Zoning Commission at this meeting to move this case forward, the Committee of the Whole Public Hearing will be held on June 6, 2018.

## **Recommendation:**

**Since there are two cases, two separate recommendations are presented:**

### **Case No. REZ18-04:**

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing to the west.
3. Existing street network can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected. This may require the installation of traffic signals at East 58th Street and Jersey Ridge Road sometime in the future.

Conditions:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

Final Recommendation: Staff recommends the Plan Commission accept the findings and condition and forward Case No. REZ18-04 to the City Council for approval.

**Case No. REZ18-05:**

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing to the west.
3. Existing street network can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected. This may require the installation of traffic signals at East 58th Street and Jersey Ridge Road sometime in the future.

Conditions:

1. No street connection from Elmore Avenue west to the proposed Pheasant Creek Subdivision shall be made.

Final Recommendation: Staff recommends the Plan Commission accept the findings and condition and forward Case No. REZ18-05 to the City Council for approval.

## Zoning Map Amendment Application

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

**Property Address\***  See Attachment A

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

### **Applicant (Primary Contact)\*\***

Name:  Adam Seitz  
Company:  Pheasant Creek Estates, LLC  
Address:  4215 East 60th Street  
City/State/Zip:  Davenport, IA 52807  
Phone:  563-940-4030  
Email:  adamseitz@advancehomesinc.com

*Application Form Type:*

### **Plan and Zoning Commission**

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

### **Owner (if different from Applicant)**

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

### **Zoning Board of Adjustment**

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

### **Engineer (if applicable)**

Name:  David L. Meyer  
Company:  Verbeke-Meyer Consulting Engineers  
Address:  4111 East 60th Street  
City/State/Zip:  Davenport, IA 52807  
Phone:  563-359-1348  
Email:  dlm@verbeke-meyer.com

### **Design Review Board**

Certificate of Design Approval ☐  
Demolition Request in the Downtown ☐

### **Architect (if applicable)**

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

### **Historic Preservation Commission**

Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

### **Attorney (if applicable)**

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

### **Administrative**

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

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

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

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

**Formal Procedure:****(1) Application:**

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

**(2) Public Notice for the Plan and Zoning Commission public hearing:**

- After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
- The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
- Planning staff will send a public hearing notice to surrounding property owners.

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

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

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

- Planning staff will send a public hearing notice to surrounding property owners.
- The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant:

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 4<sup>th</sup> Street, Davenport, Iowa.

## ATTACHMENT A

### LEGAL DESCRIPTION FOR REZONING

Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" East 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 358.73 feet;

thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ;

thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North 00°-18'-15" West 50.00 feet;

thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;

thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa, to a point on the north line of the Northeast Quarter of said Section 7;

thence North 89°-43'-55" East 230.81 feet along the north line of the Northeast Quarter of said Section 7;

thence South 65°-30'-40" East 586.00 feet;

thence South 25°-39'-00" East 320.00 feet to the point of beginning.

Containing 33.11 acres, more or less, subject to easements of record.

Also, to be known as Lot 1, Pheasant Ridge First Addition to the City of Davenport, Iowa.



March 12, 2018  
VMCE #17361-C  
Page 1 of 2

LEGAL DESCRIPTION – SCHAEFER DEVELOPMENT GROUND  
ADVANCE HOMES PURCHASE  
DAVENPORT, IOWA

Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" West 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 358.73 feet;

thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ;

thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North 00°-18'-15" West 50.00 feet;

thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;

thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa, to a point on the north line of the Northeast Quarter of said Section 7;

March 12, 2018  
VMCE #17361-C  
Page 2 of 2

thence North  $89^{\circ}-43'-55''$  East 230.81 feet along the north line of the Northeast Quarter of said Section 7;

thence South  $65^{\circ}-30'-40''$  East 586.00 feet;

thence South  $25^{\circ}-39'-00''$  East 320.00 feet to the point of beginning.

Containing 33.11 acres, more or less, subject to easements of record.

February 27, 2018  
VMCE # 17361-B

LEGAL DESCRIPTION – SCHAEFER EXTRA TRACT  
ADVANCE HOMES PURCHASE  
DAVENPORT, IOWA

Part of the Northeast Quarter of Section 7, Township 78 North, Range 4 East of the 5<sup>th</sup> P.M.,  
Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 8, said  
point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 00°-06'-45" West 534.52 feet along the west line of the Northwest Quarter  
of said Section 8;

thence North 25°-39'-00" West 320.00 feet;

thence North 65°-30'-40" West 560.00 feet to a point on the north line of the  
Northeast Quarter of said Section 7;

thence North 89°-43'-55" East 672.86 feet along the north line of the Northeast  
Quarter of said Section 7 to the point of beginning.

Containing 2.75 acres, more or less, subject to easements of record.

March 12, 2018  
VMCE #17361-C  
Page 1 of 2

LEGAL DESCRIPTION – SCHAEFER DEVELOPMENT GROUND  
ADVANCE HOMES PURCHASE  
DAVENPORT, IOWA

Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" East 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 358.73 feet;

thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ;

thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North 00°-18'-15" West 50.00 feet;

thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;

thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa, to a point on the north line of the Northeast Quarter of said Section 7;

March 12, 2018  
VMCE #17361-C  
Page 2 of 2

thence North  $89^{\circ}-43'-55''$  East 230.81 feet along the north line of the Northeast Quarter of said Section 7;

thence South  $65^{\circ}-30'-40''$  East 586.00 feet;

thence South  $25^{\circ}-39'-00''$  East 320.00 feet to the point of beginning.

Containing 33.11 acres, more or less, subject to easements of record.

March 12, 2018  
VMCE #17361-D  
Page 1 of 2

LEGAL DESCRIPTION – PROPOSED COMMERCIAL DEVELOPMENT  
ADVANCE HOMES PURCHASE  
DAVENPORT, IOWA

Part of the Northwest Quarter of Section 8, Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 44°-59'-10" East 358.74 feet to the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing South 44°-59'-10" East 690.31 feet to a point on the west right of way line of Elmore Avenue as now established in the City of Davenport, Iowa, said point also being on the west line of the South 75 Acres of the East 115 Acres of the Northwest Quarter of said Section 8;

thence South 00°-08'-25" West 511.79 feet along the west line of the South 75 Acres of the East 115 Acres of the Northwest Quarter of said Section 8 to an angle point on the north line of Lot 1 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa;

thence South 89°-41'-45" West 121.43 feet along the north line of Lot 1 of said Lakehurst Commercial Park Fifth Addition to a point on the east line of Lot 1 of Lakehurst Commercial Park Fourth Addition to the City of Davenport, Iowa;

thence North 00°-18'-15" West 65.00 feet along the east line of Lot 1 of said Lakehurst Commercial Park Fourth Addition;

thence South 89°-41'-45" West 260.00 feet along the north line of Lot 1 of said Lakehurst Commercial park Fourth Addition to a point on the east line of Lot 2 of said Lakehurst Commercial Park Fifth Addition;



March 12, 2018  
VMCE # 17361-D  
Page 2 of 2

thence North  $00^{\circ}-18'-15''$  West 205.00 feet along the east line of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

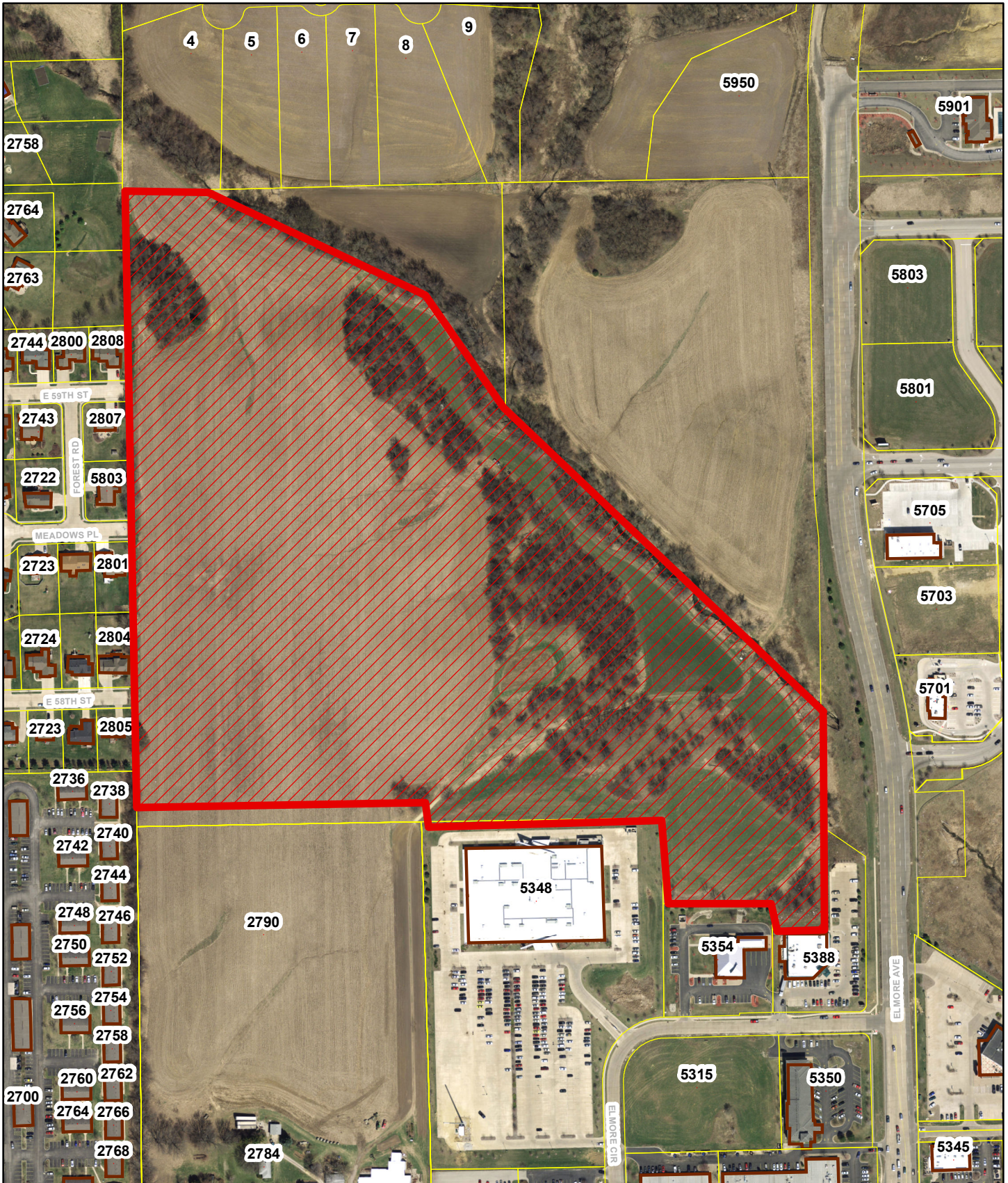
thence South  $89^{\circ}-41'-45''$  West 100.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North  $00^{\circ}-18'-15''$  West 732.61 feet to the point of beginning.

Containing 7.41 acres, more or less, subject to easements of record.



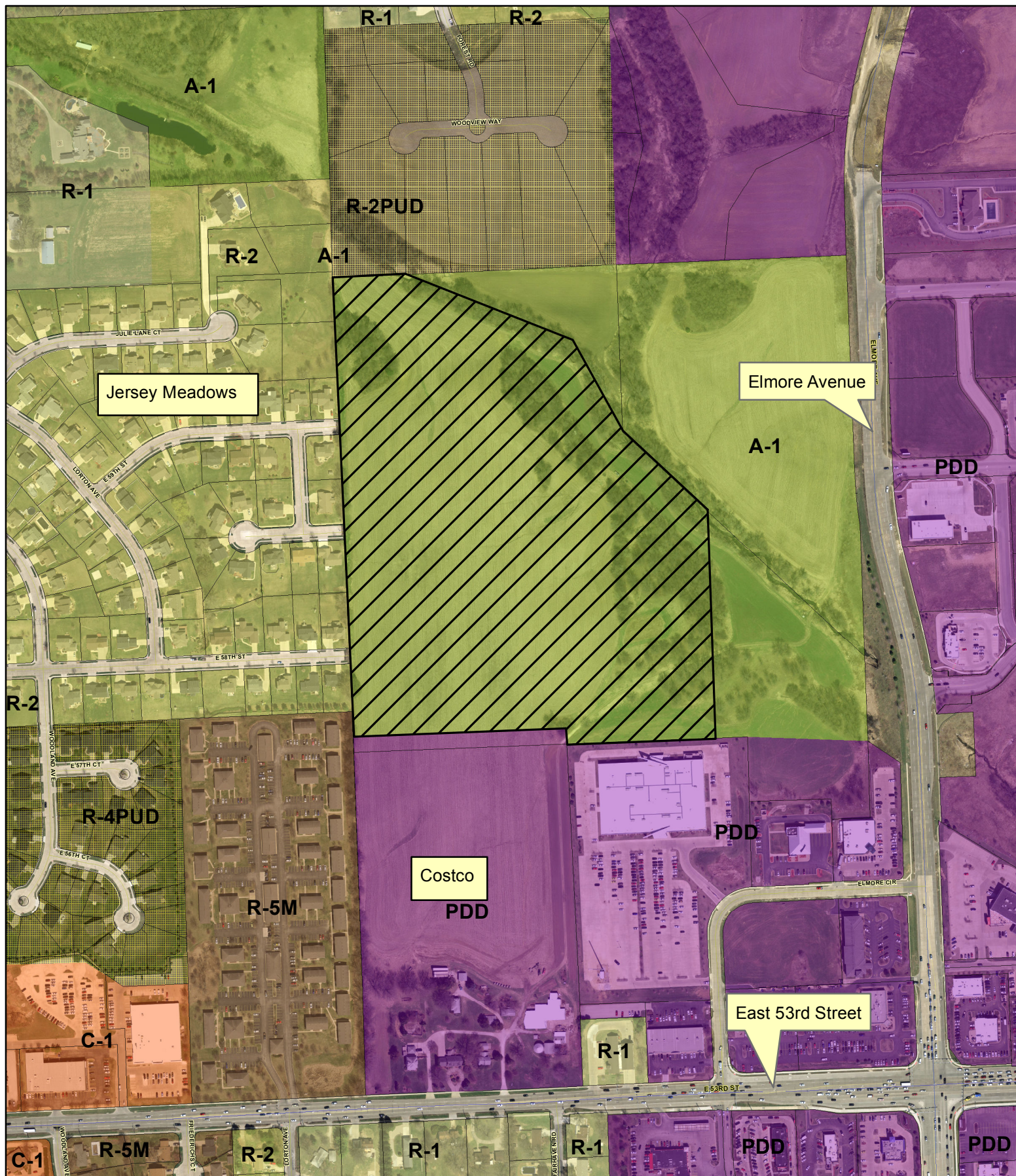
# REZ18-04: Pheasant Creek



0 70 140 280 420 560 Feet





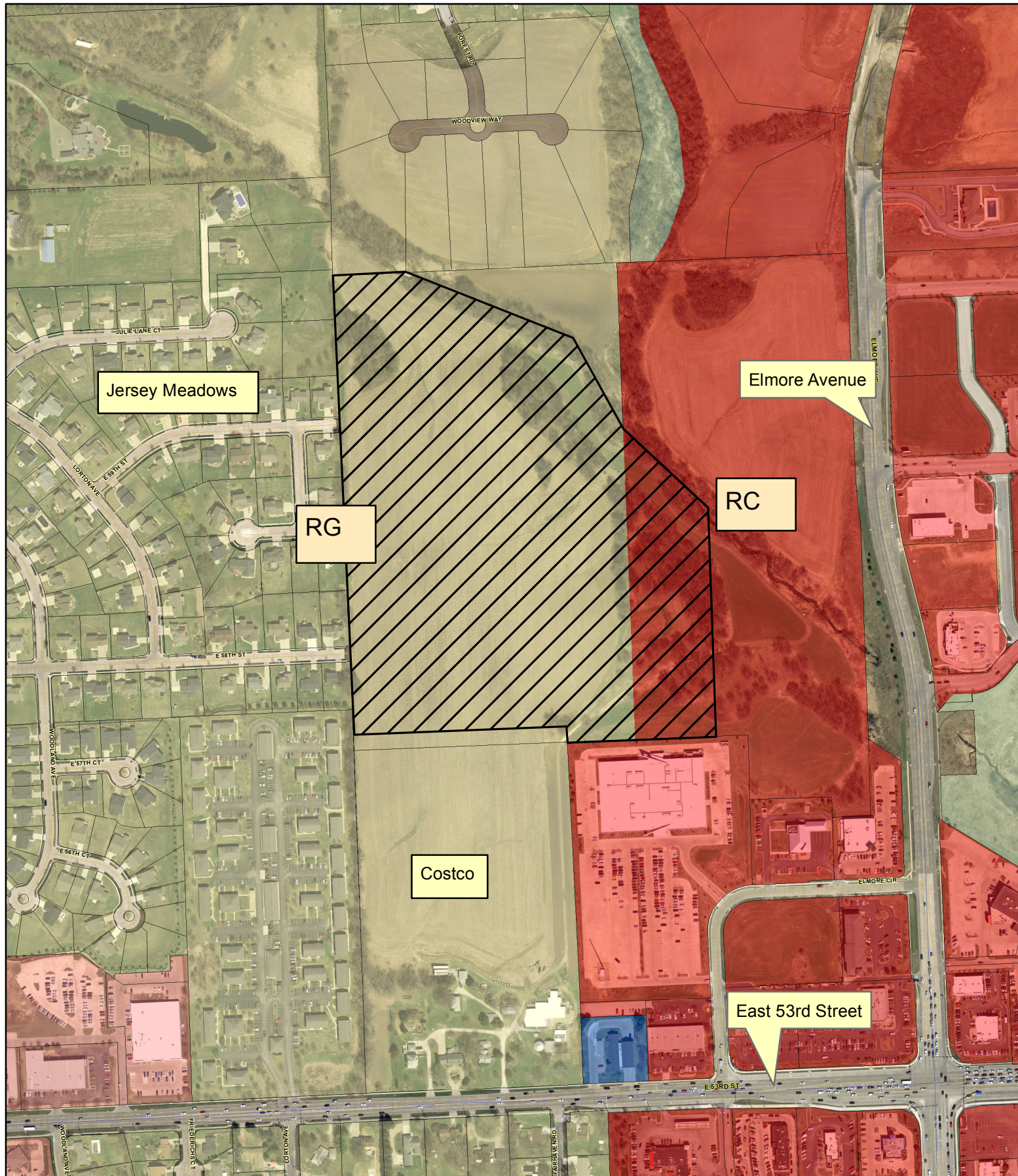


A-1 Agricultural  
R-2 Low Density Dwelling  
R-5M Medium Density Dwelling  
PDD Planned Development

0 200 400 800 Feet





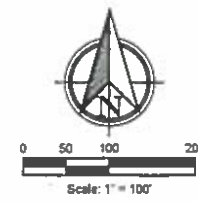
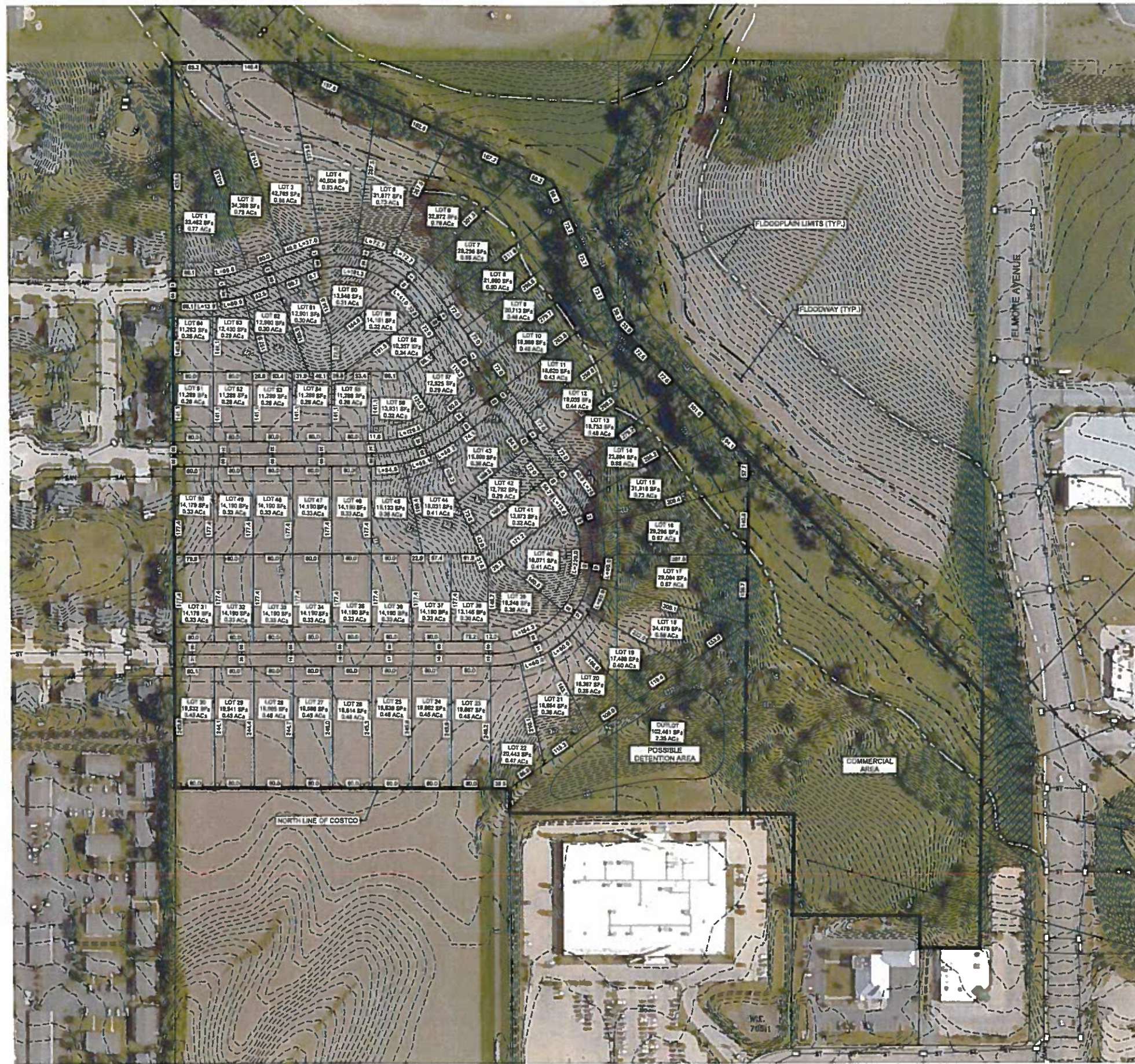


RG Residential General  
RC Regional Commercial

0 200 400 800  
Feet







LOT LAYOUT IS BASED ON R-2 ZONING FOR THE CITY OF DAVENPORT WHICH REQUIRES THE FOLLOWING:

- 30' FRONT YARD SETBACK
- 60' LOT WIDTH AT BUILDING LINE
- 10,000 SF MINIMUM LOT AREA



2550 middle road, ste. 300  
bettendorf, ia 52722

www.jmcivildesign.com

| revision |  |
|----------|--|
| date     |  |
| no.      |  |



APPROXIMATE LOCATION OF EXISTING BOX CULVERT



LOOKING SOUTH FROM THIS APPROXIMATE LOCATION

DRAWINGS PROVIDED BY ADVANCE HOMES SHOW THIS AS PART OF PURCHASE.  
DRAWINGS FROM CITY SHOW THIS AS RIGHT-OF-WAY



LOOKING EAST FROM THIS APPROXIMATE LOCATION

Subdivision Concept Plan  
Northeast Davenport Near Elmore Avenue

ADVANCE HOMES

|                  |            |
|------------------|------------|
| jmad project no. | P16-028    |
| drawn by:        | cam        |
| checked by:      |            |
| date:            | 03.08.2018 |

Concept  
Plan





# City of Davenport

Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

## NOTICE

### PUBLIC HEARING

TUESDAY, MAY 1st 2018, 5:00pm

DAVENPORT CITY PLAN AND ZONING COMMISSION

COUNCIL CHAMBERS - DAVENPORT CITY HALL

226 WEST 4th STREET – DAVENPORT, IOWA

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case No. REZ18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)

A public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday May 1, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.

Any written comments (which can be sent via email) to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s).

If you believe you are affected by the proposed changes and have questions, please contact the Community Planning Division.

E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765

Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

I/we Joseph & Katherine Palmer who own property located at (be specific as possible)  
2800 E. 59th St. - Davenport

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: Joseph Palmer Katherine Palmer

Date: 4/24/18

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801





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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**NOTICE  
PUBLIC HEARING  
TUESDAY, MAY 1, 2018  
DAVENPORT CITY PLAN AND ZONING COMMISSION  
COUNCIL CHAMBERS - DAVENPORT CITY HALL  
226 WEST 4th STREET – DAVENPORT, IOWA**

**Please be aware of possible zoning changes that may impact your property or neighborhood.**

**Case No. REZ18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)**

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**If you believe you are affected by the proposed changes and have questions, please contact the Community Planning Division.**

**E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)**

**Phone: (563) 326-7765**

---

Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

I/we \_\_\_\_\_ who own property located at (be specific as possible)

---

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801



# Zoning Map Amendment: Adjacent Property Owner Notice Area



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

0 200 400 800 Feet





**NOTICE  
PUBLIC MEETING  
MONDAY, APRIL 30, 5:30 PM  
DAVENPORT PUBLIC WORKS CENTER  
1200 EAST 46<sup>TH</sup> STREET, DAVENPORT, IOWA 52807**

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezoning property has been filed by Adam Seitz, Pheasant Creek Properties, LLC (Advance Homes) for 33.11 acres from A-1 Agricultural to R-2 Low Density Residential and 7.41 acres from A-1 Agricultural to PDD Planned Development District. (See map of the affected property on reverse side of this notice). The intent of this request is to allow for single family development on the larger tract and possible future commercial development on the smaller tract, which fronts Elmore Avenue.

One of the first steps in the rezoning process is to hold a public meeting, which provides an opportunity for the petitioner to explain the request further and for City staff to outline the formal process to come.

The public meeting will be held at the Davenport Public Works Center on the date and time listed above. Public Works can be reached by following Tremont Street south from East 53<sup>rd</sup> Street to East 46<sup>th</sup> Street; then traveling east. Signs will be posted on-site to direct you to the meeting room.

Public hearings before both the Plan and Zoning Commission and City Council will be forthcoming; you will be notified of these meetings as well. The public hearing before the Plan and Zoning Commission is tentatively set for Tuesday, May 1, 2018, 5:00 pm at City Hall.

The City welcomes public participation in the rezoning process and your comments are important. If you cannot attend the public meeting and have questions or concerns, please contact the Community Planning Division.

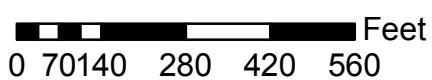
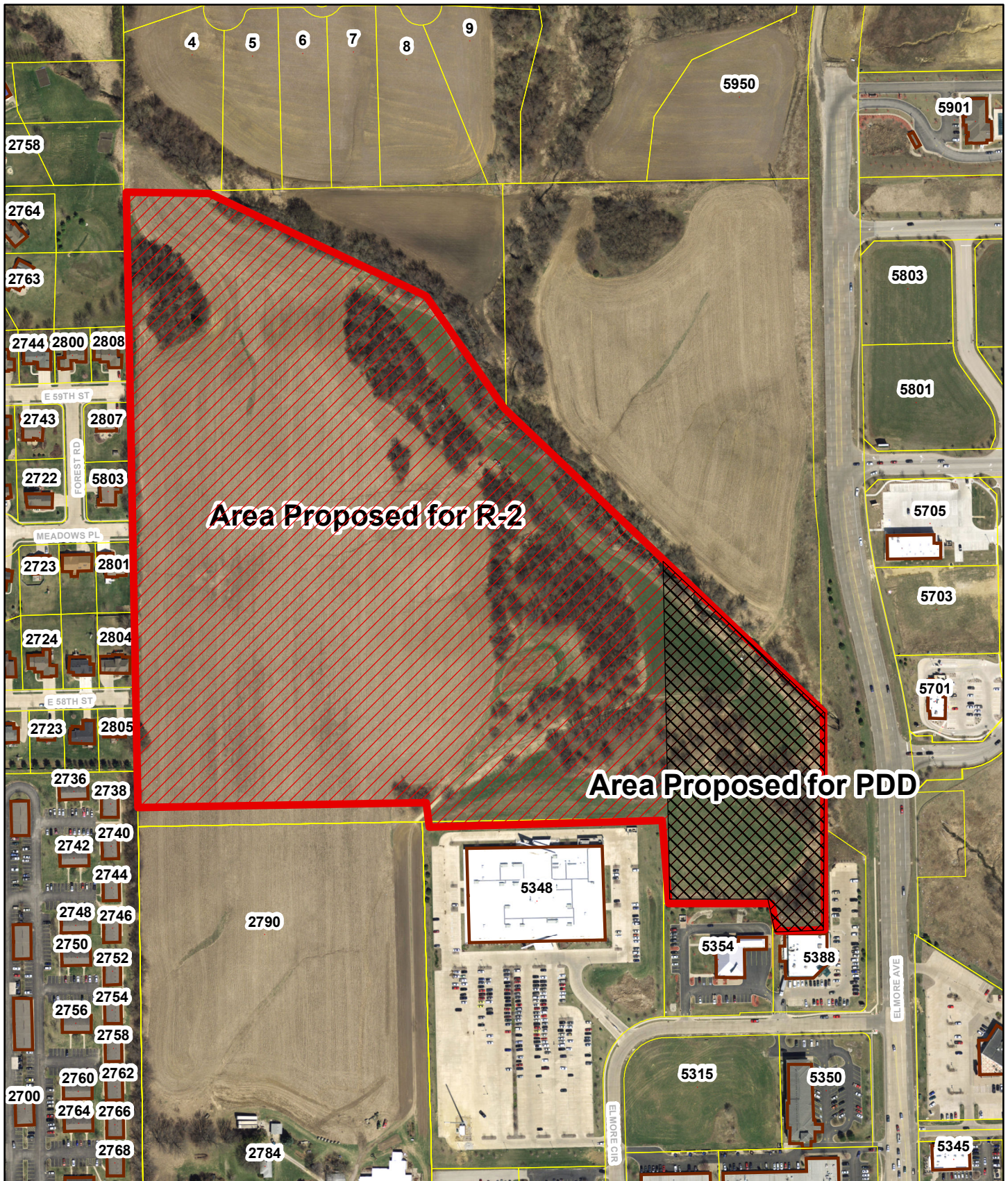
Case No. REZ18-04; REZ18-05

E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765



# REZ18-04: Pheasant Creek





## Neighborhood Meeting Attendance List

|                       |                 |                                                                                      |
|-----------------------|-----------------|--------------------------------------------------------------------------------------|
| <b>Case: REZ18-04</b> | <b>REZ18-05</b> | <b>Date: April 30th 2018</b>                                                         |
| Gary Aitchison        | 563-370-4480    | <a href="mailto:aitchisongary@gmail.com">aitchisongary@gmail.com</a>                 |
| Gary Andrade          | 563-676-4102    |                                                                                      |
| Kristan Mitchell      | 563-650-9580    | <a href="mailto:kristinm@mchsi.com">kristinm@mchsi.com</a>                           |
| Bill Hurt             | 563-271-2830    | <a href="mailto:bill.hurt615@gmail.com">bill.hurt615@gmail.com</a>                   |
| Mike DeJulius         | 563-529-4457    | <a href="mailto:mike@njmiller-hawkeye.com">mike@njmiller-hawkeye.com</a>             |
| Denuis Williams       | 563-359-0308    | Advanced Home                                                                        |
| Kathy & Joe Palmer    | 563-323-9303    | <a href="mailto:jkpalm2@mchsi.com">jkpalmer2@mchsi.com</a>                           |
| Scott Kelling         | 2801 Meadows Pl | <a href="mailto:skelling@melfosterco.com">skelling@melfosterco.com</a>               |
| Susie & Jeff Seitz    | 563-528-0448    | <a href="mailto:susieseitz@advancedhomesinc.com">susieseitz@advancedhomesinc.com</a> |
| Bob Inghram           | 563-349-0341    | <a href="mailto:bingghram@activethermal.net">bingghram@activethermal.net</a>         |
| Pete McGee            | 563-940-3043    | <a href="mailto:pmcghee511@aol.com">pmcghee511@aol.com</a>                           |
| Renee McGhee          | 563-344-4896    |                                                                                      |
| Joe Maluck            | 708-837-0007    | <a href="mailto:j_maluck756@yahoo.com">j_maluck756@yahoo.com</a>                     |
| Rich Clewell          | 563-340-0559    | <a href="mailto:rclewell@ci.davenport.ia.us">rclewell@ci.davenport.ia.us</a>         |

**From:** [carberfamily@mchsi.com](mailto:carberfamily@mchsi.com)  
**To:** [Mack Stephens](#)  
**Cc:** [adams3883@gmail.com](mailto:adams3883@gmail.com); [aitchisonsharon@gmail.com](mailto:aitchisonsharon@gmail.com); [Kathy cameron](#); [msangellab@hotmail.com](mailto:msangellab@hotmail.com); [mike crisciusa](mailto:mike crisciusa); [Nan4285@yahoo.com](mailto:Nan4285@yahoo.com); [david eisbrener](mailto:david eisbrener); [Jenniferfrandsen7@gmail.com](mailto:Jenniferfrandsen7@gmail.com); [robinsnest1985@aol.com](mailto:robinsnest1985@aol.com); [director@revealed.net](mailto:director@revealed.net); [par4greens@mediacombb.net](mailto:par4greens@mediacombb.net); [chrishllgn@aol.com](mailto:chrishllgn@aol.com); [mlhayman75@hotmail.com](mailto:mlhayman75@hotmail.com); [duhmoin54@gmail.com](mailto:duhmoin54@gmail.com); [Dkitchen@perryreid.com](mailto:Dkitchen@perryreid.com); [samos1961@gmail.com](mailto:samos1961@gmail.com); [3beetles@mchsi.com](mailto:3beetles@mchsi.com); [Teresalavonnelandon@yahoo.com](mailto:Teresalavonnelandon@yahoo.com); [pmccauley7@mchsi.com](mailto:pmccauley7@mchsi.com); [mcquire0397@msn.com](mailto:mcquire0397@msn.com); [anatcraig@aol.com](mailto:anatcraig@aol.com); [kristanm@mchsi.com](mailto:kristanm@mchsi.com); [molina910@yahoo.com](mailto:molina910@yahoo.com); [swnelson82@gmail.com](mailto:swnelson82@gmail.com); [ananikolop@gmail.com](mailto:ananikolop@gmail.com); [jkpalm1@mchsi.com](mailto:jkpalm1@mchsi.com); [sp paudel](mailto:sp paudel); [spauli40@aol.com](mailto:spauli40@aol.com); [fxpham@hotmail.com](mailto:fxpham@hotmail.com); [Angelasav75@gmail.com](mailto:Angelasav75@gmail.com); [kelimneal@gmail.com](mailto:kelimneal@gmail.com); [lcragone@gmail.com](mailto:lcragone@gmail.com); [rnkrice@mchsi.com](mailto:rnkrice@mchsi.com); [nathanschramm@yahoo.com](mailto:nathanschramm@yahoo.com); [brschrack@yahoo.com](mailto:brschrack@yahoo.com); [Danielsherman911@yahoo.com](mailto:Danielsherman911@yahoo.com); [sierrabe3@gmail.com](mailto:sierrabe3@gmail.com); [kevinskillett@gmail.com](mailto:kevinskillett@gmail.com); [Cale vangenderen](mailto:Cale vangenderen); [connievanlauwe@hotmail.com](mailto:connievanlauwe@hotmail.com); [weipertl@msn.com](mailto:weipertl@msn.com); [cinwink@gmail.com](mailto:cinwink@gmail.com); [zepeda@mchsi.com](mailto:zepeda@mchsi.com); [mkotula@reagan.com](mailto:mkotula@reagan.com); [leseymaluck@gmail.com](mailto:leseymaluck@gmail.com); [ingra123@aol.com](mailto:ingra123@aol.com); [Planning Division – CPED](#); [Gripp, Kyle](#); [Condon, JJ](#); [Clewell, Rich](#); [mattflynn@ci.davenport.ia.us](mailto:mattflynn@ci.davenport.ia.us)  
**Subject:** Re: URGENT MEETING TONIGHT PLEASE ATTEND!  
**Date:** Tuesday, May 01, 2018 12:55:39 PM

---

Mack,

Thanks for the email. I have lived at the end of 58th street right next to the cornfield for 12 years. I can see them building Costco from my front door and will have construction equipment for all of the houses going right by my house, so obviously there is some change that you cannot stop. However, can you help me understand the recommendation for a street connection to Elmore on the Southeast side (presuming connecting to 58th)? I understand the thought that traffic from the extra homes would add traffic to our/59th streets, but I really think that a connection from Elmore to our neighborhood would have people coming off Elmore through our neighborhood to get to Jersey Ridge to avoid Costco and 53rd especially given Davenport's upcoming construction of widening 53rd. I would rather have the contained traffic from the extra 64 houses versus that situation of people racing down our street and past our kids to get from point A to point B.

Since receiving this email, I have spoken with several neighbors who live on 58th who agree that this is not what they would like either. They were not on the original email (you most likely didn't have them yet), but I have included them now. Unfortunately I cannot attend the meeting tonight as I have a prior commitment with my kids, but I have cc'd our Davenport city planner and Aldermen to show our concerns with the proposal of a connecting street to Elmore.

Thank you,  
Brian Carber

----- Original Message -----

From: "Mack Stephens" <[jerseymeadows52807@gmail.com](mailto:jerseymeadows52807@gmail.com)>  
To: [adams3883@gmail.com](mailto:adams3883@gmail.com), [aitchisonsharon@gmail.com](mailto:aitchisonsharon@gmail.com), "Kathy cameron" <[Kathy.cameron@mchsi.com](mailto:Kathy.cameron@mchsi.com)>, [carberfamily@mchsi.com](mailto:carberfamily@mchsi.com), [msangellab@hotmail.com](mailto:msangellab@hotmail.com), "mike crisciusa" <[mike.crisciusa@gmail.com](mailto:mike.crisciusa@gmail.com)>, [Nan4285@yahoo.com](mailto:Nan4285@yahoo.com), "david eisbrener" <[david.eisbrener@gkn.com](mailto:david.eisbrener@gkn.com)>, [Jenniferfrandsen7@gmail.com](mailto:Jenniferfrandsen7@gmail.com), [robinsnest1985@aol.com](mailto:robinsnest1985@aol.com), [director@revealed.net](mailto:director@revealed.net), [par4greens@mediacombb.net](mailto:par4greens@mediacombb.net), [chrishllgn@aol.com](mailto:chrishllgn@aol.com), [mlhayman75@hotmail.com](mailto:mlhayman75@hotmail.com), [duhmoin54@gmail.com](mailto:duhmoin54@gmail.com), [Dkitchen@perryreid.com](mailto:Dkitchen@perryreid.com), [samos1961@gmail.com](mailto:samos1961@gmail.com), [3beetles@mchsi.com](mailto:3beetles@mchsi.com), [Teresalavonnelandon@yahoo.com](mailto:Teresalavonnelandon@yahoo.com), [pmccauley7@mchsi.com](mailto:pmccauley7@mchsi.com), [mcquire0397@msn.com](mailto:mcquire0397@msn.com), [anatcraig@aol.com](mailto:anatcraig@aol.com), [kristanm@mchsi.com](mailto:kristanm@mchsi.com), [molina910@yahoo.com](mailto:molina910@yahoo.com), [swnelson82@gmail.com](mailto:swnelson82@gmail.com), [ananikolop@gmail.com](mailto:ananikolop@gmail.com), [jkpalm1@mchsi.com](mailto:jkpalm1@mchsi.com), "sp paudel" <[sp\\_paudel@yahoo.com](mailto:sp_paudel@yahoo.com)>, [spauli40@aol.com](mailto:spauli40@aol.com), [fxpham@hotmail.com](mailto:fxpham@hotmail.com), [Angelasav75@gmail.com](mailto:Angelasav75@gmail.com), [kelimneal@gmail.com](mailto:kelimneal@gmail.com), [lcragone@gmail.com](mailto:lcragone@gmail.com), [rnkrice@mchsi.com](mailto:rnkrice@mchsi.com), [nathanschramm@yahoo.com](mailto:nathanschramm@yahoo.com), [brschrack@yahoo.com](mailto:brschrack@yahoo.com), [Danielsherman911@yahoo.com](mailto:Danielsherman911@yahoo.com), [sierrabe3@gmail.com](mailto:sierrabe3@gmail.com), [kevinskillett@gmail.com](mailto:kevinskillett@gmail.com), "Cale vangenderen" <[Cale.vangenderen@gmail.com](mailto:Cale.vangenderen@gmail.com)>, [connievanlauwe@hotmail.com](mailto:connievanlauwe@hotmail.com), [weipertl@msn.com](mailto:weipertl@msn.com), [cinwink@gmail.com](mailto:cinwink@gmail.com), [zepeda@mchsi.com](mailto:zepeda@mchsi.com)  
Sent: Tuesday, May 1, 2018 11:00:01 AM  
Subject: URGENT MEETING TONIGHT PLEASE ATTEND!



Here is a little more info that I was going to circulate in the neighborhood but I ran out of time. This whole thing is moving rather fast...Scott Kelling is trying to slow it down.

CONCERNED ABOUT TRAFFIC ?

PLANS ARE TO BUILD 64 HOMES EAST OF OUR SUBDIVISION, NORTH OF COSTCO (corn field)

ALL ADDITIONAL TRAFFIC WILL ENTER/EXIT ON 58TH AND 59TH STREETS

WE'RE SUGGESTING ADDING A STREET AT SOUTHEAST CORNER CONNECTING TO ELMORE

PLEASE ATTEND TO LEARN MORE AND/OR EXPRESS YOUR CONCERNS

ZONING MEETING TONITE MAY 1ST AT 5:00  
COUNCIL CHAMBERS, CITY HALL  
226 WEST 4th ST

**From:** [Gaynell Foster](#)  
**To:** [Planning Division – CPED](#)  
**Subject:** Rezoning filed by Pheasant Creek Properties  
**Date:** Monday, April 30, 2018 4:41:44 PM

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I am objecting to this rezoning as it has been presented. My concern is the traffic overload on E. 58th and 59th Streets.

These streets were built for light residential traffic. Their carrying capacity is not up to more traffic.

I believe a traffic study must be done for this to legitimately proceed.

Also, the routes from Jersey Ridge to the subject property are circuitous at the very least. Coming in from Jersey via 58th or 59th, a full four turns are required, some only a block long. Children and dog walkers frequent this route. The turns are tight enough as it is.

These other streets would be overloaded also: Julie Lane, Lorton Ave., and Woodland Ct.

There is no street that can become a collector street available.

I am Gaynell Foster  
2743 E. 59th St.  
Davenport

I hold a Master's Degree in Urban and Regional Planning  
I have served on the Davenport Historic Preservation Commission,  
The Riverboat Development Authority, and numerous non profit boards, such as the Putnam.

I can be reached at 563- 528-5434.

Gaynell Foster  
563.528.5434

**From:** [Cale VanGenderen](#)  
**To:** [Planning Division – CPED](#); [Flynn, Matt](#); [Jen](#)  
**Subject:** RE: Case No. REZ18-04; REZ18-05  
**Date:** Monday, April 30, 2018 11:28:44 AM

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Hello,

I am writing this email in response to the rezoning request east of the Jersey Meadows Subdivision. We live at 2736 E 59th Street in the subdivision. We have no issue with the plans that have been submitted and can be viewed and retrieved online as of 4/30/2018.

We do want to ensure that there is no access planned to Elmore Ave with this new subdivision. We do not want E 58th St, E 59th St, and Meadows PI to become a through street similar to 53rd Street. This would bring unwanted traffic through this residential neighborhood creating a concern on home values and safety. The streets of E 58th St, E 59th St, and Meadows PI were not built to be through streets. This would eliminate parking and create a severe safety hazard.

Please let us know if the plans change and include access from E 58th, E 59th, and Meadows PI to Elmore Ave. We are firmly against any access to Elmore Ave from the Jersey Meadows subdivision.

Thank you for your consideration!

Cale VanGenderen

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**Cale VanGenderen**

VP Mortgage Sales | NMLS # 772698 | Vibrant Credit Union  
800-323-5109 x2003

NOTICE: This electronic mail message and any files transmitted with it are intended exclusively for the individual or entity to which it is addressed. The message, together with any attachment, may contain confidential and/or privileged information. Any unauthorized review, use, printing, saving, copying, disclosure or distribution is strictly prohibited. If you have received this message in error, please immediately advise the sender by reply email and delete all copies.

1. Case No REZ18-04 being the request of Adam Seitz dba Pheasant Creek Estates LLC for a rezoning from “A-1” Agricultural District to “R-2” Low Density Dwelling District on 33.11 acres, more or less, located west of Elmore Avenue and north of 53<sup>rd</sup> Street for residential development.

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing to the west.
3. Existing street network can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected. This may require the installation of traffic signals at East 58th Street and Jersey Ridge Road sometime in the future.

Condition:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

Final Recommendation: Staff recommends the Plan Commission accept the findings and condition and forward Case No. REZ18-04 to the City Council for approval.

Several members of the audience spoke in favor of a connection to Elmore Avenue while several in the audience living on 58<sup>th</sup> Street spoke against the connection.

A motion by Medd, seconded by Connell to accept the findings and forward Case No REZ18-04 to the City Council for approval subject to the above stated condition was approved on a split vote of 3-yes, 2-no (Hepner & Reinartz) and 2-abstention (Quinn & Tallman).

2. Case No REZ18-05 being the request of Adam Seitz dba Pheasant Creek Estates LLC for a rezoning from “A-1” Agricultural District to “PDD” Planned Development District on 7.41 acres, more or less, located west of Elmore Avenue and south of Pheasant Creek for commercial development.

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing along the Elmore Avenue Corridor.
3. Existing Elmore Avenue can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected.

Condition:

1. No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made.

Final Recommendation: Staff recommends the Plan Commission accept the findings and condition and forward Case No. REZ18-05 to the City Council for approval.

On a motion by Medd, seconded by Hepner, the Commission accepts the findings and forwards Case No. REZ18-05 to the City Council for approval subject to the above stated condition on a vote of 5-yes, 0-no and 2-abstention (Quinn & Tallman).

## **VI. Subdivision Activity**

### **A. Old Business –**

### **B. New Business –**

1. Case No. F18-03: Final plat of Pheasant Ridge First Addition on 43.27 acres, more or less located west of Elmore Avenue and north of East 53<sup>rd</sup> Street containing three (3) lots. [Ward 6]

Findings:

- The proposed plat facilitates the sale and proposed development of the property.
- The proposed plat complies with the land use portion of Davenport+2035: Comprehensive Plan for the City.

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F18-03 to the City Council for approval subject to the following conditions:

1. That a drainage easement and the Flood Insurance Rate Map floodplain boundary be shown on the plat as it impacts each lot and potential development within this plat.
2. The drainage easement along Pheasant Creek which includes the floodplain area shall also be designated a greenway easement.

On a motion by Reinartz, seconded by Medd, the Commission forwards Case No. F18-03 to the City Council for approval subject to the above stated conditions on a vote of 5-yes, 0-no and 2-abstention (Quinn & Tallman).

## **VII. Other Business – Election of Officers**

A motion by Hepner, seconded by Reinartz, to re-elect the current slate of officers was approved on three separate unanimous voice votes, one for each office, with Tallman being retained as Secretary, Connell being retained as Vice-Chairman and Inghram being retained as Chairman.

## **VIII. Future Business – Preview of items for the June 5<sup>th</sup> public hearing and/or regular meeting (*note-not all items to be heard may be listed*):**

### **IX. Communications (Time open for citizens wishing to address the Commission on matters not on the established agenda)**

### **X. Adjourn – The meeting was adjourned at 6:08 P.M.**

- *Note: Pursuant to §17.60.030 and §2.64.120 of the Davenport City Code the Commission is required to act on this item within 30 days unless the petitioner waives this requirement.*

*Pursuant to the city code if the Commission does not act and report on this item within 30 days' time this agenda item is to be construed as approved by the Commission.*

- *Note: The Plan and Zoning Commission meeting is not a public hearing. It is time for the commission to discuss the issue(s) with City staff and if questions rise, with the developer.*
- *A rezoning or ordinance text amendment has a second public hearing before the City Council at its Committee of the Whole meeting. Notification of that meeting will be sent to surrounding owners following the Plan and Zoning Commission meeting.*

**Next Public Hearing/Regular Plan & Zoning Meeting:**

**Tuesday, June 05, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall  
226 West 4<sup>th</sup> Street.**



## APPROVED

| Name:    | Roll Call | REZ18-04<br>Pheasant Creek<br>LLC | REZ18-05<br>Pheasant Creek<br>LLC | F18-01<br>Pheasant Ridge<br>1st |  |  |  |  |  |
|----------|-----------|-----------------------------------|-----------------------------------|---------------------------------|--|--|--|--|--|
| Connell  | P         | Y                                 | Y                                 | Y                               |  |  |  |  |  |
| Hepner   | P         | N                                 | Y                                 | Y                               |  |  |  |  |  |
| Inghram  | P         |                                   |                                   |                                 |  |  |  |  |  |
| Johnson  | EX        |                                   |                                   |                                 |  |  |  |  |  |
| Kelling  | EX        |                                   |                                   |                                 |  |  |  |  |  |
| Lammers  | EX        |                                   |                                   |                                 |  |  |  |  |  |
| Maness   | P         | Y                                 | Y                                 | Y                               |  |  |  |  |  |
| Medd     | P         | Y                                 | Y                                 | Y                               |  |  |  |  |  |
| Quinn    | P         | ABS                               | ABS                               | ABS                             |  |  |  |  |  |
| Reinartz | P         | N                                 | Y                                 | Y                               |  |  |  |  |  |
| Tallman  | P         | ABS                               | ABS                               | ABS                             |  |  |  |  |  |
|          |           | 3-YES<br>2-NO<br>2-ABSTAIN        | 5-YES<br>0-NO<br>2-ABSTAIN        | 5-YES<br>0-NO<br>2-ABSTAIN      |  |  |  |  |  |



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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

May 16, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of May 15, the City Plan and Zoning Commission considered Case No. REZ18-05: Request of Pheasant Creek LLC for the rezoning of 7.41 acres, more or less, of property located west of Elmore Avenue and south of Pheasant Creek from A-1 Agricultural District to PDD, Planned Development District [6<sup>th</sup> Ward].

Findings:

1. The proposed rezoning is consistent with the Comprehensive Plan.
2. The character of development proposed within the area will match development existing along the Elmore Avenue Corridor.
3. Existing Elmore Avenue can accommodate traffic generated by the new development.
4. No potential utility issues have been identified that should halt the development process at this time.
5. Continued urbanization in this area of the City is planned for and expected.

Conditions:

No street connection from Elmore Avenue west to the proposed Pheasant Creek Subdivision shall be made.

On an affirmative vote of 5-0, the Plan and Zoning Commission accepts the findings and forwards Case No. REZ18-05 to the City Council for approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', written over a light gray rectangular background.

Robert Inghram, Chairperson  
City Plan and Zoning Commission

## **PUBLIC ENGAGEMENT SUMMARY**

### **Case No's. REZ18-04 and REZ18-05**

**Public Meeting Notice:** Signs Posted: 3 signs were posted on April 16

**Public Meeting:** 43 notices mailed April 18. A public meeting was held on April 30 at the Public Works Center. Approximately 30 people attended

**Public Hearing Notice:** The notice was sent to the QCT for publication on April 17.

**Public Hearing Mailing:** Mailed to approximately 43 neighbors on April 18.

**P&Z Public Hearing:** Held on May 1. 3 people spoke against the proposal citing traffic, drainage, and improper notification.

**P&Z Recommendation:** Held on May 15<sup>th</sup>. Additional comments were received. REZ18-04 was recommended for approval by a vote of 3-2. REZ18-05 was recommended for approval by a vote of 5-0.

**COW Neighbor Mailing:** Sent on approximately May 18.

**COW Public Hearing Notice:** Was published in the QCT on May 25.

**Protest Rate:** To date, 17 protests have been filed (18.1%) been filed.

**NOTICE  
PUBLIC MEETING  
MONDAY, APRIL 30, 5:30 PM  
DAVENPORT PUBLIC WORKS CENTER  
1200 EAST 46<sup>TH</sup> STREET, DAVENPORT, IOWA 52807**

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezoning property has been filed by Adam Seitz, Pheasant Creek Properties, LLC (Advance Homes) for 33.11 acres from A-1 Agricultural to R-2 Low Density Residential and 7.41 acres from A-1 Agricultural to PDD Planned Development District. (See map of the affected property on reverse side of this notice). The intent of this request is to allow for single family development on the larger tract and possible future commercial development on the smaller tract, which fronts Elmore Avenue.

One of the first steps in the rezoning process is to hold a public meeting, which provides an opportunity for the petitioner to explain the request further and for City staff to outline the formal process to come.

The public meeting will be held at the Davenport Public Works Center on the date and time listed above. Public Works can be reached by following Tremont Street south from East 53<sup>rd</sup> Street to East 46<sup>th</sup> Street; then traveling east. Signs will be posted on-site to direct you to the meeting room.

Public hearings before both the Plan and Zoning Commission and City Council will be forthcoming; you will be notified of these meetings as well. The public hearing before the Plan and Zoning Commission is tentatively set for Tuesday, May 1, 2018, 5:00 pm at City Hall.

The City welcomes public participation in the rezoning process and your comments are important. If you cannot attend the public meeting and have questions or concerns, please contact the Community Planning Division.

Case No. REZ18-04; REZ18-05

E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765



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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**NOTICE**

**PUBLIC HEARING**

**TUESDAY, MAY 1, 2018, 5:00 P.M.**

**DAVENPORT CITY PLAN AND ZONING COMMISSION**

**COUNCIL CHAMBERS - DAVENPORT CITY HALL**

**226 WEST 4th STREET – DAVENPORT, IOWA**

**Please be aware of possible zoning changes that may impact your property or neighborhood.**

**Case No. REZ18-05: Request of Pheasant Creek, LLC to rezone approximately 5.55 acres located immediately west of Elmore Avenue and south of Pheasant Creek from A-1 Agricultural District to PDD Planned Development District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)**

**PDD allows a variety of commercial development; no development is anticipated at this time.**

**A public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday May 1, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.**

**Any written comments (which can be sent via email) to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s).**

**If you believe you are affected by the proposed changes and have questions, please contact the Community Planning Division.**

**E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)**

**Phone: (563) 326-7765**

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Please fill out and return this form if you elect to protest the proposed Rezoning Case No. REZ18-04

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I/we \_\_\_\_\_ who own property located at (be specific as possible)

---

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801



# Zoning Map Amendment: Adjacent Property Owner Notice Area



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

0 200 400 800 Feet







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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**PUBLIC HEARING NOTICE  
WEDNESDAY, JUNE 6, 2018  
DAVENPORT COMMITTEE OF THE WHOLE  
COUNCIL CHAMBERS - DAVENPORT CITY HALL - 226 WEST 4th STREET – DAVENPORT, IOWA**

**Please be aware of possible zoning changes that may impact your property or neighborhood.**

**Case No. REZ18-05: Request of Pheasant Creek, LLC to rezone approximately 5.55 acres located immediately west of Elmore Avenue and south of Pheasant Creek from A-1 Agricultural District to PDD, Planned Development District. [6<sup>th</sup> Ward] (See map of the affected property on reverse side of this notice)**

**The Plan and Zoning Commission voted on May 15, 2018 to recommend approval of the request.**

**A public hearing before the Davenport Committee of the Whole on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Tuesday May 1, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. It is your privilege to submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Property owners within the subject area or within 200 feet of affected boundary may also register a written protest of the proposed action.**

**Any written comments or protests (which can be sent via email) to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). If you signed the petition presented at the May 15, 2018 Plan and Zoning Commission, your protest is registered and you do not need to contact us again.**

**Please contact the Community Planning Division for additional information.**

**E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) Phone: (563) 326-7765**

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Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-05

I/we \_\_\_\_\_ who own property located at (be specific as possible)

---

Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: \_\_\_\_\_

Date : \_\_\_\_\_

Please return this form to the email address above or mail/drop off at CPED, 226 West 4<sup>th</sup> Street, Davenport, IA 52801



# Zoning Map Amendment: Adjacent Property Owner Notice Area



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

0 200 400 800 Feet





|             |                                                                                     |                 |                         |
|-------------|-------------------------------------------------------------------------------------|-----------------|-------------------------|
| Publication | Quad-City Times                                                                     |                 |                         |
| Contact     | CITY OF DAVENPORT - LEGALS                                                          | PO Number       | 1817093                 |
| Address 1   | 226 W 4TH ST                                                                        | Rate            | Legal                   |
| Address 2   |                                                                                     | Order Price     | 87.00                   |
| City St Zip | DAVENPORT IA 52801                                                                  | Amount Paid     | 0.00                    |
| Phone       | 5638882074                                                                          | Amount Due      | 87.00                   |
| Fax         |                                                                                     |                 |                         |
| Section     | Notices & Legals                                                                    | Start/End Dates | 05/25/2018 - 05/25/2018 |
| SubSection  |                                                                                     | Insertions      | 1                       |
| Category    | 2520 Miscellaneous Notice                                                           | Size            | 165                     |
| Ad Key      | 7165-1                                                                              | Salesperson(s)  | Obits Legals O10        |
| Keywords    | NOTICE PUBLIC HEARING WEDNESDA                                                      | Taken By        | Samantha Greene         |
| Notes       | Please release as this is a legal notice.<br>[Samantha Greene 5/21/2018 1:16:17 PM] |                 |                         |

Ad Proof

NOTICE  
PUBLIC HEARING  
WEDNESDAY,  
JUNE 6, 2018, 2018 5:30 PM  
CITY OF DAVENPORT  
COMMITTEE OF THE WHOLE  
COUNCIL CHAMBERS  
DAVENPORT CITY HALL  
226 WEST 4th STREET  
DAVENPORT, IOWA

There are on file in the City of Davenport Community Planning and Economic Development Department the following petitions:  
Case No. ORD18-04: Request of Pheasant Creek, LLC to rezone approximately 33.11 acres located immediately east of Jersey Meadows Subdivision from A-1 Agricultural District to R-2, Low Density Residential District.[6th Ward]  
The legal description of the proposed rezoning is as follows:  
Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particularly described as follows:  
Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" West 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described: thence South 44°-59'-10" East 358.73 feet;  
thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ;  
thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;  
thence N011h 00°-18'-15" West 50.00 feet;  
thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;  
thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa,  
to a point on the north line of the Northeast Quarter of said Section 7;  
thence North 89°-43'-55" East 230.81 feet along the north line of the Northeast Quarter of said Section 7;  
thence South 65°-30'-40" East 586.00 feet;  
thence South 25°-39'-00" East 320.00

feet to the point of beginning.  
 Containing 33.11 acres, more or less,  
 subject to easements of record.  
 The Plan and Zoning Commission  
 forwarded Case REZ18-04 to the City  
 Council with a recommendation for  
 approval.  
 Case No. REZ18-05: Request of Pheasant  
 Creek, LLC to rezone approximately  
 7.41 acres located immediately west of  
 Elmore Avenue and south of Pheasant  
 Creek from A-1 Agricultural District to  
 PDD, Planned Development District. [6th  
 Ward]  
 The legal description of the proposed  
 rezoning is as follows:  
 Part of the Northwest Quarter of Section  
 8, Township 78 North, Range 4 East of  
 the 5th P.M., Davenport, Scott County,  
 Iowa, being more particularly described s  
 follows:  
 Commencing, as a point of reference, at  
 the northwest corner of the Northwest  
 Quarter of said Section 8; thence South  
 00°-06'-45" West 534.52 feet along the  
 west line of the Northwest Quarter of said  
 Section 8; thence South 44°-59'-10" East  
 358.74 feet to the POINT OF BEGIN-  
 NING of the tract of land hereinafter  
 described:  
 thence continuing South 44°-59'-10" East  
 690.31 feet to a point on the west right of  
 way line of Elmore Avenue as now  
 established in the City of Davenport,  
 Iowa, said point also being on the west  
 line of the South 75 Acres of the East 115  
 Acres of the Northwest Quarter of said  
 Section 8;  
 thence South 00°-08'-25" West 511.79  
 feet along the west line of the South 75  
 Acres of the East 115 Acres of the  
 Northwest Quarter of said Section 8 to an  
 angle point on the north line of Lot 1 of  
 Lakehurst Commercial Park Fifth Addition  
 to the City of Davenport, Iowa;  
 thence South 89°-41'-45" West 121.43  
 feet along the north line of Lot 1 of said  
 Lakehurst Commercial Park Fifth Addition  
 to a point on the east line of Lot 1 of  
 Lakehurst Commercial Park Fourth Addi-  
 tion to the City of Davenport, Iowa;  
 thence North 00°-18'-15" West 65.00 feet  
 along the east line of Lot 1 of said  
 Lakehurst Commercial Park Forth Addi-  
 tion;  
 thence South 89°-41'-45" West 260.00  
 feet along the north line of Lot 1 of said  
 Lakehurst Commercial park Fourth Addi-  
 tion to a point on the east line of Lot 2 of  
 said Lakehurst Commercial Park Fifth  
 Addition;  
 thence North 00°-18'-15" West 205.00  
 feet along the east line of Lot 2 of said  
 Lakehurst Commercial Park Fifth Addi-  
 tion;  
 thence South 89°-41'-45" West 100.00  
 feet along the north line to the northwest  
 corner of Lot 2 of said Lakehurst  
 Commercial Park Fifth Addition;  
 thence North 00°-18'-15" West 732.61  
 feet to the point of beginning.  
 Containing 7.41 acres, more or less,  
 subject to easements of record.  
 The Plan and Zoning Commission  
 forwarded Case REZ18-05 to the City  
 Council with a recommendation for  
 approval.  
 Public hearing(s) on the above matter(s)  
 are scheduled for 5:30 p.m. or as soon  
 thereafter as possible on Wednesday,  
 June 6, 2018 in the Council Chambers of  
 the Davenport City Hall, 226 West 4th  
 Street, Davenport, Iowa. You may submit  
 written comments on the above item(s) or  
 to attend the public hearing to express  
 your views, or both. Any written com-  
 ments to be reported at the public hearing  
 should be received in the Department of  
 Community Planning & Economic Devel-  
 opment, at the above address, no later  
 than 12:00 noon on the day of the public  
 hearing(s). PO No 1817093.  
 Department of Community Planning &  
 Economic Development  
 E-MAIL: planning@ci.davenport.ia.us  
 PHONE: 563-326-7765

## REZ18-05 Protest Calculation

Note: No Protests have been filed.



City of Davenport

Agenda Group:  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 563.888.2286  
matt.flynn@ci.davenport.ia.us  
Wards: All

**Action / Date**  
**6/20/2018**

Subject:

Second Consideration: Ordinance amending various sections of the Davenport Municipal Code to bring uniformity to the process of licensing and permitting for right-of-way encroachments. [All Wards]

Recommendation:

Adopt the ordinance.

Relationship to Goals:

High performing government.

Background:

This ordinance will bring bring uniformity to the process of licensing and permitting for right-of-way encroachments. The ordinance clarifies the types of encroachments, which require Council approval (i.e., an outdoor seating area) and which encroachments require a staff level permit (i.e., a projecting wall sign).

ATTACHMENTS:

| Type              | Description        |
|-------------------|--------------------|
| ▣ Backup Material | Proposed Ordinance |

REVIEWERS:

| Department                                | Reviewer       | Action   | Date                 |
|-------------------------------------------|----------------|----------|----------------------|
| Community Planning & Economic Development | Admin, Default | Approved | 6/19/2018 - 11:05 AM |

ORDINANCE amending various sections of the Davenport Municipal Code, including Section 12.36.060 entitled “Encroachments – Granting of license – Revocation”, Section 12.36.020 entitled “Definitions”, Section 17.29.070 entitled “Design Review Board”, section 17.29.080 entitled “Powers and Duties of the Board”, Section 17.29.090.E entitled “Certificate of Design Approval”, Section 15.30.180 entitled “Liability Insurance Required” and Chapter 5.02 entitled “Signs and Billboards” to bring uniformity to the process of licensing and permitting for right-of-way encroachments [Wards All]

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

Section 1. That Section 12.36.060 of the Davenport City Code entitled “Encroachments – Granting of license – Revocation” is hereby amended to read as follows:

**12.36.060 Encroachments - Granting of Authority - Revocation.**

A. Encroachments granted by city council.

1. A license shall be obtained from the city council for an encroachment otherwise prohibited by Section 12.36.040 of the Davenport Municipal Code. Excluded from the license requirement include but are not limited to marquees, canopies, signs, fire escapes, etc., which are not affixed to or rest on the surface of the public ground and do not prohibit or restrict pedestrian access. Also excluded from the license requirement is decorative furniture accessory to and adjacent to a business which rests on the surface of the public ground but does not prohibit or restrict pedestrian access, such as sandwich board signs, a table and chair(s) and flower pots, etc.). Encroachments not requiring a license are subject to the permit requirement and conditions articulated in subsections B and C in this section.
2. The petitioner shall submit an application to the city along with a \$150 application fee. The application shall provide the name and contact information of the petitioner, a conceptual drawing detailing, at a minimum, dimensions, type and placement of materials and a statement of purpose for and use of the encroachment.
3. The application shall be subject to review by any city department for concerns arising from its respective missions. After the initial staff review, the application shall be reviewed by the design review board to determine if the mass, shape, materials, architectural details, and other design elements are compatible with the building and surrounding environs. If the encroachment is attached to a structure under the jurisdiction of the historic preservation commission, the historic preservation commission will perform its design review in lieu of the design review board. The design review board or historic preservation commission shall forward its recommendation to the city council, which shall make the final determination of the encroachment.

4. Licenses granted by city council shall be renewed on an annual basis beginning on the first day of January and terminating on the last day of December. Once approved as prescribed herein, annual license amounts are hereby established as follows:
  - a. \$250 if the area is less than 250 square feet.
  - b. \$350 if the area is at least 250 square feet but less than 500 square feet.
  - c. \$450 if the area is 500 square feet or more; and
  - d. For a new license, the annual license amount shall be prorated quarterly for the quarter in which the license is granted by the city council.

In no event shall the above fees be construed as giving the licensee an interest in the public property.

5. If an encroachment license is granted, the licensee and the city attorney shall execute a written license memorializing the same incorporating the terms of this ordinance and any other terms the city attorney deems reasonable and prudent.

B. Encroachments granted by public works director, or his or her designee.

1. A permit shall be obtained from the public works director, or his or her designee, for an encroachment not subject to an encroachment license from City Council. This permit may be issued in conjunction with a building permit.
2. The petitioner shall submit an application to the city along with a \$50 application fee. The application shall provide the name and contact information of the petitioner, a conceptual drawing detailing, at a minimum, dimensions, type and placement of materials and a statement of purpose for and use of the encroachment. Although a permit is required, no fee is required for decorative furniture accessory to and adjacent to a business which rests on the surface of the public ground but does not prohibit or restrict pedestrian access, such as a table and chair(s) and flower pots, etc.).
3. The application shall be subject to review by any city department for concerns arising from its respective missions. If the encroachment is under the jurisdiction of the design review board, the design review board shall determine if the mass, shape, materials, architectural details, and other design elements are compatible with the building and surrounding environs. If the encroachment is attached to a structure under the jurisdiction of the historic preservation commission, the historic preservation commission will perform its design review in lieu of the design review board. The design review board or historic preservation commission shall forward its recommendation to the public work director, or his or her designee, which shall make the final determination of the encroachment. If the encroachment is not attached to a structure under the jurisdiction of the design review board or historic preservation commission, the public works director, or his or

her designee, shall determine if the mass, shape, materials, architectural details, and other design elements are compatible with the building and surrounding environs.

C. Applicable to Encroachments Licenses and Permits.

1. If community public works director, or his or her designee, determines a hardship variance is necessary to encroach into a required setback, the petitioner must apply to the zoning board of adjustment for any necessary variance first. If a final determination granting any necessary variance is obtained, the petitioner may then apply for the encroachment license or permit.
2. If an encroachment license or permit is granted, the licensee has the obligation and duty to defend and hold harmless the City of Davenport from any claim arising out of or related to its encroachment into and occupation of the public ground; and further, releases the city, its officers, employees, and agents from any damage that may arise from municipal operations. The licensee must obtain and have in place liability insurance of the type and amount specified by the city risk division. The city shall be listed on the liability insurance policy for purposes of receiving notice of its cancellation or expiration not less than thirty days prior to the effective date of the cancellation or expiration.
3. If an encroachment license or permit is granted, the licensee assumes all risks arising from the occupation of the encroachment on the public ground. The City of Davenport may subsequently revoke the encroachment license or permit. The licensee or permittee bears all costs associated with the construction or installation of the encroachment, and any demolition, removal, or restoration associated with the encroachment upon termination of the license or at such times as the city council or public works director, or his or her designee, deems it necessary for city purposes. Licensee or permittee is responsible for all ongoing costs associated with the maintenance or operation of its encroaching object or improvement. In being granted the license or permit, the licensee or permittee acknowledges the City of Davenport may in its sole discretion demolish, in part or in its entirety, any object or improvement within the area of encroachment without any liability or cost whatsoever to the city, and licensee or permittee authorizes the same. Any demolition costs shall be assessed to the property owner.
4. All buildings, structures, parts and appurtenances thereof which, as of the effective date this ordinance, are so located that it is patent from mere observation that they are maintained in, on, over, or under some street, lane, or alley in violation of this ordinance or the agreement shall be subject to immediate removal.

5. No encroachment licenses or permit shall be granted in respect of any public ground or land, the management or control of which by statute or ordinance is placed in another body of the city until any applicable process of that body is completed as well.
6. No encroachment license or permit shall be granted in any case in which the proposed licensed or permitted use substantially interferes with any existing public use in the city council's discretion, and any such license or permit previously issued shall be revoked. Any encroachment license or permit shall be revocable at the pleasure of the city council, with or without notice, in its sole discretion.

Section 2. That section 12.36.020 of the Davenport City Code entitled "Definitions" is hereby amended to read as follows:

**12.36.020 Definitions.**

- A. "Encroachment" means an object or part of a structure or building secured to, affixed to or extending over, upon or under the surface of public property. An encroachment's invasion of public property is generally permanent in nature, but not necessarily because it is easily movable. "Encroachment" does not include utility structures, newspaper stands, U.S. Postal Service mail boxes that are not monuments and streetscape furniture.
- B. "Obstruction" means an object located upon or above the surface of public property and not secured thereto. An obstruction's invasion of public property is generally stationary and temporary in nature.

Section 3. That section 17.29.070 entitled "Design Review Board" is hereby amended in part to read as follows:

**17.29.070 Design review board.**

Prior to the issuance of a building permit for the construction of a building, structure, improvement or sign and which affects the exterior appearance, or for any substantial external appearance changes not requiring a building permit where changes are visible from the public right-of-way an applicant must submit plans to the city. The plans shall be reviewed and approved by the design review board (herein referred to as the board), to ensure that the building, structure, improvement, sign, landscape design, site plan, etc. complies with the performance standards and guidelines established in the approved design guidelines. Encroachments into and over the public right-of-way shall be reviewed and recommended by the board in the encroachment license and permit process as set forth in section 12.36.060 of the Davenport Municipal Code. (A section in the district's design standards and downtown davenport streetscape improvement plan further describes what types of encroachments may be appropriate and under what circumstances.) The board shall also review and approve the demolition of structures within the district.

Section 4. That section 17.29.080 entitled "Powers and Duties of the Board" is hereby amended to read as follows:

**17.29.080 Powers and duties of the board.**

The board shall have the following powers and duties:

- A. To adopt its own administrative and procedural guidelines;
- B. To make recommendations to the city council regarding design guidelines for the downtown design overlay district;
- C. To administer the design guidelines, performance standards and streetscape improvement plans for "DDOD" downtown design overlay district, "HSD" historic shopping district, "HCVOD" hilltop campus village overlay district and "RIDO" residential infill design overlay district. Said design guidelines shall be contained within the adopted district regulations or adopted as a separate document by the city council by resolution. The board, at its discretion, may create a category of "minor reviews" to be approved by staff.
- D. To hold public meetings to consider any action officially before it;
- E. To review and take action on applications for certificates of design approval-and/or certificates of economic hardship (for demolitions);
- F. To review and recommend on applications for encroachments into and over the public right-of-way;
- G. To provide information upon request to the owners of structures within the district regarding the appropriate preservation, rehabilitation and reuse options of older buildings and/or options for new construction.
- H. To review and take action on appeals to administrative decisions of city staff's application of the design criteria for the properties located within the "HCOD" highway corridor overlay district.



Section 5. That Section 17.29.090.E entitled "Certificate of Design Approval" is hereby amended to read as follows:

**Section 17.29.090.E Certificate of Design Approval.**

- E. Design guidelines. The design guidelines are intended to aid the members of the design review board in their review of certificates of design approval, encroachments and demolition reviews.

Buildings within the "DDOD" downtown design overlay district shall be constructed of quality materials that have strength and permanence. Permanence means that buildings will age without deteriorating, given a minimum level of maintenance. The development shall recognize the strength and permanency of stone, brick, concrete, and steel as opposed to the frailty of light gauge sheet metal and constant maintenance of wood veneer. While no specific materials are disallowed, certain materials will be approved for exterior use only if they are an integral part of a design of unusual merit. Among those materials are architectural metal wall panels, plywood and composition siding such as hardboard. Other materials may be appropriate in one use or situation but be totally inappropriate in another. Where remodeling/renovation of historical structures occurs, the structures shall be reconditioned to original stature wherever possible and financially reasonable.

The board shall also consider the proposed height, proportions, scale and relationship with surrounding structures as discussed in the design guidelines.

The design guidelines for properties zoned "HSD" historic shopping district are enumerated in Chapter 17.27 of the Davenport Municipal Code and are enumerated in Chapter 17.09 of the Davenport Municipal Code for properties located within the "RIDO" residential infill design overlay district.

Section 6. That Section 15.38.180 entitled "Liability Insurance Required" is hereby amended to read as follows:

**15.30.180 Liability insurance required.**

Contractors Insurance. Any person, firm or corporation desiring to engage in the moving or demolition of buildings shall file with the building official a duplicate copy of a liability insurance policy covering such operations. The licensee must obtain and have in place liability insurance of the type and amount specified by the city risk division. The City of Davenport shall be named in the policy as additionally insured. Said policy shall be issued by a legally authorized surety transacting business in the State of Iowa. Required property damage limits may be increased by the building official.

Section 7. That chapter 5.02 entitled "Signs and Billboards" is hereby amended to read as follows:

**Chapter 5.02 Billboards**

**5.02.010 Billboards.**

Every person maintaining any billboard or similar advertising device or structure shall, in addition to complying with all other ordinances regulating such device or structure, obtain a business license for each such device or structure before constructing and maintaining such device or structure.

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

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

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

Jackie Holecek, CMC  
Deputy City Clerk

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



City of Davenport

Agenda Group: Community Development  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 888-2286  
Wards: 1

**Action / Date**  
**CD7/3/2018**

Subject:

First Consideration: Ordinance for Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

Recommendation:

Adopt the Ordinance

Relationship to Goals:

Welcome Investment

Fiscal Vitality

Background:

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.

This request allows a small business to grow and remain.

Recommendation:

The Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

The Commission vote was 6-yes, 0-no and 0-abstention.

Protest Rate 0.0 percent.

For further background information please refer to the background materials.

ATTACHMENTS:

| Type                | Description         |
|---------------------|---------------------|
| □ Resolution Letter | REZ 18-06 Ord Only  |
| □ Backup Material   | REZ18-06 Background |

REVIEWERS:

| Department                                | Reviewer      | Action   | Date                |
|-------------------------------------------|---------------|----------|---------------------|
| Community Planning & Economic Development | Berger, Bruce | Approved | 6/28/2018 - 9:48 AM |
| Community Development                     |               |          |                     |

Committee  
City Clerk

Berger, Bruce  
Admin, Default

Approved  
Approved

6/28/2018 - 9:49 AM  
6/28/2018 - 10:06 AM

## ORDINANCE NO.

ORDINANCE for Case No. Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

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

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

Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 78 North Range 3 East of the 5<sup>th</sup> P.M. being more particularly described as follows:

Commencing in the Southeast Corner of Section 20, Township 78 North Range 3 East of the 5<sup>th</sup> P.M.; thence West along the south line of said Section 20 to a point of intersection with the east line of North Zenith Avenue as extended southerly; thence North along the east line of said North Zenith Avenue a distance of 95.0 feet to the point of beginning; thence continuing North along the east line of North Zenith Avenue a distance of 60.0 feet, thence East parallel to the south line of said Section 20 a distance of 73.0 feet; thence South parallel to the east line of said North Zenith Avenue a distance of 60.00 feet; thence West parallel to the south line of said Section 20 a distance of 73.0 to the point of beginning. The above described parcel is also known as Scott County Tax Parcel T2057-10.

Said parcel contains 4,380 square feet, more or less.

The City Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful



provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch, Mayor

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

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



# City of Davenport

226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

June 20, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 19, 2018, the City Plan and Zoning Commission considered Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

Recommendation:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

Respectfully submitted,

Robert Inghram, Chairperson  
City Plan and Zoning Commission



|          |           | APPROVED                                     | APPROVED                                    | APPROVED                            | APPROVED                                  | APPROVED                             |  |  |  |
|----------|-----------|----------------------------------------------|---------------------------------------------|-------------------------------------|-------------------------------------------|--------------------------------------|--|--|--|
| Name:    | Roll Call | REZ18-06<br>Tim Shaffer<br>1909 N Zenith Ave | REZ18-07<br>Tim Shaffer<br>3816 W Locust St | F18-05<br>Seng Meadows<br>1st Add'n | F18-06<br>Crow Valley<br>Plaza 11th Add'n | F18-07<br>Monarch Hills<br>1sy Add'n |  |  |  |
| Connell  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Hepner   | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Inghram  | P         |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Johnson  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Kelling  | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Lammers  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Maness   | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Medd     | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Quinn    | P         | Y                                            | Y                                           | Y                                   | ABS                                       | Y                                    |  |  |  |
| Reinartz | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Tallman  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
|          |           | 6-YES<br>0-NO<br>0-ABSTAIN                   | 6-YES<br>0-NO<br>0-ABSTAIN                  | 6-YES<br>0-NO<br>0-ABSTAIN          | 5-YES<br>0-NO<br>1-ABSTAIN                | 6-YES<br>0-NO<br>0-ABSTAIN           |  |  |  |



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

**Meeting Date:** June 19, 2018  
**Request:** R-3 Moderate Density Dwelling to C-2 General Commercial  
**Address:** 1909 North Zenith Avenue (N of W Locust St & E of N Zenith Ave)  
**Case No.:** REZ18-06  
**Applicant:** Tim Shaffer dba Shaffer Automotive / Dales Service

**Recommendation:**

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-06 to the City Council for approval subject to the listed conditions.

**Introduction:**

Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

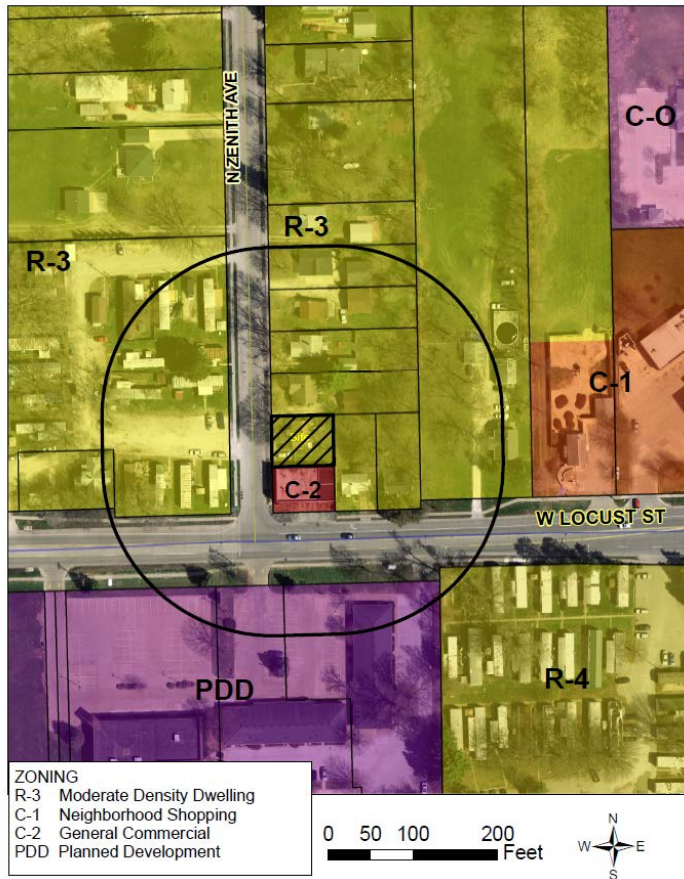
Note: there is a companion zoning request for 3816 West Locust Street. While these are separate requests they act in tandem.

**AREA CHARACTERISTICS:**

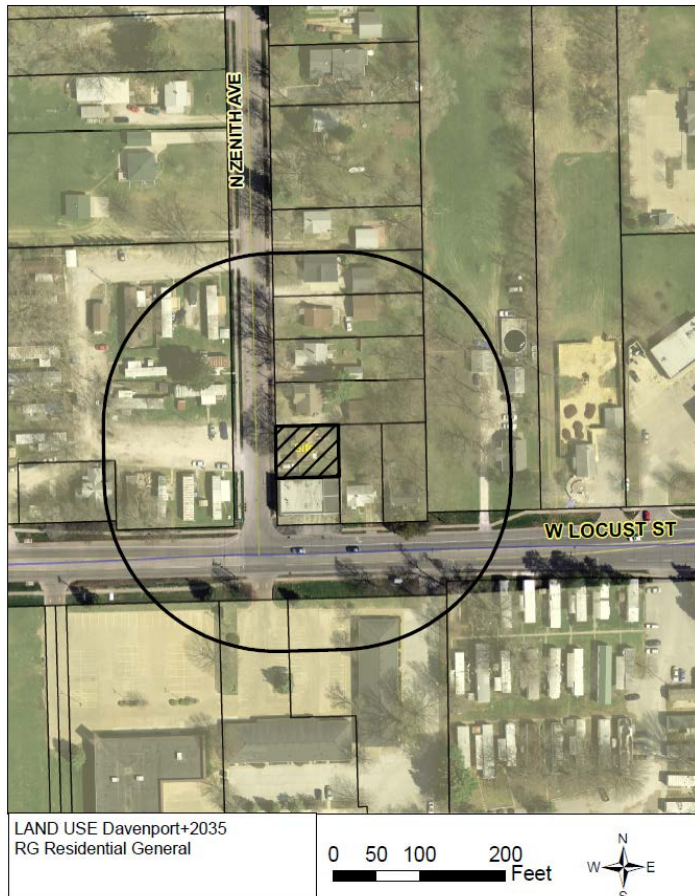
**Aerial**



## Zoning Map



## Land Use



**Background:**  
**Comprehensive Plan:**

Within Urban Service Boundary +2035: Yes

Future Land Use Designation: The property being rezoned and the surrounding properties are designated as Residential General (RG).

*Note: The abutting business property, Dales Service Center at 3830 W Locust Street, was zoned to the "C-2" General Commercial classification in 2015. At that time the Davenport 2025 Land Use plan designated the property as CN Commercial Neighborhood.*

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

Relevant Goals to be considered in this Case:

Identify and reserve land for current and future development – *encourage a full range of development.*

**Zoning:**

The subject property is currently zoned "R-3" Moderate Density Dwelling District. The abutting business, Dales Service Center, located at 3830 W Locust Street, is zoned "C-2" General Commercial District. Planned Development (PDD) zoning is located across Locust Street to the south and Neighborhood Commercial (C-1) zoning is located on the two lots west of the Fairmount Street.

**Technical Review:**

Streets. The property is located on the east side of North Zenith Avenue just north of West Locust Street.

Storm Water. Stormwater infrastructure (inlets) is located in both North Zenith Avenue and West Locust Street at the intersection. Redevelopment of the site may require compliance with the City's stormwater regulations.

Sanitary Sewer. Sanitary sewer service is located within North Zenith Avenue (8-inch line).

Other Utilities. This is an urban area and normal utility services are available.

Emergency Services. The property is located approximately 1-2/3 miles from Fire Stations No. 6 at 1735 West Pleasant Street and approximately 2 miles from Fire Station No. 5 at 2808 Telegraph Road.

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



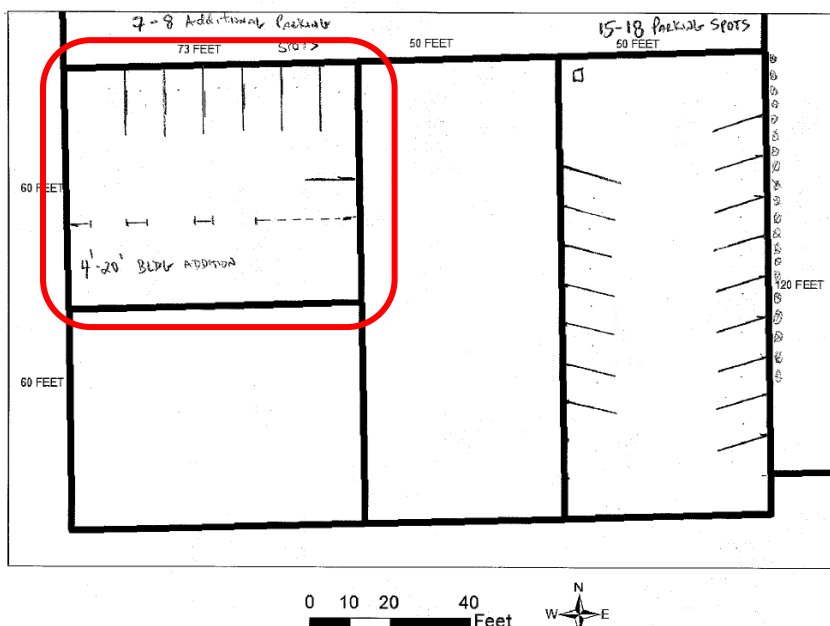
### Public Input:

The neighborhood meeting was held on Thursday May 24<sup>th</sup> at the business location. A larger area was notified north along Zenith Avenue for the neighborhood meeting at the request of the Ward Alderman. Apparently complaints in the past have been received from those residents further north on Zenith Avenue about parking issues associated with Dale's Automotive. According to the Council Office it would seem as though these parking areas would help some of the problems they have had and it would be beneficial for those neighbors who have had problems in the past know what's going on. No one from the public attended though one owner had indicated in his protest that he could not attend. At the public hearing one person spoke regarding the vehicles parked on Zenith and the unloading of vehicles blocking the street and turning movements. Also a concern with the tenants of the owner's rental property in the area was raised which is not directly pertinent to this request.

### Discussion:

The rezoning is proposed to allow parking of vehicles to be and those finished being worked on as well as customer parking. The public garage use, currently Dales Service Center, was annexed into the City in 1964 as a non-conforming use and remained a non-conforming use until 2015 when it was zoned to the "C-2" General Commercial classification in 2015. In 2007 the non-conforming building (use) was expanded through Zoning Board of Adjustment (the east side was squared off since a portion already encroached into the east side yard). A service use has been at this location since at least the 1950's. As a use grows there are two options; either expand at the current site or relocate. The current owner has chosen the option to try to expand at the current site by requesting this and the companion rezoning.

The adjacent property would be used to alleviate (mitigate) the congestion at the front (Locust Street side) of the building, thereby opening-up the visibility at the intersection. However, by doing so this may allow traffic to speed into the intersection and cut the corner as many drivers are want to do rather than slowing down due to the visibility being reduced. The added property would be used to allow the current building to be used more efficiently with traffic moving in one direction alleviating backing out onto Locust Street. This property alone will not solve the problem of temporarily blocking Zenith Avenue with a tow vehicle while dropping off a vehicle, some backing movement will need to occur.



If the problem of parking of vehicles on Zenith Avenue that are related to the business persists, the residents do have an option to request “resident only parking” in front of their homes through the City’s Traffic Engineer.

**Staff Recommendation:**

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

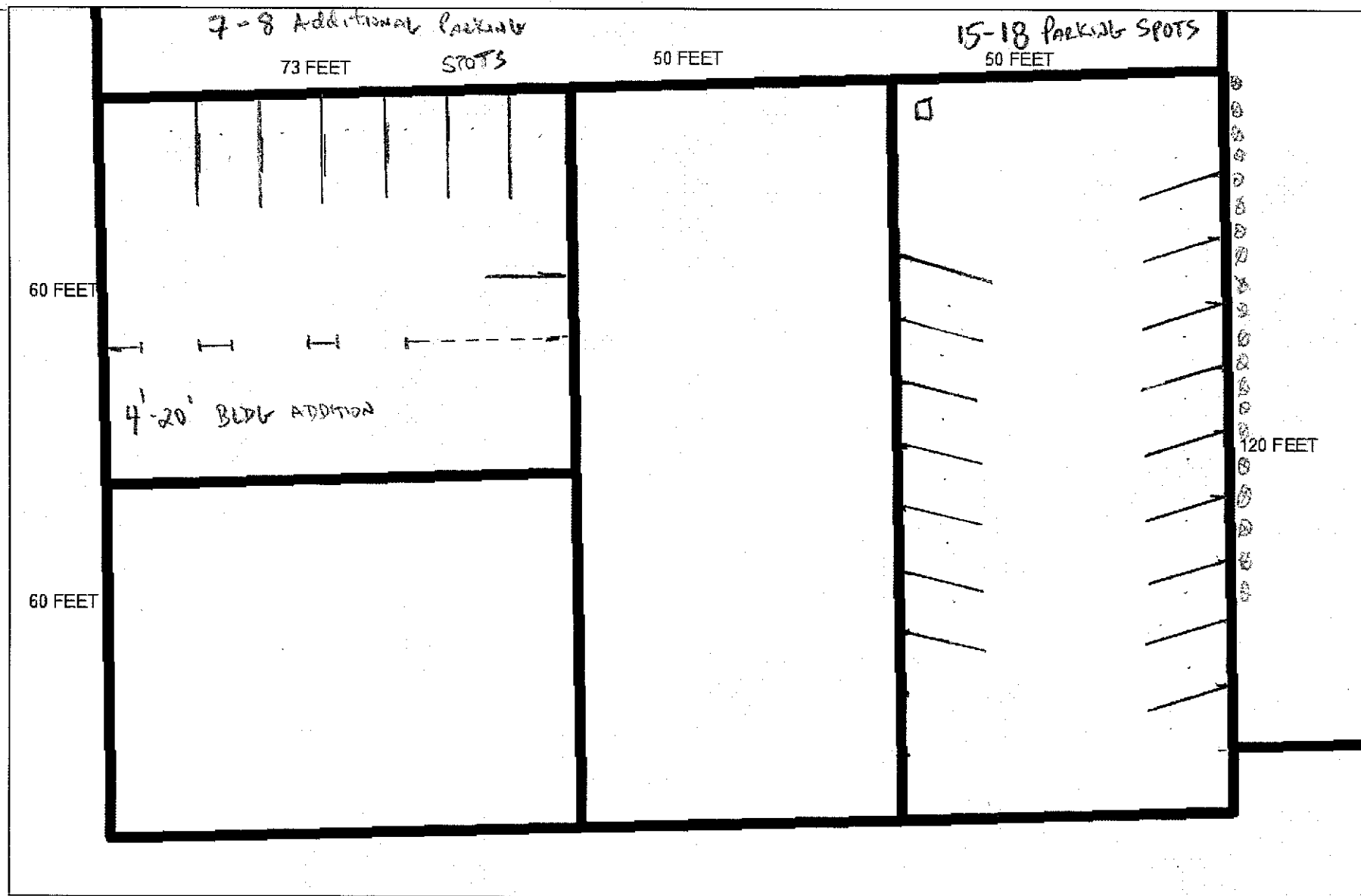
Recommendation:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

Prepared by:

Wayne Wille, CFM - Planner II  
Community Planning Division



0 10 20 40 Feet







0 15 30 60 Feet



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

**Public Hearing Details:**

Date: 06/05/2018

Time: 5:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

Subject: Public hearing for a rezoning (map amendment) before the Plan and Zoning Commission

Case #: REZ18-06 & REZ18-07

To: All property owners within 200 feet of the subject property located at: **1909 North Zenith Avenue** and **3816 West Locust Street**.

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a rezoning (map amendment) request. The purpose of the rezoning is to allow residential townhomes on individual lots.

Request Description

- Case No. REZ18-06: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]
- Case No. REZ18-07: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 6,000 square feet (0.14) acre of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]

**What are the Next Steps after the Public Hearing?**

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

**Would You Like to Submit an Official Comment?**

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

**Do You Have Any Questions?**

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

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





Case No. REZ18-06  
1909 N Zenith Ave

0 37.5 75 150  
Feet



Case No. REZ18-07  
3816 W Locust St

0 37.5 75 150  
Feet





| Owner                                   |                    | Address               | C-S-Z               |
|-----------------------------------------|--------------------|-----------------------|---------------------|
| RICHARD W SHAFFER                       | DIANE K SHAFFER    | 2130 OKLAHOMA AVE     | DAVENPORT IA 52804  |
| TIMOTHY SHAFFER                         | AMANDA SHAFFER     | 12023 - 70TH AVE      | BLUE GRASS IA 52726 |
| GEORGE A MAST                           | GERALDINE L MAST   | 806 W BROOKSHIRE      | ORANGE CA 92865     |
| WILLIAM JAMES MAST                      |                    | 3822 W LOCUST ST      | DAVENPORT IA 52804  |
| DONALD E BRENTISE                       | KRISTIN K BRENTISE | 3804 W LOCUST ST      | DAVENPORT IA 52804  |
| B & V PARTNERS LLC                      |                    | 2490 HEATHER GLEN AVE | BETTENDORF IA 52722 |
| IDLE WHEELS MOBILE HOME PARK            |                    | 1108 WAVERLY RD       | DAVENPORT IA 52804  |
| RIGHT ON COOPERATIVE                    |                    | PO BOX 131            | BETTENDORF IA 52722 |
| MCALISTER PROPERTIES LLC                |                    | 1314 VAIL AVE         | DURANT IA 52747     |
| ALL AROUND TOWN ENTERPRISES             |                    | PO BOX 5267           | DAVENPORT IA 52808  |
| TIM SHAFFER                             | dba DALES SERVICE  | 3830 W LOCUST ST      | DAVENPORT IA 52804  |
| extra mailing as per Tiffany & Ald Dunn |                    |                       |                     |
| LORAS W JAEGER                          | MARCHETTA JAEGER   | 2421 HIGH ST          | DES MOINES IA 50312 |
| FRANKIE R BENNETT                       |                    | 2036 N ZENITH AVE     | DAVENPORT IA 52804  |
| FREDERICK L HIGGINS                     | DAWN M HIGGINS     | 2031 N ZENITH AVE     | DAVENPORT IA 52804  |
| JACOB R SHAFFER JR                      |                    | 2030 N ZENITH AVE     | DAVENPORT IA 52804  |
| ROGER DUGAN                             | GEORGIA J DUGAN    | 2018 N ZENITH AVE     | DAVENPORT IA 52804  |
| SEAN R CARTER                           | ROSA M BRIBRIESCO  | 2017 N ZENITH AVE     | DAVENPORT IA 52804  |
| DAVID C BLOOM                           | LAURA L BLOOM      | 2015 N ZENITH AVE     | DAVENPORT IA 52804  |
| JOHN C COOKSEY                          |                    | 2018 N ZENITH AVE     | DAVENPORT IA 52804  |
| REX COOPER                              | LUCILLE COOPER     | 126 N IVAN AVE        | GALESBURG IL 61401  |
| TLC REAL ESTATE LLC                     |                    | 4319 W 30TH ST        | DAVENPORT IA 52804  |
| STEPHEN C CLOUGH                        | CAROL M CLOUGH     | 2107 N ZENITH AVE     | DAVENPORT IA 52804  |

#### EMAIL ONLY

|                   |                                                                                  |
|-------------------|----------------------------------------------------------------------------------|
| ALD DUNN          | <a href="mailto:rdunn@ci.davenport.ia.us">rdunn@ci.davenport.ia.us</a>           |
| ALD GRIPP         | <a href="mailto:kgripp@ci.davenport.ia.us">kgripp@ci.davenport.ia.us</a>         |
| ALD CONDON        | <a href="mailto:jcondon@ci.davenport.ia.us">jcondon@ci.davenport.ia.us</a>       |
| TIFFANY THORNDIKE | <a href="mailto:tthorndike@ci.davenport.ia.us">tthorndike@ci.davenport.ia.us</a> |
| TIM SHAFFER       | <a href="mailto:tim@dalesqc.com">tim@dalesqc.com</a>                             |
| ROBERT INGHAM     | <a href="mailto:binghram@activethermal.net">binghram@activethermal.net</a>       |

226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

## ***NEIGHBORHOOD MEETING NOTICE***

### **Date – Time - Place**

On May 24, 2018 at 5:00 P.M., a neighborhood meeting will be held to introduce you to a project that requires a property to be rezoned. The meeting will be held at Dales Service Center 3830 West Locust Street (northeast corner of Zenith Avenue and Locust Street)

### **What is it about?**

The applicant is proposing to develop parking/storage lots for his business (customers and vehicles to be or having been worked on). The business location is 3830 West Locust Street. The two locations that are subject of the rezoning requests are:

- 1) 1909 North Zenith Avenue being north of and abutting the business property; and
- 2) 3816 West Locust Street being one lot further east.



This is the first step in a rezoning process. Public hearings will be held before both the Plan and Zoning Commission and City Council. You will shortly be receiving notice of the City Plan and Zoning Commission's public hearing scheduled for June 5<sup>th</sup> at 5:00 P.M. in the Council Chambers at Davenport City Hall.



The proposed schedule is as follows (the remaining meetings are held in the Council Chambers of City Hall at 226 W 4<sup>th</sup> Street:

- Tuesday – 06/05/2018 at 5:00 P.M. – Plan and Zoning Commission Public Hearing
- Tuesday – 06/19/2018 at 5:00 P.M. – Plan and Zoning Commission regular meeting (recommendation to City Council made)

The City Council requires three readings or considerations for a rezoning to be approved (unless waived by the City Council). (The following is a tentative schedule for the City Council meetings – You will also receive a notice of the public hearing at the City Council).

- Wednesday – 06/20/2018 at 5:30 P.M – Committee of the Whole (City Council public hearing)
- Wednesday – 06/27/2018 at 5:30 P.M. – First consideration by City Council
- Tuesday – 07/03/2018 at 5:30 P.M – Committee of the Whole (date changed due to holiday)
- Wednesday - 07/11/2018 at 5:30 P.M. – Second consideration by City Council
- Wednesday – 07/18/2018 at 5:30 P.M – Committee of the Whole
- Wednesday - 07/25/2018 at 5:30 P.M. – Third & Final consideration by City Council

A tabling (delay) may occur at any point in this process.

If you have any questions, please contact the Community Planning Office at 563-326-7765 or use the office e-mail [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)



3816 W Locust Street



1909 N Zenith Avenue



3830 W Locust Street



## Bing Maps

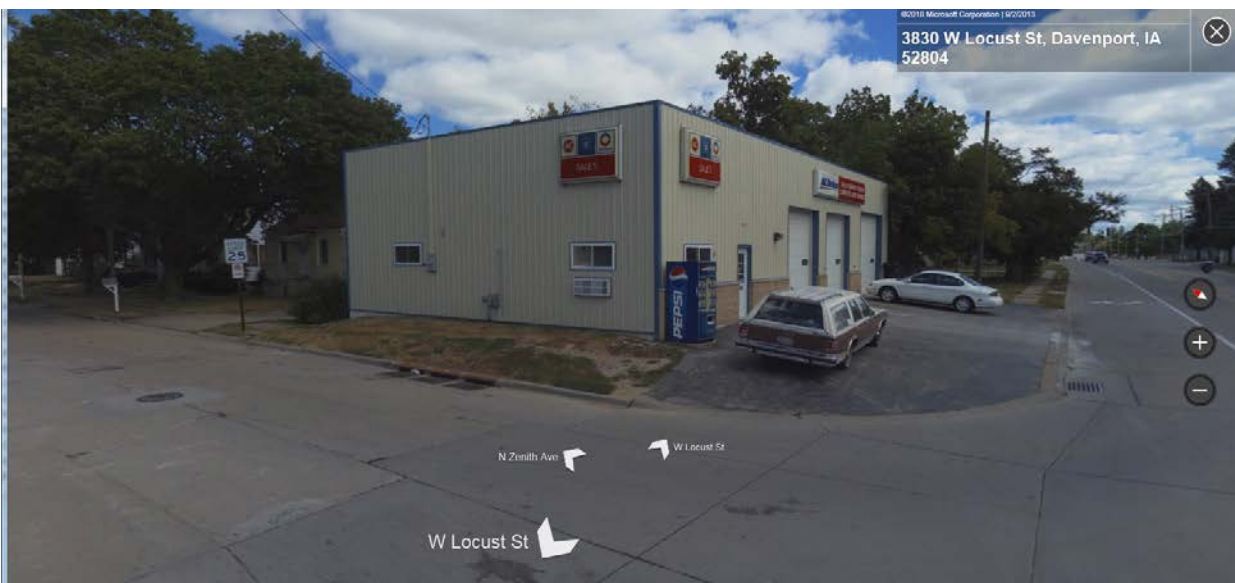


3822 W Locust St

3816 W Locust St



1909 N Zenith Ave



3830 W Locust Street



DATE: May 24, 2018  
TO: Community Planning

Please be informed of my opposition to the rezoning of the properties located at 1909 N. Zenith Ave and 3816 W. Locust St.

For the following reasons I am in opposition the rezoning:

1. There is no assertion or indication that encroachment on Zenith Ave. will in anyway help the immediate area or community. Further, there is no assertion or indication that this will help the community in general.
2. If the property on Zenith is rezoned it will increase an already busy intersection (Locust & Zenith) both from Zenith and turning onto Zenith.
  - As the garage business has increased the business has consistently parked vehicles of all types abutting the West Locust Street curb line blocking the needed view of anyone wishing to enter West Locust Street from Zenith Avenue.
3. As sited in # 2 above it is extremely dangerous to enter the intersection from Zenith Avenue onto West Locust Street – turning either way. To look for traffic turning onto Locust Street you must pull into Locust Street beyond the vehicles parked in the right of way, of the Dale's Garage to check for oncoming traffic.
4. Wrecker and flatbed trucks deliver vehicles blocking traffic on West Locust Street which creates traffic flow problems as well as great safety problems for anyone using West Locust Street. Traffic backs up causing further safety problems.
5. Wrecker and flatbed trucks deliver vehicles blocking traffic on Zenith Avenue which creates traffic flow problems as well as great safety problems for anyone using Zenith Avenue or wanting to enter Zenith Avenue from West Locust Street. Traffic backs up in both directions causing further safety problems.
6. To rezone a single family home in a clearly residential strip of homes and to replace it into a dangerous traffic situation for all the reasons above is not warranted or advisable.
7. Dales has clearly outgrown his business location and needs to consider relocating, which is a good thing. What is not good is the unrestricted conversion to a commercial Zenith Avenue.

Should you have any questions regarding this letter or the issues that I have presented please feel free to contact me using the following information.

Regards,

Steve Clough  
2107 N. Zenith Ave.  
Davenport, Iowa 52804  
563-370-4713

**From:** [Longlett, Eric](#)  
**To:** [Wille, Wayne](#)  
**Subject:** RE: two companion zonings  
**Date:** Friday, May 25, 2018 3:33:20 PM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)

---

With diagonal parking northbound, how would they exit on the 3816 property?

Any drive entrance will need to have the proper permits (drive/excavation and sw) constructed per City SUDAS standards with appropriate inspections.

**Eric Longlett**  
Engineering Manager  
City of Davenport, Iowa  
Phone: 563-327-5153  
Cell: 563-370-3972  
CoD logo 322c lrg

---

**From:** Wille, Wayne  
**Sent:** Friday, May 25, 2018 9:53 AM  
**To:** Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne  
**Subject:** two companion zonings

Here are two rezoning requests to create parking for Dales Service Center at 3830 W Locust Street (the sketch is preliminary). These are going to Public Hearing on June 5<sup>th</sup>. Please respond with comments by Friday the 8th. Thank you

Wayne Wille, CFM - Planner II  
Community Planning Division  
226 W 4th St - Davenport IA 52801  
563-326-6172 - [ww@ci.davenport.ia.us](mailto:ww@ci.davenport.ia.us)  
563-326-7765 - [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

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

**From:** [Fisher, William \(Billy\)](#)  
**To:** [Wille, Wayne](#)  
**Cc:** [Kay, Amy](#)  
**Subject:** RE: two companion zonings  
**Date:** Friday, June 01, 2018 1:47:38 PM  
**Attachments:** [image001.png](#)

---

The two properties combine for 10,400 square feet. Depending on how much they decide to pave, they will need to treat the WQv.

Thank you,

[Billy Fisher, CPMSM](#)  
[Urban Conservationist](#)  
[City of Davenport](#)  
[Ph - 563-888-2107](#)  
[Fax - 563-327-5182](#)

---

**From:** Wille, Wayne

**Sent:** Friday, May 25, 2018 9:53 AM

**To:** Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne

**Subject:** two companion zonings

Here are two rezoning requests to create parking for Dales Service Center at 3830 W Locust Street (the sketch is preliminary). These are going to Public Hearing on June 5<sup>th</sup>. Please respond with comments by Friday the 8th. Thank you

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563-326-7765 - [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

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



City of Davenport

Agenda Group: Community Development  
Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 888-2286  
Wards: 1

**Action / Date**  
**CD7/3/2018**

Subject:

First Consideration: Ordinance for Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward 1]

Recommendation:  
Adopt the ordinance

Relationship to Goals:  
Neighborhood Improvements  
Fiscal Vitality

Background:

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

Recommendation:

The Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

The Commission vote was 6-yes, 0-no and 0-abstention.

Protest Rate 0.0 percent

For further background information please refer to the background materials.

ATTACHMENTS:

| Type                | Description                       |
|---------------------|-----------------------------------|
| □ Resolution Letter | REZ18-07 Ord Only                 |
| □ Backup Material   | REZ18-07 Background 3816 W Locust |

REVIEWERS:

| Department                                | Reviewer      | Action   | Date                 |
|-------------------------------------------|---------------|----------|----------------------|
| Community Planning & Economic Development | Berger, Bruce | Approved | 6/28/2018 - 10:04 AM |
| Community Development                     |               |          |                      |

Committee  
City Clerk

Berger, Bruce  
Admin, Default

Approved  
Approved

6/28/2018 - 10:04 AM  
6/28/2018 - 10:07 AM

## ORDINANCE NO.

ORDINANCE for Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned.

The property has the following legal description:

Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 78 North Range 3 East of the 5<sup>th</sup> P.M. being more particularly described as follows: Commencing in the Southeast Corner of Section 20, Township 78 North Range 3 East of the 5<sup>th</sup> P.M.; thence West along the south line of said Section 20 to a point of intersection with the east line of North Zenith Avenue as extended southerly; North 35.00 feet to the north line of West Locust Street as it currently exists; thence East along the north line of said West Locust Street a distance of 123.0 feet to the point of beginning; thence continuing east along the north line of West Locust Street a distance of 50.0 feet; thence Northparallel to the east line of Zenith Avenue a distance of 120 feet; thence West parallel to the north line of West Locust Street a distance of 50 feet; thence South parallel to the east line of North Zenith Avenue a distance of 120 feet to the point of beginning. The above described parcel is also known as Scott County Tax Parcel T2057-13.

Said parcel contains 6,000 square feet, more or less.

The City Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful



provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch, Mayor

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

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



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226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

June 20, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 19, 2018, the City Plan and Zoning Commission considered Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

The Plan and Zoning Commission accept the findings and forward Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

Respectfully submitted,

Robert Inghram, Chairperson  
City Plan and Zoning Commission



|          |           | APPROVED                                     | APPROVED                                    | APPROVED                            | APPROVED                                  | APPROVED                             |  |  |  |
|----------|-----------|----------------------------------------------|---------------------------------------------|-------------------------------------|-------------------------------------------|--------------------------------------|--|--|--|
| Name:    | Roll Call | REZ18-06<br>Tim Shaffer<br>1909 N Zenith Ave | REZ18-07<br>Tim Shaffer<br>3816 W Locust St | F18-05<br>Seng Meadows<br>1st Add'n | F18-06<br>Crow Valley<br>Plaza 11th Add'n | F18-07<br>Monarch Hills<br>1sy Add'n |  |  |  |
| Connell  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Hepner   | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Inghram  | P         |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Johnson  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Kelling  | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Lammers  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Maness   | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Medd     | EX        |                                              |                                             |                                     |                                           |                                      |  |  |  |
| Quinn    | P         | Y                                            | Y                                           | Y                                   | ABS                                       | Y                                    |  |  |  |
| Reinartz | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
| Tallman  | P         | Y                                            | Y                                           | Y                                   | Y                                         | Y                                    |  |  |  |
|          |           | 6-YES<br>0-NO<br>0-ABSTAIN                   | 6-YES<br>0-NO<br>0-ABSTAIN                  | 6-YES<br>0-NO<br>0-ABSTAIN          | 5-YES<br>0-NO<br>1-ABSTAIN                | 6-YES<br>0-NO<br>0-ABSTAIN           |  |  |  |



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

**Meeting Date:** June 19, 2018  
**Request:** R-3 Moderate Density Dwelling to C-2 General Commercial  
**Address:** 3816 West Locust Street (N of W Locust St & E of N Zenith Ave)  
**Case No.:** REZ18-07  
**Applicant:** Tim Shaffer dba Shaffer Automotive / Dales Service

**Recommendation:**

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-07 to the City Council for approval subject to the listed conditions.

**Introduction:**

Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

Note: there is a companion zoning request for 1909 North Zenith Avenue. While separate these two requests work in tandem.

**AREA CHARACTERISTICS:**

**Aerial**

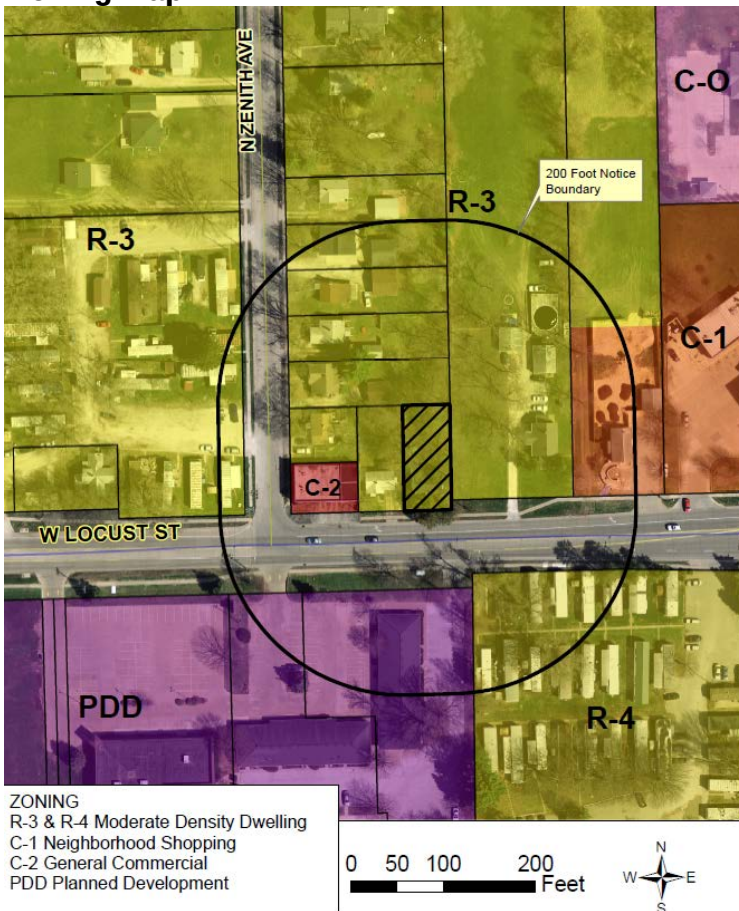


AERIAL PHOTO  
2014

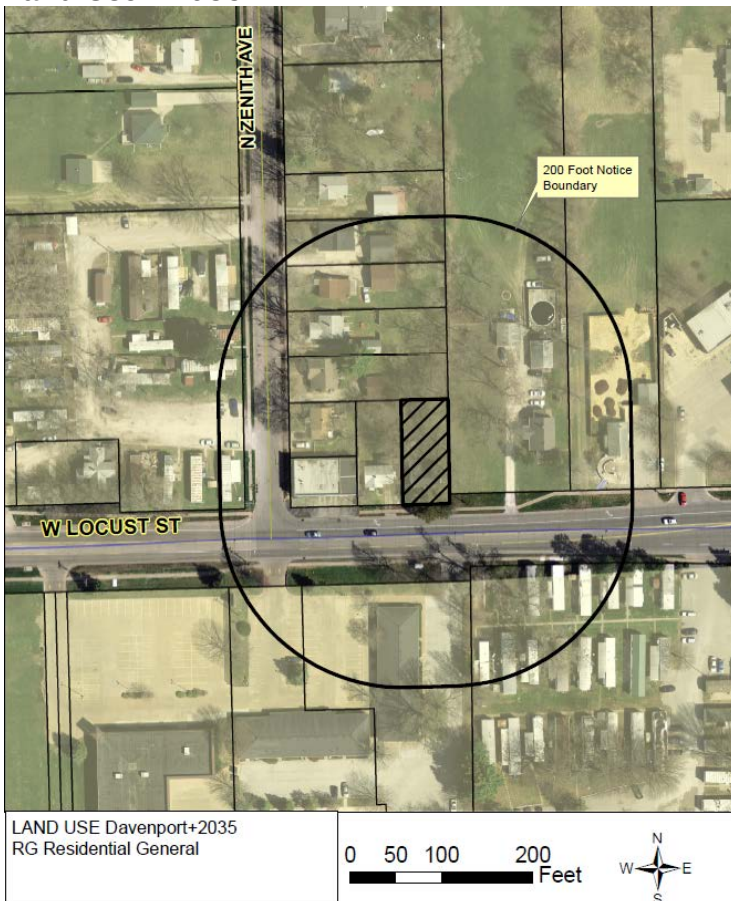
0 50 100 200  
Feet



## Zoning Map



## Land Use - 2035



**Background:**  
**Comprehensive Plan:**

Within Urban Service Boundary +2035: Yes

Future Land Use Designation: The property being rezoned and the surrounding properties are designated as Residential General (RG).

*Note: The abutting business property, Dales Service Center at 3830 W Locust Street, was zoned to the "C-2" General Commercial classification in 2015. At that time the Davenport 2025 Land Use plan designated the property as CN Commercial Neighborhood.*

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

Relevant Goals to be considered in this Case:

Identify and reserve land for current and future development – *encourage a full range of development.*

**Zoning:**

The subject property is currently zoned "R-3" Moderate Density Dwelling District. The abutting business, Dales Service Center, located at 3830 W Locust Street, is zoned "C-2" General Commercial District. Planned Development (PDD) zoning is located across Locust Street to the south and Neighborhood Commercial (C-1) zoning is located on the two lots west of the Fairmount Street.

**Technical Review:**

Streets. The property is located on the east side of North Zenith Avenue just north of West Locust Street.

Storm Water. Stormwater infrastructure (inlets) is located in both North Zenith Avenue and West Locust Street at the intersection. Redevelopment of the site may require compliance with the City's stormwater regulations.

Sanitary Sewer. Sanitary sewer service is located within North Zenith Avenue (8-inch line).

Other Utilities. This is an urban area and normal utility services are available.

Emergency Services. The property is located approximately 1-2/3 miles from Fire Stations No. 6 at 1735 West Pleasant Street and approximately 2 miles from Fire Station No. 5 at 2808 Telegraph Road.

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



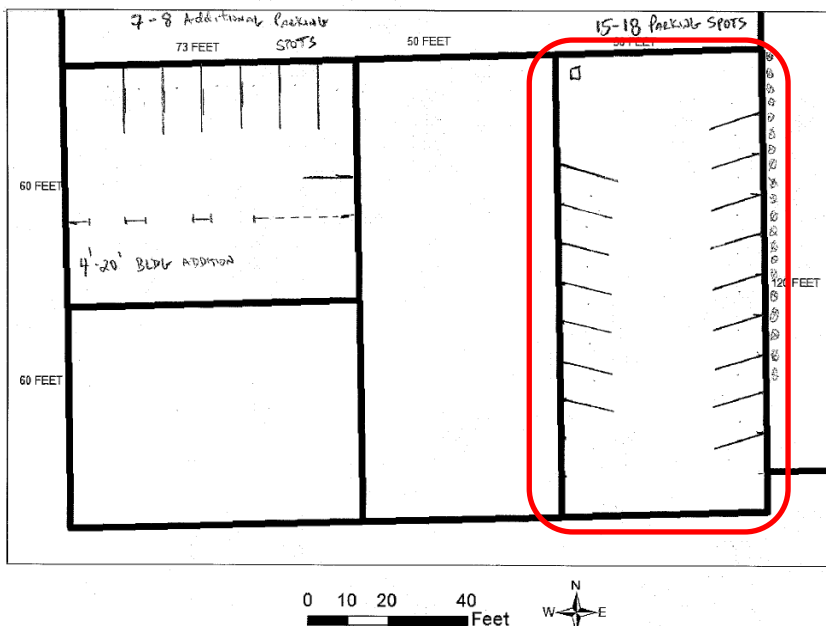
### **Public Input:**

The neighborhood meeting was held on Thursday May 24<sup>th</sup> at the business location. A larger area was notified north along Zenith Avenue for the neighborhood meeting at the request of the Ward Alderman. Apparently complaints in the past have been received from those residents further north on Zenith Avenue about parking issues associated with Dale's Automotive. According to the Council Office it would seem as though these parking areas would help some of the problems they have had and it would be beneficial for those neighbors who have had problems in the past know what's going on. No one from the public attended though one owner had indicated in his protest that he could not attend. At the public hearing one person spoke regarding the vehicles parked on Zenith and the unloading of vehicles blocking the street and turning movements. Also a concern with the tenants of the owner's rental property in the area was raised which is not directly pertinent to this request

### **Discussion:**

The rezoning is proposed to allow parking of vehicles to be and those finished being worked on as well as customer parking. The public garage use, currently Dales Service Center was annexed into the City in 1964 as a non-conforming use and remained a non-conforming use until 2015 when it was zoned to the "C-2" General Commercial classification in 2015. In 2007 the non-conforming building (use) was expanded through Zoning Board of Adjustment (the east side was squared off since a portion already encroached into the east side yard). A service use has been at this location since at least the 1950's. As a use grows there are two options; either expand at the current site or relocate. The current owner has chosen the option to try to expand at the current site by requesting this and the companion rezoning.

The property east of the business would also be used to alleviate (mitigate) the congestion at the business. This added property would be used to allow the current building to be used more efficiently with this property mitigating problem of temporarily blocking Zenith Avenue with a tow vehicle while dropping off a vehicle. The use of this lot would allow the tow vehicle to drop the vehicle off and turn around to avoid backing out onto Locust Street.



**Staff Recommendation:**

## Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

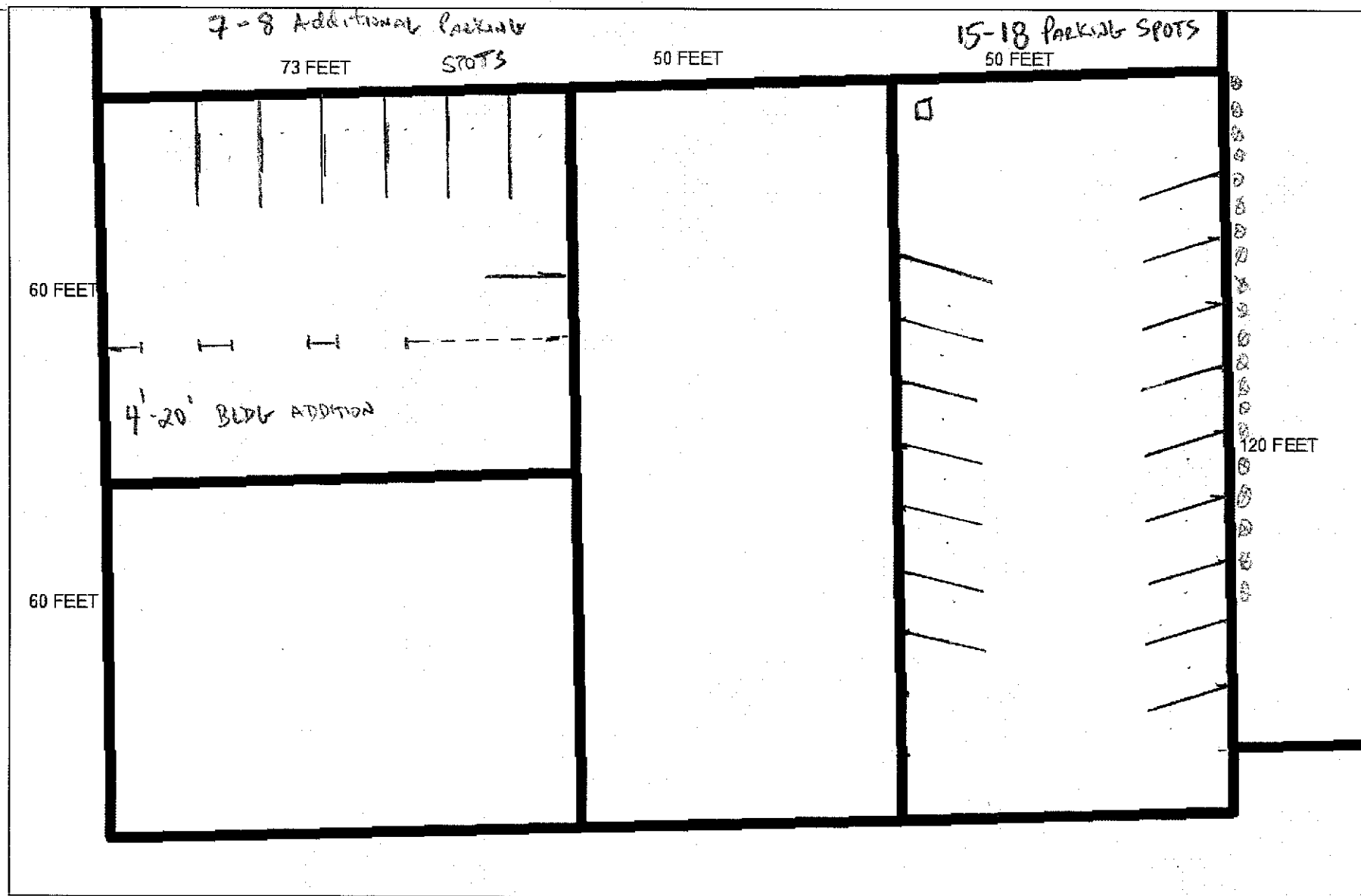
## Recommendation:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

## Prepared by:

Wayne Wille, CFM - Planner II  
Community Planning Division



0 10 20 40 Feet







0 15 30 60 Feet



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

**Public Hearing Details:**

Date: 06/05/2018

Time: 5:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

Subject: Public hearing for a rezoning (map amendment) before the Plan and Zoning Commission

Case #: REZ18-06 & REZ18-07

To: All property owners within 200 feet of the subject property located at: **1909 North Zenith Avenue** and **3816 West Locust Street**.

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a rezoning (map amendment) request. The purpose of the rezoning is to allow residential townhomes on individual lots.

Request Description

- Case No. REZ18-06: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]
- Case No. REZ18-07: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 6,000 square feet (0.14) acre of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]

**What are the Next Steps after the Public Hearing?**

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

**Would You Like to Submit an Official Comment?**

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

**Do You Have Any Questions?**

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

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





Case No. REZ18-06  
1909 N Zenith Ave

0 37.5 75 150  
Feet



Case No. REZ18-07  
3816 W Locust St

0 37.5 75 150  
Feet





| Owner                                   |                    | Address               | C-S-Z               |
|-----------------------------------------|--------------------|-----------------------|---------------------|
| RICHARD W SHAFFER                       | DIANE K SHAFFER    | 2130 OKLAHOMA AVE     | DAVENPORT IA 52804  |
| TIMOTHY SHAFFER                         | AMANDA SHAFFER     | 12023 - 70TH AVE      | BLUE GRASS IA 52726 |
| GEORGE A MAST                           | GERALDINE L MAST   | 806 W BROOKSHIRE      | ORANGE CA 92865     |
| WILLIAM JAMES MAST                      |                    | 3822 W LOCUST ST      | DAVENPORT IA 52804  |
| DONALD E BRENTISE                       | KRISTIN K BRENTISE | 3804 W LOCUST ST      | DAVENPORT IA 52804  |
| B & V PARTNERS LLC                      |                    | 2490 HEATHER GLEN AVE | BETTENDORF IA 52722 |
| IDLE WHEELS MOBILE HOME PARK            |                    | 1108 WAVERLY RD       | DAVENPORT IA 52804  |
| RIGHT ON COOPERATIVE                    |                    | PO BOX 131            | BETTENDORF IA 52722 |
| MCALISTER PROPERTIES LLC                |                    | 1314 VAIL AVE         | DURANT IA 52747     |
| ALL AROUND TOWN ENTERPRISES             |                    | PO BOX 5267           | DAVENPORT IA 52808  |
| TIM SHAFFER                             | dba DALES SERVICE  | 3830 W LOCUST ST      | DAVENPORT IA 52804  |
| extra mailing as per Tiffany & Ald Dunn |                    |                       |                     |
| LORAS W JAEGER                          | MARCHETTA JAEGER   | 2421 HIGH ST          | DES MOINES IA 50312 |
| FRANKIE R BENNETT                       |                    | 2036 N ZENITH AVE     | DAVENPORT IA 52804  |
| FREDERICK L HIGGINS                     | DAWN M HIGGINS     | 2031 N ZENITH AVE     | DAVENPORT IA 52804  |
| JACOB R SHAFFER JR                      |                    | 2030 N ZENITH AVE     | DAVENPORT IA 52804  |
| ROGER DUGAN                             | GEORGIA J DUGAN    | 2018 N ZENITH AVE     | DAVENPORT IA 52804  |
| SEAN R CARTER                           | ROSA M BRIBRIESCO  | 2017 N ZENITH AVE     | DAVENPORT IA 52804  |
| DAVID C BLOOM                           | LAURA L BLOOM      | 2015 N ZENITH AVE     | DAVENPORT IA 52804  |
| JOHN C COOKSEY                          |                    | 2018 N ZENITH AVE     | DAVENPORT IA 52804  |
| REX COOPER                              | LUCILLE COOPER     | 126 N IVAN AVE        | GALESBURG IL 61401  |
| TLC REAL ESTATE LLC                     |                    | 4319 W 30TH ST        | DAVENPORT IA 52804  |
| STEPHEN C CLOUGH                        | CAROL M CLOUGH     | 2107 N ZENITH AVE     | DAVENPORT IA 52804  |

#### EMAIL ONLY

|                   |                                                                                  |
|-------------------|----------------------------------------------------------------------------------|
| ALD DUNN          | <a href="mailto:rdunn@ci.davenport.ia.us">rdunn@ci.davenport.ia.us</a>           |
| ALD GRIPP         | <a href="mailto:kgripp@ci.davenport.ia.us">kgripp@ci.davenport.ia.us</a>         |
| ALD CONDON        | <a href="mailto:jcondon@ci.davenport.ia.us">jcondon@ci.davenport.ia.us</a>       |
| TIFFANY THORNDIKE | <a href="mailto:tthorndike@ci.davenport.ia.us">tthorndike@ci.davenport.ia.us</a> |
| TIM SHAFFER       | <a href="mailto:tim@dalesqc.com">tim@dalesqc.com</a>                             |
| ROBERT INGHAM     | <a href="mailto:binghram@activethermal.net">binghram@activethermal.net</a>       |

226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

## ***NEIGHBORHOOD MEETING NOTICE***

### **Date – Time - Place**

On May 24, 2018 at 5:00 P.M., a neighborhood meeting will be held to introduce you to a project that requires a property to be rezoned. The meeting will be held at Dales Service Center 3830 West Locust Street (northeast corner of Zenith Avenue and Locust Street)

### **What is it about?**

The applicant is proposing to develop parking/storage lots for his business (customers and vehicles to be or having been worked on). The business location is 3830 West Locust Street. The two locations that are subject of the rezoning requests are:

- 1) 1909 North Zenith Avenue being north of and abutting the business property; and
- 2) 3816 West Locust Street being one lot further east.



This is the first step in a rezoning process. Public hearings will be held before both the Plan and Zoning Commission and City Council. You will shortly be receiving notice of the City Plan and Zoning Commission's public hearing scheduled for June 5<sup>th</sup> at 5:00 P.M. in the Council Chambers at Davenport City Hall.



The proposed schedule is as follows (the remaining meetings are held in the Council Chambers of City Hall at 226 W 4<sup>th</sup> Street:

- Tuesday – 06/05/2018 at 5:00 P.M. – Plan and Zoning Commission Public Hearing
- Tuesday – 06/19/2018 at 5:00 P.M. – Plan and Zoning Commission regular meeting (recommendation to City Council made)

The City Council requires three readings or considerations for a rezoning to be approved (unless waived by the City Council). (The following is a tentative schedule for the City Council meetings – You will also receive a notice of the public hearing at the City Council).

- Wednesday – 06/20/2018 at 5:30 P.M – Committee of the Whole (City Council public hearing)
- Wednesday – 06/27/2018 at 5:30 P.M. – First consideration by City Council
- Tuesday – 07/03/2018 at 5:30 P.M – Committee of the Whole (date changed due to holiday)
- Wednesday - 07/11/2018 at 5:30 P.M. – Second consideration by City Council
- Wednesday – 07/18/2018 at 5:30 P.M – Committee of the Whole
- Wednesday - 07/25/2018 at 5:30 P.M. – Third & Final consideration by City Council

A tabling (delay) may occur at any point in this process.

If you have any questions, please contact the Community Planning Office at 563-326-7765 or use the office e-mail [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)



3816 W Locust Street



1909 N Zenith Avenue



3830 W Locust Street



## Bing Maps

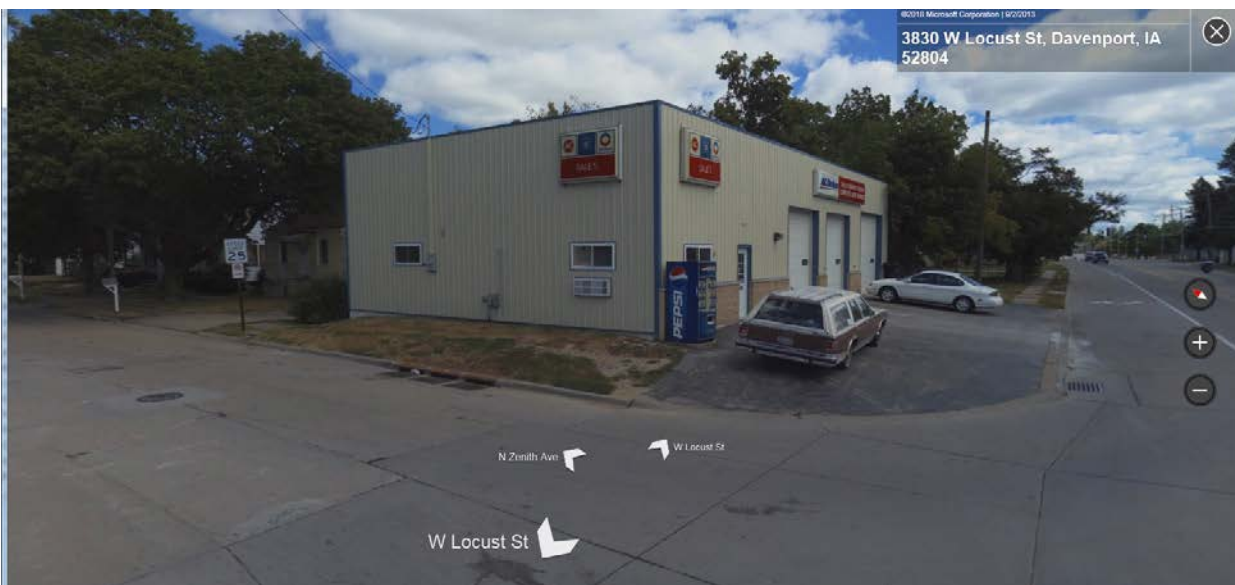


3822 W Locust St

3816 W Locust St



1909 N Zenith Ave



3830 W Locust Street



DATE: May 24, 2018  
TO: Community Planning

Please be informed of my opposition to the rezoning of the properties located at 1909 N. Zenith Ave and 3816 W. Locust St.

For the following reasons I am in opposition the rezoning:

1. There is no assertion or indication that encroachment on Zenith Ave. will in anyway help the immediate area or community. Further, there is no assertion or indication that this will help the community in general.
2. If the property on Zenith is rezoned it will increase an already busy intersection (Locust & Zenith) both from Zenith and turning onto Zenith.
  - As the garage business has increased the business has consistently parked vehicles of all types abutting the West Locust Street curb line blocking the needed view of anyone wishing to enter West Locust Street from Zenith Avenue.
3. As sited in # 2 above it is extremely dangerous to enter the intersection from Zenith Avenue onto West Locust Street – turning either way. To look for traffic turning onto Locust Street you must pull into Locust Street beyond the vehicles parked in the right of way, of the Dale's Garage to check for oncoming traffic.
4. Wrecker and flatbed trucks deliver vehicles blocking traffic on West Locust Street which creates traffic flow problems as well as great safety problems for anyone using West Locust Street. Traffic backs up causing further safety problems.
5. Wrecker and flatbed trucks deliver vehicles blocking traffic on Zenith Avenue which creates traffic flow problems as well as great safety problems for anyone using Zenith Avenue or wanting to enter Zenith Avenue from West Locust Street. Traffic backs up in both directions causing further safety problems.
6. To rezone a single family home in a clearly residential strip of homes and to replace it into a dangerous traffic situation for all the reasons above is not warranted or advisable.
7. Dales has clearly outgrown his business location and needs to consider relocating, which is a good thing. What is not good is the unrestricted conversion to a commercial Zenith Avenue.

Should you have any questions regarding this letter or the issues that I have presented please feel free to contact me using the following information.

Regards,

Steve Clough  
2107 N. Zenith Ave.  
Davenport, Iowa 52804  
563-370-4713

**From:** [Fisher, William \(Billy\)](#)  
**To:** [Wille, Wayne](#)  
**Cc:** [Kay, Amy](#)  
**Subject:** RE: two companion zonings  
**Date:** Friday, June 01, 2018 1:47:38 PM  
**Attachments:** [image001.png](#)

---

The two properties combine for 10,400 square feet. Depending on how much they decide to pave, they will need to treat the WQv.

Thank you,

[Billy Fisher, CPMSM](#)  
[Urban Conservationist](#)  
[City of Davenport](#)  
[Ph - 563-888-2107](#)  
[Fax - 563-327-5182](#)

---

**From:** Wille, Wayne

**Sent:** Friday, May 25, 2018 9:53 AM

**To:** Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne

**Subject:** two companion zonings

Here are two rezoning requests to create parking for Dales Service Center at 3830 W Locust Street (the sketch is preliminary). These are going to Public Hearing on June 5<sup>th</sup>. Please respond with comments by Friday the 8th. Thank you

Wayne Wille, CFM - Planner II  
Community Planning Division  
226 W 4th St - Davenport IA 52801  
563-326-6172 - [wtw@ci.davenport.ia.us](mailto:wtw@ci.davenport.ia.us)  
563-326-7765 - [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

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



**From:** [Longlett, Eric](#)  
**To:** [Wille, Wayne](#)  
**Subject:** RE: two companion zonings  
**Date:** Friday, May 25, 2018 3:33:20 PM  
**Attachments:** [image002.jpg](#)  
[image003.png](#)

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With diagonal parking northbound, how would they exit on the 3816 property?

Any drive entrance will need to have the proper permits (drive/excavation and sw) constructed per City SUDAS standards with appropriate inspections.

**Eric Longlett**  
Engineering Manager  
City of Davenport, Iowa  
Phone: 563-327-5153  
Cell: 563-370-3972  
CoD logo 322c lrg

---

**From:** Wille, Wayne  
**Sent:** Friday, May 25, 2018 9:53 AM  
**To:** Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne  
**Subject:** two companion zonings

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Wayne Wille, CFM - Planner II  
Community Planning Division  
226 W 4th St - Davenport IA 52801  
563-326-6172 - [ww@ci.davenport.ia.us](mailto:ww@ci.davenport.ia.us)  
563-326-7765 - [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

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

City of Davenport

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

**Action / Date**  
**6/6/2018**

**Subject:**

Resolution for Case No. F18-03: Final plat Pheasant Ridge First Addition on 43.27 acres, more or less, located west of Elmore Avenue and north of East 53rd Street containing three (3) lots to facilitate the sale of property for development. Property is currently zoned A-1 Agricultural District. Lot 1 is proposed to be rezoned to R-2, Low Density Residential District and Lot 2 is proposed to be rezoned to PDD, Planned Development District. [Ward 6]

**Recommendation:**

Adopt the resolution

**Relationship to Goals:**

Urban Revitalization (Welcoming Neighborhoods)

**Background:**

The City Plan and Zoning Commission concurred with the finding(s) and recommendation of City staff and forwards Case No. F18-03 to the City Council for approval subject to the conditions as stated in the Commission's letter dated May 16, 2018.

**Findings:**

The proposed plat facilitates the sale and proposed development of the property.

The proposed plat complies with the land use portion of Davenport+2035: Comprehensive Plan for the City.

**Conditions:**

1. That a drainage easement and the Flood Insurance Rate Map floodplain boundary be shown on the plat as it impacts each lot and potential development within this plat.
2. The drainage easement along Pheasant Creek which includes the floodplain area shall also be designated a greenway easement.

The Commission vote for approval was 5-yes, 0-no and 2-abstentions.

The apparent reason for the plat is to facilitate the sale for future development. The owner has platted three lots:

- Lot 1 being proposed for residential zoning and development.
- Lot 2 being proposed zoned for commercial use(s).
- Lot 3 will remain agricultural being primarily Pheasant Creek floodplain.

**ATTACHMENTS:**

| Type                | Description            |
|---------------------|------------------------|
| ▣ Resolution Letter | F18-03 Resolution Only |
| ▣ Backup Material   | F18-03 Background      |

**REVIEWERS:**

| Department                                | Reviewer           | Action   | Date                |
|-------------------------------------------|--------------------|----------|---------------------|
| Community Planning & Economic Development | Berger, Bruce      | Approved | 5/31/2018 - 5:11 PM |
| Community Development Committee           | Berger, Bruce      | Approved | 5/31/2018 - 5:12 PM |
| City Clerk                                | Thorndike, Tiffany | Approved | 5/31/2018 - 5:43 PM |

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

Resolution offered by Alderman Gripp

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. F18-03: Final plat Pheasant Ridge First Addition on 43.27 acres, more or less, located west of Elmore Avenue and north of East 53<sup>rd</sup> Street containing three (3) lots to facilitate the sale of property for development. Property is zoned "R-3" Low Density Dwelling District and "PDD" Planned Development District. [Ward 6]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of Pheasant Ridge First Addition to the City of Davenport, Iowa, be the same and is hereby approved and accepted subject to all the conditions as stated in the Commission's letter dated May 16, 2018 and as follows:

1. That a drainage easement and the Flood Insurance Rate Map floodplain boundary be shown on the plat as it impacts each lot and potential development within this plat.
2. The drainage easement along Pheasant Creek which includes the floodplain area shall also be designated a greenway easement.

and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

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





226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

May 16, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of May 15, 2018, the City Plan and Zoning Commission considered Case No. F18-03 being the request of Adam Seitz for a final plat Pheasant Ridge First Addition on 43.27 acres, more or less located west of Elmore Avenue and north of East 53<sup>rd</sup> Street containing three (3) lots. [Ward 6] There are two companion zonings; one for residential "R-2" on Lot 1 and commercial "PDD" on Lot 2. Lot 3 will remain zoned agricultural at this time. The concept plan for the area being zoned residential shows a typical single family development similar to that to the west of this area. There is now a preliminary plat submittal for Lot 1 that coincides with the proposed "R-2" zoning.

Findings:

- The proposed plat facilitates the sale and proposed development of the property.
- The proposed plat complies with the land use portion of Davenport+2035: Comprehensive Plan for the City.

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F18-03 to the City Council for approval subject to the following conditions:

1. That a drainage easement and the Flood Insurance Rate Map floodplain boundary be shown on the plat as it impacts each lot and potential development within this plat.
2. The drainage easement along Pheasant Creek which includes the floodplain area shall also be designated a greenway easement.

Respectfully submitted,

Robert Inghram, Chairperson  
City Plan and Zoning Commission



| APPROVED |           |                                   |                                   |                                 |  |  |  |  |  |
|----------|-----------|-----------------------------------|-----------------------------------|---------------------------------|--|--|--|--|--|
| Name:    | Roll Call | REZ18-04<br>Pheasant Creek<br>LLC | REZ18-05<br>Pheasant Creek<br>LLC | F18-01<br>Pheasant Ridge<br>1st |  |  |  |  |  |
| Connell  | P         | Y                                 | Y                                 | Y                               |  |  |  |  |  |
| Hepner   | P         | N                                 | Y                                 | Y                               |  |  |  |  |  |
| Inghram  | P         |                                   |                                   |                                 |  |  |  |  |  |
| Johnson  | EX        |                                   |                                   |                                 |  |  |  |  |  |
| Kelling  | EX        |                                   |                                   |                                 |  |  |  |  |  |
| Lammers  | EX        |                                   |                                   |                                 |  |  |  |  |  |
| Maness   | P         | Y                                 | Y                                 | Y                               |  |  |  |  |  |
| Medd     | P         | Y                                 | Y                                 | Y                               |  |  |  |  |  |
| Quinn    | P         | ABS                               | ABS                               | ABS                             |  |  |  |  |  |
| Reinartz | P         | N                                 | Y                                 | Y                               |  |  |  |  |  |
| Tallman  | P         | ABS                               | ABS                               | ABS                             |  |  |  |  |  |
|          |           | 3-YES<br>2-NO<br>2-ABSTAIN        | 5-YES<br>0-NO<br>2-ABSTAIN        | 5-YES<br>0-NO<br>2-ABSTAIN      |  |  |  |  |  |



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

## PLAN AND ZONING COMMISSION

**Preview Date:** May 15, 2018  
**Request:** F18-03 Final Plat – Pheasant Ridge First Addition  
**Address:** West of Elmore Avenue & North of East 53<sup>rd</sup> Street  
**Applicant:** Pheasant Creek Estates LLC (Adam Seitz)

### INTRODUCTION

Request of Adam Seitz for a final plat Pheasant Ridge First Addition on 43.27 acres, more or less located west of Elmore Avenue and north of East 53<sup>rd</sup> Street containing three (3) lots. [Ward 6] There are two companion zonings; one for residential “R-2” on Lot 1 and commercial “PDD” on Lot 2. Lot 3 will remain zoned agricultural at this time. The concept plan for the area being zoned residential shows a typical single family development similar to that to the west of this area. There is now a preliminary plat submittal for Lot 1 that coincides with the proposed “R-2” zoning.

**Recommendation:** Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F18-03 to the City Council for approval subject to the listed conditions.

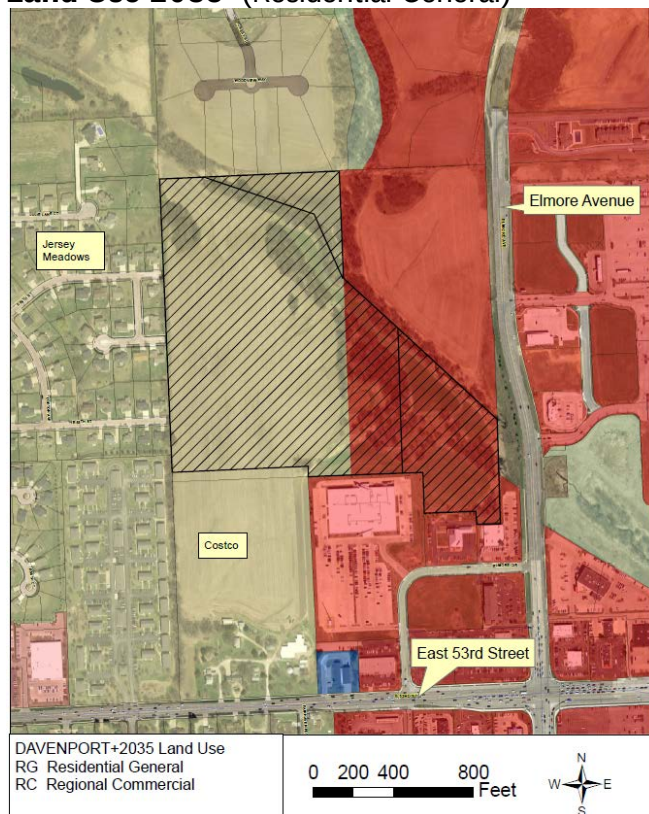
### Aerial Photo:



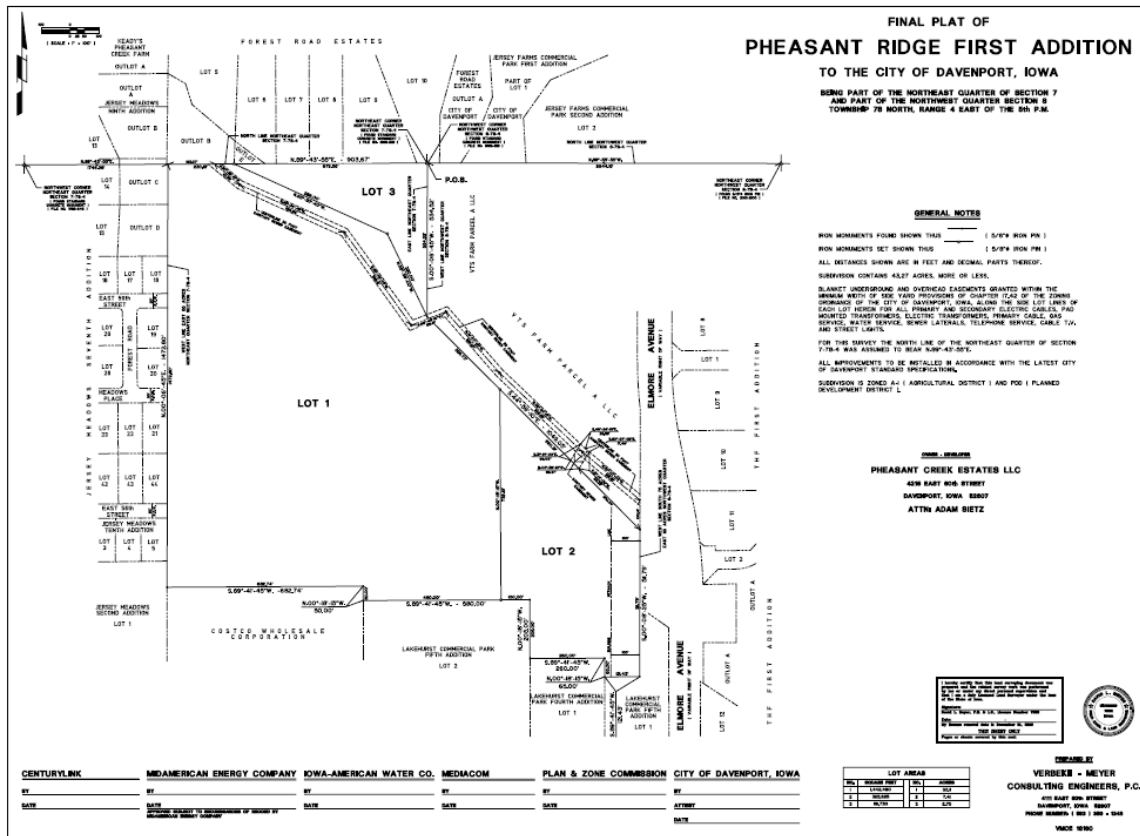
## Zoning (A-1 Agricultural District & PDD Planned Development District)



## Land Use 2035 (Residential General)



## Plat



## BACKGROUND

### Comprehensive Plan:

Within Urban Service Area (USB35): Yes  
Proposed Land Use Designation: RG - Residential General & RC Regional Commercial

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

Regional Commercial (RC) – Are the most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; although some residential, service and institutional uses may also be located within RC. However, good pedestrian systems should serve these areas and focus on

connectivity from the street, through parking lots and between individual uses. Connectivity to nearby neighborhoods is desirable but less important.

Relevant *Davenport+2035* Goals and Objectives:

1. *Strengthen the existing built environment.*
  - b. *Reduce the number of underoccupied, abandoned, or vacant buildings / properties through adaptive reuse and infill.*
2. *Identify and reserve land for future development*

### **Technical Review:**

Streets. No new streets are proposed with this request, though the proposed preliminary plat (replat of Lot 1) proposes the extension of existing streets.

Storm Water. With the companion rezoning an area for possible detention is being proposed on the southeast corner of Lot 1, shown on the rezoning concept plan. Pheasant Creek is located along the approximate northeast boundary of Lots 1 and 2. A drainage easement and the Flood Insurance Rate Map floodplain boundary will need to be shown as it will impact many of the proposed lots and development of this plat. A buffer along the top of bank will also be required.

Sanitary Sewer. Sanitary sewer service is located in Pheasant Creek and lines are stubbed at the end of existing streets abutting the west line of Lot 1. An easement for the 15-inch line along the east line of Lot 3 will need to be added to the plat.

Other Utilities. This is an urban area and normal utility services are available.

Parks/Open Space. A greenway is proposed along Pheasant Creek. The drainage easement along Pheasant Creek which will include the floodplain area should also be designated a greenway easement. An alternative to the easement would be to dedicate to the City for stormwater, floodplain and greenway purposes floodplain area along Pheasant Creek. This will lessen concerns regarding flood insurance for the developer and future owners of individual lots.

**PUBLIC INPUT** This is a subdivision plat. No notification is required. Notification is done with the companion rezoning.

### **DISCUSSION**

Request of Adam Seitz for a final plat Pheasant Ridge First Addition on 43.27 acres, more or less located west of Elmore Avenue and north of East 53<sup>rd</sup> Street containing three (3) lots. [Ward 6] There are two companion zonings; one for residential "R-2" on Lot 1 and commercial "PDD" on Lot 2. Lot 3 will remain zoned agricultural at this time. The concept plan for the area being zoned residential shows a typical single family development similar to that to the west of this area.

The plat of the first addition appears to be proposed to facilitate the sale and eventual development of the property. Lot 1 coincides with the current request for "R-2" residential zoning and with a proposed preliminary plat for single family residential uses.



B. Whenever any stream or water course is located in an area that is being subdivided, the subdivider shall dedicate a public right-of-way or drainage easement conforming substantially with the lines of such stream or water course and shall include such additional area adjoining both edges of such stream or water course that has been affected by damaging flood waters and/or inundated by the one hundred-year flood waters, as determined by the city engineer. This easement area shall also contain a minimum thirty foot vegetated buffer area on both sides of the stream as measured landward horizontally on a line perpendicular to a vertical line marking the top of the existing banks of the stream or drainage way. This buffer shall be planted with vegetation native to the mid-west region of the United States and maintained as a prairie as outlined in the Davenport Stormwater Manual.

C. Unless deeded to the city of Davenport, maintenance of the stream, streambanks and easement areas described in Section 13.34.160B shall be the responsibility of the landowners upon which the stream is located. This maintenance responsibility shall be clearly defined in a recorded document. The subdivider shall also provide reasonable public easements for access. Procedures for transfer of the property described in Section 13.34.160B to the city for maintenance or ownership are described in the Davenport Stormwater Manual.

D. It shall be noted on the final plat, "Owners of lots on which a drainage easement has been established as a stormwater passageway shall maintain said easement as a lawn, planted in grass and free of structures, fences, fill, bushes, trees, shrubs, or other landscaping that would impede the flow of water" and "Owners of lots on which a stream buffer is required shall maintain said buffer as a native planting area, not allowing vegetation to be cut to a height of less than nine-inches without authorization of the city of Davenport natural resources division." In the event that the area established as a drainage easement is reshaped or otherwise restricted for use as a drainage easement, the city will cause the restrictions to be removed at the expense of the parties causing the restriction.

## **STAFF RECOMMENDATION**

### **Findings:**

- The proposed plat facilitates the sale and proposed development of the property.
- The proposed plat complies with the land use portion of Davenport+2035: Comprehensive Plan for the City.

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F18-03 to the City Council for approval subject to the following conditions:

1. That a drainage easement and the Flood Insurance Rate Map floodplain boundary be shown on the plat as it impacts each lot and potential development within this plat.
2. The drainage easement along Pheasant Creek which includes the floodplain area shall also be designated a greenway easement.

Prepared by:

Wayne Wille, CFM – Planner II  
Community Planning Division

**CITY OF DAVENPORT  
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (CPED)  
SUBDIVISION REFERENCE FILE**

**PRELIM / FINAL / PUD** (circle the appropriate designation)

SUBDIVISION NAME: PHEASANT RIDGE FIRST ADDITION

LOCATION: North of 53rd Street, West of Elmore Avenue

DEVELOPER:           Name: Pheasant Creek Estates, LLC (Adam Seitz)  
                          Address: 4215 East 60th Street, Davenport, IA 52807  
                          Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
                          Mobile Phone: 563-940-4030      Email: adam@advancehomesinc.com

ENGINEER:           Name: Verbeke-Meyer Consulting Engineers, P.C.  
                          Address: 4211 East 60th Street, Davenport, IA 52807  
                          Phone: 563-359-1348                      FAX: 563-359-3295  
                          Mobile Phone: \_\_\_\_\_      Email: d1m@verbeke-meyer.com

ATTORNEY:           Name: Samuel J. Skorepa  
                          Address: 220 North Main Street, Suite #200, Davenport, IA 52801  
                          Phone: 563-333-6646                      FAX: 563-324-1616  
                          Mobile Phone: \_\_\_\_\_      Email: sskorepa@L-WLAW.com

OWNER:               Name: Same as Developer  
                          Address: \_\_\_\_\_  
                          Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
                          Mobile Phone: \_\_\_\_\_      Email: \_\_\_\_\_

NUMBER OF LOTS:     3 Total Lots                                      ACRES: 43.27  
                          SF       2F       MF & EST. UNITS       COMM       IND

STREETS ADDED:       - 0 - LINEAR FEET

Does the plat contain a drainage way or floodplain area: \* Yes    \_\_\_ No

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

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



FINAL PLAT OF  
PHEASANT RIDGE FIRST ADDITION  
TO THE CITY OF DAVENPORT, IOWA

BEING PART OF THE NORTHEAST QUARTER OF SECTION 7  
AND PART OF THE NORTHWEST QUARTER SECTION 8  
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5th P.M.

GENERAL NOTES

IRON MONUMENTS FOUND SHOWN THUS ( 5/8" Ø IRON PIN )

IRON MONUMENTS SET SHOWN THUS ( 5/8" Ø IRON PIN )

ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.

SUBDIVISION CONTAINS 43.27 ACRES, MORE OR LESS.

BLANKET UNDERGROUND AND OVERHEAD EASEMENTS GRANTED WITHIN THE MINIMUM WIDTH OF SIDE YARD PROVISIONS OF CHAPTER 17.42 OF THE ZONING ORDINANCE OF THE CITY OF DAVENPORT, IOWA, ALONG THE SIDE LOT LINES OF EACH LOT HEREIN FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD MOUNTED TRANSFORMERS, ELECTRIC TRANSFORMERS, PRIMARY CABLE, GAS SERVICE, WATER SERVICE, SEWER LATERALS, TELEPHONE SERVICE, CABLE T.V. AND STREET LIGHTS.

FOR THIS SURVEY THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 7-78-4 WAS ASSUMED TO BEAR N.89°-43'-55"E.

ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY OF DAVENPORT STANDARD SPECIFICATIONS.

SUBDIVISION IS ZONED A-1 ( AGRICULTURAL DISTRICT ) AND PDD ( PLANNED DEVELOPMENT DISTRICT ).

1% ANNUAL CHANCE FLOOD LIMITS TAKEN FROM FLOOD INSURANCE RATE MAP NUMBER 19163C0360F, EFFECTIVE DATE FEBRUARY 18, 2011.

OWNER - DEVELOPER

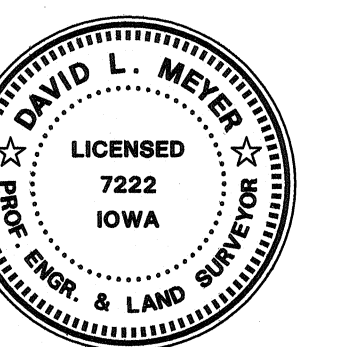
PHEASANT CREEK ESTATES LLC

4215 EAST 60th STREET

DAVENPORT, IOWA 52807

ATTN: ADAM SEITZ

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.  
Signature: *David L. Meyer*  
Date: MARCH 26, 2018  
My license renewal date is December 31, 2018  
THIS SHEET ONLY  
Pages or sheets covered by this seal:

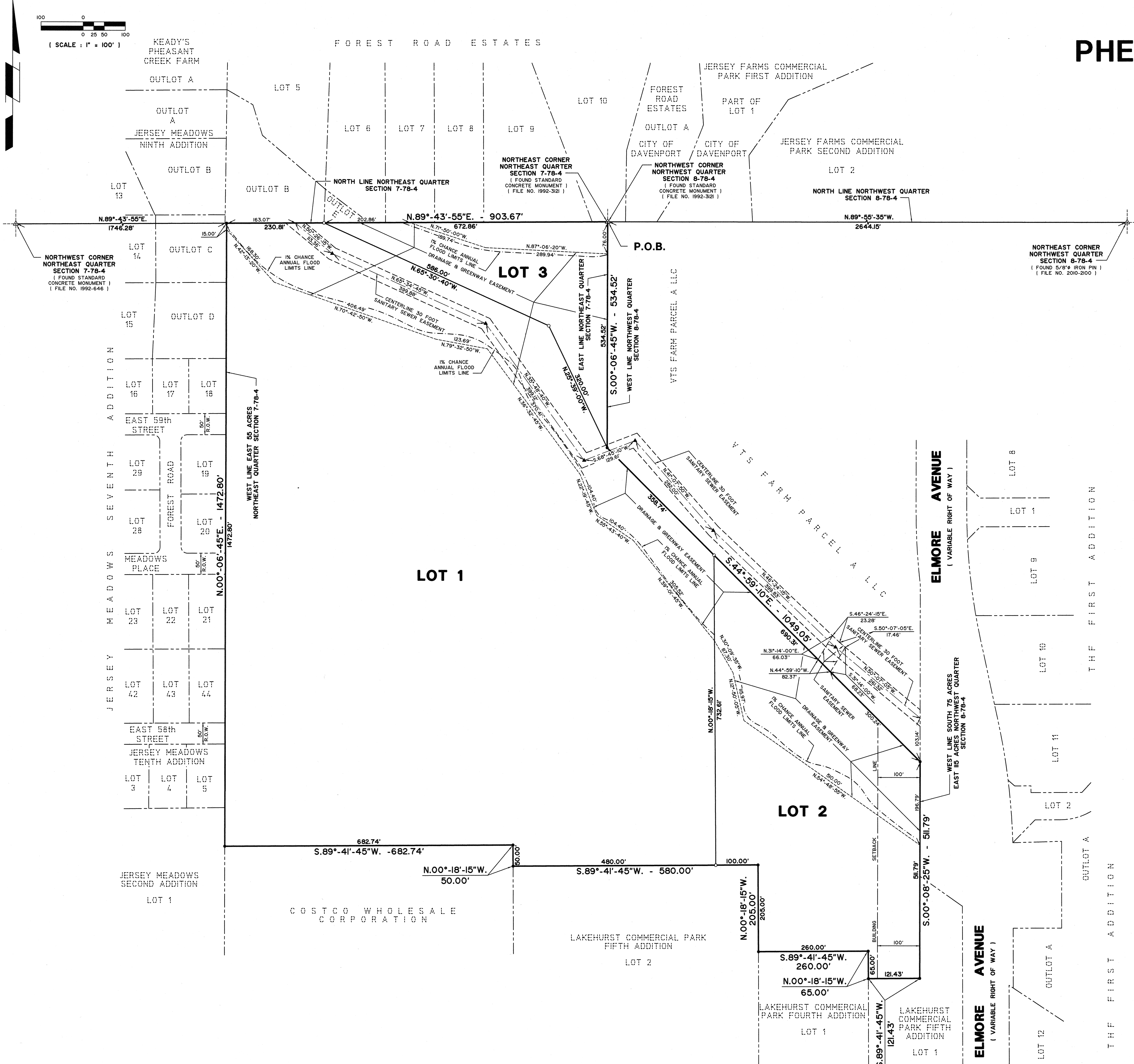


PREPARED BY

VERBEKE - MEYER  
CONSULTING ENGINEERS, P.C.

4111 EAST 60th STREET  
DAVENPORT, IOWA 52807  
PHONE NUMBER: ( 563 ) 359 - 1348

VMCE 18160



CENTURYLINK

BY *AW*  
DATE 5/23/18

MIDAMERICAN ENERGY COMPANY

BY *Mark Krueger*  
DATE 5/23/18  
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY  
MIDAMERICAN ENERGY COMPANY

IOWA-AMERICAN WATER CO.

BY *William J. Ollender*  
DATE 5-23-18

MEDIACOM

BY *[Signature]*  
DATE 5/23/18

PLAN & ZONE COMMISSION

BY *[Signature]*  
DATE

CITY OF DAVENPORT, IOWA

BY *[Signature]*  
ATTEST  
DATE

| LOT AREAS |             |     |       |
|-----------|-------------|-----|-------|
| NO.       | SQUARE FEET | NO. | ACRES |
| 1         | 1,442,460   | 1   | 33.1  |
| 2         | 322,625     | 2   | 7.41  |
| 3         | 119,730     | 3   | 2.75  |



City of Davenport

Agenda Group: Community Development  
Department: Community Development Committee  
Contact Info: Matt Flynn, 888-2286  
Wards: 6

**Action / Date**  
**COW7/3/2018**

**Subject:**

Resolution for Case No. P18-03: Request of Pheasant Creek Estates LLC for a preliminary plat of 43.27 acres, more or less, creating 64 buildable lots and 17 outlots. [Ward 6]

**Recommendation:**

Adopt the resolution.

**Relationship to Goals:**

Welcoming Neighborhoods

**Background:**

The preliminary plat lays out the general parameters for future residential development. Final plats, likely to be submitted in stages, are forthcoming.

At its June 5, 2018 meeting, the Plan and Zoning Commission unanimously recommended approval of the preliminary plat.

**Findings:**

The preliminary plat mostly conforms to the comprehensive plan.

The preliminary plat extends of the existing street system and provides for continued residential growth of the Jersey Meadows area.

**Conditions:**

1. That section lines be shown;
2. That the dimensions of existing street and rights-of-way are shown;
3. That areas of significant tree cover are delineated;
4. That the location and sizes of existing sanitary and storm sewer line(s) as well as water mains are shown;
5. That the existing and proposed zoning be noted;
6. That the existing and proposed drainage patterns of site be shown;
7. That the outlots "O.L. A" through "O.L. Q" be renamed to "Lot A" through "Lot Q" and designated and noted as being for a specific purpose(s).

**ATTACHMENTS:**

| Type                | Description                             |
|---------------------|-----------------------------------------|
| ▣ Resolution Letter | Resolution                              |
| ▣ Cover Memo        | Staff Report and Background Information |
| ▣ Backup Material   | P&Z Letter                              |

**REVIEWERS:**

| Department            | Reviewer    | Action   | Date                |
|-----------------------|-------------|----------|---------------------|
| Community Development | Flynn, Matt | Approved | 6/29/2018 - 5:10 PM |

Committee

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

Resolution offered by Alderman Gripp

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. P18-03: The Preliminary Plat for Pheasant Ridge Subdivision, located west of Elmore Avenue and north of East 53<sup>rd</sup> Street, containing 64 buildable lots on 43.27 acres, more or less.(Pheasant Creek Estates LLC, Petitioner) [Ward 6]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the preliminary plat of Seng Meadows to the City of Davenport, Iowa, be the same and is hereby approved and accepted subject to all the conditions as stated in the Commission's letter dated June 6, 2018 and as follows:

1. That section lines be shown;
2. That the dimensions of existing street and rights-of-way are shown;
3. That areas of significant tree cover are delineated;
4. That the location and sizes of existing sanitary and storm sewer line(s) as well as water mains are shown;
5. That the existing and proposed zoning be noted;
6. That the existing and proposed drainage patterns of site be shown;
7. That the outlots "O.L. A" through "O.L. Q" be renamed to "Lot A" through "Lot Q" and designated and noted as being for a specific purpose(s).

and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

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



**CITY OF DAVENPORT  
COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (CPED)  
SUBDIVISION REFERENCE FILE**

**PRELIM / FINAL / PUD** (circle the appropriate designation)

SUBDIVISION NAME: PHEASANT RIDGE FIRST ADDITION

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                          Address: 4215 East 60th Street, Davenport, IA 52807  
                          Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
                          Mobile Phone: 563-940-4030      Email: adam@advancehomesinc.com

ENGINEER:           Name: Verbeke-Meyer Consulting Engineers, P.C.  
                          Address: 4211 East 60th Street, Davenport, IA 52807  
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ATTORNEY:           Name: Samuel J. Skorepa  
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                          Phone: 563-333-6646      FAX: 563-324-1616  
                          Mobile Phone: \_\_\_\_\_ Email: sskorepa@L-WLAW.com

OWNER:               Name: Same as Developer  
                          Address: \_\_\_\_\_  
                          Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
                          Mobile Phone: \_\_\_\_\_ Email: \_\_\_\_\_

NUMBER OF LOTS:     3 Total Lots      ACRES: 43.27  
                          SF      2F      MF & EST. UNITS      COMM      IND

STREETS ADDED:      - 0 - LINEAR FEET

Does the plat contain a drainage way or floodplain area: \* Yes    \_\_\_ No

| Fee per Plat               |                                                             | Fee                                         |
|----------------------------|-------------------------------------------------------------|---------------------------------------------|
| Ten or fewer lots          | ( < 10 lots )                                               | \$400 plus \$25/lot                         |
| Eleven to twenty-five lots | ( ≥ 11 lots ≤ 25 lots )                                     | \$700 plus \$25/lot                         |
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**NOTE: THE PLAT WILL NOT BE PROCESSED UNTIL THE FEE AND COMPLETED REFERENCE FILE  
ARE RECEIVED BY THE PLANNING AND LAND DEVELOPMENT OFFICE.**



## PLAN AND ZONING COMMISSION

**Preview Date:** June 05, 2018  
**Request:** P18-03 Preliminary Plat – Pheasant Ridge Subdivision  
**Address:** West of Elmore Avenue & North of East 53<sup>rd</sup> Street  
**Applicant:** Pheasant Creek Estates LLC (Adam Seitz)

### INTRODUCTION

Request of Adam Seitz for a preliminary plat Pheasant Ridge Subdivision on 43.27 acres, more or less located west of Elmore Avenue and north of East 53<sup>rd</sup> Street containing 64 residential lots and 17 outlots which contain the detention area as well as the floodplain for Pheasant Creek. [Ward 6]

There is a companion map amendment (zoning) from “A-1” Agricultural to the “R-2” Low Density Dwelling District classification. The previous final plat Pheasant Ridge First Addition set the stage for this preliminary plat by facilitating the sale of the property and delineating the area to be zoned for residential use.

**Recommendation:** Staff recommend the City Plan and Zoning Commission accept the findings and forward Case No. P18-03 to the Council for approval subject to the listed conditions.

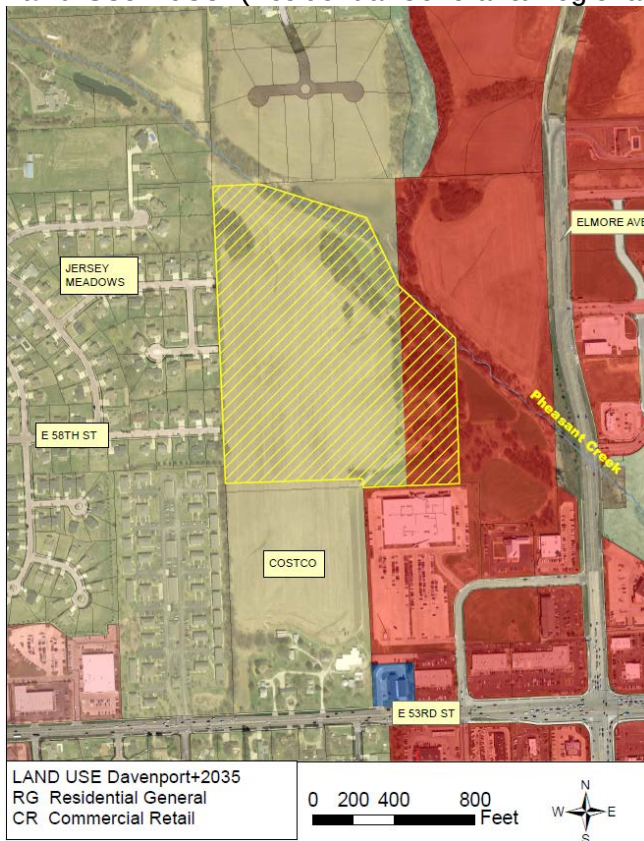
### Aerial Photo:



## Zoning (A-1 Agricultural District-proposed R-2 Low Density Dwelling)

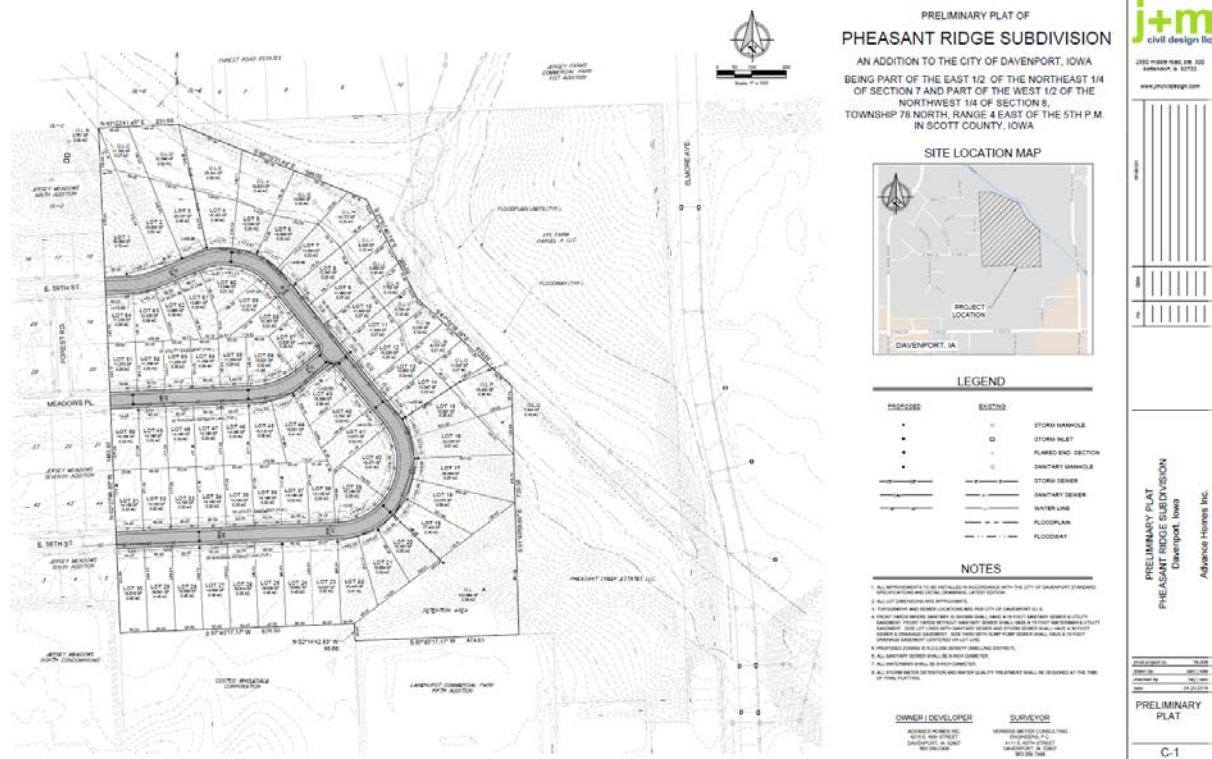


## Land Use 2035 (Residential General & Regional Commercial)





## Plat



## BACKGROUND

### Comprehensive Plan:

Within Urban Service Area (USB35): Yes  
Proposed Land Use Designation: RG - Residential General & RC Regional Commercial

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

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Relevant *Davenport+2035* Goals and Objectives:

1. *Strengthen the existing built environment.*
  - b. *Reduce the number of underoccupied, abandoned, or vacant buildings / properties through adaptive reuse and infill.*
2. *Identify and reserve land for future development*

#### **Technical Review:**

1. Streets. The proposed preliminary plat provides for the extension of and inter-connection of the existing street system including 58<sup>th</sup> and 59<sup>th</sup> Streets, and Meadows Place. A condition of the rezoning was *"No street connection from the proposed Pheasant Creek Subdivision east to Elmore Avenue shall be made"*.

Storm Water. An area for detention is being proposed in the southeast corner of the development and is shown as "O.L. A". The remaining outlots contain the floodplain of Pheasant Creek. The general topography of the exiting area slopes (drains) toward the east and Pheasant Creek. A drainage easement and the Flood Insurance Rate Map floodplain boundary will need to be shown as it will impact many of the proposed lots and development of this plat. A buffer along the top of bank will also be required.

Sanitary Sewer. Sanitary sewer service is located in Pheasant Creek and lines are stubbed at the end of existing streets abutting the west line of Lot 1. An easement for the 15-inch line along the east line of Lot 3 will need to be added to the plat.

Other Utilities. This is an urban area and normal utility services are available.

Parks/Open Space. A greenway is proposed along Pheasant Creek. The drainage easement along Pheasant Creek which will include the floodplain area should also be designated a greenway easement. An alternative to the easement would be to dedicate to the City for stormwater, floodplain and greenway purposes floodplain area along Pheasant Creek. This will lessen concerns regarding flood insurance for the developer and future owners of individual lots.

**PUBLIC INPUT** This is a subdivision plat. No notification is required. Notification was done with the companion rezoning, and is schedule for a public hearing before the Committee of the Whole on June 6<sup>th</sup>, 2018.

#### **DISCUSSION**

Request of Adam Seitz for a final plat Pheasant Ridge First Addition on 43.27 acres, more or less located west of Elmore Avenue and north or East 53<sup>rd</sup> Street containing three (3) lots. [Ward 6] There are two companion zonings; one for residential "R-2" on Lot 1 and commercial "PDD" on Lot 2. Lot 3 will remain zoned agricultural at this time. The concept plan for the area being zoned residential shows a typical single family development similar to that to the west of this area.

B. *Whenever any stream or water course is located in an area that is being subdivided, the subdivider shall dedicate a public right-of-way or drainage easement conforming substantially with the lines of such stream or water course and shall include such additional area adjoining both edges of such stream or water course that has been affected by damaging flood waters*

and/or inundated by the one hundred-year flood waters, as determined by the city engineer. This easement area shall also contain a minimum thirty foot vegetated buffer area on both sides of the stream as measured landward horizontally on a line perpendicular to a vertical line marking the top of the existing banks of the stream or drainage way. This buffer shall be planted with vegetation native to the mid-west region of the United States and maintained as a prairie as outlined in the Davenport Stormwater Manual.

C. Unless deeded to the city of Davenport, maintenance of the stream, streambanks and easement areas described in Section 13.34.160B shall be the responsibility of the landowners upon which the stream is located. This maintenance responsibility shall be clearly defined in a recorded document. The subdivider shall also provide reasonable public easements for access. Procedures for transfer of the property described in Section 13.34.160B to the city for maintenance or ownership are described in the Davenport Stormwater Manual.

D. It shall be noted on the final plat, "Owners of lots on which a drainage easement has been established as a stormwater passageway shall maintain said easement as a lawn, planted in grass and free of structures, fences, fill, bushes, trees, shrubs, or other landscaping that would impede the flow of water" and "Owners of lots on which a stream buffer is required shall maintain said buffer as a native planting area, not allowing vegetation to be cut to a height of less than nine-inches without authorization of the city of Davenport natural resources division." In the event that the area established as a drainage easement is reshaped or otherwise restricted for use as a drainage easement, the city will cause the restrictions to be removed at the expense of the parties causing the restriction.

The outlots O.L. A through O.L. Q will need to be renamed to Lot A through Lot Q and designated for specific purpose(s) as per State Code convention; the specific purpose will need to be delineated or noted on the plat

If the rezoning is approved with the stated condition then the following discussion becomes moot. There are challenges to crossing the Pheasant Creek floodplain. The creek bed (thalweg) ranges in elevation from 654 feet near Elmore Avenue to 658 feet near the plats norther boundary. The elevation of Elmore Avenue is at 685 feet near the Pheasant Creek culverts and 707 feet near the plats northern boundary. There is a change in elevation between the Creek and Elmore Avenue of between thirty (30) to fifty (50) feet. Any creek crossing will require an opening or openings large enough to allow at minimum the 100-year flood to flow un-impeded. The elevation of the 100-year flood ranges from 664 just upstream of Elmore Avenue to 672 feet at the plats nrthern boundary. The 100 year flood elevation is between ten (10) to fourteen (14) feet above the creek bed. Any fill placed within the floodplain around the culverts will require compensatory storage of floodplain volume.

Section 16.16.030 of the Subdivision ordinance states:

*The approval of the preliminary plat does not constitute acceptance with the subdivision by the city, but is deemed to be an authorization to proceed with the preparation of the final plat.*

## **STAFF RECOMMENDATION**

Findings:

The preliminary plat mostly conforms to the comprehensive plan.

The preliminary plat extends of the existing street system and provides for continued residential growth of the Jersey Meadows area.



Recommendation:

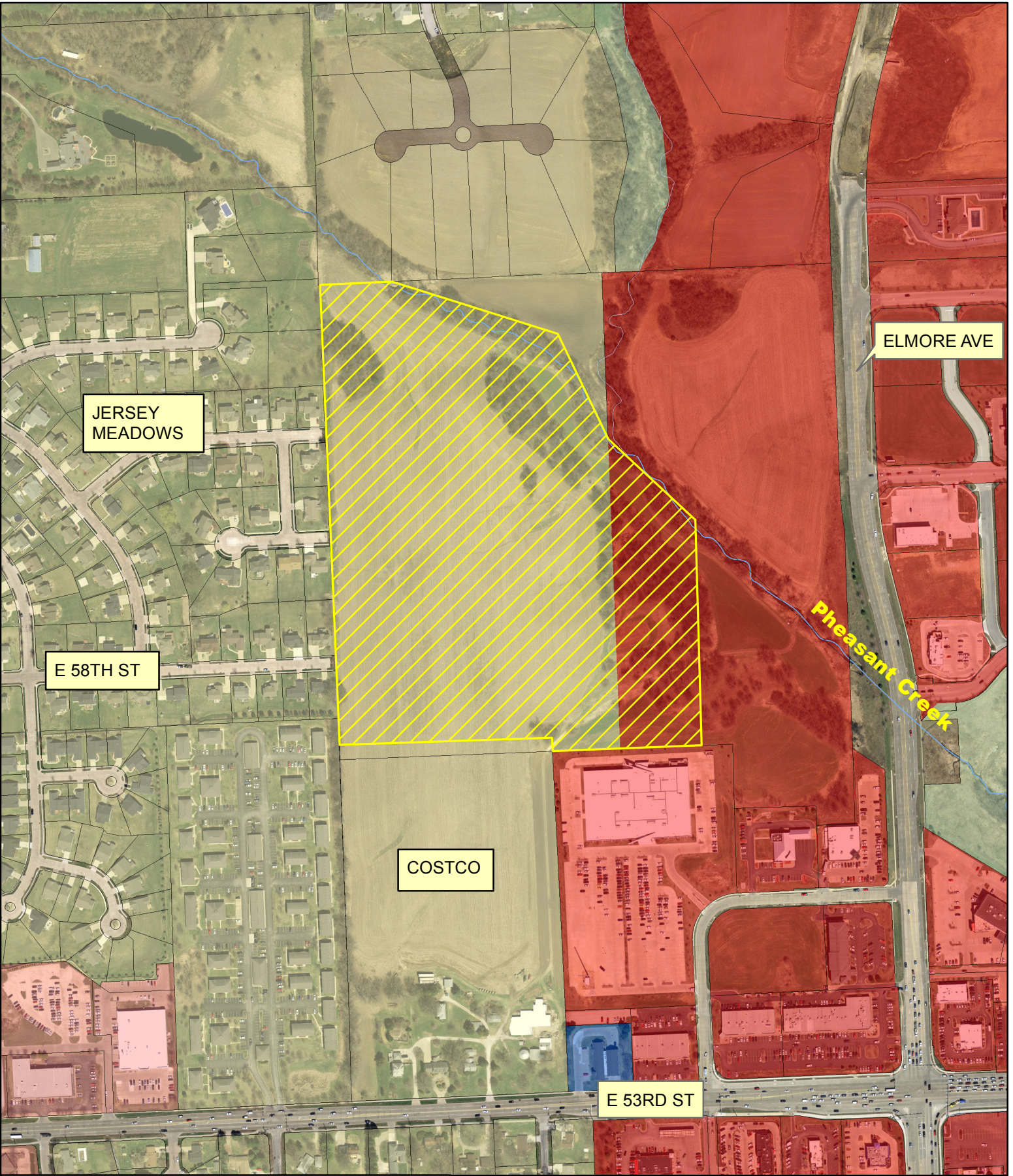
Staff recommends the City Plan and Zoning Commission accept the findings and forward Case No. P18-03 to the City Council for approval subject to the following conditions:

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2. That the dimensions of existing street and rights-of-way are shown;
3. That areas of significant tree cover are delineated;
4. That the location and sizes of existing sanitary and storm sewer line(s) as well as water mains are shown;
5. That the existing and proposed zoning be noted;
6. That the existing and proposed drainage patterns of site be shown;
7. That the outlots "O.L. A" through "O.L. Q" be renamed to "Lot A" through "Lot Q" and designated and noted as being for a specific purpose(s).

Prepared by:

Wayne Wille, CFM – Planner II  
Community Planning Division

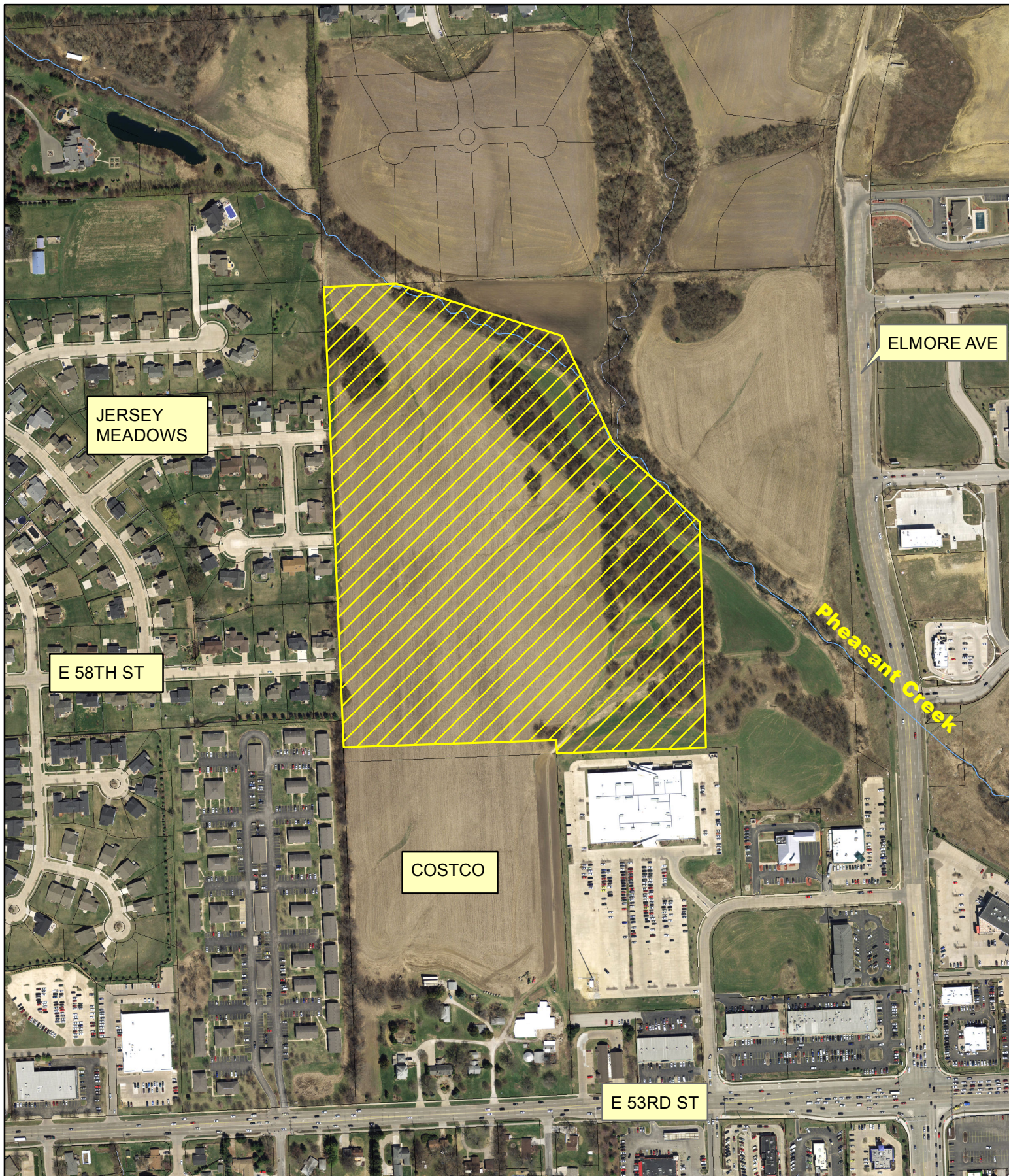




LAND USE Davenport+2035  
RG Residential General  
CR Commercial Retail





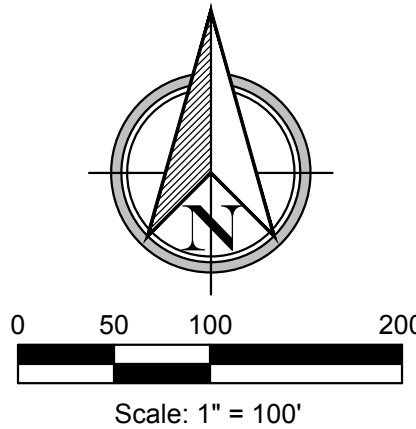
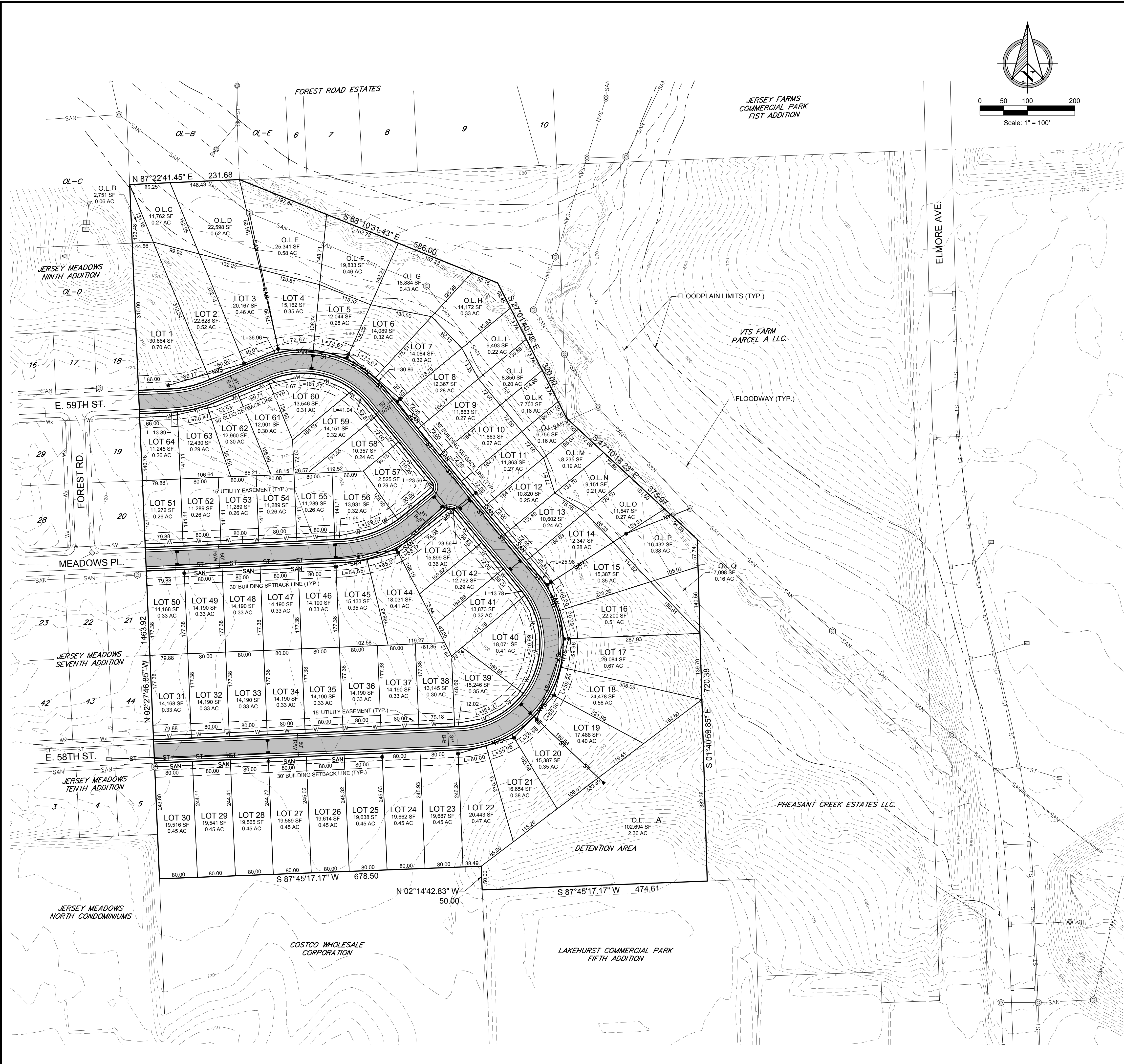


Aerial Photo  
2014

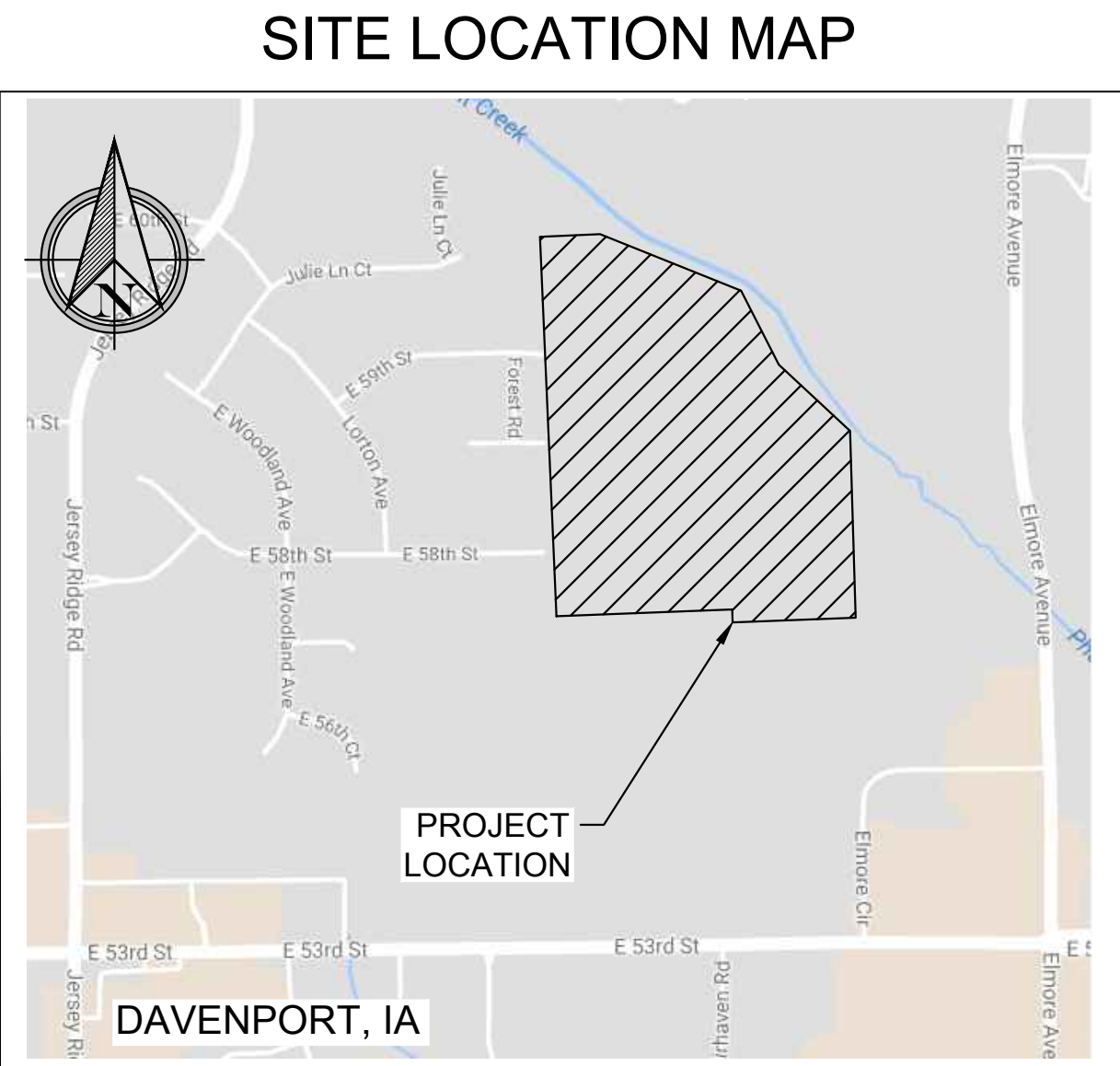
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Feet







PRELIMINARY PLAT OF  
**PHEASANT RIDGE SUBDIVISION**  
AN ADDITION TO THE CITY OF DAVENPORT, IOWA  
BEING PART OF THE EAST 1/2 OF THE NORTHEAST 1/4  
OF SECTION 7 AND PART OF THE WEST 1/2 OF THE  
NORTHWEST 1/4 OF SECTION 8,  
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M.  
IN SCOTT COUNTY, IOWA



| LEGEND   |          |
|----------|----------|
| PROPOSED | EXISTING |
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| ■        | □        |
| ◀        | ◀        |
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| —ST—ST—  | —ST—ST—  |
| —SAN—    | —SAN—    |
| —W—W—    | —Wx—     |
|          | —        |
|          | —        |
|          | —        |
|          | —        |
|          | —        |
|          | —        |

- NOTES**
- ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS AND DETAIL DRAWINGS, LATEST EDITION.
  - ALL LOT DIMENSIONS ARE APPROXIMATE.
  - TOPOGRAPHY AND SEWER LOCATIONS ARE PER CITY OF DAVENPORT G.I.S.
  - FRONT YARDS WHERE SANITARY IS SHOWN SHALL HAVE A 15 FOOT SANITARY SEWER & UTILITY EASEMENT. FRONT YARDS WITHOUT SANITARY SEWER SHALL HAVE A 15 FOOT WATERMAIN & UTILITY EASEMENT. SIDE LOT LINES WITH SANITARY SEWER AND STORM SEWER SHALL HAVE A 30 FOOT SEWER & DRAINAGE EASEMENT. SIDE YARD WITH SUMP PUMP SEWER SHALL HAVE A 10 FOOT DRAINAGE EASEMENT CENTERED ON LOT LINE.
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  - ALL STORM WATER DETENTION AND WATER QUALITY TREATMENT SHALL BE DESIGNED AT THE TIME OF FINAL PLATTING.

|                                                                                  |                                                                                                           |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>OWNER   DEVELOPER</b>                                                         | <b>SURVEYOR</b>                                                                                           |
| ADVANCE HOMES INC.<br>4215 E. 60TH STREET<br>DAVENPORT, IA 52807<br>563.359.0309 | VERBEKE-MEYER CONSULTING<br>ENGINEERS, P.C.<br>4111 E. 60TH STREET<br>DAVENPORT, IA 52807<br>563.359.1348 |

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bettendorf, ia 52722  
www.jmccivildesign.com

|          |  |
|----------|--|
| revision |  |
| date     |  |
| no.      |  |

PRELIMINARY PLAT  
PHEASANT RIDGE SUBDIVISION  
Davenport, Iowa  
Advance Homes Inc.

PROJECT NO. 18-008  
DRAWN BY: cam | kdw  
CHECKED BY: baj | cam  
DATE: 04.23.2018

PRELIMINARY  
PLAT

C-1



City Plan & Zoning Commission Voting Record

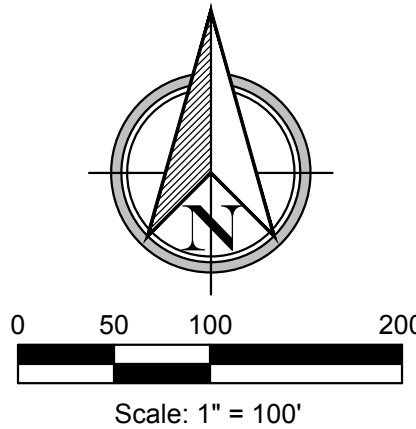
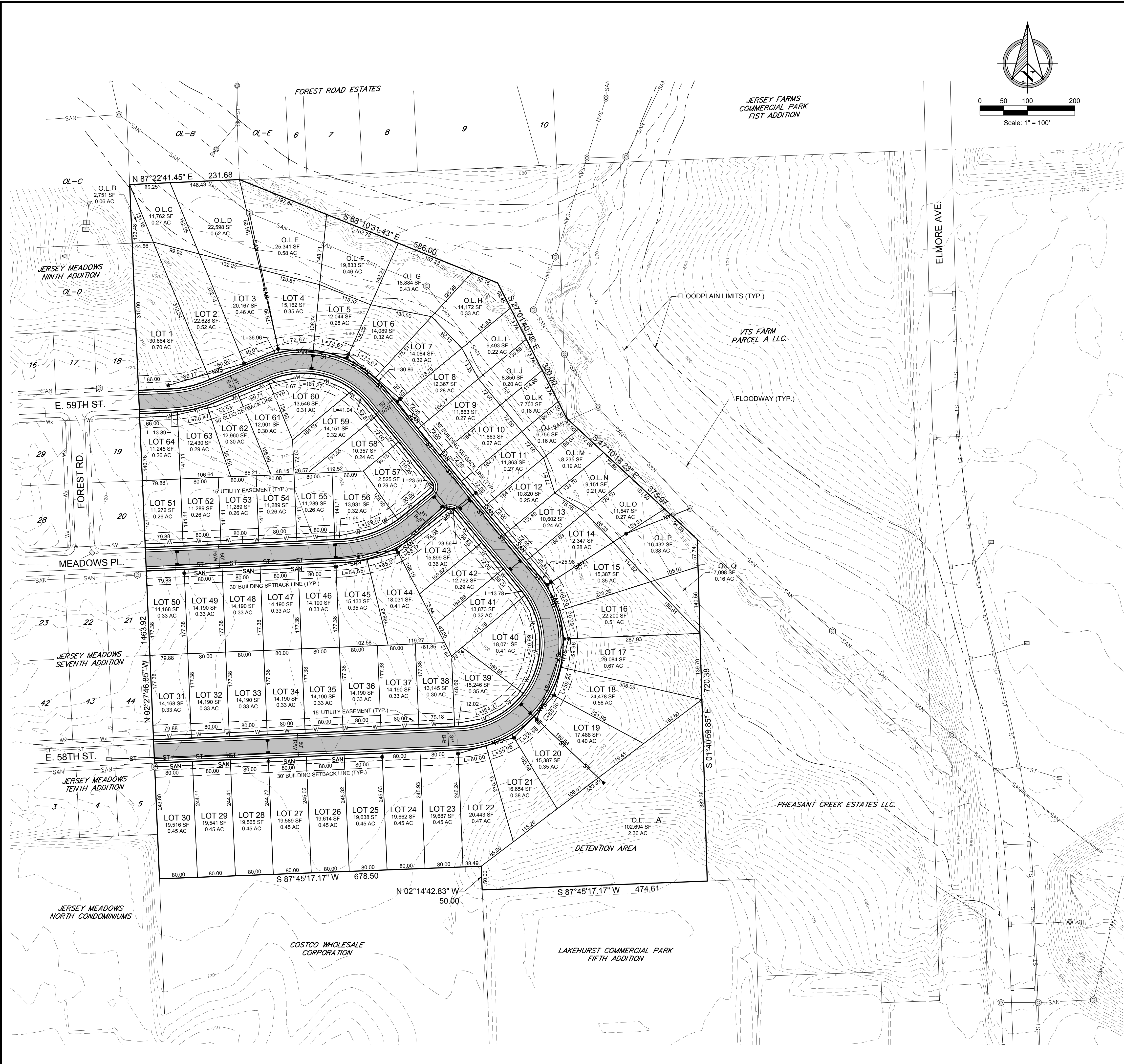
Meeting Date: 06-05-18

Meeting Location: Council Chambers-City Hall

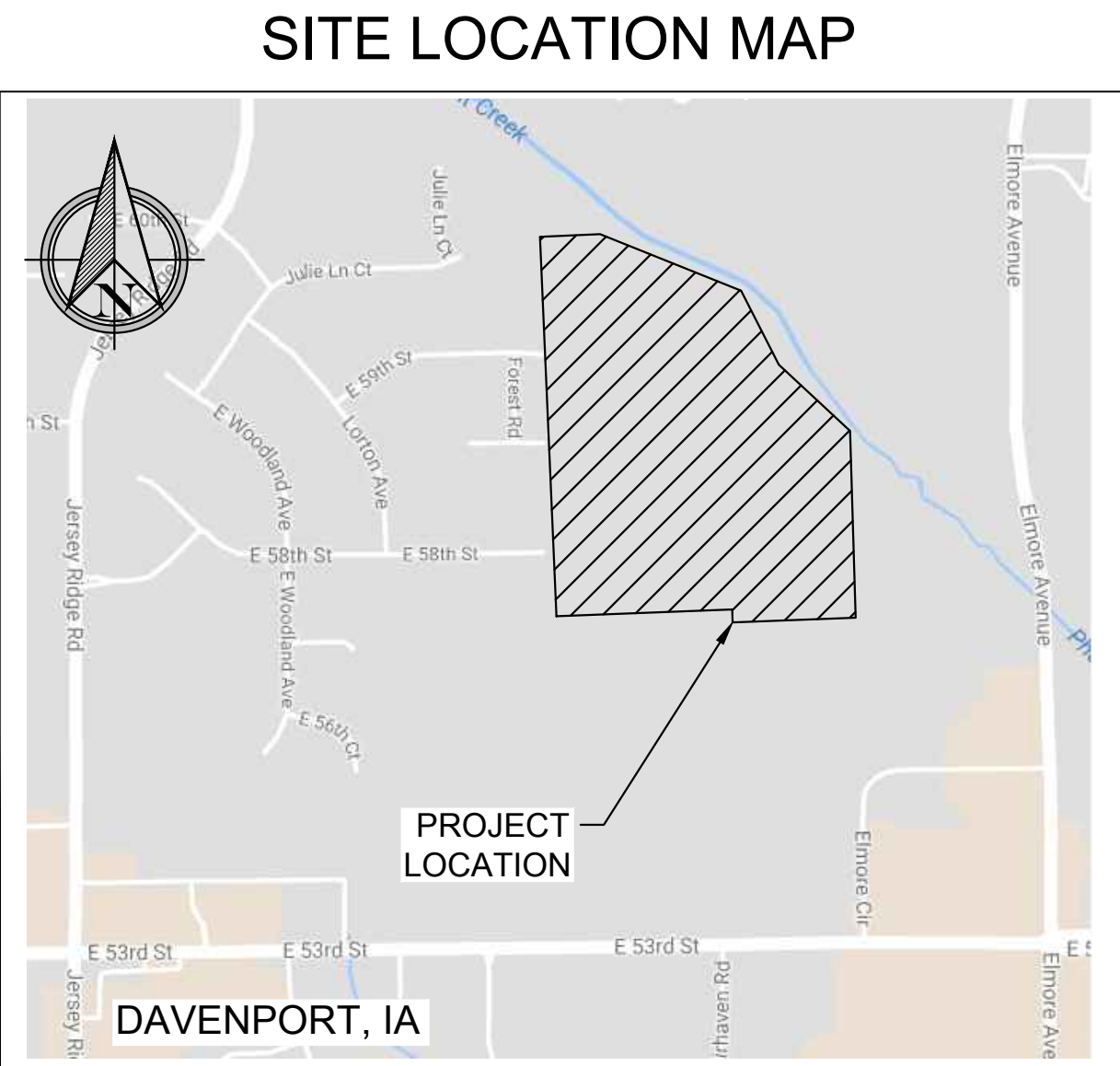
APPROVED

| Name:    | Roll Call | ORD18-04<br>Sec17.29<br>DRB | ORD18-02<br>Rockingham<br>Corridor | P18-03<br>Pheasant Ridge<br>Subdivision | F18-04<br>Wedgewood<br>10th |  |  |  |
|----------|-----------|-----------------------------|------------------------------------|-----------------------------------------|-----------------------------|--|--|--|
| Connell  | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Hepner   | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Inghram  | P         |                             |                                    |                                         |                             |  |  |  |
| Johnson  | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Kelling  | P         | Y                           | Y                                  | ABS                                     | Y                           |  |  |  |
| Lammers  | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Maness   | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Medd     | P         | Y                           | Y                                  | Y                                       | Y                           |  |  |  |
| Quinn    | P         | Y                           | Y                                  | ABS                                     | Y                           |  |  |  |
| Reinartz | P         | Y                           | Y                                  | N                                       | Y                           |  |  |  |
| Tallman  | P         | Y                           | Y                                  | ABS                                     | Y                           |  |  |  |
|          |           | 10-YES<br>0-NO<br>0-ABSTAIN | 10-YES<br>0-NO<br>0-ABSTAIN        | 6-YES<br>1-NO<br>3-ABSTAIN              | 10-YES<br>0-NO<br>0-ABSTAIN |  |  |  |





PRELIMINARY PLAT OF  
**PHEASANT RIDGE SUBDIVISION**  
AN ADDITION TO THE CITY OF DAVENPORT, IOWA  
BEING PART OF THE EAST 1/2 OF THE NORTHEAST 1/4  
OF SECTION 7 AND PART OF THE WEST 1/2 OF THE  
NORTHWEST 1/4 OF SECTION 8,  
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M.  
IN SCOTT COUNTY, IOWA



| LEGEND   |                      |
|----------|----------------------|
| PROPOSED | EXISTING             |
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| ▲        | △                    |
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| —ST—ST—  | —ST—ST—              |
| —SAN—    | —SAN—                |
| —W—W—    | —Wx—                 |
|          | —FLOODPLAIN—         |
|          | —FLOODWAY—           |
|          | ● STORM MANHOLE      |
|          | □ STORM INLET        |
|          | △ FLARED END SECTION |
|          | ⊙ SANITARY MANHOLE   |
|          | —ST—ST— STORM SEWER  |
|          | —SAN— SANITARY SEWER |
|          | —Wx— WATER LINE      |
|          | —FLOODPLAIN—         |
|          | —FLOODWAY—           |

- NOTES**
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|                                                                                  |                                                                                                           |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>OWNER   DEVELOPER</b>                                                         | <b>SURVEYOR</b>                                                                                           |
| ADVANCE HOMES INC.<br>4215 E. 60TH STREET<br>DAVENPORT, IA 52807<br>563.359.0309 | VERBEKE-MEYER CONSULTING<br>ENGINEERS, P.C.<br>4111 E. 60TH STREET<br>DAVENPORT, IA 52807<br>563.359.1348 |

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bettendorf, ia 52722  
www.jmcivildesign.com

| revision |  |
|----------|--|
| date     |  |
| no.      |  |

PRELIMINARY PLAT  
PHEASANT RIDGE SUBDIVISION  
Davenport, Iowa  
Advance Homes Inc.

|                 |            |
|-----------------|------------|
| jmc project no. | 18-008     |
| drawn by:       | cam   kdw  |
| checked by:     | baj   cam  |
| date:           | 04.23.2018 |

PRELIMINARY  
PLAT

C-1



June 6, 2018

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 5, the City Plan and Zoning Commission considered Case No. P18-03, Pheasant Ridge Preliminary Plat.

Findings:

The preliminary plat mostly conforms to the comprehensive plan.

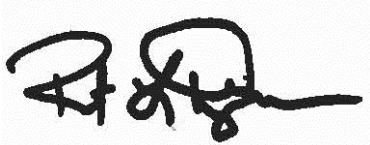
The preliminary plat extends of the existing street system and provides for continued residential growth of the Jersey Meadows area.

Conditions:

1. That section lines be shown;
2. That the dimensions of existing street and rights-of-way are shown;
3. That areas of significant tree cover are delineated;
4. That the location and sizes of existing sanitary and storm sewer line(s) as well as water mains are shown;
5. That the existing and proposed zoning be noted;
6. That the existing and proposed drainage patterns of site be shown;
7. That the outlots "O.L. A" through "O.L. Q" be renamed to "Lot A" through "Lot Q" and designated and noted as being for a specific purpose(s).

On an affirmative vote of 8-0, the Plan and Zoning Commission accepts the findings and forwards Case No. P18-03 to the City Council for approval.

Respectfully submitted,



Robert Inghram, Chairperson  
City Plan and Zoning Commission

City of Davenport

Agenda Group: Public Safety  
Department: Public Works - Engineering  
Contact Info: Gary Statz (563) 326-7754  
Wards: 8

**Action / Date**  
**PS5/16/2018**

Subject:

Third Consideration: Ordinance amending Schedule XIV of Chapter 10.96 entitled "Intersection Traffic Signals" by adding Division Street at 76th Street. [Ward 8]

Recommendation:

Approve the ordinance.

Relationship to Goals:

Sustainable Infrastructure.

Background:

Signalization at the intersection of 76th and Division is part of the 76th Street project. The work involves the extension of 76th Street so that it connects Northwest Boulevard to Division Street. Traffic signal warrants are expected to be met after the completion of this project. The signals will be especially helpful for the extra truck traffic that will cross there.

ATTACHMENTS:

| Type        | Description                  |
|-------------|------------------------------|
| ▣ Ordinance | PS_ORD_Division at 76th_pg 2 |

REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 6/19/2018 - 9:58 AM |

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XIV INTERSECTION TRAFFIC SIGNALS THERETO BY ADDING DIVISION STREET AT 76<sup>TH</sup> STREET.

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

Section 1. That Schedule XIV Intersection Traffic Signals of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following:

Division Street at 76<sup>th</sup> Street.

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

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

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

City of Davenport

Agenda Group: Public Safety  
Department: City Clerk  
Contact Info: Gary Statz (563) 326-7754  
Wards: 3

**Action / Date**  
**PS7/3/2018**

Subject:

Third Consideration: Ordinance amending Schedule VIII of Chapter 10.96 entitled "30-Minute Parking" by adding Main Street along the east side from 2nd Street north to the alley. [Ward 3]

Recommendation:

Adopt the ordinance.

Relationship to Goals:

Vibrant Region

Background:

The Current Hotel at 215 N Main Street needs on-street parking to allow guests to check in and unload their vehicles. This ordinance will provide a loading zone with a 30-minute time limit along the Main Street side of the hotel's property. The signs will indicate that this zone is for hotel loading with a 30-minute time limit, but the ordinance needs to be under Schedule VIII (30-Minute Parking) because there is no schedule related to loading zones.

ATTACHMENTS:

| Type        | Description                        |
|-------------|------------------------------------|
| ▣ Ordinance | PS_ORD_Main St 30 min parking_pg 2 |

REVIEWERS:

| Department                 | Reviewer           | Action   | Date                |
|----------------------------|--------------------|----------|---------------------|
| Public Works - Engineering | Lechvar, Gina      | Approved | 5/30/2018 - 5:03 PM |
| Public Works Committee     | Lechvar, Gina      | Approved | 5/30/2018 - 5:04 PM |
| City Clerk                 | Thorndike, Tiffany | Approved | 5/31/2018 - 1:12 PM |

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE VIII 30-MINUTE PARKING THERETO BY ADDING MAIN STREET ALONG THE EAST SIDE FROM 2ND STREET NORTH TO THE ALLEY.

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

Section 1. That Schedule VIII 30-Minute Parking of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

Main Street along the east side from 2<sup>nd</sup> Street north to the alley.

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

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

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



City of Davenport

Agenda Group: Public Safety  
Department: Public Works - Engineering  
Contact Info: Gary Statz (563) 326-7754  
Wards: 2

**Action / Date**  
**PS7/3/2018**

**Subject:**

First Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding Pine Street along the east side from Hickory Grove Road north 150 feet. [Ward 2]

**Recommendation:**

Adopt the ordinance.

**Relationship to Goals:**

Welcoming Neighborhoods

**Background:**

This portion of Pine Street has a tight curve coming off of Hickory Grove Road before the road straightens out at the north driveway of Automotive Central, which is on the west side of Pine Street. When vehicles are parked on both sides of the street, it can be difficult to maneuver, especially if there is oncoming traffic. I have spoken with both the owner of Automotive Central and the people in the neighborhood regarding this issue. They agreed to proceed with this proposed no parking zone.

**ATTACHMENTS:**

| Type        | Description                    |
|-------------|--------------------------------|
| ▣ Ordinance | PS_ORD_Pine St no parking_pg 2 |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 6/28/2018 - 10:07 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 6/28/2018 - 10:08 AM |
| City Clerk                 | Admin, Default | Approved | 6/28/2018 - 10:08 AM |

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE VII NO PARKING THERETO BY ADDING PINE STREET ALONG THE EAST SIDE FROM HICKORY GROVE ROAD NORTH 150 FEET.

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

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

Pine Street along the east side from Hickory Grove Road north 150 feet.

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

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

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

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

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

City of Davenport

Agenda Group: Public Safety  
Department: City Clerk  
Contact Info: Jackie E Holecek  
Wards: Various

**Action / Date**  
**7/3/2018**

**Subject:**

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

Mac's Tavern, Annual Bix Street Fest, July 26 - July 29, Thursday, July 26 beginning at 10:00 a.m. to Sunday, July 29 at 12:00 p.m...; Closure Location: 3rd Street between Harrison and Ripley Streets [Ward 3]

Village of East Davenport Association, Farm Days in the Village, August 18, 2:00 p.m. - 7:00 p.m., Closure Location: 11th Street between Mound and Jersey Ridge Road and Jersey Ridge Road from 11th Street to 12th Street. [Ward 5]

Palmer College, Homecoming, August 9-11, 6:00 a.m. to 12:00 a.m. each day; Closure Location: Palmer Drive between Main and Perry Street, the two east lanes of Brady Street from 8<sup>th</sup> Street to Palmer Drive and on the night of fireworks, Saturday, August 11<sup>th</sup> closure of Perry Street south of Palmer Drive to 8<sup>th</sup> Street from 8:30 PM to 11PM

**Recommendation:**

Approve the resolution.

**Relationship to Goals:**

Vibrant Region and Support Small Business

**ATTACHMENTS:**

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

**REVIEWERS:**

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 6/19/2018 - 3:42 PM |

RESOLUTION NO. 2018-

Resolution offered by Alderman Rawson

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

RESOLVED by the City Council of the City of Davenport.

Whereas, the City through its Special Events Policy has accepted the following application(s) to hold an outdoor event(s) on the following date(s), and

Whereas, upon review of the application(s) it has been determined that the street(s), lane(s) or public grounds listed below will need to be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and directs the staff to proceed with the temporary closure of the following street(s), lane(s) or public grounds on the following date(s) and time(s):

*Entity: Mac's Tavern*

*Event: Annual Bix Street Fest*

*Date: July 26 – July 29*

*Time: Thursday, July 26 beginning at 10:00 a.m. to Friday at 9:00 p.m. (one parking lane and one travel lane) Friday at 9:00 p.m. to 6:00 a.m. closure of full street; Saturday 6:00 a.m. south travel lane of 3<sup>rd</sup> Street opened for detour due to race; then full closure after the race to Sunday, July 29 at 12:00 p.m.*

*Closure Location: Portions of 3<sup>rd</sup> Street between Harrison and Ripley Streets as listed above*

*Ward: 3*

*Entity: Village of East Davenport Association*

*Event: Farm Days in the Village*

*Date: August 18*

*Time: Saturday, 2:00 PM – 7:00 PM*

*Closure Location: 11<sup>th</sup> Street between Mound and Jersey Ridge Road and Jersey Ridge from 11<sup>th</sup> Street to 12<sup>th</sup> Street*

*Ward: 5*

*Entity: Palmer College*

*Event: Homecoming*

*Dates: August 9-11*

*Time: 6AM to Midnight*

*Closure Location: Palmer Drive between Main and Perry Street, the two east lanes of Brady Street from 8<sup>th</sup> Street to Palmer Drive and on the night of fireworks, Saturday, August 11<sup>th</sup> closure of Perry Street south of Palmer Drive to 8<sup>th</sup> Street from 8:30 PM to 11PM*

*Ward: 3*

Approved this 11<sup>th</sup> day of July, 2018.



Approved:

Attest:

---

Frank Klipsch, Mayor

---

Jackie E. Holecek, MMC, Deputy City Clerk



City of Davenport

Agenda Group: Committee of the Whole  
Department: City Clerk  
Contact Info: Jackie E Holecek  
Wards: ALL

**Action / Date**  
**7/3/2018**

**Subject:**

Motion approving noise variance request(s) for various events on the listed dates and times.

Mac's Tavern, 316 West 3rd Street, Annual Bix Fest, July 26, 3:00 p.m. to 10:00 p.m., July 27, 4:00 p.m. to 2:00 a.m.; July 28, 9:00 a.m. 2:00 a.m. and July 29, 11:00 a.m. to 10 p.m., Over 50 dBa, [Ward 3]

Quad City Times Bix 7 - Starting Line Flyover Event/Hawkeye Howitzer Starting Gun, July 28, 8:00 a.m. to 12:00 p.m., Over 50 dBa [Ward 3]

Palmer College, Homecoming Fireworks Display, August 11, 8:00 p.m. to 11:30 p.m., Over 50 dBa, [Ward 3]

**Recommendation:**

Approve the motion.

**Relationship to Goals:**

Vibrant Region

**REVIEWERS:**

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 6/19/2018 - 3:32 PM |

City of Davenport

Agenda Group: Finance  
Department: Finance  
Contact Info: Sherry Eastman 326-7795  
Wards: Various

**Action / Date**  
**PS7/3/2018**

Subject:  
Motion approving beer and liquor license applications.

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

Ward 3

Barrel House 211 (Barrelhouse LLC) - 207-211 E 2nd St. - Outdoor area July 28, 2018 "Bix Event" - License Type: C Liquor

Mac's Tavern (Failte, Inc.) - 316 W 3rd St. - Outdoor Area July 27-29, 2018 "Bix Event" - License Type: C Liquor

Me & Billy (Collins Maus LLC) - 200 W 3rd St.- Outdoor Area July 27-29, 2018 "Bix Event" - License Type: C Liquor

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc.) - 300 W 3rd St. - Outdoor Area July 26-29, 2018 "Bix Event" - License Type: C Liquor

The Office (Local 563 Cocktail Lounge, LLC) - 116 W 3rd St. - Outdoor Area July 28-29, 2018 "Bix Event" - License Type: C Liquor

Front Street Brewery Taproom (Front Street Brewery Inc.) - 421 W River Dr, East Parking of & adjacent upstairs patio - Outdoor Area July 28, 2018 - License Type: B Beer

Street Fest (Quad Cities Chamber of Commerce) - 2nd St. from Brady St. to Ripley St. - Outdoor Area July 27-28, 2018 - License Type: Beer/Wine

Ward 6

Rudy's Tacos (CME 1066 Inc.) - 3944 Elmore Ave. - Outdoor Area July 8, 2018 "Taco Run" - License Type: C Liquor **This item will be voted on later in the agenda.**

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

Ward 3

Barrel House 211 (Barrelhouse LLC) - 207-211 East 2nd St. - Outdoor Area - License Type: C Liquor

Recommendation:

Consider the license applications.

Relationship to Goals:

Welcoming neighborhoods.

Background:

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

REVIEWERS:

| Department        | Reviewer              | Action   | Date                 |
|-------------------|-----------------------|----------|----------------------|
| Finance           | Watson-Arnould, Kathe | Approved | 6/28/2018 - 11:35 AM |
| Finance Committee | Watson-Arnould, Kathe | Approved | 6/28/2018 - 11:36 AM |
| City Clerk        | Admin, Default        | Approved | 6/28/2018 - 12:05 PM |

City of Davenport

Agenda Group: Public Works  
Department: Public Works - Admin  
Contact Info: Helen Keys: (563) 326-7965  
Wards: All

**Action / Date**  
**PW7/3/2018**

**Subject:**

First Consideration: Ordinance amending Chapter 13.16 entitled "Wastewater Facilities" to include changes needed per the EPA pre-treatment streamlining rule. [All Wards]

**Recommendation:**

Approve the ordinance.

**Relationship to Goals:**

Sustainable Infrastructure

**Background:**

Updates to Chapter 13.16 of the municipal code are needed per the EPA pre-treatment streamlining rules. These changes have been approved by the Iowa DNR and the EPA.

**ATTACHMENTS:**

| Type        | Description |
|-------------|-------------|
| ▣ Ordinance | ORD         |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 6/27/2018 - 5:23 PM  |
| Public Works Committee | Lechvar, Gina  | Approved | 6/28/2018 - 11:07 AM |
| City Clerk             | Admin, Default | Approved | 6/28/2018 - 12:05 PM |

ORDINANCE amending Chapter 13.16 entitled "Wastewater Facilities" by amending various sections of the municipal code of Davenport, Iowa.

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

That Chapter 13.16 of the Municipal Code of Davenport, Iowa, is hereby modified and reads as follows:

**Chapter 13.16 WASTEWATER FACILITIES\***

**Sections:**

**I. General Provisions**

- 13.16.010 General Adoption.**
- 13.16.015 Intent and construction.**
- 13.16.020 Purpose and policy.**
- 13.16.025 Jurisdiction.**
- 13.16.030 Severability.**
- 13.16.031 Discharge of sewage prohibited —Exception.**
- 13.16.032 Construction of privies, etc.—Prohibited.**
- 13.16.033 Discharge of surface waters.**
- 13.16.034 Discharge of storm water and unpolluted drainage.**
- 13.16.035 Abbreviations.**
- 13.16.040 Interpretation.**
- 13.16.045 Definitions.**

**II. Wastewater Treatment and  
Pretreatment Regulations**

- 13.16.050 User requirements.**
- 13.16.055 Discharge prohibitions.**
- 13.16.060 Local limits for specific pollutants.**
- 13.16.065 National categorical pretreatment standards.**
- 13.16.070 State requirements.**
- 13.16.075 City's right of revision.**
- 13.16.080 Pretreatment.**
- 13.16.085 Dilution prohibited.**
- 13.16.090 Slug/spill control.**
- 13.16.095 Treatment upsets.**
- 13.16.100 Treatment by bypass.**
- 13.16.105 Comprehensive sewer service charges—Enumerated.**
- 13.16.106 Rates.**
- 13.16.107 Rates—Amount.**
- 13.16.108 Unpaid fees.**
- 13.16.109 Fees—Exempt.**



### **III. Wastewater Discharge Permits and Reporting Requirements**

- 13.16.110 Class of Permit—Reserved.**
- 13.16.115 Permit requirements.**
- 13.16.120 Permit applications—Baseline monitoring reports.**
- 13.16.125 Categorical industries—Report on compliance.**
- 13.16.130 Permit contents.**
- 13.16.135 Permit duration and renewal.**
- 13.16.140 Continuation of expired permits.**
- 13.16.145 Permit modifications.**
- 13.16.150 Permit transfer.**
- 13.16.155 Denial of permit.**
- 13.16.160 Permit violations.**
- 13.16.165 Periodic compliance reports.**
- 13.16.170 Certification and signatory requirements.**
- 13.16.175 Monitoring facilities.**
- 13.16.180 Inspection, sampling, and recordkeeping authority.**
- 13.16.185 Confidential information.**

### **IV. Building Sewers and Connections**

- 13.16.190 Permits required.**
- 13.16.195 Classes of permits and fees.**
- 13.16.200 Building lateral permit—When granted.**
- 13.16.205 Building lateral permit—Industrial user—Nontransferability.**
- 13.16.210 Bond—Required.**
- 13.16.215 Permit—Revocation.**
- 13.16.220 Specifications.**
- 13.16.225 Separate laterals.**
- 13.16.230 Old building laterals.**
- 13.16.235 Costs and expenses.**

### **V. Sewer Connection Fees**

- 13.16.240 Required—Special rate.**
- 13.16.250 Unpaid sewer connection fees—Property lien.**

### **VI. Enforcement Procedures**

- 13.16.255 Public notification of significant noncompliance.**
- 13.16.260 Significant noncompliance (SNC).**
- 13.16.265 Administrative actions.**
- 13.16.270 Actions authorized.**
- 13.16.275 Civil penalties.**
- 13.16.280 Criminal penalties.**
- 13.16.285 Performance bonds.**
- 13.16.290 Revocation of permit.**

- 13.16.300 Reinstatement of service.**
- 13.16.305 Emergency disconnection service.**
- 13.16.310 Elimination of discharge and reinstatement.**
- 13.16.315 Additional remedies.**

## **I. GENERAL PROVISIONS**

### **13.16.010 GENERAL ADOPTION.**

The provisions of this chapter are enacted to aid in the enforcement of the pretreatment regulations set forth herein and may be placed in a separate portion of the municipal code of any Joint Contract Sewerage Committee (JCSC) constituent community. Each Joint Contract Sewerage Committee (JCSC) constituent community designates the city of Davenport as the enforcement agency under this chapter. Employees, agents and officers of the city of Davenport while acting to enforce the provisions of this chapter for the Joint Contract Sewerage Committee are empowered to make such inspections, issue such orders or permits and take such actions within the boundaries of the JCSC as are authorized by this chapter.

No unauthorized person shall in any manner break, damage, destroy, or tamper with any structure, appurtenance, or equipment, which is part of the wastewater facilities or the public sanitary sewer system.

### **13.16.015 INTENT AND CONSTRUCTION.**

This chapter seeks to implement provisions of the Act, the General Pretreatment Regulations, and the Iowa Administrative Code, Chapter 567, Sections 62.4 and 62.8. This chapter is to be construed and applied in accordance with the Clean Water Act Amendments, the General Pretreatment Regulations, the Iowa Administrative Code and the purpose and policy provision set forth in section 13.16.020 below.

### **13.16.020 PURPOSE AND POLICY.**

This chapter regulates the use of sewers, private wastewater disposal, the installation and connection of building sewers, the discharge of water and waste into the sewers and drains of the JCSC system, the discharge of water and waste into the sewers and drains of the Davenport Sewage System systems, and the discharge to the Davenport JCSC POTW. This chapter sets forth uniform requirements for dischargers into the wastewater collection and treatment systems of Davenport and the JCSC constituents.

The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the POTW that may interfere with the operation of the system or interfere with sludge management and disposal;
- (2) To prevent the introduction of pollutants into the POTW that may pass through the system inadequately treated and ultimately into receiving water, the atmosphere, or otherwise be incompatible with the system;
- (3) To protect workers' safety and health and to protect against damage to the POTW;
- (4) To provide for equitable distribution of treatment and industrial pretreatment costs resulting from pollutants introduced into the POTW.
- (5) To enable the POTW to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

### **13.16.025 JURISDICTION.**

The provisions of this chapter are applicable in their entirety to all users and contributors of wastewater, directly or indirectly, into the wastewater treatment works of the city of Davenport or into the wastewater collection and treatment system of the city of Davenport or the JCSC without regard to whether the physical facilities of such contributors, or the physical portion of the wastewater collection system is situated within or outside the corporate limits of the city of Davenport.

Unless otherwise expressly provided by contract providing for extension of service by the city outside of the city, such city extended services and each particular thereof shall be subject to the provisions of this chapter.

The city of Davenport requests each municipality in which users or contributors to the Davenport POTW are located adopt this chapter in its entirety. Failure of any contributing municipalities to so act shall not diminish the jurisdiction of the city of Davenport under this chapter.

#### **13.16.030 SEVERABILITY.**

If any provision of this chapter or the application thereof to any particular person or particular circumstance is held invalid, the invalidity shall not affect other provisions or application of this chapter which can be given effect without the invalid provision or application. To this end the provisions of this chapter are severable.

#### **13.16.031 DISCHARGE OF SEWAGE PROHIBITED – EXCEPTION.**

It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

#### **13.16.032 CONSTRUCTION OF PRIVIES, ETC. - PROHIBITED.**

Except as provided in this chapter, it is unlawful to construct, use, or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

#### **13.16.033 DISCHARGE OF SURFACE WATERS.**

It is unlawful for any person to make any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

#### **13.16.034 DISCHARGE OF STORM WATER AND UNPOLLUTED DRAINAGE.**

Storm water, industrial cooling water, unpolluted process waters and all other unpolluted drainage shall be discharged to such sewers or natural outlets as are specifically designated and approved by the Water Pollution Control Plant Manager.

#### **13.16.035 ABBREVIATIONS.**

The following abbreviations shall have the designated meanings:

|                    |                                                                      |
|--------------------|----------------------------------------------------------------------|
| BETX               | Benzene, Ethylbenzene, Toluene, and Xylene                           |
| BOD/CBOD           | Biochemical Oxygen Demand / Carbonaceous BOD                         |
| BMR                | Baseline Monitoring Report                                           |
| C                  | Celsius                                                              |
| CFR                | Code of Federal Regulations                                          |
| COD                | Chemical Oxygen Demand                                               |
| EPA                | Environmental Protection Agency                                      |
| F                  | Fahrenheit                                                           |
| GPD                | Gallons per day                                                      |
| IDNR               | Iowa Department of Natural Resources                                 |
| lb/day             | Pounds per day                                                       |
| MGD                | Million Gallons per Day                                              |
| mg/l               | Milligrams per liter                                                 |
| NCPS               | National Categorical Pretreatment Standards or Categorical Standards |
| NH <sub>3</sub> -N | Ammonia Nitrogen                                                     |
| NPDES              | National Pollution Discharge Elimination System                      |
| O&G                | Oil and Grease                                                       |
| POTW               | Publicly Owned Treatment Works                                       |
| SCP                | Spill Control Plan                                                   |
| SIC                | Standard Industrial Classification                                   |
| SNC                | Significant Non-compliance                                           |
| RCRA               | Resource Conservation & Recovery Act                                 |
| TCLP               | Toxicity Characteristic Leaching Procedure                           |
| TFE                | Trichlorotrifluoroethane                                             |
| TKN                | Total Kjeldahl Nitrogen                                              |
| TOH                | Total Organic Hydrocarbons                                           |
| TPH                | Total Purgeable Hydrocarbons                                         |
| TRC                | Technical Review Criteria                                            |

|       |                                               |
|-------|-----------------------------------------------|
| TSS   | Total Suspended Solids                        |
| TTO   | Total Toxic Organics                          |
| USC   | United States Code                            |
| USEPA | United States Environmental Protection Agency |

### 13.16.040 INTERPRETATION.

This chapter shall be construed and interpreted to conform with 40 CFR Chapter I and it is the intent of this chapter that it comply with said federal regulations.

### 13.16.045 DEFINITIONS.

**"Act" or "Clean Water Act"** means the 1972 Federal Water Pollution Control Act, the 1977 Clean Water Act, and the 1987 Water Quality Act, as amended.

**"Approval Authority"** means the Iowa Department of Natural Resources.

**"Authorized Representative" or "Duly Authorized Representative of the User"** means:

- (1) If the User is a corporation:
  - (a) The president, secretary, treasurer or a vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Davenport Pretreatment Office.

**"Baseline Monitoring Report"** means the report required by 40 CFR Part 403.12 (b) (1-7).

**"Biochemical Oxygen Demand (BOD)"** means the analysis of BOD as described in EPA Methods or other methods approved by 40 CFR 136.

**"Building Drain"** means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.

**"Building Lateral"** means the extension from the building sewer, beginning five feet (one and one-half meters) out-side the inner face of the building wall and extending to the public sewer or other place of disposal.

**"Building Sewer"** means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building lateral or other approved point of discharge.

**"Bypass"** means the intentional diversion of wastestreams from any portion of an industrial user's pretreatment facility.

**"Categorical User"** means a user subject to NCPS.

**"Chemical Oxygen Demand (COD)"** means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

**"City"** means the city of Davenport as operating agency and enforcement agency of the JCSC both within its own corporate boundaries and within all territory encompassed by the JCSC.

**"City Council"** means the city of Davenport City Council.

**"City Water Pollution Control Plant Manager"** means the Davenport City Water Pollution Control Plant Manager.

**"Combined Sewer"** means a sewer which is designed and intended to receive wastewater, storm water, surface water and ground water drainage.

**"Comprehensive Sewer Service Charge"** means the charge per quarter or month levied on all users of the waste-water system.

**"Combined Waste Stream Formula"** means the formula as found in 40 CFR Part 403.6 (e).

**"Composite Sample"** means a representative sample using a minimum of four grab sample aliquots obtained over a period of time and mixed using either a flow proportional or time proportional method.

**"Conventional Pollutant"** means BOD, COD, O&G, suspended solids, pH, ammonia nitrogen, total kjeldahl nitrogen and fecal coliform bacteria.

**"Discharge"** or **"Indirect Discharge"** means the introduction of treated or untreated wastewater into the POTW.

**"Dissolved Solids"** means the concentration of residue left in an evaporating dish after evaporation and drying at defined temperatures using EPA methods or other methods approved in 40 CFR 136.

**"Domestic sewage"** shall mean all household-type waste discharged from places of human habitation including sanitary convenience, kitchen and laundry waste.

**"Domestic strength"** is a term used to evaluate the strength of wastewater and equals a strength of BOD of 250 mg/l and TSS of 300 mg/l.

**"Domestic user"** means all users discharging only domestic sewage from premises consisting of any building or parts of building designed for or occupied by one or more persons as a single housekeeping unit, including such units within multifamily dwellings, flats and apartment buildings.

**"EPA Methods"** means the USEPA approved standard procedures for wastewater analysis as prescribed in 40 CFR Part 136 and shall include alternate methods approved by the approval authority.

**"Fecal coliform"** means bacteria common to the intestinal tracts of humans and animals whose presence in water is an indication of pollution.

**"Garbage"** means solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

**"Grab Sample"** means a single aliquot sample collected, either directly or by means of a mechanical device, without regard to the flow in the waste stream.

**"Headworks"** means the main wet well at the POTW treatment plant prior to any treatment process.

**"Industrial User"** see **"User"**.

**"Industrial Waste"** means the liquid waste from industrial users as distinct from domestic sewage.

**"Interference"** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with any federal, state or local regulations or permits.

**"JCSC"** means the Joint Contract Sewerage Committee consisting of the JCSC constituent communities who are by joint government action, as defined in the JCSC 28E agreements as from time to time amended, are committed to utilize the wastewater treatment plant (POTW) and certain outfall and interception sewers of the wastewater treatment system and to support the operating and capital costs thereof through payments to the city of Davenport.

**"Limit"** means the maximum allowable discharge of a given pollutant as in the following definitions:

- (1) **"Daily Maximum Limit"** means the maximum allowable discharge of pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum



limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

- (2) **"Monthly Average Limit"** means The maximum allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

**"Local Limit"** means a specific discharge limit developed and enforced by the city upon industrial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).

**"May"** confers a power (permissive).

**"Must"** states a requirement.

**"National Categorical Pretreatment Standards (NCPS)" or "Categorical Standards"** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, 405-471.

**"National Pollution Discharge Elimination System (NPDES) Permit"** means a permit issued pursuant to the Act.

**"New source"** shall be as defined by 40 CFR 403.3(k).

**"Nonconventional Pollutants"** means all pollutants, which are not included in the definition of conventional pollutants.

**"NH3-N"** means the ammonia nitrogen concentration in mg/l as determined using EPA methods.

**"Oil and Grease (O&G)"** means any material recovered as a substance that is soluble in n-Hexane and which may further be divided into a mineral and non-mineral fraction using EPA approved methods or standard methods.

**"Pass Through"** means a discharge which exits the POTW into water of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or other permit issued to the POTW by IDNR or USEPA.

**"Person"** means any individual, partnership, co-partnership, firm, company, association, Joint-stock Company, society, corporation trust, estate, municipality, governmental entity, group, or any other legal entity, or their legal representatives, agents, or assigns.

**"pH"** means A measure of the acidity or alkalinity of a solution, expressed in standard units (su). The measurement used is the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**"Pollution"** means the alteration of chemical, physical, biological, or radiological integrity of water as a result of human activity or enterprise.

**"City of Davenport POTW Treatment Plant"** means that portion of the POTW, which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

**"Pretreatment"** means the reduction, elimination, or alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.

**"Pretreatment Facility"** means the equipment used to accomplish pretreatment.

**"Pretreatment Requirements"** means any substantive or procedural requirement related to pretreatment imposed on an industrial user.

**"Pretreatment Standards"** means for any specified pollutant, the city of Davenport prohibitive discharge standards as set forth in section 13.16.055, the city's local limits for specific pollutants as set forth in section 13.16.060 of this chapter, the State of Iowa pretreatment standards or the NCPS. The most stringent standard will be applied per pollutant.

**"Properly Shredded Garbage"** means the waste from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles are carried freely under the flow conditions normally prevailing in the POTW, with no particle greater than one-half inch in any dimension.

**"Publicly Owned Treatment Works (POTW)"** means a treatment works as defined by Section 212 of the Act, and shall include the POTW owned by the JCSC and operated by the City of Davenport as operating agency pursuant to the JCSC Agreement, and shall include all waste water treatment facilities of the city of Davenport and of the JCSC constituent communities. This definition includes any devices and systems used in the storage, treatment, conveying, recycling and reclamation of municipal sewage or industrial waste of a liquid nature or that convey wastewater to a POTW, regardless of ownership.

**"Radiological Waste"** means any prohibited radiological waste as defined in IAC 641-40.72, 641-40.88 and 641-40 Appendix B, Table III.

**"Sampling Chamber"** or **"Sampling Maintenance Hole"** means a device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this ordinance.

**"Severe Property Damage"** means substantial physical damage to property, damage to a pretreatment facility causing it to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.

**"Sewage"** means and includes wastewater.

**"Sewage System"** means sewers, intercepting sewers, pipes or conduits, pumping stations, force mains, and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage to a point of treatment or ultimate disposal.

**"Shall"** imposes a duty.

**"Significant Industrial User / Significant User"** means:

Except as provided in paragraphs (4) of this Section

(1) An Industrial User subject to categorical pretreatment standards:

(2) All waste haulers

(3) An industrial user that:

(a) Discharges an average of 25,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling water and boiler blowdown water);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant or;

(c) Is designated as such by the city on the basis that it contributes a discharge that has a reasonable potential to adversely affect any of the POTW operations by causing interference or pass through at the POTW, violates any pretreatment standard, or violates any pretreatment requirements.

(4) The city may determine that an Industrial user subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The industrial user, prior to the city finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required in Section 13.16.170 of this chapter or 40CFR403.12(q), together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

**"Sludge"** means the solids separated from the liquids during the wastewater treatment process.

**"Slug"** or **"Slug Load"** means any discharge of water or wastewater which in concentration of any pollutant, measured using a grab or composite sample, is more than five (5.0) times the allowable concentration as set forth in sections 13.16.055 and 13.16.060 of this chapter or in a user's most recent wastewater discharge permit or exceeds a slug concentration level specified in a wastewater discharge permit. A discharge with pH outside the allowable range by more than one standard unit (S.U.) or a flow rate in excess of two (2.0) times the maximum flow limit established in a wastewater discharge permit shall also be a slug.

**"State"** means State of Iowa.

**"Standard Industrial Classification (SIC)"**, means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, most recent edition.

**"Standard Methods"** means the laboratory procedures set forth in the latest edition of Standard Methods for the Examination of Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

**"Storm Sewer"** means a sewer, which carries stormwater, surface water and drainage but excludes sewage and industrial waste other than unpolluted cooling water.

**"T"** when used as a portion of a chemical name, shall designate "total" such as in "cyanide-T" where "T" means "total" cyanide.

**"TKN"** shall mean the total kjeldahl nitrogen concentration expressed in mg/l as determined using EPA methods or standard methods.

**"Total Metals"** means the sum of the concentration of metals specified in a wastewater discharge permit.

**"Total Suspended Solids (TSS)"** shall mean the portion of total solids retained by a filter using EPA methods or standard methods.

**"Total Toxic Organics"** means the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in the applicable regulation.

**"Toxic Pollutant"** means any pollutant or combination of pollutants listed in 40 CFR Part 403 Appendix B.

**"Unpolluted Water"** shall mean water containing none of the following: free or emulsified oil and grease; substances that may impart taste, odor or color characteristics; volatile, explosive, toxic or poisonous substances in suspension or solution; explosive, odorous or otherwise obnoxious gases. Such water shall not contain more than 25 mg/l of suspended solids, and not more than 25 mg/l of BOD.

**"Upset"** shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An Upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.

**"User"** or **"Industrial User"** shall mean a source of discharge into a POTW from any source other than a domestic user.

**"Waste Hauler"** means a private contractor licensed by the State of Iowa and permitted by the city to deliver wastewater to the POTW.

**"Wastewater"**, also termed **"Sewage"**, means a combination of the liquid and water carried waste from residences, commercial buildings, institutions and industrial establishments, together with such groundwater, surface water, and stormwater as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**"Wastewater Discharge Permit"** means the document or documents issued to a user by the city in accordance with the terms of this chapter.

**"Water of the State"** shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State of Iowa or any portion thereof.

**"Water Pollution Control Plant Manager"** means the Water Pollution Control Plant Manager of the Davenport Wastewater Facilities or his or her authorized deputy, agent, or representative.

## **II. WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS.**

### **13.16.050 USER REQUIREMENTS.**

The following requirements shall apply to all users of the POTW:

- (1) All users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge.
- (2) New or increased contributions of pollutants or changes in the nature of pollutant discharged to the POTW shall require prior approval by the Water Pollution Control Plant Manager.
- (3) Industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. The notification shall comply with the requirements set forth in 40 CFR 403.12(p)
- (4) Introduction or contribution of any pollutants without the notice and approval required by this section is prohibited. Upon the receipt of notice required by this section the Water Pollution Control Plant Manager shall within 180 days or less approve the discharge if he finds the

proposed discharge meets applicable pretreatment standards and requirements and would not cause the POTW to violate its NPDES permit. The Water Pollution Control Plant Manager shall deny permission for the discharge if he finds applicable pretreatment standards and requirements are not met or the discharge would cause the POTW to violate its NPDES permit. In lieu of denial of permission the Water Pollution Control Plant Manager may allow such contribution or discharge upon conditions, which would not violate applicable pretreatment standards or requirements and would not cause the POTW to violate its NPDES permit.

Any part of this section notwithstanding, upon receipt of the notice required by this section the Water Pollution Control Plant Manager may require, in addition to the requirements of this section, that an industrial user obtain a permit under this chapter.

#### **13.16.055 DISCHARGE PROHIBITIONS.**

The following prohibitions shall apply to all users of the POTW unless the user is subject to a more restrictive NCPS, IDNR, or wastewater discharge permit limit. The following substances are prohibited from discharge to the POTW:

- A. General Prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.
- B. Specific prohibitions: No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1) Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140°F (60°C) using test methods referenced in 40 CFR 261.21. At no time shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at the nearest accessible point to the POTW, at the point of discharge into the POTW, or at any point in the POTW be more than five percent (5%) nor any single reading greater than ten percent (10%);
  - (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or greater than 12;
  - (3) Solid or viscous pollutants which will cause obstruction to the flow in the POTW resulting in interference. Such pollutants include, but are not limited to: grease, garbage with particles greater than one-half (1/2) inch any dimension, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing waste, or tumbling and de-burring stones, and wastewater containing fat, wax, O&G, or other substances which may solidify or become viscous at temperatures between 32°F and 150° F (0°C and 65°C);
  - (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration which will cause interference or pass through at the POTW or which constitutes a slug load as defined in this chapter;
  - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater or vapor having a temperature higher than 150°F (65°C) at the point of introduction into the POTW; and in no case waste water or vapor which alone or in concert with other discharges produces a temperature at the POTW treatment plant greater than 104°F (40°C);
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or a public nuisance;
  - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW;
  - (9) Radioactive wastes unless they comply with IAC 641-40.72, 641-40.88 and 641-40 Appendix B, Table III,

- (10) Pollutants causing excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions);

### 13.16.060 LOCAL LIMITS FOR SPECIFIC POLLUTANTS.

#### A. General Provisions.

- (1) **Dilution.** Users shall not increase the use of process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the NCPS, or with any other pollutant-specific limitation developed by the city.
- (2) **Sample Location.** Measurement of pollutant concentrations to determine compliance shall be made at the point immediately following the pretreatment facility and before mixture with other waters, unless another point is designated by the Water Pollution Control Plant Manager. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined wastestream formula.

- B. **Headworks Limits - Average Mass.** The average composite loading of all users contributing the following specific pollutants to the POTW shall not exceed the allowable total pounds. The allocation of pollutants between industrial and non-industrial sources may be adjusted by the Water Pollution Control Plant Manager provided that allowable total loading for any pollutant at the headworks of the POTW treatment plant is not exceeded.

| <b>Table 1</b><br><b>Davenport Water Pollution Control Plant</b><br><b>2606 South Concord Street</b><br><b>Head Works Allowable Loading</b> |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <b>Pollutant</b>                                                                                                                            | <b>30 Day Average</b>  |
| <b>Al</b>                                                                                                                                   | <b>7895.243 Pounds</b> |
| <b>As</b>                                                                                                                                   | <b>3.229 Pounds</b>    |
| <b>Ba</b>                                                                                                                                   | <b>NA</b>              |
| <b>Cd</b>                                                                                                                                   | <b>9.676 Pounds</b>    |
| <b>Total Cr</b>                                                                                                                             | <b>157.626 Pounds</b>  |
| <b>Cu</b>                                                                                                                                   | <b>61.823 Pounds</b>   |
| <b>Fe</b>                                                                                                                                   | <b>255.992 Pounds</b>  |
| <b>Pb</b>                                                                                                                                   | <b>17.432 Pounds</b>   |
| <b>Hg</b>                                                                                                                                   | <b>0.473 Pounds</b>    |
| <b>Mo</b>                                                                                                                                   | <b>44.749 Pounds</b>   |
| <b>Ni</b>                                                                                                                                   | <b>34.532 Pounds</b>   |
| <b>Se</b>                                                                                                                                   | <b>3.828 Pounds</b>    |
| <b>Ag</b>                                                                                                                                   | <b>25.139 Pounds</b>   |
| <b>Zn</b>                                                                                                                                   | <b>125.628 Pounds</b>  |
| <b>Total Phenols</b>                                                                                                                        | <b>1891.512 Pounds</b> |
| <b>Total Cyanide</b>                                                                                                                        | <b>8.408 Pounds</b>    |

| <b>Table 2</b><br><b>Davenport Water Pollution Control Lagoon</b><br><b>West Locust Street</b><br><b>Head Works Allowable Loading</b> |                       |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Pollutant</b>                                                                                                                      | <b>30 Day Average</b> |
| <b>Al</b>                                                                                                                             | <b>NA</b>             |
| <b>As</b>                                                                                                                             | <b>NA</b>             |
| <b>Ba</b>                                                                                                                             | <b>NA</b>             |
| <b>Cd</b>                                                                                                                             | <b>0.002 Pounds</b>   |
| <b>Total Cr</b>                                                                                                                       | <b>0.062 Pounds</b>   |
| <b>Cu</b>                                                                                                                             | <b>0.084 Pounds</b>   |
| <b>Fe</b>                                                                                                                             | <b>NA</b>             |
| <b>Pb</b>                                                                                                                             | <b>0.011 Pounds</b>   |
| <b>Hg</b>                                                                                                                             | <b>NA</b>             |
| <b>Mo</b>                                                                                                                             | <b>NA</b>             |
| <b>Ni</b>                                                                                                                             | <b>0.072 Pounds</b>   |
| <b>Se</b>                                                                                                                             | <b>NA</b>             |
| <b>Ag</b>                                                                                                                             | <b>0.002 Pounds</b>   |
| <b>Zn</b>                                                                                                                             | <b>8.338 Pounds</b>   |
| <b>Total Phenols</b>                                                                                                                  | <b>NA s</b>           |
| <b>Total Cyanide</b>                                                                                                                  | <b>0.002 Pounds</b>   |

| <b>Table 3</b><br><b>Davenport Water Pollution Control Plant</b><br><b>2606 South Concord Street</b><br><b>Tier 1 Significant Industrial User Local Limits</b> |                          |                       |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------|-----------------------|
|                                                                                                                                                                | <b>Kraft Oscar Mayer</b> | <b>Leiner Davis</b>   | <b>Nestle Purina</b>  |
| <b>Pollutant</b>                                                                                                                                               | <b>30 Day Average</b>    | <b>30 Day Average</b> | <b>30 Day Average</b> |
| <b>Al</b>                                                                                                                                                      | <b>NA</b>                | <b>NA</b>             | <b>NA</b>             |
| <b>As</b>                                                                                                                                                      | <b>0.715 Pounds</b>      | <b>0.86 Pounds</b>    | <b>0.172 Pounds</b>   |
| <b>Ba</b>                                                                                                                                                      | <b>NA</b>                | <b>NA</b>             | <b>NA</b>             |
| <b>Cd</b>                                                                                                                                                      | <b>0.745 Pounds</b>      | <b>0.89 Pounds</b>    | <b>0.179 Pounds</b>   |
| <b>Total Cr</b>                                                                                                                                                | <b>14.89 Pounds</b>      | <b>17.87 Pounds</b>   | <b>3.57 Pounds</b>    |
| <b>Cu</b>                                                                                                                                                      | <b>7.87 Pounds</b>       | <b>9.45 Pounds</b>    | <b>1.89 Pounds</b>    |
| <b>Fe</b>                                                                                                                                                      | <b>NA</b>                | <b>NA</b>             | <b>NA</b>             |
| <b>Pb</b>                                                                                                                                                      | <b>2.69 Pounds</b>       | <b>3.22 Pounds</b>    | <b>0.64 Pounds</b>    |
| <b>Hg</b>                                                                                                                                                      | <b>NA</b>                | <b>NA</b>             | <b>NA</b>             |
| <b>Mo</b>                                                                                                                                                      | <b>NA</b>                | <b>NA</b>             | <b>NA</b>             |
| <b>Ni</b>                                                                                                                                                      | <b>4.17 Pounds</b>       | <b>5.00 Pounds</b>    | <b>1.00 Pounds</b>    |
| <b>Se</b>                                                                                                                                                      | <b>0.596 Pounds</b>      | <b>0.71 Pounds</b>    | <b>0.143 Pounds</b>   |
| <b>Ag</b>                                                                                                                                                      | <b>0.993 Pounds</b>      | <b>1.19 Pounds</b>    | <b>0.238 Pounds</b>   |
| <b>Zn</b>                                                                                                                                                      | <b>12.40 Pounds</b>      | <b>14.68 Pounds</b>   | <b>6.84 Pounds</b>    |
| <b>Total Phenols</b>                                                                                                                                           | <b>49.64 Pounds</b>      | <b>59.57 Pounds</b>   | <b>11.914 Pounds</b>  |
| <b>Total Cyanide</b>                                                                                                                                           | <b>0.496 Pounds</b>      | <b>0.596 Pounds</b>   | <b>0.119 Pounds</b>   |

| <b>Table 4</b><br><b>Davenport Water Pollution Control Plant</b><br><b>2606 South Concord Street</b><br><b>Tier 2 Significant Industrial User Local Limits</b> |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Pollutant</b>                                                                                                                                               | <b>30 Day Average</b> |
| <b>Al</b>                                                                                                                                                      | <b>NA</b>             |
| <b>As</b>                                                                                                                                                      | <b>0.065 mg/l</b>     |
| <b>Ba</b>                                                                                                                                                      | <b>NA</b>             |
| <b>Cd</b>                                                                                                                                                      | <b>0.458 mg/l</b>     |
| <b>Total Cr</b>                                                                                                                                                | <b>7.014 mg/l</b>     |
| <b>Cu</b>                                                                                                                                                      | <b>2.131 mg/l</b>     |
| <b>Fe</b>                                                                                                                                                      | <b>NA</b>             |
| <b>Pb</b>                                                                                                                                                      | <b>0.298 mg/l</b>     |
| <b>Hg</b>                                                                                                                                                      | <b>NA</b>             |
| <b>Mo</b>                                                                                                                                                      | <b>NA</b>             |
| <b>Ni</b>                                                                                                                                                      | <b>1.321 mg/l</b>     |
| <b>Se</b>                                                                                                                                                      | <b>0.120 mg/l</b>     |
| <b>Ag</b>                                                                                                                                                      | <b>1.359 mg/l</b>     |
| <b>Zn</b>                                                                                                                                                      | <b>4.295 mg/l</b>     |
| <b>Total Phenols</b>                                                                                                                                           | <b>108.834 mg/l</b>   |
| <b>Total Cyanide</b>                                                                                                                                           | <b>0.433 mg/l</b>     |



| <b>Table 5</b><br><b>Davenport Water Pollution Control Lagoon</b><br><b>West Locust Street</b><br><b>Significant Industrial User Local Limits</b> |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Pollutant</b>                                                                                                                                  | <b>30 Day Average</b> |
| <b>Al</b>                                                                                                                                         | <b>NA</b>             |
| <b>As</b>                                                                                                                                         | <b>NA</b>             |
| <b>Ba</b>                                                                                                                                         | <b>NA</b>             |
| <b>Cd</b>                                                                                                                                         | <b>0.024 mg/l</b>     |
| <b>Total Cr</b>                                                                                                                                   | <b>0.942 mg/l</b>     |
| <b>Cu</b>                                                                                                                                         | <b>1.282 mg/l</b>     |
| <b>Fe</b>                                                                                                                                         | <b>NA</b>             |
| <b>Pb</b>                                                                                                                                         | <b>0.173 mg/l</b>     |
| <b>Hg</b>                                                                                                                                         | <b>NA</b>             |
| <b>Mo</b>                                                                                                                                         | <b>NA</b>             |
| <b>Ni</b>                                                                                                                                         | <b>1.099 mg/l</b>     |
| <b>Se</b>                                                                                                                                         | <b>NA</b>             |
| <b>Ag</b>                                                                                                                                         | <b>0.029 mg/l</b>     |
| <b>Zn</b>                                                                                                                                         | <b>5.00 mg/l</b>      |
| <b>Total Phenols</b>                                                                                                                              | <b>NA</b>             |
| <b>Total Cyanide</b>                                                                                                                              | <b>0.027 mg/l</b>     |

C. Discharge Concentration Limits and Review Criteria.

- (1) The admission into the POTW of any materials, water or waste having a pollutant concentration or poundage greater than the limits in Tables 1 through 5 above, or containing pollutants not listed herein, shall be subject to the review and approval of the Water Pollution Control Plant Manager. After review of the proposed discharges, the Water Pollution Control Plant Manager may:
  - (i) Reject the waste for reasons consistent with section 13.16.020.
  - (ii) Require pre-treatment to an acceptable pollutant concentration for discharge to the POTW.
  - (iii) Require control of the quantities and rates of discharge of the water or waste.
  - (iv) Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.
  - (v) Reduce the maximum or average mass loading of present and prospective individual users on any reasonable prorated basis to meet headworks loading limits at the POTW treatment plant.
  - (vi) Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.
  - (vii) Require the user to meet local limits or NCPS in cases where local limits are more restrictive than NCPS provided that headworks loading limits are met.
  - (viii) Initiate enforcement action in response to any non-compliance with this ordinance using the enforcement procedures outlined in this ordinance.
  - (ix) Take any combination of steps (i) through (viii) as appropriate.
- (2) Users discharging wastewater to the POTW having pollutant concentrations or flows greater than the limits in table 8 shall be considered non-domestic for purposes of sewer charges and may be regulated or permitted by the Water Pollution Control Plant Manager as appropriate:

| <b>Table 8</b>                   |                       |
|----------------------------------|-----------------------|
| <b>Domestic Pollutant Limits</b> |                       |
| <b>Pollutant</b>                 | <b>Domestic Limit</b> |
| <b>BOD</b>                       | <b>250 mg/l</b>       |
| <b>TSS</b>                       | <b>300 mg/l</b>       |

- D. No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by USEPA or IDNR, nor to allow the average allowable total loading for any pollutant at the headworks of the POTW treatment plant to be exceeded.

#### **13.16.065 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.**

- A. Users subject to National Categorical Pretreatment Standards (NCPS) as contained in 40 CFR Chapter I, Subchapter N, Parts 405-471 or future promulgated regulations shall comply with the standards and applicable reporting requirements under 40 CFR 403.12.
- B. New sources of categorical discharge shall meet NCPS in the shortest feasible time but in no case longer than 90 days from the commencement of discharge. Failure to comply shall be a violation of this ordinance and subject the user to enforcement action.
- C. The POTW shall notify all known affected categorical users of the applicable reporting requirements under 40 CFR 403.12. Failure of the POTW to notify the User shall not relieve the user of the duty, if any, to comply with NCPS.
- D. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Water Pollution Control Plant Manager may impose equivalent concentrations or mass limits in accordance with 40 CFR 403.6 (c).
- E. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Water Pollution Control Plant Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharge per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users in accordance with 40 CFR 403.6 (c) (3) and (4).
- F. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Water Pollution Control Plant Manager shall impose an alternate limit in accordance with 40 CFR 403.6 (e).
- G. A Categorical User may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with 40 CFR 403.15

#### **13.16.070 STATE REQUIREMENTS.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than USEPA or city requirements and limitations unless allowed by the state.

#### **13.16.075 CITY'S RIGHT OF REVISION.**

The city reserves the right to establish more stringent limitations or requirements on discharges to the POTW than those contained in this chapter if deemed necessary to comply with the purpose and policy objectives presented in section 13.16.020.

#### **13.16.080 PRETREATMENT.**

- A. A user discharging, or with potential to discharge, any waste into the POTW as set forth in section 13.16.055, 13.16.060, 13.16.065, 13.16.070 or 13.16.075 shall be required by the Water Pollution Control Plant Manager to construct, install and operate, at the user's sole expense, such pretreatment facilities as may be required in order to:
  - (1) Reduce the objectionable characteristics or constituents to within the maximum limits provided for in sections 13.16.055, 13.16.060, 13.16.065, and 13.16.070;
  - (2) Control the quantities and rates of discharge of such wastewater;

- (3) Reduce the pollutants to such concentration and flows as may be contained in the user's wastewater discharge permit;
    - (a) New industrial users discharging into the POTW will be required to design and operate their pretreatment facilities to meet the domestic pollutant limits in Table 8.
    - (b) Existing industrial users planning significant modifications to their facility or discharge to the POTW will be required to install and operate pretreatment facilities to meet the domestic pollutant limits in Table 8.
  - (4) Prevent the discharge of liquid waste containing O&G, sand in excessive amounts, any flammable waste, or other harmful pollutants. All traps or similar devices shall be of a type and capacity needed to perform effectively and shall be readily and easily accessible for cleaning and inspection. All traps or devices shall be provided and maintained in efficient operating condition at all times. Materials removed from traps shall be considered unacceptable for disposal at the POTW treatment plant unless specifically approved by the Water Pollution Control Plant Manager.
- B. All plans, specifications, technical operating data and other information pertinent to the proposed operation and maintenance of pretreatment facilities shall be reviewed and approved by the Water Pollution Control Plant Manager prior to construction. Design and installation of such facilities shall be subject to the requirements of all applicable codes, chapters and laws, including local zoning regulations. The review and approval of such plans and operating procedures shall, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Water Pollution Control Plant Manager under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the Water Pollution Control Plant Manager prior to the user's initiations of the changes.
- C. Users shall continuously maintain all pretreatment facilities required by this chapter in satisfactory and effective operating condition at the sole expense of such user.
- D. No provision contained in this chapter shall be construed to prevent or prohibit a separate or special agreement between the city and any user whereby wastewater containing waste of unusual strength, character or composition may be accepted by the city for treatment, subject to additional payment by such user: provided however, that such agreement shall have the prior approval of the Water Pollution Control Plant Manager, shall not conflict with IDNR and USEPA requirements, and shall be consistent with sections 13.16.060(b), 13.16.065, 13.16.070 and 13.16.080(f) of this chapter.
- E. The Water Pollution Control Plant Manager may reject any waste, which, in the opinion of the Water Pollution Control Plant Manager, may cause interference or pass through.
- F. Users shall obtain the specific approval of the Water Pollution Control Plant Manager prior to discharging any waste resulting from a pretreatment facility to the POTW. The Water Pollution Control Plant Manager may develop a documentation system to track the transportation and final disposition of any pretreatment waste. Pretreatment waste regulated by this paragraph shall include waste generated as a result of pretreatment processes used to comply with NPDES permits, air pollution permits, wastewater discharge permits, soil/ groundwater reclamation processes, and pollutants resulting from a spill of any liquid or solid material or the clean-up of any such spill. Pretreatment waste is prohibited from disposal to the water of the state except as specifically permitted by IDNR.

#### **13.16.085 DILUTION PROHIBITED.**

Users shall not increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the NCPS, or with any other pollutant-specific limitation developed by the city.

#### **13.16.090 SLUG / SPILL CONTROL.**

- A. Users, who upon internal review by the user personnel or upon review by the Water Pollution Control Plant Manager, are determined to have the ability to cause interference or pass through at the POTW or to discharge a slug shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be at the user's cost and expense.

- B. Slug / Spill Control Plan (SCP). Users meeting the criteria in subsection A. thereof shall develop a SCP and implement the plan after approval by the Water Pollution Control Plant Manager. The plan shall contain the following:
- (1) A description of discharge practices, including non- routine batch discharges;
  - (2) A description of stored chemicals;
  - (3) Procedures for immediately notifying the POTW of slug discharges, including any that would violate the discharge prohibitions in section 13.16.055 of this chapter. Notification procedures shall comply with paragraphs (c) and (d) of this subsection;
  - (4) A description of procedures and structures necessary to prevent adverse POTW impact from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
  - (5) A schedule for the completion or implementation of necessary procedures and structures. Complete implementation and installation of any procedures or structures shall be according to the shortest possible schedule but in no case longer than one year. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify and operate its facility as necessary to meet the requirements of this chapter.
- C. Users shall immediately telephone and notify the POTW in the case of
- (1) Any discharge, including, but not limited to, accidental discharges, discharges of a non-routine episodic nature, a non-customary batch discharge, or a slug discharge that may cause potential problems for the POTW.
  - (2) Any discharge, which violates section 13.16.055 of this chapter.
  - (3) Any discharge into the POTW of a substance which is a listed or characteristic waste under 40 CFR 261. This type of discharge will also be require additional immediate reporting to the USEPA Regional Director and IDNR.
- D. Immediate notification requirements shall include the name of caller, location and time of discharge, pollutant concentration, volume and the corrective actions taken.
- E. Users shall submit a written report to the Water Pollution Control Plant Manager within five (5) days following such an accidental or deliberate discharge describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Users shall submit follow up reports as may be required by the Water Pollution Control Plant Manager. Such report, or reports, shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the city, result in the revocation of the discharger's wastewater discharge permit.
- F. Users shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its pretreatment facility until the facility is restored or an alternative method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power to the user's pretreatment facility is reduced, lost or fails.
- G. Users required to have a SCP must permanently post a notice in English and the language of common use on the user's bulletin board or other prominent place advising employees whom to call should a prohibited discharge occur. Users shall insure that all employees who are in a position to cause, discover, or observe such an accidental discharge are advised of the emergency notification procedures.

#### **13.16.095 TREATMENT UPSETS.**

- A. For the purposes of this section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met.
- C. An User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An Upset occurred and the User can identify the cause(s) of the Upset;
  - (2) The facility was at the time being operated in a prudent and workman- like manner and in compliance with applicable operation and maintenance procedures;
  - (3) The User has submitted the following information to the POTW within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):
    - (a) A description of the Indirect Discharge and cause of noncompliance;
    - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
    - (c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only if an enforcement action brought for noncompliance with categorical pretreatment.
- F. The User shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails

#### **13.16.100 TREATMENT BYPASS.**

- A. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime.
- B. The user may allow a bypass to occur which does not cause a violation of pretreatment standards, but only if it is for essential maintenance to assure efficient operation.
- C. Notification of Bypass:
  - (1) Anticipated Bypass. If the user knows in advance of the need for a bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass, to the Water Pollution Control Plant Manager.
  - (2) Unanticipated Bypass. The user shall immediately notify the Water Pollution Control Plant Manager and submit a written notice to the POTW within five (5) days. This report shall specify:
    - (a) A description of the bypass, its cause, and the duration;
    - (b) Whether the bypass has been corrected;
    - (c) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.
- D. Proper notification shall not relieve the user of liability for treatment costs and fees or other remedies as provided for in section 13.16.080.

#### **13.16.105 COMPREHENSIVE SEWER SERVICE CHARGES - ENUMERATED.**

Every person whose premises are served by connection to the sanitary sewer system of the city either directly or indirectly, shall pay to the city a comprehensive sewer service charge for the use of and for services supplied by the wastewater facilities of the city, which charges shall consist of:

- (1) A basic user charge;
- (2) A surcharge for the O & M of the wastewater treatment plant for wastes contributed of strengths greater than domestic wastewater. All users contributing wastewater in excess of the

concentrations hereafter listed shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use:

| <b>Table 10</b>              |
|------------------------------|
| <b>Surcharged Pollutants</b> |
| <b>Pollutant</b>             |
| <b>BOD</b>                   |
| <b>TSS</b>                   |

- (3) A customer charge.

### **13.16.106 RATES.**

The rates for the comprehensive sewer service charges shall be reviewed annually and established from time to time by city council ordinance and shall be as follows:

- A. For Basic User Charge. The basic user charge shall be based on the quantity of flow estimated or actual flow of wastewater recorded by meters. The unit charge for wastewater measured in one hundred cubic feet shall be computed as follows:
- (1) Unit Cost. The unit cost per one hundred cubic feet shall be determined by dividing the anticipated budget for operation and maintenance of the wastewater treatment plant and the sanitary sewer system including debt service and anticipated, current year capital improvements by the estimated quantity of flow billed to all users of the sanitary sewer system.
- B. For Surcharge. The surcharge for the O & M cost of the wastewater treatment plant shall be collected from those users who contribute wastes which strengths are greater than domestic wastewater. These users shall be sampled, and the sample analyzed at least once per month.
- (1) Monthly Excess BOD. The monthly excess BOD, expressed in milligrams per liter, shall be calculated by subtracting the BOD of domestic wastewater (two hundred fifty milligrams per liter) from the monthly average BOD of a user. If the value is less than zero, zero shall be used to compute the average of excess BOD.
  - (2) BOD Surcharge Amount. The surcharge for BOD shall be calculated by multiplying the excess BOD value by the unit BOD cost per pound.
  - (3) Monthly Excess SS. The monthly excess SS, expressed in milligrams per liter, shall be calculated by subtracting the SS of domestic wastewater (three hundred milligrams per liter) from the monthly average SS of a user. If the value is less than zero, zero shall be used to compute the average of excess SS.
  - (4) SS Surcharge Amount. The surcharge for SS shall be calculated by multiplying the excess SS value by the unit SS cost per pound. The total surcharge shall then be a summation of the surcharge for BOD and the surcharge for SS.
- C. For the Customer Charge.
- (1) The cost of determining the amount due from each user and the collecting of same shall be borne by the user. Each user shall be billed on a regular basis, i.e., monthly or quarterly, for the amount of the comprehensive sewer service charges.
  - (2) Each regular bill shall be increased by a charge to defray the cost of computing and mailing the bill. The cost per bill will be determined by dividing the anticipated budget, including the portion of the debt service and the anticipated current year capital improvements, by the total number of bills mailed to the users.
- D. For single-family detached residential customers who are billed quarterly, the basic user charge shall be computed using the rate as determined in subsection A of this section, multiplied by the actual amount of water supplied by the water company (Iowa-American Water Company) as shown by the water meter readings of that company or fifty ccf, whichever is less. All other customers shall pay a basic user charge based upon the amount of water supplied by the water company as shown by the water meter readings of that company.



- E. Special Rates. Grounds; Approval. Where, in the judgment of the Council, special conditions surround the use of water to the extent that the application of the comprehensive sewer user charge or method of measurement would be inequitable or unfair to either the city or the user, a special rate or method of measurement shall be established by the city. Such rates or methods of measurement shall be subject to approval by resolution of the Council. In such cases, the city council may require that water consumed on the premises concerned shall be separately metered at the expense of the user, who shall also pay the cost of the reading resulting there from. In all cases, the comprehensive sewer user charge resulting shall be on an equal basis as nearly as may be with charges which would apply to an equal quantity and character of waste of other users of the wastewater system.
- F. Replacement Component. Calculation; Use. The replacement component shall be fifteen percent of the operation and maintenance (O & M) budget approved for the wastewater treatment plant in each fiscal year. The replacement component shall be calculated in each fiscal year and shall be added to the total O & M budget for the wastewater treatment plant for such year. Any portion of a replacement component which has not been used in a fiscal year shall not lapse but shall be retained, together with any interest accrued thereon; shall be carried forward and combined with any unused portion of any other replacement component for the current fiscal year, to be used to replace equipment at the wastewater treatment plant. A replacement component and any unused portion of a prior replacement component, plus any interest thereon, which has been carried forward as herein provided, shall be used only to replace equipment at the wastewater treatment plant. The O & M budget for the wastewater treatment plant plus the replacement component for the current fiscal year shall be used as the anticipated budget for calculating comprehensive sewer service charges for the use of the wastewater treatment plant.

#### **13.16.107 RATES – AMOUNT.**

The rates for comprehensive sewer service supplied by the wastewater facilities of the city shall be as follows:

- A. 1. Effective July 1, 2018. (Ord. 2018-87 § 1). 445.00 cents per one hundred cubic feet of water use as determined by water readings.
- 2. Effective July 1, 2019. (Ord. 2018-87 § 3). 476.00 cents per one hundred cubic feet of water use as determined by water meter readings.
- 3. Effective July 1, 2020. (Ord. 2018-87 § 5). 509.00 cents per one hundred cubic feet of water use as determined by water meter readings.
- 4. Effective July 1, 2021. (Ord. 2018-87 § 7). 545.00 cents per one hundred cubic feet of water use as determined by water meter readings.
- B. 1. Effective July 1, 2018. (Ord. 2018-87 § 2).
  - a. 1698.00 cents per bill for monthly billed commercial customers,
  - b. 1715.00 cents per bill for monthly billed residential customers,
  - c. 2283.00 cents per bill for quarterly commercial billed customers,
  - d. 2333.00 cents per bill for quarterly residential billed customers.
- 2. Effective July 1, 2019. (Ord. 2018-87 § 4).
  - a. 1817.00 cents per bill for monthly billed commercial customers,
  - b. 1834.00 cents per bill for monthly billed residential customers,
  - c. 2443.00 cents per bill for quarterly billed commercial customers,
  - d. 2493.00 cents per bill for quarterly billed residential customers.
- 3. Effective July 1, 2020. (Ord. 2018-87 § 6).
  - a. 1944.00 cents per bill for monthly billed commercial customers,
  - b. 1961.00 cents per bill for monthly billed residential customers,
  - c. 2614.00 cents per bill for quarterly commercial billed customers,
  - d. 2664.00 cents per bill for quarterly residential billed customers.

4. Effective July 1, 2021. (Ord. 2018-87 § 8).
    - a. 2080.00 cents per bill for monthly billed commercial customers,
    - b. 2097.00 cents per bill for monthly billed residential customers,
    - c. 2797.00 cents per bill for quarterly commercial billed customers,
    - d. 2847.00 cents per bill for quarterly residential billed customers.
  - C. 8.08 cents per pound of excess "BOD" over domestic strength wastewater.
  - D. 17.61 cents per pound of excess suspended solids over domestic strength wastewater.
  - E. 15,000 CCF Maximum Flow Per Day. The average flow shall be determined by dividing the total flow in the billing period by the number of days in the billing period. If the average flow exceeds 15,000 ccf per day, the quantity of 15,000 ccf multiplied by the number of days in the billing period shall be substituted in the calculation.
  - F. 1. Effective July 1, 2018. (Ord. 2018-87 § 9). 50.00 cents of rates established in Section B for residential customers per quarter to fund the no-fault sewer backup reimbursement program.
- (Ord. 2018-87 §§ 1-9; Ord. 2016-160 §§ 1-3; Ord. 2014-85 §§1-4; Ord. 2013-277; Ord. 2012-49 §§ 1-4; Ord. 2010-60 § 1-4; Ord. 2008-155 § 1; Ord. 2007-91 § 1; 2003-27 § 1 (part)).

#### **13.16.108 PROPERTY LIEN FOR UNPAID FEES**

The city treasurer shall certify to the county treasurer any comprehensive sewer user charge which is owing after the thirty day payment period. All certified charges constitute a lien upon the premises served by the sanitary sewer system for which the charges were made and shall be collected in the same manner as taxes. Failure to send or receive a bill for comprehensive sewer user charges is not a defense to the collection of the charges.

The city council may order suspension of service to those premises for which the comprehensive sewer user charge is delinquent.

#### **13.16.109 Fees**

Reserved

### **III. WASTEWATER DISCHARGE PERMITS AND REPORTING REQUIREMENTS**

#### **13.16.110 Class of Permit.**

Reserved

#### **13.16.115 PERMIT REQUIREMENTS.**

All new industrial users shall notify the Water Pollution Control Plant Manager of the nature and characteristics of their proposed discharge 180 days prior to commencing discharge. A notification form prescribed by the city shall be used for this purpose.

Significant users shall discharge wastewater, either directly or indirectly, into the POTW only after obtaining a wastewater discharge permit from the Water Pollution Control Plant Manager. Obtaining a wastewater discharge permit does not relieve a User of the obligation to obtain other permits required by federal, state, or local law.

Other Users, including waste haulers, shall obtain permits as required by the Water Pollution Control Plant Manager.

#### **13.16.120 PERMIT APPLICATIONS - BASELINE MONITORING REPORTS.**

Users applying for a wastewater discharge permit or submitting a baseline monitoring report shall submit the following information as required by 40 CFR 403.12 or by the Water Pollution Control Plant Manager:

- A. Users applying for a wastewater discharge permit must submit an application form prescribed by the city and accompanied by the application fee. All new significant users must submit such application 180 days prior to the date of any wastewater discharge. Existing users subject to new NCPS must,

within 180 days after the effective date of the standard, submit such an application. The following information is required:

- (1) Name, address, and location of facility (if different from the mailing address);
- (2) Name of a person or agent authorized to accept legal service of process;
- (3) Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which NCPS have been promulgated and a list of any environmental control permits held by or for the facility;
- (4) Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any federal, state, or local standards with sampling and analysis performed in accordance with EPA approved methods, and meeting the following requirements:
  - (a) The user shall identify the pretreatment standards applicable to each regulated process if the user is a categorical user.
  - (b) All samples shall be representative of daily operations.
  - (c) A minimum of six (6) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Water Pollution Control Plant Manager may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional sampling is not feasible. In such cases, samples may be obtained through time-proportional techniques or through a minimum of four (4) grab samples where the User demonstrates that such sampling will provide a representative sample of the effluent being discharged.
  - (d) Where the flow of the stream being sampled is less than or equal to 250,000 gpd, the User must analyze three samples within a two-week period. Where the flow of the stream being sampled is greater than 250,000 gpd, the user must analyze six samples within a two-week period.
  - (e) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists and prior to mixing with other waste. If non-regulated wastewater is mixed with regulated wastewater prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with pretreatment standards. Where an alternate concentrations or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Water Pollution Control Plant Manager. Users not subject to categorical standards shall submit analysis of wastewater representative of the effluent discharged to the POTW.
  - (f) The Water Pollution Control Plant Manager may allow the submission of an application which utilizes only historical data so long as the data provides information sufficient to determine the need for pretreatment.
  - (g) A statement indicating the time, date and place of sampling, methods of analysis, and certifying that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW shall accompany each Application/Baseline Monitoring Report unless such sampling and analysis was performed by the city.
- (5) Time and duration of all discharges;
- (6) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (7) Description of activities, facilities, and plant processes at the site, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW;
- (8) The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation. The plans shall include a schematic process diagram which indicates all points of discharge to the POTW. All plans must be certified for accuracy by a professional engineer registered in the state of Iowa;
- (9) Each product produced by type, amount, process or processes and rate of production;
- (10) Type and amount of raw materials processed (average and maximum per day);

- (11) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment facility;
  - (12) A statement, reviewed by an authorized representative of the user (as defined in section 13.16.170) and certified to by a professional engineer registered in the state of Iowa, indicating whether pretreatment standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) or additional pretreatment is required for the user to meet pretreatment standards and requirements;
  - (13) If additional pretreatment or O&M will be required to meet pretreatment standards or requirements, then the user shall supply a compliance schedule indicating the shortest time schedule necessary to accomplish installation or adoption of such additional pretreatment or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
    - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such schedule shall include, where applicable, but not limited to, dates for the hiring of an engineer, completing preliminary plans, executing contracts for major components, commencing construction, beginning operation, and conducting routine operations);
    - (b) No increment referred to in paragraph (A) above, shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months;
    - (c) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Water Pollution Control Plant Manager, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Water Pollution Control Plant Manager.
  - (14) Any additional information required by the Water Pollution Control Plant Manager to evaluate a permit application;
- B. All applications and reports must contain the certification statement and be signed in accordance with section 13.16.170.
  - C. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 40 CFR 403.12(e)(2).

#### **13.16.125. CATEGORICAL INDUSTRIES - REPORT ON COMPLIANCE.**

Users subject to NCPS shall submit a report to the Water Pollution Control Plant Manager containing the information described in section 13.16.120 subsections (1)(iii),(iv), (v) and (xi) within 90 days following the date for final compliance with applicable NCPS or, in the case of a new source, following commencement of discharge. Users subject to equivalent mass or concentration limits shall provide a reasonable measure of the user's long term production rate. For all other users subject to NCPS expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All reports must contain the certification statement and be signed in accordance with section 13.16.170 of this chapter.

#### **13.16.130 PERMIT CONTENTS.**

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Water Pollution Control Plant Manager to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant.

- A. The conditions may include, but need not be limited to, the following:
  - (1) Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;
  - (2) Limits on the average or maximum concentration, mass, or other measure of identified wastewater constituents or properties;

- (3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
- (4) Requirements for the development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or prohibited discharges;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection, sampling, and flow monitoring facilities and equipment for each separate discharge into the POTW;
- (7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
- (8) Compliance schedules;
- (9) Requirements for submission of technical reports or discharge reports and which may include production data;
- (10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Water Pollution Control Plant Manager and affording the Water Pollution Control Plant Manager or the Water Pollution Control Plant Manager's representatives, access thereto;
- (11) Requirements for the notification of any substantial change in the manufacturing processes, pretreatment processes, quantity or quality of waste discharged to the POTW 90 days prior to such change. The Water Pollution Control Plant Manager shall approve, deny or condition a changed discharge prior to a change occurring in accordance with the provisions of section 13.16.050(4) of this chapter;
- (12) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pretreatment standards, including those which become effective during the term of the permit.
- (13) Other conditions as deemed appropriate by the Water Pollution Control Plant Manager to ensure compliance with this chapter, and state and federal laws, rules, and regulations;

#### **13.16.135 PERMIT DURATION AND RENEWAL.**

Permits shall be issued for a specified time period, not to exceed five (5) years. Permitted users shall apply for a new permit by submitting a completed permit application a minimum of ninety (90) days prior to the expiration of the user's existing permit.

#### **13.16.140 CONTINUATION OF EXPIRED PERMITS.**

Expired permits shall remain effective and enforceable until the permit is reissued unless the user is notified of permit termination by the city.

#### **13.16.145 PERMIT MODIFICATIONS.**

The Water Pollution Control Plant Manager may modify the permit for good cause including, but not limited to, the following:

- (1) To incorporate any new or revised federal, state, or local pretreatment standard or requirement (after becoming aware of more stringent standards or requirements, the POTW will update permits within 90 days);
- (2) Material or substantial alterations or additions to the discharger's operation processes, or discharge volume or character which were not considered in drafting the effective permit;
- (3) A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel or the receiving water;
- (5) Violation of any terms or conditions of the permit;
- (6) Misrepresentation of or grant of variance from such categorical standards pursuant to 40 CFR 403.13;
- (7) To correct typographical or other errors in the permit;
- (8) To reflect transfer of the facility ownership or operation to a new owner/operator;

- (9) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for permit modification, revocation and re-issuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

#### **13.16.150 PERMIT TRANSFER.**

Users shall not reassign or transfer a wastewater discharge permit to a new owner. New owners must apply for a new wastewater discharge permit thirty (30) days prior to a change in ownership.

#### **13.16.155 DENIAL OF PERMIT.**

The Water Pollution Control Plant Manager may deny a permit to any user whose discharge of material to POTW, whether shown upon application or determined after inspection and testing conducted by the city, is not in conformity with this chapter or whose application is incomplete or does not comply with the requirements of section 13.16.120.

#### **13.16.160 PERMIT VIOLATIONS.**

Any violations of the terms, conditions, or limits of a user's wastewater discharge permit shall be deemed a violation of this chapter and subject the User to all enforcement procedures outlined in this chapter.

#### **13.16.165 PERIODIC COMPLIANCE REPORTS.**

A. Periodic compliance reports are required as follows:

- (1) Significant users shall submit to the Water Pollution Control Plant Manager no less than twice per year, a report indicating the nature, concentration, and flow of pollutants in the effluent which are limited by permit or pretreatment standards for the reporting period. This report shall include a record of the monthly average flows and the daily flow for each analysis date during the reporting period. At the discretion of the Water Pollution Control Plant Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Water Pollution Control Plant Manager may agree to alter the months during which the above reports are to be submitted.
- (2) The Water Pollution Control Plant Manager may impose mass limitations on users. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. All analysis shall be performed using EPA approved methods using sampling techniques approved by IDNR.
- (3) Users shall meet the certification and signatory requirements in section 13.16.170 for each report submitted under this section. Where the city itself collects all the information required for the report, including flow data, the industrial user will not be required to submit a periodic compliance report.
- (4) Users must notify the POTW of all violations identified as a result of self monitoring to the POTW by telephone, during normal business hours, within 24 hours of the time the User becomes aware of such violation. The user must also submit the results of repeat analyses to the POTW within thirty (30) days after becoming aware of the violation together with a complete report on all steps taken to resolve the violation. The user need not repeat the analyses if:
  - (a) The POTW performs sampling of the industrial user at a frequency of at least once per month, or
  - (b) The POTW performs sampling of the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling; or
  - (c) The POTW has performed the sampling and analysis in lieu of the user, the POTW will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. [per 40 CFR 403.12(g) (2)]
- (5) If the user monitors any pollutant more frequently than required, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or as specified by the Water Pollution Control Plant Manager, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in the monthly report.



- (6) If the user utilizes a laboratory other than the Davenport Water Pollution Control Plant Laboratory to sample or analyze any pollutant, the Davenport Water Pollution Control Plant Manager must be informed in writing. All external sampling plans must be approved prior to uses of the third-party data in the monitoring reports.
- (7) The Davenport Water Pollution Control Plant manager has selected the Davenport Water Pollution Control Plant Laboratory as the primary laboratory for all Biochemical Oxygen Demand, Total Suspended Solids and pH sample analyses for regulatory compliance and Combined Sewer Service Charge billing. The user can request a different laboratory be used by writing the Davenport Water Pollution Control Pretreatment Office listing the reasons for the request and the alternatives the permittee would like. The permittee will be notified in writing within thirty (30) calendar days of receipt if the request or parts of the request was approved.
- B. The Water Pollution Control Plant Manager may authorize a user subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the user. This authorization is subject to the conditions set forth in 40 CFR 403.12 (e)(2).
- C. The Water Pollution Control Plant Manager may reduce the requirements for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the State for those users determined to be a Non-Significant Categorical Industrial User per 40 CFR 403.3(v)(2).
  - (1) Reduced reporting is not available to users that have in the last two (2) years been in Significant Noncompliance.
  - (2) Reduced reporting is not available to a user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Water Pollution Control Manager, decreasing the reporting requirements for this user would result in data that are not representative of conditions occurring during the reporting period.

### **13.16.170 CERTIFICATION AND SIGNATORY REQUIREMENTS.**

All applications and reports shall be signed by an authorized representative of the user as defined in section 13.16.045. Users shall maintain a current and accurate authorization on file with the Water Pollution Control Plant Manager.

#### **A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver**

All permit applications, baseline monitoring reports, reports on compliance with the categorical Pretreatment Standard deadlines, periodic compliance reports and initial requests to forego sampling of a pollutant not present submitted by a user shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### **B. Annual Certification for Non-Significant Categorical Industrial Users**

A facility determined to be a Non-Significant Categorical Industrial User by the Water Pollution Control Plant Manager must annually submit the following certification statement signed in accordance with the signatory requirements in 40 CFR 403.120(I). This certification must accompany an alternative report required by the city:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ (months, days, year):

(a) The facility described as \_\_\_\_\_ (facility name) met the definition of a Non-Significant Categorical Industrial User as described in 40 CFR 403.3 (v) (2);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

”.

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR\_\_\_\_\_, I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_[list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 13.16.165.”

**13.16.175 MONITORING FACILITIES.**

A. Permitted Users, when required by the Water Pollution Control Plant Manager, shall provide and operate monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer, or internal drainage systems at their own expense. The Water Pollution Control Plant Manager may require the placement of such monitoring facilities at the end of each process where pollutants are used, produced, or treated. The monitoring facility should normally be situated on the user's premises and located so that it will not be obstructed by landscaping or parked vehicles.

B. When required by permit and within 90 days of written notification, Users shall install a sampling chamber for each separate discharge of the building sewer in accordance with plans and specification approved by the city. Users shall provide ample room in or near such sampling chamber to allow accurate sampling and preparation of samples for analysis. Users shall maintain all sampling and measuring equipment in a safe and proper operating condition at all times and at the expense of the user which shall be safely, easily and independently accessible to authorized representatives of the city. Users shall certify all flow measuring devices to be in proper working condition once per year using a qualified technician acceptable to the Water Pollution Control Plant Manager.

(1) Each sampling chamber shall contain a flume unless another device is approved by the city, with a recording and totalizing device for measurement of the liquid quantity.

(2) At the discretion of the Water Pollution Control Plant Manager, metered water supply to a user may be used as the volume quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the Water Pollution Control Plant Manager is made in the metered water supply to determine the liquid waste quantity. Separate meters may be used to subtract water which is not discharged to the POTW or is discharged to a sewer other than the sampled location.

(3) Samples shall be taken at a frequency and volume determined by the Water Pollution Control Plant Manager, and shall be properly refrigerated and preserved in accordance with EPA approved methods. The sample shall be composited in proportion to the flow for a representative 24 hour sample. A time proportioned 24 hour sample may be used if flow proportioned sampling is determined by the city to be impractical. Grab samples shall be used where appropriate.

C. Users must inform the Water Pollution Control Plant Manager prior to breaking a sampler seal, used by the city to detect sample tampering, unless necessary to prevent loss of life, personal injury, or severe property damage. Users must not place additional seals or locks upon a sampler which may be used by the city without first obtaining approval from the Water Pollution Control Plant Manager.

**13.16.180 INSPECTION, SAMPLING, AND RECORD KEEPING AUTHORITY.**

Users shall give the following authorities to the city:

- (1) Users shall permit authorized representatives or agents of the city to enter upon all properties and all parts of the premises within the corporate limits of the city, within the extended jurisdiction of the city, or upon properties of users with wastewater discharge permits for the purposes of inspection, sampling, records examination, records copying, or the performance of any of their duties. This shall include the right to set up, on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this chapter.
- (2) Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements in the security measures so that, upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (3) All users subject to any of the reporting requirements of this chapter shall maintain copies of reports and records of all information as required in 40 CFR 403.12(o) resulting from any monitoring activities required by this chapter for a minimum of five (5) years and shall make such records available for inspection and copying by the city. This period of retention shall be extended until the completion of any unresolved negotiation, hearing, or litigation involving a purported violation.

#### **13.16.185 CONFIDENTIAL INFORMATION.**

- A. Except as herein provided, information and data obtained from user reports, questionnaires, permit applications and inspections, shall be made available to the public or other governmental agencies without restriction. If the user specifically requests and is able to demonstrate that the release of such information would divulge information concerning processes or methods of production entitled to protection under law as trade secrets of the User or would give advantage to competitors and serve no public purpose the Water Pollution Control Plant Manager shall not make such information available to the public but such information shall be available to the USEPA or IDNR.
- B. In determining whether information is confidential, the provision of 561-2 of the Iowa Administrative Code shall prevail.
- C. Effluent data and city enforcement actions will not be considered confidential records or information.

### **IV. BUILDING SEWERS AND CONNECTIONS**

#### **13.16.190 Permits Required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city engineer.

#### **13.16.195 Classes of permits and fees.**

- A. There shall be two classes of building lateral permits, namely:
  - (1) For nonindustrial users, residential, and commercial service; and
  - (2) For industrial users.
- B. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Engineer.
- C. A permit and inspection fee of ten dollars for nonindustrial building lateral permit and fifteen dollars for an industrial building lateral permit shall be paid to the city at the time the application is filed.

#### **13.16.200 Building lateral permit —When granted.**

A building lateral permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream wastewater facilities, including sewers, pump stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

#### **13.16.205 Building lateral permit —Industrial user — Nontransferability.**

A building lateral permit for an industrial user shall not be transferred or sold to a new owner, new industrial user, different premises or a new or changed operation without the approval of the city engineer.

**13.16.210 Bond — Required.**

Every person, company, or corporation to whom a permit is granted, shall, at the time of receiving the same, file a bond approved by the city engineer in the sum of five thousand dollars, conditioned to indemnify and save the city harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or the excavations therefore or by any carelessness, negligence, or unskillfulness in making the same.

**13.16.215 Permit — Revocation.**

All permits to connect with sewers shall be given upon the express condition that the city engineer may at any time before the work is completed revoke and annul the same and no party interested shall have the right to claim damages in consequence of any such permits being revoked or annulled. At no time shall a person connect a sewer lateral into a manhole, unless a special permit is obtained from the city engineer, stating how work shall be done, if granted.

**13.16.220 Specifications.**

- A. The size, slope, alignment, materials of construction of a building lateral and the methods to be used in excavating, placing of the pipe, jointing, testing, connection to the public sewer and backfilling the trench, shall all conform to the specifications and regulations of the city engineer.
- B. Whenever possible, the building lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a means which is approved by the city engineer and discharged to the building lateral.
- C. The applicant for the building lateral permit shall notify the city engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city engineer or his representative.
- D. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Excavations within public easements and right-of-way shall conform to the requirements of Chapter 12.40. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city..

**13.16.225 Separate laterals.**

A separate and independent building lateral shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building lateral from the front building may be extended to the rear building and the whole considered as one building lateral, but the city shall not be liable for any damage caused by or resulting from any such single connection.

**13.16.230 Old building laterals.**

Old building laterals shall not be used in connection with new buildings unless they are found, on examination and test by the director to meet all requirements of this chapter.

**13.16.235 Costs and expenses.**

All costs and expenses incident to the installation, ownership, use, operation, maintenance, and connection of the building lateral shall be borne by the owner of the property served thereby. The owner of the property served thereby shall indemnify the city from all loss, cost, or damage that may directly or indirectly be occasioned by the use, ownership, operation, maintenance, or installation of the building lateral.

**V. SEWER CONNECTION FEES****13.16.240 Required — Special rate.**

- A. For the purpose of providing for the construction, extension, or enlargement of the main sewers of the city for which none or only a portion of the costs thereof, are assessed against the abutting or adjacent property, at the time the application is made for a building lateral permit, the applicant shall pay to the city treasurer a sewer connection fee as follows:

- (1) The fee for a sewer connection for one-family or two-family residence, regardless of area of the lot or tract upon which the dwelling is located, shall be one hundred dollars.
  - (2) The fee for all other uses shall be the product of a cent per square foot multiplied by the area of the lot or tract of land occupied by the building, including accessory buildings and related facilities, including parking lots, to be served by the sewer connection, provided the minimum fee shall be one hundred dollars. The director is authorized and directed to determine and fix the amount of land to be included in each calculation attributable to the uses of the building for which the sewer connection fee is sought.
  - (3) In the event any applicant feels the fee as so established is unfair or inequitable, the applicant may appeal to the construction and engineering committee of the city council and the fee shall then be established as set forth in subsection B of this section.
- B. Where, in the judgement of the construction and engineering committee of the city council, special conditions make the application of the sewer connection charge inequitable or unfair, either to the city or to the owner of the property, a special rate shall be established by the city. Such charge shall be subject to approval by resolution of the city council and may be considered inequitable or unfair where the charge would represent an unduly inequitable proportion of the cost of the main sewer to the owner or to the city because of the type of building to be erected or the area involved.

#### **13.16.250 UNPAID SEWER CONNECTION FEES – PROPERTY LIEN.**

- A. Any unpaid sewer connection fees shall be certified to the county treasurer after they have been due and owing after the 30-day payment period. All certified charges constitute a lien upon the premises served and shall be collected in the same manner as taxes.
- B. The city council may order suspension of service to those premises for which the sewer connection fee is delinquent.

### **VI. ENFORCEMENT PROCEDURES**

#### **13.16.255 PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE.**

The city shall at a minimum annually publish, in a newspaper of general circulation that provides meaningful public notice within the JCSC community, a list of users which at any time during the previous calendar year, were in significant noncompliance as defined in section 13.16.260 of this chapter.

#### **13.16.260. SIGNIFICANT NONCOMPLIANCE (SNC).**

- A. Any violation of pretreatment requirements (i.e., but not limited to: limits, sampling, analysis, reporting, meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the user is liable for enforcement, including penalties and injunctive relief. Instances of SNC are user violations which meet one or more of the following criteria:
  - (1) Violations of wastewater discharge limits.
    - (a) Chronic violations. Sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined in section 13.16.055 of this chapter.
    - (b) Technical Review Criteria (TRC) violations. Thirty-three percent (33%) or more of the measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous limits as defined in section 13.16.055 of this chapter multiplied by the applicable criteria:
      - (i) BOD, TSS, Fats, Oil and Grease Criteria =1.4
      - (ii) All other pollutants except pH Criteria =1.2
    - (c) Any other violation(s) of a Pretreatment Standard or Requirement as defined by 40 CFR 43.3(l) (daily maximum, monthly average, instantaneous limit, or narrative Standard) that the Water Pollution Control Plant Manager believes has caused, alone or in combination with other discharges, interference (including slug loads) or pass through; or endangered the health of city personnel or the public.

- (d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge.
  - (e) Failure to meet, within 90 days of the scheduled date, any compliance schedule milestones, contained in a wastewater discharge permit or enforcement order, for starting construction, completing construction, and attaining final compliance.
  - (f) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
  - (g) Failure to accurately report noncompliance.
  - (h) Any other violations or group of violations, which may include a violation of Best Management Practices, which the Water Pollution Control Plant Manager determines will adversely affect the operation or implementation of the local pretreatment program.
- B. When a user is in SNC, the Water Pollution Control Plant Manager is directed to:
- (1) Report the information to IDNR as part of the annual pretreatment performance summary of permitted user non-compliance;
  - (2) Include the user in the annual public notification according to section 13.16.255;
  - (3) Address SNC through appropriate enforcement actions.

#### **13.16.265 ADMINISTRATIVE ACTIONS.**

- A. The Water Pollution Control Plant Manager may issue a written notice to the user giving specific nature of violations which shall include the frequency, magnitude and impact of the violation upon the POTW. The notice may also include the following:
  - (1) An order requiring a plan of action for preventing reoccurrence of the violation;
  - (2) An order requiring specific action for accomplishing remediation;
  - (3) An order requiring the User to respond in writing within 30 days.
- B. The Water Pollution Control Plant Manager is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for any non-compliance. Such orders will include specific action to be taken by the user to correct non-compliance within a time period specified by the order.
- C. The Water Pollution Control Plant Manager may issue enforceable orders or schedules to require compliance with pretreatment standards including appropriate interim limits. Such orders and schedules may be incorporated into a revised wastewater discharge permit and shall not require the consent of the user.

#### **13.16.270. ACTIONS AUTHORIZED.**

Where there has been noncompliance with any provision of this chapter the Water Pollution Control Plant Manager may request, and corporation counsel (or any attorney representing the city) is authorized to bring an action in equity or at law to seek the issuance of a preliminary or permanent injunction or both or such other relief as may be appropriate to compel compliance by the user with this chapter. No other authorization from the city council for the bringing of such action shall be required.

In addition to other remedies provided under this or other provisions of this chapter, in any action brought to enforce the provisions of this chapter the city council authorizes and directs corporation counsel to seek to recover all actual damages suffered by the city including all actual damages and losses related to costs of repair and remediation of the POTW, costs of administration reasonably related to any particular violation and attorneys fees.

#### **13.16.275 CIVIL PENALTIES.**

- A. Each violation of any provision of this chapter or of a permit issued under this chapter is declared to be a municipal infraction. Each day that a violation of a provision of this chapter continues and each day that a violation of permit issued under this chapter continues shall be considered a separate municipal infraction.
- B. Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a



wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter commits a municipal infraction.

- C. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable for a maximum civil penalty not to exceed \$1,000 of per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation
- D. In addition to the penalties established in this section for municipal infractions, corporation counsel shall seek all other appropriate remedies allowed by law in regard to the abating correction or discontinuance of activities which constitute municipal infractions under this chapter.

#### **13.16.280 CRIMINAL PENALTIES.**

Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued here under shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one hundred dollars per each violation per day or imprisonment for not more than thirty days per violation or both. Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document files or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one hundred dollars per violation per day or imprisonment for not more than thirty days or both.

#### **13.16.285 PERFORMANCE BONDS.**

The Water Pollution Control Plant Manager may decline to reissue a permit to any user who has failed to comply with the provision of this chapter or any order or previous permit issued here under unless such user first files a satisfactory bond payable to the city in a sum not to exceed the value determined by the Water Pollution Control Plant Manager to be necessary to achieve compliance giving due consideration to the number and magnitude of previous violations, potential need for remediation and stating the reasons which support the amount of bond in a written order directed to the user, but in no case shall said bond be required to be greater than \$25,000. The user shall use a bond form approved by the city.

#### **13.16.290 REVOCATION OF PERMIT.**

- A. Conditions for Revocation. Any user who violates this chapter, any condition of its wastewater discharge permit, or any of the following, is subject to having its permit revoked in accordance with the procedures of this Section:
  - (1) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (2) Failure of the user to report substantial changes in process activity or in volume or character of pollutants being introduced into the POTW at least 90 days prior to such change;
  - (3) Tampering with monitoring equipment;
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
  - (5) Violation of permit conditions;
  - (6) Failure to report an upset, failure, or bypass of user's pretreatment facilities;
  - (7) Failure to pay fines, fees, or sewer User charges;
  - (8) Failure to follow enforcement orders or compliance schedules;
  - (9) Failure to correct a condition that impedes or alters the POTW's ability to monitor the user's discharge or has the potential to cause interference or pass through;
- B. Procedures for Revocation
  - (1) Any permit issued to a user pursuant to this chapter may be revoked for any action which is subject to revocation under section 13.16.290(a). No revocation shall issue except upon notice delivered to the user by mailing the notice in the regular mail addressed to the user at the address listed on the wastewater discharge permit, a minimum of ten (10) days prior to the date set for hearing before the Water Pollution Control Plant Manager or his or her designee. Such notice shall inform the user of the time, date and place of the hearing, the purpose of the hearing, and shall set out the reasons therefore.

- (2) If, after such a hearing, the Water Pollution Control Plant Manager or his or her designee makes a finding based on substantial evidence that actions subject to revocation under section 13.16.290(a) have occurred as alleged, the Water Pollution Control Plant Manager or his or her designee may continue suspension of or revoke the permit; the determination of whether to revoke such permit shall be in the discretion of the Water Pollution Control Plant Manager or his or her designee and shall be dependent upon the circumstances surrounding violations by the user of section 13.16.290(a) and their severity.
- (3) A user whose permit has been revoked shall not be eligible for another permit until 30 days after the violating conditions have been corrected to the satisfaction of the Water Pollution Control Plant Manager.

#### **13.16.300 REINSTATEMENT OF SERVICE.**

In the event of severance of service, the service may be reinstated in the following manner:

- (1) Upon payment to the city of any delinquency in full, plus penalties, plus the cost of the disconnection and the one hundred dollar (\$100.00) city supervision fee, and an inspection by the Water Pollution Control Plant Manager to determine whether the original cause for termination has been corrected, the city will issue a permit for reconnection of the building service line to the POTW. Such reconnection costs, plus inspection fees for the city in accordance with city chapters, shall be at the sole expense of the user.
- (2) Upon reconnection and payment of all costs described above, the city through its agents, shall remove the red-tag from the building and the building shall, so far as the city is concerned, be "fit for human occupancy."

#### **13.16.305 EMERGENCY DISCONNECTION OF SERVICE.**

- A. Conditions for Immediate Disconnection of Service: The Water Pollution Control Plant Manager may, after informal notice, suspend the wastewater treatment service or wastewater permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
- B. Procedures for Immediate Disconnection
  - (1) When the Water Pollution Control Plant Manager determines that a discharge as described in paragraph a exists, a verbal order shall be issued (followed immediately by a written order) to the user stating the problem and requiring immediate cessation of the discharge. Users verbally notified of a suspension of the wastewater treatment service or the wastewater permit shall immediately stop or eliminate all discharges. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Water Pollution Control Plant Manager shall take immediate action to eliminate the discharge including disconnection from the POTW. Methods of informal notice to a user shall include, but not be limited to, any of the following; personal conversations between user and city personnel, telephone calls, letters, hand delivered messages or notices posted at the user's premises or point of discharge.
  - (2) Users responsible, in whole or in part, for imminent endangerment shall submit a detailed written report describing the causes of the endangerment and the measures taken to prevent any future occurrence to the Water Pollution Control Plant Manager prior to the hearing described in section 13.16.290(b).

#### **13.16.310 ELIMINATION OF DISCHARGE/REINSTATEMENT.**

Users notified of a disconnection of wastewater treatment service under sections 13.16.290 or 13.16.305 shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the disconnection or revocation order, the city shall take such steps as are deemed necessary, including immediate severance of the sewer connection. The Water Pollution Control Plant Manager shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

#### **13.16.315 ADDITIONAL REMEDIES.**

- A. In addition to remedies available to the city set forth elsewhere in this chapter, if the city is fined by IDNR or USEPA for violations of the city NPDES permit or violations of water quality standards as the

result of a discharge of pollutants by identifiable user(s), then the fine, including all city legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible user(s). Such charge shall be in addition to any other remedies the city may have under this chapter, at law or in equity.

- B. If the discharge from any User results in a deposit, obstruction, damage or other impairment to the POTW, the user shall become liable to the city for any expense, loss, or damage caused by the violations or discharge. The city may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violations or discharge.
- C. The remedies provided in this chapter shall not be exclusive and the city may seek whatever other remedies are authorized by ordinance, statute, at law or in equity against any persons violating the provisions of this chapter.
- D. In addition to any other remedies provided in this chapter, the city may initiate an action, either in law or in equity, to obtain an injunction against further violations of this chapter, and for judgement for all costs incurred by the city occasioned by the user's violation of any requirements of this chapter.

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

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The requirements of this ordinance do not supersede conditions on plats previously approved by council.

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

First Consideration \_\_\_\_\_,

Second Consideration \_\_\_\_\_,

Third Consideration \_\_\_\_\_,

\_\_\_\_\_  
Frank Klipsch  
Mayor

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

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

City of Davenport

Agenda Group: Public Works  
Department: Public Works - Engineering  
Contact Info: Nick Schmuecker; (563) 327-5162  
Wards: 1, 5, 6, & 7

**Action / Date**  
**PW7/3/2018**

**Subject:**

Resolution approving the plans, specifications, forms of contract and estimated cost for the 2018 Bridge Maintenance Construction Program, CIP #21001. [Wards 1, 5, 6, & 7]

**Recommendation:**

Pass the resolution.

**Relationship to Goals:**

Sustainable Infrastructure.

**Background:**

This program is intended to repair and perform maintenance to various bridges throughout the City. The repairs are based on the biannual citywide bridge inspections last completed in 2017.

The program is scheduled to be bid this summer with construction to be completed by mid-October of this year. Funding for the 2018 Bridge Maintenance Construction Program is established within CIP #21001. The current estimate is \$300,000.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▢ Resolution Letter | PW_RES pg2  |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 6/27/2018 - 4:58 PM  |
| Public Works Committee     | Lechvar, Gina  | Approved | 6/28/2018 - 10:10 AM |
| City Clerk                 | Admin, Default | Approved | 6/28/2018 - 12:06 PM |

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

Resolution offered by Alderman Ambrose

Resolution approving the plans, specifications, form of contract and estimated cost for the 2018 Bridge Maintenance Construction Program, CIP Project #21001.

WHEREAS, on the 21<sup>st</sup> day of June, 2018, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the 2018 Bridge Maintenance Construction Program, CIP #21001.

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for said 2018 Bridge Maintenance Construction Program.

Passed and approved this 11<sup>th</sup> day of July, 2018.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

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

City of Davenport

Agenda Group: Public Works  
Department: Public Works - Engineering  
Contact Info: Zach Peterson; (563) 328-6709  
Wards: 3

**Action / Date**  
**PW7/3/2018**

**Subject:**

Resolution approving the plans, specifications, form of contract and estimate of cost covering the Main Street Landing, Phase II Construction Project, CIP #68004. [Ward 3]

**Recommendation:**

Approve the resolution

**Relationship to Goals:**

Vibrant Region

**Background:**

The City of Davenport is set to continue the next phase of riverfront site redevelopment at the re-envisioned public park amenity known as "Main Street Landing."

Phase II will continue the construction of the block face known as "N5" (bounded by Brady Street to the West, River Drive to the North, Perry Street to the East, and the Canadian Pacific Railroad to the South). The construction activities outlined by this initial project will provide the necessary site finish work to open the flexible parking lot/event space to the public.

Site improvements under this contract to include River Drive streetscape, concrete paver installation, seating areas, and a water line extension with maintenance hookups. The outlined improvements to be incorporated into this contract are set to commence upon the completion of the Phase I improvements (currently under construction) with an estimated late September 2018 construction start date with substantial completion to occur in Fall 2018.

A remaining contract will be issued in 4Q 2018 to complete site lighting and electrical to coincide with the commercial availability of new efficient LED parking lot lighting options.

The total project cost for this project phase is estimated at \$850,000.

**ATTACHMENTS:**

| Type                | Description        |
|---------------------|--------------------|
| ▢ Resolution Letter | Resolution pg 2    |
| ▢ Exhibit           | Phase II Rendering |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 6/27/2018 - 4:38 PM  |
| Public Works Committee     | Lechvar, Gina  | Approved | 6/28/2018 - 10:12 AM |
| City Clerk                 | Admin, Default | Approved | 6/28/2018 - 12:07 PM |



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

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the plans, specifications, form of contract and estimate of cost covering the Main Street Landing, Phase II Construction Project, CIP #68004.

WHEREAS, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa for the Main Street Landing, Phase II Construction Project within the City of Davenport, Iowa; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Main Street Landing, Phase II Construction Project.

Passed and approved this 11<sup>th</sup> day of July, 2018.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

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



City of Davenport

Agenda Group: Public Works  
Department: Public Works - Engineering  
Contact Info: Mike Kramer 327-5141  
Wards: 5

**Action / Date**  
**PW7/3/2018**

**Subject:**

Resolution accepting East 29th Street Pavement Improvements Project (Eastern Avenue to Railroad Crossing), CIP #35030, completed by Langman Construction, Inc. of Rock Island IL. [Ward 5]

**Recommendation:**

Approve the Resolution

**Relationship to Goals:**

Sustainable infrastructure

**Background:**

Pavement on East 29th Street from Eastern Avenue to the railroad crossing was deteriorating and replaced with concrete pavement. This job was satisfactorily completed by Langman Construction in the amount of \$382,198.52 CIP #35030.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▯ Resolution Letter | Res Page 2  |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 6/28/2018 - 10:11 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 6/28/2018 - 11:00 AM |
| City Clerk                 | Admin, Default | Approved | 6/28/2018 - 12:07 PM |

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

Resolution offered by Alderman Ambrose

Resolution of acceptance for the construction of East 29<sup>th</sup> Street Pavement Improvements (Eastern Avenue to Railroad Crossing), CIP 35030, completed by Langman Construction, Inc. of Rock Island IL.

Whereas, the City of Davenport entered into a contract with Langman Construction, Inc. of Rock Island, Illinois for construction work; and

Whereas, work on the project has been satisfactorily completed

Now, Therefore, Be It Resolved, by the City Council of the City of Davenport, Iowa: that the East 29<sup>th</sup> Street Pavement Improvements (Eastern Avenue to Railroad Crossing), CIP 35030 is hereby accepted.

Passed and approved this 11<sup>th</sup> day of July, 2018.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

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

City of Davenport

Agenda Group: Public Works  
Department: Public Works - Engineering  
Contact Info: Mike Kramer 327-5141  
Wards: 3

**Action / Date**  
**PW7/3/2018**

**Subject:**

Resolution of acceptance of the East 6th Street Boulevard Improvements Project Phase 2 – Grand Avenue to 500' West, BG-250, completed by Needham Excavating, Inc. of Walcott, IA. [Ward 3]

**Recommendation:**

Approve the resolution

**Relationship to Goals:**

Sustainable infrastructure

**Background:**

The hillside and sidewalk on the north side of 6th Street, between Grand Avenue and 500 feet west had fallen into disrepair. This project installed a retaining wall to control the shape of the hillside along with new sidewalk. This work was satisfactorily completed by Needham Excavating for \$298,265.19 BG-250.

**ATTACHMENTS:**

| Type         | Description |
|--------------|-------------|
| ▣ Cover Memo | Res Page 2  |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 6/28/2018 - 11:01 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 6/28/2018 - 11:04 AM |
| City Clerk                 | Admin, Default | Approved | 6/28/2018 - 12:07 PM |

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

Resolution offered by Alderman Ambrose

Resolution of acceptance for the construction of East 6<sup>th</sup> Street Boulevard Improvements, Phase 2 – Grand Avenue to 500' West, BG-250, completed by Needham Excavating, Inc.

Whereas, the City of Davenport entered into a contract with Needham Excavating, Inc. of Walcott, Iowa for construction work; and

Whereas, work on the project has been satisfactorily completed

Now, Therefore, Be It Resolved, by the City Council of the City of Davenport, Iowa: that the East 6<sup>th</sup> Street Boulevard Improvements, Phase 2 – Grand Avenue to 500' West, BG-250, is hereby accepted.

Passed and approved this 11<sup>th</sup> day of July, 2018.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

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



# City of Davenport

Agenda Group: Public Works  
 Department: Public Works - Admin  
 Contact Info: John Powell; (563) 888-2150  
 Wards: All

**Action / Date**  
**PW7/3/2018**

## Subject:

Resolution on the proposed changes to the shuttle that connects the Ground Transportation Center, Rock Island and the Main Street Hub to Alorica (previously APAC). [All Wards]

## Recommendation:

Approve the resolution

## Relationship to Goals:

Fiscal Vitality

## Background:

To increase ridership and promote job growth, Davenport Citibus is modifying the Alorica Shuttle by adding service to the Kraft Heinz and Sterilite plants north of I-80.

The new schedule below will be effective Monday, August 6, 2018.

## Industrial Park Service

### WEEKDAYS ONLY

| Rock Island | GTC     | Main St. Hub | Kraft              | Sterilite | Alorica | Alorica | Sterilite | Kraft          | Main St. Hub | GTC     | Rock Island |
|-------------|---------|--------------|--------------------|-----------|---------|---------|-----------|----------------|--------------|---------|-------------|
| 6:05 AM     | 6:13 AM | 6:25 AM      | 6:42 AM            | 6:49 AM   | 6:57 AM | 6:57 AM |           | Express to GTC |              | 6:11 AM |             |
|             | 7:13 AM | 7:25 AM      | 7:42 AM            | 7:49 AM   | 7:57 AM | 7:57 AM |           | Express to GTC |              | 7:11 AM |             |
|             | 8:13 AM | 8:25 AM      | 8:42 AM            | 8:49 AM   | 8:57 AM | 8:57 AM |           | Express to GTC |              | 8:11 AM |             |
|             | 9:13 AM | 9:25 AM      | 9:42 AM            | 9:49 AM   | 9:57 AM |         |           |                |              |         |             |
|             |         |              |                    |           |         | 2:40 PM | 2:48 PM   | 2:55 PM        | 3:12 PM      | 3:22 PM |             |
|             | 3:24 PM |              | Express to Alorica |           | 3:33 PM | 3:40 PM | 3:48 PM   | 3:55 PM        | 4:12 PM      | 4:22 PM |             |
|             | 4:24 PM |              | Express to Alorica |           | 4:33 PM | 4:40 PM | 4:48 PM   | 4:55 PM        | 5:12 PM      | 5:22 PM |             |
|             | 5:24 PM |              | Express to Alorica |           | 5:33 PM | 5:40 PM | 5:48 PM   | 5:55 PM        | 6:12 PM      | 6:22 PM |             |
|             | 6:24 PM | 6:36 PM      | xxxxxx             | 6:49 AM   | 6:57 AM | 7:05 PM | 7:13 PM   | xxxxxx         | 7:32 PM      | 7:42 PM | 7:50 PM     |

### ATTACHMENTS:

| Type                                       | Description  |
|--------------------------------------------|--------------|
| <input type="checkbox"/> Resolution Letter | PW_RES pg2   |
| <input type="checkbox"/> Backup Material   | Route change |

### REVIEWERS:

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 6/28/2018 - 11:59 AM |
| Public Works Committee | Lechvar, Gina  | Approved | 6/28/2018 - 11:59 AM |
| City Clerk             | Admin, Default | Approved | 6/28/2018 - 12:07 PM |

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

Resolution offered by Alderman Ambrose

Resolved by the City Council of the City of Davenport.

Resolution on the proposed changes to the shuttle that connects the Ground Transportation Center, Rock Island and the Main Street Hub to Alorica (previously APAC).

Whereas, the City of Davenport will add service to the Kraft Heinz and Sterilite plants;

Whereas, this route will operate weekdays only;

Whereas, a public hearing was held July 4, 2018 on the proposed changes.

Now, Therefore, Be It Resolved, by the City Council of the City of Davenport, Iowa: that the grant is hereby accepted.

Passed and approved this 11th day of July, 2018.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

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



## Route/Schedule Change for Alorica Shuttle

Effective July 1, 2018, the schedule for the Alorica Shuttle will change. There are two reasons for this change.

First, ridership on many of the existing trips is either extremely low or non-existent. Secondly, a number of new industrial plants are opening in the area north of I-80 and the City of Davenport is interested in providing service. By reducing the number of trips to Alorica and serving the new plants the City is hoping to improve ridership that will help justify the continuation of the service.

In the morning, except for the first trip, the Industry Park Service will operate from the GTC and make stops at the Main Street Hub, Kraft, Sterlite and Alorica. The first trip will originate from Rock Island. Service will operate once an hour between 6:00 am – 10:00 am

In the afternoon the service will operate from Alorica, Sterlite and Kraft and make stops at the Main Street Hub and the GTC. The last trip of the night from Alorica is 7:05 pm and will make stops at Sterlite, the Main Street Hub, the GTC and Rock Island.

Please find below the new schedule. Please contact River Bend Transit at 563.386.7484 with any questions.  
Thank you.

### Industrial Park Service

#### WEEKDAYS ONLY

| Rock Island | GTC     | Main St. Hub | Kraft              | Sterlite | Alorica | Alorica | Sterlite | Kraft          | Main St. Hub | GTC     | Rock Island |
|-------------|---------|--------------|--------------------|----------|---------|---------|----------|----------------|--------------|---------|-------------|
| 6:05 AM     | 6:13 AM | 6:25 AM      | 6:42 AM            | 6:49 AM  | 6:57 AM | 6:57 AM |          | Express to GTC |              | 6:11 AM |             |
|             | 7:13 AM | 7:25 AM      | 7:42 AM            | 7:49 AM  | 7:57 AM | 7:57 AM |          | Express to GTC |              | 7:11 AM |             |
|             | 8:13 AM | 8:25 AM      | 8:42 AM            | 8:49 AM  | 8:57 AM | 8:57 AM |          | Express to GTC |              | 8:11 AM |             |
|             | 9:13 AM | 9:25 AM      | 9:42 AM            | 9:49 AM  | 9:57 AM |         |          |                |              |         |             |
|             |         |              |                    |          |         | 2:40 PM | 2:48 PM  | 2:55 PM        | 3:12 PM      | 3:22 PM |             |
|             | 3:24 PM |              | Express to Alorica |          | 3:33 PM | 3:40 PM | 3:48 PM  | 3:55 PM        | 4:12 PM      | 4:22 PM |             |
|             | 4:24 PM |              | Express to Alorica |          | 4:33 PM | 4:40 PM | 4:48 PM  | 4:55 PM        | 5:12 PM      | 5:22 PM |             |
|             | 5:24 PM |              | Express to Alorica |          | 5:33 PM | 5:40 PM | 5:48 PM  | 5:55 PM        | 6:12 PM      | 6:22 PM |             |
|             | 6:24 PM | 6:36 PM      | xxxxxx             | 6:49 AM  | 6:57 AM | 7:05 PM | 7:13 PM  | xxxxx          | 7:32 PM      | 7:42 PM | 7:50 PM     |

City of Davenport

Agenda Group: Public Works  
Department: Public Works - Admin  
Contact Info: Tom Leabhart - 327-5115  
Wards: 7

**Action / Date**  
**PW7/3/2018**

**Subject:**

Resolution approving the contract for the Junge Park Bike Path Project to Langman Construction, Inc. at the contract amount of \$151,799.34 and authorizing Mayor Frank Klipsch to sign and manage any related agreements. CIP #64404 [Ward 7]

**Recommendation:**

Pass the Resolution.

**Relationship to Goals:**

Sustainable Infrastructure.

**Background:**

A Request for Bid was issued on May 31, 2018 and was sent to 466 contractors. On June 19, 2018 the Purchasing Division received and opened one response. Langman Construction, Inc. was considered responsive and responsible and is recommended for the contract.

This contract is to maintain and repair the existing Duck Creek Bike Path around Junge Park. Areas of the bike path are in need of resurfacing and other maintenance. Improvements include HMA pavement removal, base preparation, placing and compacting new HMA, pavement striping, concrete repair, erosion control, and seeding.

The project is funded from CIP# 64044

**ATTACHMENTS:**

| Type                | Description       |
|---------------------|-------------------|
| ▣ Resolution Letter | Resolution Letter |
| ▣ Backup Material   | Bid Tab           |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                |
|------------------------|----------------|----------|---------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 6/28/2018 - 3:39 PM |
| Public Works Committee | Lechvar, Gina  | Approved | 6/28/2018 - 3:39 PM |
| City Clerk             | Admin, Default | Approved | 6/28/2018 - 3:44 PM |

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

Resolution offered by Alderman Ray Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Junge Park Bike Path Project to Langman Construction, Inc. at the contract amount of \$ 151,799.34 and authorizing Mayor Frank Klipsch to sign and manage any related agreements.

WHEREAS, the City needs to rehabilitate the Junge Park Bike Path and

WHEREAS, the applicable purchasing process was followed resulting in a recommendation to award Langman Construction, Inc.;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. the contract for the Junge Park Bike Path Project from Langman Construction, Inc. is hereby approved; and
2. Mayor Frank Klipsch is authorized to sign and manage any related agreements;

Attest:

Approved:

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

\_\_\_\_\_  
Frank Klipsch  
Mayor

CITY OF DAVENPORT, IOWA  
REQUEST FOR BIDS RESPONDENTS

DESCRIPTION: JUNGE PARK BIKE PATH  
BID NUMBER: 18-116  
OPENING DATE: JUNE 15, 2018  
RECOMMENDATION: AWARD THE CONTRACT TO LANGMAN CONSTRUCTION,  
INC. OF ROCK ISLAND, IL

| <u>VENDOR NAME</u>         | <u>LOCATION</u> | <u>AMOUNT</u> |
|----------------------------|-----------------|---------------|
| LANGMAN CONSTRUCTION, INC. | ROCK ISLAND, IL | \$151,799.34  |

Prepared By Cindy Whitaker  
Purchasing

Approved By Nicole Gleason  
Department Director

Approved By Bradi Cox  
Budget/CIP

Approved By Linda Stollard  
Finance Director



City of Davenport

Agenda Group: Public Works  
Department: Public Works - Engineering  
Contact Info: Jen Walker; (563) 326-6168  
Wards: 3

**Action / Date**  
**PW7/3/2018**

**Subject:**

Motion accepting work associated with the 200 Block of Brady Street Streetscape Improvements Project, CIP #35022. [Ward 3]

**Recommendation:**

Pass the Motion

**Relationship to Goals:**

Welcoming Neighborhoods

**Background:**

The City completed streetscaping on the east side of Brady Street between 2nd and 3rd Streets. New decorative lights and brick pavers were installed as part of this project. Work was satisfactorily completed by Emery Construction Group, Inc. (Moline, IL). Total project cost was \$51,251.05, which was funded by Capital Improvements Program funds / Local Option Sales Tax (CIP#35022). A portion of this cost, as well as sidewalk construction costs completed during the Brady Street Resurfacing Project, is reimbursable by the Downtown Davenport Partnership and by adjacent property owners.

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 6/28/2018 - 10:06 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 6/28/2018 - 10:06 AM |
| City Clerk                 | Admin, Default | Approved | 6/28/2018 - 10:07 AM |

City of Davenport

Agenda Group: Public Works  
Department: Public Works - Admin  
Contact Info: Jonathan Meeks 563-326-7922  
Wards: All

**Action / Date**  
**PW7/3/2018**

**Subject:**

Motion approving the purchase of a TV Sewer Camera Van for the Sewer Division to Trans Iowa Equipment, LLC of Ankeny, IA in the amount of \$99,992. [All Wards]

**Recommendation:**

Approve the Motion.

**Relationship to Goals:**

Improve Infrastructure.

**Background:**

On May 16, 2018, a Request for Proposals was issued and sent to vendors. On June 7, 2018, one proposal was opened. See attached tabulation. Trans Iowa Equipment LLC of Ankeny IA is being recommended for the contract, in the amount of \$99,992. This includes the necessary options.

This vehicle is replacing the existing Sewer TV Camera Van that will be sold on the Public Auction site. The TV equipment in the old truck will be re-used and will be retro fitted into the new truck's cabinets. The TV equipment is not as old as the existing truck.

Funding for this truck is from the Sewer Maintenance Motor Vehicle Fund, 51102060 530302. These funds are from Sewer fees.

**ATTACHMENTS:**

| Type         | Description               |
|--------------|---------------------------|
| ▢ Cover Memo | Tabulation for greensheet |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 6/28/2018 - 10:08 AM |
| Public Works Committee | Lechvar, Gina  | Approved | 6/28/2018 - 10:08 AM |
| City Clerk             | Admin, Default | Approved | 6/28/2018 - 12:05 PM |

CITY OF DAVENPORT, IOWA  
TABULATION OF PROPOSALS

DESCRIPTION: TV TRUCK FOR SEWER DIVISION

BID NUMBER: 18-114

OPENING DATE: JUNE 6, 2018

GL ACCOUNT NUMBER: 51102060 530302 SEWER MAINTENANCE MOTOR  
VEHICLE FUND

RECOMMENDATION: AWARD THE BID TO TRANS IOWA EQUIPMENT LLC  
OF ANKENY IA

| <u>VENDOR NAME</u>                    | <u>BID AMOUNT</u> |
|---------------------------------------|-------------------|
| Trans Iowa Equipment LLC of Ankeny IA | \$99,992          |

Approved By Kristi Keller  
Purchasing

Approved By Nicole Gleason  
Department Director

Approved By Mike J. Mung  
Budget/CIP

Approved By Linda Stollard  
Asst. Finance Director

City of Davenport

Agenda Group: Public Works  
Department: Public Works - Admin  
Contact Info: Tom Leabhart - 327-5115  
Wards: 8

**Action / Date**  
**PW7/3/2018**

**Subject:**

Motion to approve the contract for the Utica Ridge Sidewalks Phase II to Smith Seeding, Inc. of Eldridge, IA in the amount of \$97,817.65. CIP #28011 [Ward 8]

**Recommendation:**

Approve the Motion.

**Relationship to Goals:**

Sustainable Infrastructure.

**Background:**

A Request for Bid was issued on May 31, 2018 and was sent to 466 contractors. On June 19, 2018 the Purchasing Division received and opened five bids. Smith Seeding, Inc. was the lowest responsive and responsible bidder and is recommended for the award.

This project will provide for a connection from the previously constructed Utica Ridge Sidewalk Phase I and the previously constructed sidewalk and trail along Veterans Memorial Parkway. This project also provides a connection to businesses located to along and to the south of the previously constructed Utica Ridge Sidewalk Phase I. This project involves sidewalk construction and ADA ramp construction as well as associated work.

Funding for the project is from CIP #28011

**ATTACHMENTS:**

| Type              | Description |
|-------------------|-------------|
| ▢ Backup Material | Bid Tab     |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                |
|------------------------|----------------|----------|---------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 6/28/2018 - 3:37 PM |
| Public Works Committee | Lechvar, Gina  | Approved | 6/28/2018 - 3:38 PM |
| City Clerk             | Admin, Default | Approved | 6/28/2018 - 3:44 PM |

CITY OF DAVENPORT, IOWA  
REQUEST FOR BIDS RESPONDENTS

DESCRIPTION: UTICA RIDGE SIDEWALK PHASE II  
BID NUMBER: 18-117  
OPENING DATE: JUNE 19, 2018  
RECOMMENDATION: AWARD THE CONTRACT TO SMITH SEEDING, INC. OF  
ELDRIDGE, IA

| <u>VENDOR NAME</u>             | <u>LOCATION</u>     | <u>AMOUNT</u>      |
|--------------------------------|---------------------|--------------------|
| <b>SMITH SEEDING, INC.</b>     | <b>ELDRIDGE, IA</b> | <b>\$97,817.65</b> |
| NJ MILLER, INC                 | BETTENDORF, IA      | \$132,629.55       |
| LANGMAN CONSTRUCTION, INC.     | ROCK ISLAND, IL     | \$155,078.49       |
| HAWKEYE PAVING CORP.           | BETTENDORF, IA      | \$170,974.00       |
| EMERY CONSTRUCTION GROUP, INC. | MOLINE, IL          | \$189,276.10       |

Prepared By Cindy Whitaker  
Purchasing

Approved By Nicole Gleason  
Department Director

Approved By Brandi Coyle  
Budget/CIP

Approved By Linda Stollard  
Finance Director

## City of Davenport

Agenda Group: Finance  
Department: Finance Committee  
Contact Info: Clay Merritt; (563) 888-3055  
Wards: All

**Action / Date**  
**FIN7/3/2018**

### Subject:

Resolution authorizing the submission of a BUILD Program application to the United States Department of Transportation for grant assistance with the development of Main Street Landing along with enhancing the infrastructure, connectivity and accessibility in Downtown Davenport. [Ward 3]

### Recommendation:

Approve the resolution

### Relationship to Goals:

Vibrant Region

### Background:

The City of Davenport is submitting a 2018 BUILD Grant application to the US Department of Transportation for a request of \$20 million, as part of a \$24 million project. The project is part of an innovative economic development, job creation/sustaining, quality of life and multimodal plan centered on downtown Davenport and the Quad Cities iconic Mississippi Riverfront. The improvements listed in the grant request will assist the public sector in matching the level of private investment that has been made, and is continuing to be made, into this area; which has been recently designated as a federally classified opportunity zone.

### PROJECT COMPONENTS

Development of an Iconic Riverfront Park - \$14M

Enhanced Infrastructure, Connectivity and Accessibility - \$10M

- Reconstruction of Main Street: 12<sup>th</sup> to River Drive
- Asphalt Resurfacing of the Following Roadways:
  - a. East-West Corridors: 4<sup>th</sup>, 3<sup>rd</sup> and 2<sup>nd</sup>
  - b. North-South Corridors: Western, Scott, Ripley, Perry, Pershing, Iowa and LeClaire
- Multi-modal Striping Throughout the Downtown
- Pedestrian Infrastructure Upgrades
- One-Way to Two-Way Traffic Conversion on 4<sup>th</sup> and 3<sup>rd</sup> from Marquette to River Drive
- Installation of Railroad Quiet Zones for the Downtown

### ATTACHMENTS:

| Type                | Description |
|---------------------|-------------|
| □ Resolution Letter | PW_RES pg2  |

### REVIEWERS:

| Department        | Reviewer              | Action   | Date                |
|-------------------|-----------------------|----------|---------------------|
| Finance Committee | Watson-Arnould, Kathe | Approved | 6/28/2018 - 2:38 PM |
| City Clerk        | Admin, Default        | Approved | 6/28/2018 - 3:44 PM |





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

Resolution offered by Alderman Tompkins

RESOLVED by the City Council of the City of Davenport.

RESOLUTION authorizing the submission of a BUILD Program application to the United States Department of Transportation for grant assistance with the development of Main Street Landing along with enhancing the infrastructure, connectivity and accessibility in Downtown Davenport.

WHEREAS, the City of Davenport (the "City") is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the "State"); and

WHEREAS, the City is committed to improving its infrastructure and recognizes that quality of life plays a vital role in economic development; and

WHEREAS, the components of the project's application is dedicated to public use which the City will adequately maintain; and

WHEREAS, the City will committed \$4.0 million in the 2020 – 2025 Capital Improvement Program for the project through local funds; and

WHEREAS, the City endorses the application and has estimated the total project cost to be \$24 million, and the grant request to be \$20 million; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that city staff is authorized to prepare and submit an application to the United States Department of Transportation for grant assistance in the amount of \$20.0 million.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

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

City of Davenport

Agenda Group: Finance

Department: Finance

Contact Info: Kristi Keller 888-2077

Wards: All

**Action / Date**

**FIN7/3/2018**

Subject:

1. Werner Restoration Services - Storm pipe failure cleanup - Amount: \$11,000
2. Steve Simons - Credit Island Lodge roof - Amount: \$20,000
3. Olde Town Roofing - Annie Wittenmyer carpenter shop roof - Amount: \$23,650
4. Robert Seddig - Land purchase for rail extension - Amount: \$26,452
5. Richard Sedding - Land purchase for rail extension - Amount: \$26,452
6. Superior Seawalls, Inc. - Boat dock replacement - Amount: \$29,045
7. Fecon, Inc. - Used brush removal attachment - Amount: \$30,490

REVIEWERS:

| Department        | Reviewer              | Action   | Date                |
|-------------------|-----------------------|----------|---------------------|
| Finance           | Watson-Arnould, Kathe | Approved | 6/28/2018 - 2:46 PM |
| Finance Committee | Watson-Arnould, Kathe | Approved | 6/28/2018 - 2:46 PM |
| City Clerk        | Admin, Default        | Approved | 6/28/2018 - 3:44 PM |

City of Davenport

Agenda Group: Committee of the Whole

Department: City Clerk

Contact Info: Jackie E Holecek

Wards: ALL

**Action / Date**

**7/3/2018**

Subject:

Motion approving temporary outdoor area for:

Rudy's Tacos (CME 1066 Inc.) - 3944 Elmore Ave. - Outdoor Area July 8, 2018 "Taco Run" -

License Type: C Liquor

REVIEWERS:

Department

Reviewer

Action

Date

City Clerk

Admin, Default

Approved

6/28/2018 - 12:51 PM