

CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, June 26, 2019; 5:30 PM

City Hall, 226 W 4th St, Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting Minutes for June 12, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report of the Committee of the Whole for June 19, 2019

VIII. Appointments, Proclamations, Etc.

A. Appointments

1. Parks & Recreation Advisory Board

3rd Ward - Yolanda Estes (New Appointment, Fills Vacancy)

4th Ward - Steve Duffy (Re-Appointment)

5th Ward - Adriana McBride (New Appointment)

8th Ward - Michael Schertz (New Appointment)

2. Historic Preservation Commission

- John Frueh (Re-Appointment)

- Diane Franken (Re-Appointment)

3. Housing Commission

- Joyce Miller (New Appointment, Fills Vacancy)

B. Proclamations

1. Red, White, and Boom Military and Arsenal Appreciation Day
Proclamation - July 3, 2019

IX. Presentations

A. Local Business "The Foundation of Our Community": Joe's Barber Shop

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

1. First Consideration: Ordinance for case REZ19-06 being the request of Jasveer Saini to rezone .56 acres, more or less, of property located at 4607 North Pine Street from C-1 Neighborhood Commercial Zoning District to C-2 Corridor Commercial Zoning District. [Ward 8]

THE PLAN AND ZONING COMMISSION RECOMMENDS DENIAL OF THE REQUEST. 8 VOTES ARE REQUIRED.

XII. Approval of All Items on the Consent Agenda

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

1. Third Consideration: Ordinance for Case REZ19-05: Request of John Wulf, to rezone 6401 West Kimberly Road from R-1 Single-Family Residential District to I-1 Light Industrial District; property contains 0.42 acres. [Ward 2]
2. Second Consideration: Ordinance granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain, and operate in the City of Davenport, Iowa a natural gas system and to furnish and sell natural gas to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years. [All Wards]
3. Second Consideration: Ordinance granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain, and operate in the City of Davenport, Iowa an electric system and communications facilities and to furnish and sell electric energy to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years. [All Wards]
4. Resolution approving Case F19-07 of Advance Homes, Inc for the final plat Candlelight Village on 4.01 acres, being a replat of Lot 1 Candlelight Square 1st Addition located at 5330 Gaines St containing one lot zoned R-MF, Residential Multi-family District. [Ward 8]
5. Resolution approving Case F19-10 of Dan Gunsteen for final plat WK First Addition on 1.71 acres, being a replat of portions of Westlyn and Georgetown Square Additions located at 3306 W Kimberly Rd containing 2 commercial lots. [Ward 2]
6. Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events.

Christ Apostolic Church; Picnic; 1201 W 6th St; Saturday, June 29, 2019 8:00 a.m. - 5:00 p.m.; **Closure**: east-west alley between Taylor St and N Marquette St and W 5th St and W 6th St. [Ward 3]

Stephen Andrews; July 3rd block party; Wednesday, July 3, 2019 7:00 p.m. - 10:00 p.m.; **Closure:** Western Ave from W 7th St south to the alley. [Ward 3]

Downtown Partnership; Bix Street Fest; 10:00 a.m. Thursday, July 25, 2019 - 12:00 a.m. Sunday, July 28, 2019; **Closure:** 2nd St between Ripley St and Brady St; Harrison St from the parking garage entrance south of 3rd St to the Ground Transportation entrance north of River Dr; Main St from the Current Hotel parking lot to the entrance of the parking garage. [Ward 3]

Heather Hall; Graduation Party; 6124 N Hancock Ave; Saturday, July 27, 2019 3:00 p.m. - 11:00 p.m.; **Closure:** N Hancock Ave from W 61st St to W 62nd St. [Ward 2]

J&M Displays Inc; Palmer College of Chiropractic Homecoming Fireworks; Palmer parking lot northeast corner of E 9th St and Perry St; Saturday, August 10, 2019 between 9:00 p.m. and 9:30 p.m. (may vary depending on event); **Closure:** Perry St between E 9th St and north of 10th St. [Ward 3]

St. Anthony's Catholic Church; Picnic; 417 N Main St; Sunday, September 8, 2019 12:30 p.m. - 4:30 p.m.; **Closure:** N Main St between W 4th St and W 5th St. [Ward 3]

7. Resolution approving the plans, specifications, forms of contract, and estimate of cost for a permeable paver alley, from Pleasant to Lombard between Myrtle and Vine, CIP #33031. [Ward 4]
8. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Eastern Ave Reconstruction Project, CIP #35035. [Wards 6 & 7]
9. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the 1930's Interceptor Flow Diversion Project, CIP #30038. [Wards 3, 5 & 6]
10. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the W 16th Street and Main St Streetscape Project, Project #BG250. [Ward 5]
11. Resolution approving the second year option for the sidewalk program to Kelly Construction Inc of Davenport, Iowa in the amount of \$400,000 funded in CIP #28021. [All Wards]
12. Resolution approving the renewal of general and auto liability, property, and workers' compensation insurance, and related professional services for FY20 with multiple insurance companies in the amount of \$1,144,390. [All Wards]
13. Motion accepting the Analysis of Impediments to Fair Housing. [All Wards]
14. Motion directing staff to implement the Davenport DREAM Project for FY20. [Wards 1, 3, 4, 5]
15. Motion approving noise variance request(s) for various events on the listed dates and times.

Tina Hauser; 3rd St Bar & Grill 4th of July Event; 831 W 3rd St; Saturday, July 6, 2019 3:00 p.m. - 11:30 p.m.; Outdoor music/band, over 50 dBa. [Ward 3]

Quad City Times Bix 7; Starting Line Flyover/Hawkeye Howitzer Starting Gun; Race starting line at Brady St and 4th St; Saturday, July 27, 2019 8:00 a.m. - 12:00 p.m.; Over 50 dBa. [Ward 3]

Heather Hall; Graduation Party; 6124 N Hancock Ave; Saturday, July 27, 2019 3:00 p.m. - 11:00 p.m.; Outdoor music, over 50 dBa. [Ward 2]

J&M Displays Inc; Palmer College of Chiropractic Homecoming Fireworks; Palmer parking lot northeast corner of E 9th St and Perry St; Saturday, August 10, 2019 between 9:00 p.m. and 9:30 p.m. (may vary depending on event); Fireworks, over 50 dBa. [Ward 3]

16. Motion approving beer and liquor license applications.

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

Ward 3

Mary's on 2nd "Pride Fest" (Birdland, Inc.) - 832 W 2nd St - Extended Outdoor Area rescheduled for June 28, 2019 - June 29, 2019 - License Type: C Liquor

Paradigm (ChalkBITES Inc) - 320 E 2nd St. - License Type: B Beer

Street Fest (Quad Cities Chamber of Commerce) - 2nd St from Brady St to Ripley St - Outdoor Area July 25, 2019 - July 26, 2019 - License Type: Beer / Wine

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 N Brady St, Ste 3 into parking lot - Extended Outdoor Area August 3, 2019 - August 4, 2019 "Back to School Bash" - License Type: C Liquor

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

Ward 1

Veterans of Foreign Wars, F.W. Galbraith Post #828 (Veterans of Foreign Wars, F.W. Galbraith Post #828) – 101 S Linwood Ave – License Type: A Liquor

Ward 3

Frick's Tap (LBLN, LLC) – 1402 W 3rd St – Outdoor Area – License Type: C

Liquor

Ward 6

Red Lobster #0133 (Red Lobster Restaurants, LLC) – 3420 E Kimberly Rd
– License Type: C Liquor

Sam's Club #8238 (Sam's West Inc) – 3887 Elmore Ave – License Type: E
Liquor / C Beer / B Wine

Super Target T-533 (Target Corporation) – 5225 Elmore Ave – License Type:
E Liquor / C Beer / B Wine

Ward 7

The Filling Station (Bar Management, LLC) – 305 E 35th St – Outdoor Area –
License Type: C Liquor

Panchero's Mexican Grill (FMDAV, LLC) – 902 W Kimberly Rd, Ste 21 –
Outdoor Area – License Type: B Beer

17. Motion approving the plans, specifications, forms of contract, and estimate of cost for the Division Street Soccer Complex Parking Lot Resurfacing, CIP #64062. [Ward 8]
18. Motion approving an amendment to the contract with CDMI Concrete Contractors for the Elmore Ave Patching Project in the amount of \$58,000, CIP #35035. [Ward 6]

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

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

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

XV. Reports of City Officials

XVI. Adjourn

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Brian Krup 563-326-6163
Wards:

Action / Date
6/26/2019

Subject:
Approval of the City Council Meeting Minutes for June 12, 2019

ATTACHMENTS:

Type	Description
▣ Backup Material	CC MIN 061219

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	6/20/2019 - 8:58 AM

City of Davenport
City Council Meeting Minutes
Wednesday, June 12, 2019

The City Council of Davenport, Iowa met in regular session on Wednesday, June 12, 2019 at 5:30 PM in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Frank Klipsch presiding and all aldermen present.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for May, 22, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report of the Committee of the Whole for June 5, 2019

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, June 5, 2019--
The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all aldermen present except Ald. Meginnis. The following Public Hearings were held: Community Development: (the Public Hearing on the proposed conveyance of vacated public right-of-way known as the east-west portion of Crestline Drive located west of the north-south alley lying west of Marlo Avenue (2950 Crestline, L.L.C., Petitioner) was not held as it was deleted from the agenda per staff recommendation) for the Ordinance for case REZ19-06 being the request of Jasveer Saini to rezone .56 acres, more or less, of property located at 4607 N Pine St from C-1 Neighborhood Commercial Zoning District to C-2 Corridor Commercial Zoning District. Public Works: on the plans, specifications, forms of contract, and estimate of cost for the FY20 Sanitary Sewer Repair Program, CIP #30049; on the plans, specifications, forms of contract, and estimate of cost for the Civic Access (ADA Ramp) Program Project, CIP #28024; on the plans, specifications, forms of contract, and estimate of cost for a permeable paver alley from Pleasant to Lombard between Myrtle and Vine, CIP #33031; on the plans, specifications, forms of contract, and estimate of cost for the construction of a lego block retaining wall along an unnamed tributary of Silver Creek between Pine Street and Hillandale Road. Finance: authorizing the Mayor and City Clerk to execute the necessary documents to convey City-owned parcel G0049-40, 1125 W 7th St, to The One Eighty Zone, Inc; for proposed action by the City of Davenport to authorize the renewal of electric and natural gas franchise agreements with MidAmerican Energy Company.

The following proclamation was issued: Mr. Henry Langrehr Day – June 6, 2019, 2019-219.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Rawson, second by Ald. Dickmann item #5 was tabled (roll call vote with Ald. Dickmann and Ald. Matson voting nay); on motion by Ald. Rawson, second by Ald.

Dickmann item #7 was deleted per staff recommendation; and on motion by Ald. Ambrose, second by Ald. Dickmann all other items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Rawson all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Matson, second by Ald. Dickmann item #3 was deleted per staff recommendation (Ald. Gripp voting nay). On motion by Ald. Clewell, second by Ald. Rawson all other items moved to the Consent Agenda.

Council adjourned at 7:10 p.m.

VIII. Appointments, Proclamations, Etc.

IX. Presentations

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

XII. Approval of All Items on the Consent Agenda

1. Third Consideration: Ordinance for Case REZ19-02: Request of Jennifer Smith, SJ56, LLC/Russell, to rezone Lot 1 of Crow Valley Plaza 12th Addition from C-T Commercial Transitional District to C-OP Commercial Office Park; property contains 9.58 acres and is located on E 56th St east of Utica Ridge Rd. [Ward 6]

ADOPTED 2019-220

ORDINANCE NO. 2019-220

Ordinance for Case REZ19-02: Request of Jennifer Smith, SJ56, LLC/Russell, to rezone Lot 1 of Crow Valley Plaza 12th Addition from C-T Commercial Transitional District to COP Commercial Office Park District.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned from C-T Commercial Transitional District to C-OP Commercial Office Park District.

The Legal Description is as follows:

Lot 1 of Crow Valley Plaza 12th Addition to the City of Davenport, Scott County, Iowa. Part of the Southwest Quarter of Section 12, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as Lot 2 of Ryde High 2nd Addition to the City of Davenport, Scott County, Iowa.

Section 2. The following conditions are hereby imposed upon said rezoning:

1. Building height is limited to 35 feet.
2. The following uses are prohibited:
 - a. Restaurant
 - b. Vehicle dealership (indoor)
 - c. Hotel
 - d. Light Industrial

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. Approved 6/12/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance for Case REZ19-03: Request of the City of Davenport for a Zoning Map Amendment from R-MF Multi-Family Residential District to C-T Commercial Transitional Zoning District on 1 acre, more or less, for the property located at 709 East 46th Street. [Ward 7] **ADOPTED 2019-221**

ORDINANCE NO. 2019-221

Ordinance for Case REZ19-03: Request of the City of Davenport for a Zoning Map Amendment from R-MF Multi-Family Residential District to C-T Commercial Transitional Zoning District on 1 acre, more or less, for the property located at 709 East 46th Street.

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 R-MF Multi-family Residential District to C-T Commercial Transitional Zoning District.

The Legal Description is as follows:

Part of the Southwest Quarter of Section 12, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as Lot 2 of Ryde High 2nd Addition to the City of Davenport, Scott County, Iowa.

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. Approve: 6/12/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Third Consideration: Ordinance for Case REZ19-04: Request of the City of Davenport for Zoning Map Amendment from C-2 Corridor Commercial Zoning District to R-MF Multi-Family Residential District on .25 acres, more or less, for the property located at 641 and 643 East 46th Street (west 60 feet only). [Ward 7] **ADOPTED 2019-222**

ORDINANCE NO. 2019-222

Ordinance for Case REZ19-04: Request of the City of Davenport for a Zoning Map Amendment from C-2 Corridor Commercial Zoning District to R-MF Multi-Family Residential District on .25 acres, more or less, for the property located at 641 and 643 East 46th Street (west 60 feet only).

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 C-2 Corridor Commercial Zoning District to R-MF Multi-Family Residential District.

The Legal Description is as follows:

Part of the Southwest Quarter of Section 12, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particularly described as the west sixty (60) feet of the Plat of 46th Street Condominiums, City of Davenport, Scott County, Iowa.

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. Approved: 6/12/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

4. Third Consideration: Ordinance amending Schedule VI of Chapter 10.96 entitled "Speed Limits" by updating the speed limit on 53rd St from Brady St to the east City limits to 40 mph. [Wards 6, 7 & 8]

ADOPTED 2019-223

ORDINANCE NO. 2019-223

An Ordinance amending Schedule VI of Chapter 10.96 entitled "Speed Limits" by updating the speed limit on 53rd St from Brady St to the east city limits to 40 mph.

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

Section 1. That Schedule VI Speed Limits of the Municipal Code of Davenport Iowa, be and the same is hereby amended by amending the following:

53rd St from Brady St to the east city limits as a 40 mph 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. Approved: 6/12/19; Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

5. Second Consideration: Ordinance for Case REZ19-05: Request of John Wulf, to rezone 6401 West Kimberly Road from R-1 Single-Family Residential District to I-1 Light Industrial District; property contains 0.42 acres. [Ward 2]

MOVED TO THIRD CONSIDERATION

6. First Consideration: Ordinance granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain, and operate in the City of Davenport, Iowa an electric system and communications facilities and to furnish and sell electric energy to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years. [All Wards]

MOVED TO SECOND CONSIDERATION

7. First Consideration: Ordinance granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain, and operate in the City of Davenport, Iowa a natural gas system and to furnish and sell natural gas to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years. [All Wards]

MOVED TO SECOND CONSIDERATION

8. Resolution supporting an Intergovernmental Agreement between the City of Moline, the City of Rock Island, and the City of Davenport to complete a Housing Needs Assessment. [All Wards]

ADOPTED 2019-224

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

ADOPTED 2019-225

Cornbelt Running Club; Bix at 6 Training Runs; Thursday, June 13, 2019 5:00 p.m. - 9:00 p.m.; Thursday, June 20, 2019 5:00 p.m. - 9:00 p.m.; Thursday, June 27, 2019 5:00 p.m. - 9:00 p.m.; and Thursday, July 11, 2019 5:00 p.m. - 9:00 p.m.;
Closure: E 4th St from Pershing Ave to River Dr; Pershing Ave from E 4th St to Kirkwood Blvd; eastbound Kirkwood Blvd from Pershing Ave to Jersey Ridge Rd;

Jersey Ridge Rd from Kirkwood Blvd to Middle Rd; McClellan Blvd from Middle Rd to River Dr. [Wards 3, 5, & 6]

River Music Experience; Anniversary Concert; 129 N Main St; Friday, June 14, 2019 12:00 p.m. - 12:00 a.m.; **Closure:** 2nd St from Main St to Brady St (with access to CBI Bank & Trust). [Ward 3]

Pamela Morgan; Graduation Party; 1102 Brown St; Saturday, June 15, 2019 12:00 p.m. - 7:00 p.m.; **Closure:** W 11th St from Warren St to Brown St. [Wards 3 & 4]

River Action; Ride the River; Sunday, June 16, 2019 5:30 a.m. - 4:30 p.m.; **Closure:** southernmost parking lane on 2nd St from Gaines St to the Government Bridge. [Ward 3] **Original route was Riverfront Trail but has to be moved due to the flooding.*

Ken Hopper; 31st Quad City Air Show; Thursday, June 27, 2019 12:00 p.m. - 4:00 p.m.; Friday, June 28, 2019 1:30 p.m. - 4:30 p.m.; Saturday, June 29, 2019 12:30 p.m. - 4:30 p.m.; and Sunday, June 30, 2019 12:30 p.m. - 4:30 p.m.; **Closures:** W 76th St from Division St to Slopertown Rd; Slopertown Rd east of the Sterilite entrance to Harrison St; and Northwest Blvd at Hillandale Rd. [Ward 8] ***Pending FAA approval***

10. Resolution approving the updated fee schedule for rental licenses and inspections. [All Wards] **ADOPTED 2019-226**

11. Resolution to purchase three (3) new 35' low floor diesel buses from Gillig of Livermore, CA in the amount of \$1,302,351, CIP #24015. [All Wards] **ADOPTED 2019-227**

12. Resolution approving the blanket contract for the purchase of road salt for the 2019-2020 winter season from Cargill Inc of North Olmsted, OH in the estimated amount of \$1,187,604. [All Wards] **ADOPTED 2019-228**

13. Resolution approving the blanket contract for the purchase of supplemental ice control road salt for the 2019-2020 winter season to Compass Minerals America Inc of Overland Park, KS in the amount of \$78.48 per ton. [All Wards] **ADOPTED 2019-229**

14. Resolution approving the purchase of two (2) Tymco street sweepers from Mid-Iowa Solid Waste Equipment in the amount of \$535,770, CIP #24017. [All Wards] **ADOPTED 2019-230**

15. Resolution approving the contract for the 46th Street Reconstruction from Pine St to 215 feet east on Cheyenne Ave project to CDMI Concrete Contractors of Port Byron, IL in the amount of \$288,760, CIP #35036. [Wards 7 & 8] **ADOPTED 2019-231**

16. Resolution approving the contract for the Downtown Decorative Street Light LED Retrofit to Davenport Electric Contract Co of Davenport in the amount of \$136,771.50, CIP #60020. [Ward 3] **ADOPTED 2019-232**

17. Resolution approving a three-year agreement with Cartegraph Systems LLC of Dubuque, Iowa in the amount of \$216,000. [All Wards] **ADOPTED 2019-233**

18. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the construction of a lego block retaining wall along an unnamed tributary of Silver Creek between Pine Street and Hillandale Road. Funding for this project will be from FY2020 Clean Water Operating Supplies 51251980-520228. [Ward 2] **ADOPTED 2019-234**

19. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the FY20 Sanitary Sewer Lateral Repair Program, CIP #30049. [All Wards] **ADOPTED 2019-235**

20. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Civic Access (ADA Ramp) Program Project, CIP #28024. [All Wards] **ADOPTED 2019-236**

21. Resolution approving the contract for the Architectural Services for the Design and Preparation of documents for the Renovations to the Main Library Building to Legat Architects of Moline IL, in an amount not-to-exceed \$150,000, CIP #23028. [Ward 3] **PASSED 2019-237**

22. Motion approving noise variance request(s) for various events on the listed dates and times. **PASSED 2019-238**

River Music Experience; Anniversary Concert; 129 N Main St; Friday, June 14, 2019 4:00 p.m. - 10:00 p.m.; Outdoor music, over 50dBa. [Ward 3]

Pamela Morgan; Graduation Party; 1102 Brown St; Saturday, June 15, 2019 12:00 p.m. - 7:00 p.m.; Outdoor music, over 50 dBa. [Wards 3 & 4]

Lesley Larson; Birthday party; 3424 Forest Rd; Saturday, June 22, 2019 2:00 p.m. - 6:00 p.m.; Outdoor music/band, over 50 dBa. [Ward 6]

23. Motion approving beer and liquor license applications. **PASSED 2019-239**

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

Ward 1

Dominga (Dominga's Authentic Mexican Food, Inc.) - 1525 S Concord St. - License Type: B Beer

Kwik Shop #584 (Kwik Shop, Inc.) - 3624 W Locust St. - Ownership Update - License Type: C Beer / B Wine

Ward 3

El Cortez (808 Sunset LLC) - 423 Brady St. - License Type: C Liquor

RME Courtyard (River Music Experience) - 121 W 2nd St. – Expanding Outdoor Area to include 2nd St. between Main St. & Brady St., June 14, 2019 "15th Anniversary Celebration Concert" - License Type: C Liquor

Ward 4

Kwik Star #123 (Kwik Trip, Inc.) - 2850 W Locust St. - Ownership Update - License Type: C Beer

Ward 6

Granite City Food & Brewery (Granite City Restaurant Operations, Inc.) - 5270 Utica Ridge Rd. - Ownership Update - License Type: C Liquor

Steel Plow Burger (Steel Plow Burger II LLC) - 1430 E 52nd St., Ste. 3 - Outdoor Area - License Type: C Liquor

Ward 7

Forasteros (Forasteros, LLC) - 1510 E Kimberly Rd. - License Type: C Liquor

Kwik Star #280 (Kwik Trip, Inc.) - 301 W Kimberly Rd. - Ownership Update - License Type: C Beer / B Wine

Kwik Star #291 (Kwik Trip, Inc.) - 1225 E Kimberly Rd. - Ownership Update - License Type: C Beer / B Wine

Kwik Star #294 (Kwik Trip, Inc.) - 1650 W Kimberly Rd. - Ownership Update - License Type: C Beer / B Wine

Tobacco Outlet Plus Grocery #562 (Kwik Trip, Inc.) - 4619 N Brady St. - Ownership Update - License Type: C Beer / B Native Wine

Ward 8

Kwik Star #167 (Kwik Trip, Inc.) - 2050 E 53rd St. - Ownership Update - License Type: C Beer / B Wine

Kwik Star #215 (Kwik Trip, Inc.) - 100 W 65th St. - Ownership Update - License Type: C Beer / B Wine

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

Ward 1

Casey's General Store #2077 (Casey's Marketing Company) – 3700 W Locust St. – License Type: C Beer / B Native Wine

Emeis Golf Course (City of Davenport) – 4500 W Central Park Ave. – License Type: C Liquor

St. Alphonsus Church Holy Name Society (St. Alphonsus Church of Davenport, Inc.) – 2618 Boies Ave. – Outdoor Area – License Type: B Beer / B Native Wine

Kwik Shop #584 (Kwik Shop, Inc.) – 3624 W Locust St. – License Type: C Beer

Ward 3

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

The Current (Putnam Landlord, LLC) – 128-130 W 2nd St. – Outdoor Area – License Type: B Liquor / B Wine

The River's Edge (City of Davenport) – 700 W River Dr. – License Type: B Beer

Ward 4

The Gardens (Washington Gardens, LLC) – 1301 W 13th St. – Outdoor Area – License Type: C Liquor

McButts (Hilltop Tavern, Inc.) – 1516 Harrison St. – Outdoor Area – License Type: C Liquor

Ward 5

Harris Pizza (Mister Pizza, Inc.) – 524 E Locust St. – License Type: B Beer

Q.C. Mart (Bethany Enterprises, Inc.) – 412 E Locust St. – License Type: C Beer

Ward 6

Barrel House Three LLC (Barrel House Three LLC) – 5141 Utica Ridge Rd. – Outdoor Area – License Type: C Liquor

Kimberly Mart (Pak Foods, Inc.) – 1714 E Kimberly Rd. – License Type: E Liquor / C Beer / B Wine

Northgate Place (Hy-Vee, Inc.) – 1815 E Kimberly Rd. – Outdoor Area – License Type: C Liquor

Saigon Bistro (Saigon Bistro, LLC) – 2660 E 53rd St., Ste. 8 – License Type: Beer/Wine

Ward 7

Kwik Star #294 (Kwik Trip, Inc.) – 1650 W Kimberly Rd. – License Type: C Beer / B Wine

Smokin' Joe's Tobacco & Liquor Outlet #8 (The Outlet, Inc.) – 902 W Kimberly Rd., Ste. 55-56 – License Type: E Liquor / C Beer / B Wine

Ward 8

Iowa Machine Shed (Machine Shed, LLC) – 7250 Northwest Blvd. – License Type: C Liquor / B Native Wine

Red Hawk Golf Course (City of Davenport) – 6364 Northwest Blvd. – Outdoor Area – License Type: B Beer

23. Motion approving the plans, specifications, forms of contract, and estimate of cost for the Sterilite Drainage Improvements Project, CIP #33043. [Ward 8]

PASSED 2019-240

24. Motion awarding a contract for the Intelligent Traffic Management System project to Mid American Signal Inc (MAS) of Kansas City, KS in an amount not-to-exceed \$85,000, CIP #10153. [All Wards]

PASSED 2019-241

25. Motion approving a reimbursement agreement with Iowa American Water Company for the relocation of water valves, hydrants, and service lines, as part of the Transload Rail Expansion project, in the amount of \$96,000. [Ward 8]

PASSED 2019-242

27. Motion approving the purchase of a one-ton dump truck with options from Courtesy Ford of Davenport, IA in the amount of \$50,178, CIP #10503. [All Wards]

PASSED 2019-243

28. Motion approving the purchase of two (2) replacement 9,300 GVW pickup trucks with options from Stivers Ford in Waukee, IA in the amount of \$76,216. [All Wards]

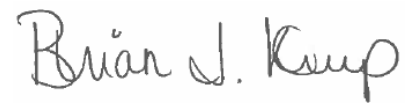
PASSED 2019-244

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn

A handwritten signature in dark ink, reading "Brian J. Krup". The signature is written in a cursive, flowing style.

Brian Krup
Deputy City Clerk

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Brian Krup 563-326-6163
Wards:

Action / Date
6/26/2019

Subject:
Approval of the Report of the Committee of the Whole for June 19, 2019

ATTACHMENTS:

Type	Description
▣ Backup Material	COW Report 061919

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	6/20/2019 - 8:40 AM

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, June 19, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all aldermen present except Ald. Matson. The following Public Hearings were held: Community Development: on the updated Analysis of Impediments to Fair Housing Choice. Public Works: on the plans, specifications, forms of contract, and estimate of cost for the Eastern Avenue Reconstruction Project, CIP #35035; on the plans, specifications, forms of contract, and estimate of cost for the 1930's Interceptor Flow Diversion Project, CIP #30038; and on the plans, specifications, forms of contract, and estimate of cost for the W 16th St and Main St Streetscape Project, Project #BG250.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Meginnis item #2, Ordinance for case REZ 19-06, moved to the Discussion Agenda and all other items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Rawson all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Clewell reviewed all items listed. On motion by Ald. Clewell, second by Ald. Dickmann all items moved to the Consent Agenda.

Council adjourned at 6:23 p.m.

City of Davenport

Agenda Group:

Department: Office of the Mayor

Contact Info: Tiffany Thorndike 563-888-2066

Wards:

Subject:

Parks & Recreation Advisory Board

3rd Ward - Yolanda Estes (New Appointment, Fills Vacancy)

4th Ward - Steve Duffy (Re-Appointment)

5th Ward - Adriana McBride (New Appointment)

8th Ward - Michael Schertz (New Appointment)

Background:

Yolanda Estes' appointment fills a vacancy created by Ryan Roberson's resignation. The term expiration for Yolanda's 3rd ward seat is 6/30/20.

4th ward appointment term expiration is 6/30/22.

5th ward appointment term expiration is 6/30/22.

8th ward appointment term expiration is 6/30/22.

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Thorndike, Tiffany	Approved	6/14/2019 - 5:01 PM

City of Davenport

Agenda Group:

Department: Office of the Mayor

Contact Info: Tiffany Thorndike x2066

Wards:

Action / Date

6/26/2019

Subject:

Historic Preservation Commission

- John Frueh (Re-Appointment)
- Diane Franken (Re-Appointment)

Background:

Term expirations for both John Frueh and Diane Franken are 6/30/22.

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Thorndike, Tiffany	Approved	6/14/2019 - 5:03 PM

City of Davenport

Agenda Group:

Department: Office of the Mayor

Contact Info: Tiffany Thorndike x2066

Wards:

Action / Date

6/26/2019

Subject:

Housing Commission

- Joyce Miller (New Appointment, Fills Vacancy)

Background:

Filling vacancy created by Ruby Mateos. Joyce's term expires 8/1/20.

REVIEWERS:

Department	Reviewer	Action	Date
Office of the Mayor	Thorndike, Tiffany	Approved	6/20/2019 - 10:07 AM

City of Davenport

Agenda Group:
Department: City Clerk
Contact Info: Samantha Torres 563-326-7701
Wards:

Action / Date
6/26/2019

Subject:
Red, White, and Boom Military and Arsenal Appreciation Day Proclamation - July 3, 2019

ATTACHMENTS:

Type	Description
▣ Backup Material	Proclamation

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	6/17/2019 - 10:43 AM

Proclamation

- Whereas** the cities of Rock Island and Davenport have been cooperative neighbors since the founding of each community in 1835 and 1836, respectively; and
- Whereas** there exists a long history of collaboration dating back to the 1850's when the two communities were connected by the first rail road bridge across the Mississippi River; and
- Whereas** Red White and Boom is celebrating its 15th anniversary of cooperation between these two communities; and
- Whereas** River Vision is a cooperative plan for the redevelopment of the riverfront between the two cities; and
- Whereas** the execution of said plan has brought continuous improvements and enhanced the quality of life along both riverfronts; and
- Whereas** we honor the birth of our nation, those who gave all for our great country, and those who serve today to protect our shores; and
- Whereas** Arsenal Island, and the military commands located there, have been a significant part of the history of both communities; and
- Whereas** our communities commemorate the Rock Island Arsenal and the Arsenal's importance to our region and nation.
- Now therefore** We, Frank Klipsch, Mayor, and the City of Davenport, Iowa, along with the City of Rock Island, congratulate the cities of Davenport, and Rock Island for their improvements to the Riverfront, but also to the Rock Island Arsenal on all of its past achievements and innovations and look forward to celebrating future success and do hereby proclaim July 3, 2019 Red, White and Boom Military & Arsenal Appreciation Day!

Dated this 26th day of June, 2019.

Frank J. Klipsch
Mayor of Davenport

Brian Krup
Deputy City Clerk

City of Davenport

Agenda Group:

Department: City Clerk

Contact Info: Samantha Torres 563-326-7701

Wards:

Action / Date

6/26/2019

Subject:

Local Business "The Foundation of Our Community": Joe's Barber Shop

REVIEWERS:

Department

Reviewer

Action

Date

City Clerk

Admin, Default

Approved

6/19/2019 - 8:54 AM

City of Davenport

Agenda Group:
Department: Community Development Committee
Contact Info: Ryan Rusnak 563-888-2022
Wards:

Action / Date
5/9/2019

Subject:

First Consideration: Ordinance for case REZ19-06 being the request of Jasveer Saini to rezone .56 acres, more or less, of property located at 4607 North Pine Street from C-1 Neighborhood Commercial Zoning District to C-2 Corridor Commercial Zoning District. [Ward 8]

THE PLAN AND ZONING COMMISSION RECOMMENDS DENIAL OF THE REQUEST. 8 VOTES ARE REQUIRED.

Recommendation:
Adopt the Ordinance.

Background:
Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: 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: Strengthen the Existing Built Environment.

Zoning:

The property is currently zoned C-1 Neighborhood Commercial Zoning District.

Technical Review:

Streets.

The property is located east of North Pine Street and north of West 46th Street. No impacts to streets are proposed.

Storm Water.

Since the property is being redeveloped, the property would need to comply with the City's

stormwater requirements.

Sanitary Sewer.

There is sanitary sewer adjacent to the property.

Other Utilities.

Other normal utility services are available.

Public Input:

Letters were sent to property owners within 200 feet of the subject property notifying them of the April 29, 2019 neighborhood meeting and the April 30, 2019 Plan and Zoning Commission Public Hearing.

The neighborhood meeting was held at the subject property (GD Xpress). Approximately 20 residents attended. Some residents expressed concerns with the existing and expanded business and some residents expressed support for the redevelopment of the property.

Five property owners spoke in opposition at the April 30, 2019 Plan and Zoning Commission public hearing.

Seven written letters of objection have been received. These letters are included in the background material.

Discussion:

The petitioner is requesting a rezoning to C-2 Corridor Commercial Zoning District to facilitate redevelopment of the property for the same use (convenience store with gasoline sales). Currently, the property is developed with a 2,442 square foot convenience store and three fueling islands. The property would be redeveloped with a 4,999 square foot convenience store and an additional three fueling islands. The new building would be constructed behind the existing building. Once completed, the existing building would be demolished and the additional fueling islands would be installed. The concept plan is included in the background material.

A gas station is listed as a special use in the C-1 Neighborhood Commercial Zoning District in the new Zoning Ordinance. A gas station was listed as a special use in the previous Zoning Ordinance. Section 17.01.040B.3 of the Davenport City Code (new Zoning Ordinance) reads,

If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is deemed a special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for special uses.

Section 17.14.050 of the Davenport City Code entitled Special Use deems a major modification an increase in the building footprint, gross floor area, or height. A major modification requires a new special use.

Notably, a gas station is listed as permitted use in the C-2 Corridor Commercial Zoning District.

Why is a zoning map amendment required?

The new Zoning Ordinance does not permit the retail alcohol sales in the C-1 Neighborhood Commercial Zoning District. This was deliberate in the adoption of the New Zoning Ordinance. Therefore, the existing retail alcohol sales is a nonconforming use. Section 17.15.020 of the Davenport City Code entitled "Nonconforming Use" reads in part,

B. Expansion

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

C. Relocation

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

Therefore, the zoning map amendment is being requested in order to expand and relocate the retail alcohol sales and allow a gas station as a permitted use.

Notably, the proposed development as depicted on the concept plan would require one or more variances from the Zoning Board of Adjustment.

Section 17.14.040 of the Davenport City Code, entitled *Zoning and Text Amendments*, provides the process for a Zoning Map amendment.

Analysis of Section 17.14.040.E of the Davenport City Code, entitled *Approval Standards* (**staff analysis in bold**).

E. Approval Standards

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

1. Approval Standards for Map Amendments

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

The Davenport 2035 Residential General (RG) Future Land Use Designation reads: *Neighborhoods 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.

Davenport 2035 does not designate North Pine Street or West 46th Street as an Urban Corridor in the location of the subject property. Moreover, North Pine Street and West 46th Street do not act a neighborhood edge in said location. At most, the subject and adjacent commercial properties could be considered a transition area, where higher intensity may be considered. Importantly, the level of higher intensity needs to be examined and should be based on proximity to residential development, the adjacent the roadway classification and commercial property size and scale.

First, residential development is in close proximity to the subject property. Objections regarding the negative impacts of the current business and the potential for these impacts to be increased were expressed at the neighborhood meeting, at the public hearing and in submitted letters of objection. Expressed negative impacts include increased traffic, trash generated from the business and loitering. Some residents also expressed concern over the precedent of introducing the C-2 Corridor Commercial District to this area. Next, North Pine Street and West 46th Street are both classified as collector roadways. Higher intensity uses should be oriented toward a roadway with higher classification, such as arterial roadways or along collector roadways with a higher number of commercial uses. Last, the subject property contains .56 acres of property, which is small for a commercial development.

It is staff's opinion that the proposed amendment would not be compatible with the Comprehensive Plan.

b. The compatibility with the zoning of nearby property.

The subject and adjacent properties are zoned C-1 Neighborhood Commercial Zoning District. Residential zoning and development is in close proximity to the subject property. The introduction of C-2 Corridor Commercial Zoning District for the subject property may encourage other adjacent property owners to request the same zoning. There are several uses that are permitted in the C-2 Zoning District that are not permitted in the C-1 Zoning District. A modified version of Table 17.08-1 - Use Matrix is included in the background material.

The nearest commercially zoned property that is categorically higher than C-1 Neighborhood Commercial Zoning District is Hy-Vee, which is located approximately 1,900 feet south of the subject property. Notably, Hy-Vee is oriented toward West Kimberly Road, which classified as a Principal Arterial Roadway. Other properties zoned C-2 Corridor Commercial Zoning District outside of the 1,900 foot radius are oriented toward or adjacent to arterial roadways. A map showing the 1,900 foot radius is included in the background material.

It is staff opinion that the proposed amendment would not be compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

The established neighborhood character is primarily residential adjacent to a smaller-sized neighborhood commercial cluster. The introduction of C-2 Corridor Commercial Zoning District on the subject property may encourage other adjacent property owners to request the same zoning. There are several uses that are permitted in the C-2 Zoning District that are not permitted in the C-1 Zoning District. A modified version of Table 17.08-1 - Use Matrix is included in the background material.

It is staff's opinion that the proposed amendment would not be compatible with the established neighborhood character.

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

Residential development is in close proximity to the subject property. Objections regarding the negative impacts of the current business and the potential for these impacts to be increased were expressed at the neighborhood meeting, at the public hearing and in submitted letters of objection. Expressed negative impacts include increased traffic, trash generated from the business and loitering.

It is staff's opinion that the proposed amendment would not promote the public health, safety, and welfare of the City.

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

-
The property is already developed and being operated as convenience store with gasoline pumps. The petitioner is requesting a rezoning to C-2 Corridor Commercial Zoning District to facilitate redevelopment of the property for the same use (convenience store with gasoline sales). North Pine Street and West 46th Street are both classified as collector roadways. Higher intensity uses should be oriented toward a roadway with higher classification, such as arterial roadways or along collector roadways with a higher number of commercial uses.

It is staff's opinion that the property is suitable for the purposes for which it is presently zoned.

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

The new Zoning Ordinance does not permit the retail alcohol sales in the C-1 Neighborhood Commercial Zoning District. Therefore, retail alcohol sales is a nonconforming use. The C-2 Corridor Commercial Zoning District lists the retail sale of alcoholic beverages as a permitted use. The proposed amendment would actually alleviate a non-conforming use.

Recommendation:

Findings offered by City Staff:

1. The size and scale of commercial properties in this area, its close proximity to residential properties and the adjacent roadways classification make C-1 Neighborhood Commercial Zoning District compatible and consistent in this area; and
2. The proposed zoning map amendment would not achieve consistency with approval standards enumerated in Section 17.14.040E.1 (A-F) of the Davenport City Code.

The Plan and Zoning Commission considered Case REZ19-06 at its May 14, 2019 meeting and voted to forward the request to the City Council with a recommendation for denial.

The Commission vote was 9 yes (motion was to deny the request), 0 no and 0 abstention.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Plan and Zoning Commission Letter to City Council - 5-15-2019
▣ Backup Material	Aerial Map
▣ Backup Material	Zoning Map
▣ Backup Material	Land Use Map
▣ Backup Material	Concept Plan
▣ Backup Material	Use Matrix - C-2 District vs. C-1 District
▣ Backup Material	1900 Foot Buffer to Higher Intensity Commercial Zoning
▣ Backup Material	Protest Map and Written Protests - 6-4-2019
▣ Backup Material	Letter of Concern
▣ Backup Material	Letter of Support
▣ Backup Material	Neighborhood Meeting Information - 5-31-2019
▣ Backup Material	Neighborhood Meeting Notice
▣ Backup Material	Plan and Zoning Commission Public Hearing Notice
▣ Backup Material	Notified Property Owners
▣ Backup Material	1 Yr Comparative Police Calls
▣ Backup Material	3 Yr Comparative Police Calls
▣ Backup Material	Owner Statement
▣ Backup Material	Site Plan and Elevations

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	5/29/2019 - 5:54 PM
Community Development Committee	Berger, Bruce	Approved	5/29/2019 - 5:55 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 10:32 AM

ORDINANCE NO. 2019-

ORDINANCE for Case No. REZ19-06 being the request of Jasveer Saini to rezone .56 acres, more or less, of property located at 4607 North Pine Street from C-1 Neighborhood Commercial Zoning District to C-2 Corridor Commercial Zoning District. [Ward 8]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to C-2 Corridor Commercial Zoning District.

The property has the following legal description:

Part of the Southwest Quarter of Section 10, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

Commencing at the southwest corner of said Section 10; thence north 0 degrees 41 minutes east 30 feet; thence south 89 degrees 52 minutes east 33 feet to the point of beginning; thence north 0 degrees 41 minutes east 150 feet; thence south 89 degrees 52 minutes east 150 feet; thence south 0 degrees 41 minutes west 150 feet; thence north 89 degrees 52 feet 150 feet to the point of beginning. Said property is called the Saini III, LLC tract.

Together with the following described property:

Commencing at the southeast corner of the Saini III, LLC tract; then north 1 degree 12 minutes 5 seconds west 149.95 along east line of the Saini III, LLC tract to the northeast corner of said tract; thence north 88 degrees 3 minutes 20 seconds east 12 feet along the north line of the Saini III, LLC tract, as extended easterly, thence south 1 degree 12 minutes 5 seconds east 149.95 feet along a line parallel with the east line of the Saini III, LLC tract to a point on the north right-of-way line of West 46th Street; thence south 88 degrees 4 minutes 50 seconds west 12 feet along the north right-of-way line of West 46th Street to the point of beginning.

Said properties contain 24,300 square feet, more or less.

Section 2. The Plan and Zoning Commission considered case REZ19-06 at its May 14, 2019 meeting and voted to forward the request to City Council with a recommendation for denial.

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: _____
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on _____

May 15, 2019

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of May 14, 2019, the City Plan and Zoning Commission considered Case No. REZ19-06 being the request of Jasveer Saini to rezone .56 acres, more or less, of property located at 4607 North Pine Street from C-1 Neighborhood Commercial Zoning District to C-2 Corridor Commercial Zoning District. [Ward 8]

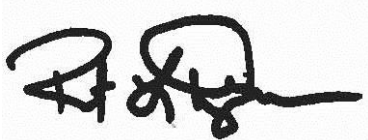
Findings offered by City Staff:

1. The size and scale of commercial properties in this area, its close proximity to residential properties and the adjacent roadways classification make C-1 Neighborhood Commercial Zoning District compatible and consistent in this area; and
2. The proposed zoning map amendment would not achieve consistency with approval standards enumerated in Section 17.14.040E.1 (A-F) of the Davenport City Code.

The Plan and Zoning Commission forwards case REZ19-06 to the City Council with a recommendation for denial.

The Commission vote was 9 yes (motion was to deny the request), 0 no and 0 abstention.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record

Meeting Date: 5-14-19

Meeting Location: Council Chambers-City Hall

No.	Name:	Public Hearing Roll Call	Regular Meeting Roll Call	4-30-19 Minutes	M	S	REZ19-06	M	S	F19-07	M	S	F19-08	M	S								
1	Schneider		Present	Yes			Yes			Yes			Yes										
2	Lammers		Present	Yes			Yes		X	Yes			Yes		X								
3	Medd		Present	Yes			Yes			Yes			Yes										
4	Johnson		Excused																				
5	Tallman		Present	Yes	X		Yes	X		Yes			Yes										
6	Inghram		Present																				
7	Connell		Present	Yes		X	Yes			Yes			Yes										
8	Hepner		Present	Yes			Yes			Yes	X		Yes	X									
9	Brandsgard		Present	Yes			Yes			Yes			Yes										
10	Reinartz		Present	Yes			Yes			Yes			Yes										
11	Maness		Present	Yes			Yes			Yes		X	Yes										
	Result		10 Present	9-0			9-0			9-0			9-0										

Notes: REZ19-06 - Motion was to deny.



W 46TH ST

W 46TH ST

W 45TH ST

W 45TH ST

N PINE ST

 Subject Property





W 46TH ST

N PINE ST

R-4

C-1

W 46TH ST

R-3

W 45TH ST

W 45TH ST

 Subject Property





Residential General

W 46TH ST

W 46TH ST

Residential General

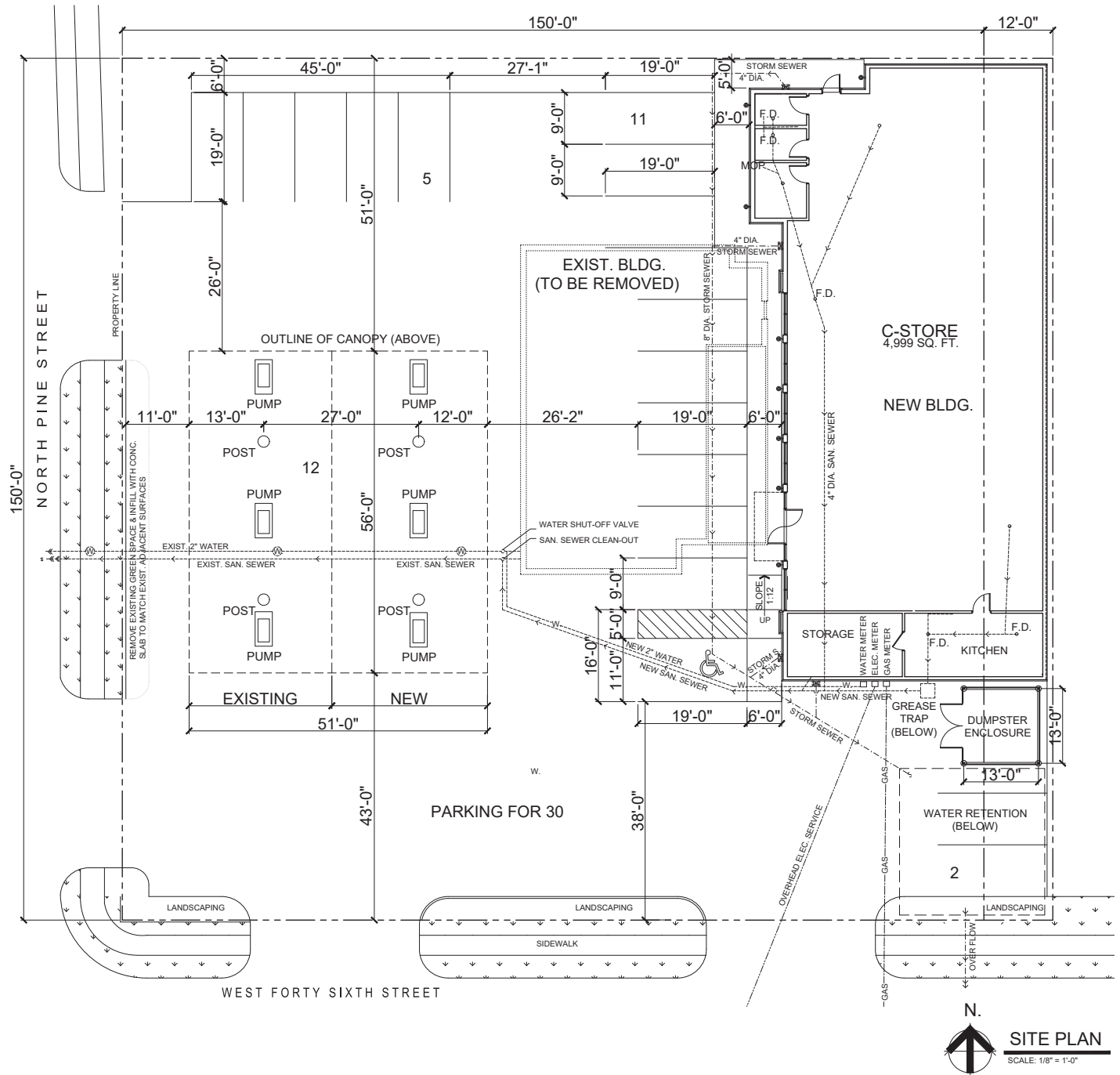
W 45TH ST

W 45TH ST

N PINE ST

 Subject Property





ITALO MILANI
 ARCHITECT, P.C./AIA
 2801 12TH AVE. ROCK ISLAND, IL
 PH. (309) 785-5304 FAX (309) 785-1100

JESSE SAINI
 GD Express NEW GAS STATION & STORE
 4607 NORTH PINE STREET
 DAVENPORT, IOWA

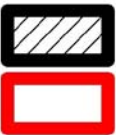
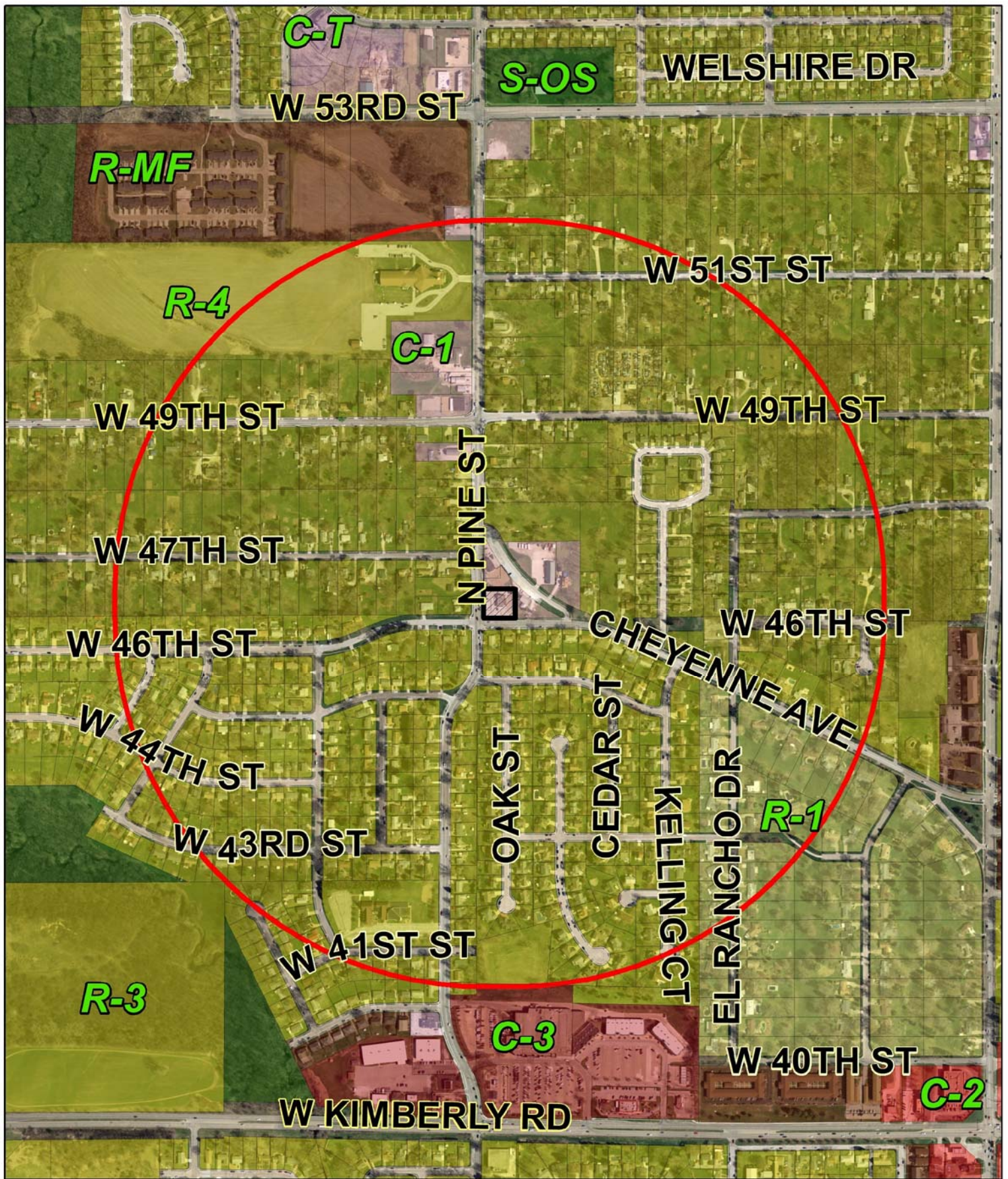
DATE
 3.25.19
 REVISIONS
 .

PROJECT
 2018-42
 NUMBER

SHEET
 C1
 NUMBER

TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Amusement Facility - Indoor									P	P		P	P	P			P				
Animal Care Facility – Small Animal							S	S	P	P		S	S	P			P	P			Sec. 17.08.3.B
Art Gallery							P	P	P	P		P	P	P			P				
Arts and Fitness Studio							P	P	P	P		P	P	P			P				
Bar								S	P	P		P	P	P			P				
Broadcasting Facility TV/Radio								P	P	P	P	P	P	P	P	P	P			P	
Car Wash									P	P				S			P				Sec. 17.08.3.F
Children’s Home					P				P	P				P			S			P	Sec. 17.08.3.G
Community Center	P	P	P	P	P		P	P	P	P		P	P	P			P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.3.H
Cultural Facility							P	P	P	P		P	P	P			P		P	P	
Day Care Center					P		P	P	P	P	P	P	P	P			P			P	Sec. 17.08.3.I
Drive-Through Facility								S	P	P		S		P			P				Sec. 17.08.3.J
Drug/Alcohol Treatment Facility, Residential									S	S				S			S			S	Sec. 17.08.3.K
Drug Treatment Clinic									S	S				S			S			S	Sec. 17.08.3.K
Domestic Violence Shelter					P			P	P	P				P			P			P	Sec. 17.08.3.G
Dwelling - Multi-Family					P		P	P	P	P		P	P	P							Sec. 17.08.3.N
Dwelling - Townhouse					P		P	P	P	P		P	P	P							Sec. 17.08.3.N
Dwelling - Single-Family	P	P	P	P			P	P	P				P								Sec. 17.08.3.O
Dwelling - Single-Family Semi-Detached		P	P	P	P		P	P	P				P								Sec. 17.08.3.O
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P				P								Sec. 17.08.3.O
Dwelling - Two-Family (Conversion)			S	S	P		P	P	P				P								Sec. 17.08.3.O
Educational Facility - Vocational							S	S	S	P	P	P	S	P	P	P	P			P	
Financial Institution							P	P	P	P	P	P	P	P			P				
Financial Institution, Alternative									S	S				S			P				Sec. 17.08.3.P
Food Pantry									P	S				S			S				
Funeral Home							S	S	S	P				P			P				
Gas Station								S	P	P				P	P	P	P				Sec. 17.08.3.Q
Government Office/Facility							P	P	P	P	P	P	P	P	P	P	P			P	

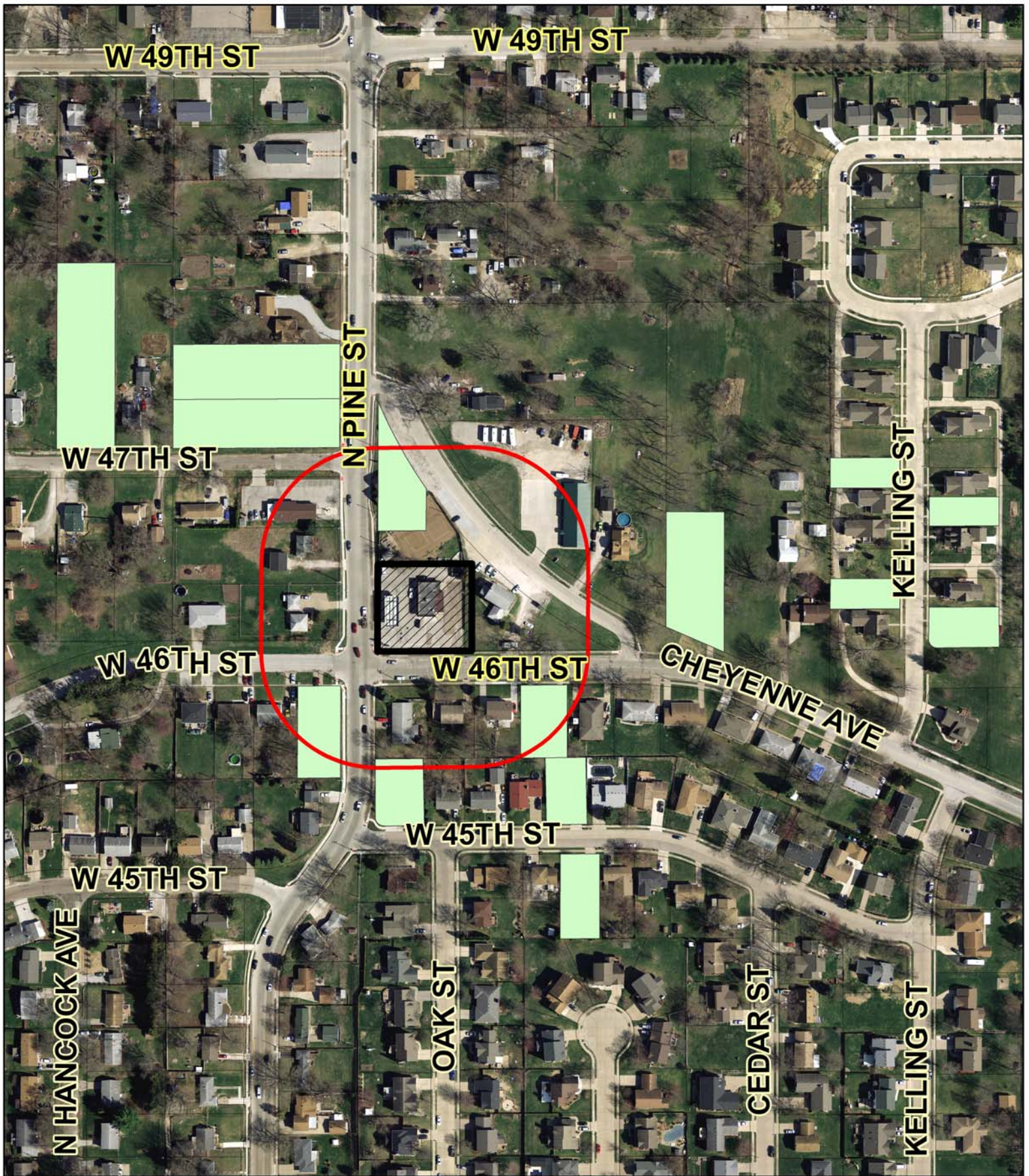
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Halfway House									S	S				S			S			S	Sec. 17.08.3.K
Homeless Shelter									S	S				S			S			S	Sec. 17.08.3.K
Hotel									P	P	P	P	S	P			P				
Industrial Design								P	P	P	P	P		P	P	P	P				
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.3.S
Medical/Dental Office							P	P	P	P	P	P	P	P			P			P	
Micro-Brewery/Distillery/Winery									P	P		P	P	P	P		P				
Office							P	P	P	P	P	P	P	P	P	P	P			P	
Outdoor Dining								P	P	P	P	P	P	P			P				Sec. 17.08.3.U
Parking Lot (Principal Use)								S	S	S	S	S	S	S			S			P	Chapter 17.10
Parking Structure (Principal Use)								S	S	P	P	S	S	P			P			P	Chapter 17.10
Personal Service Establishment							P	P	P	P	P	P	P	P	P		P			P	
Place of Worship	P	P	P	P	P		S	S	P	P		P	P	P				P		P	
Private Recreation Facility								P	P	P		P	P	P			P			P	
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P		P	
Reception Facility	S	S	S	S				S	S	P		S	S	P			P	S			Sec. 17.08.3.V
Residential Care Facility					P				P	P				P						P	Sec. 17.08.3.W
Restaurant								P	P	P	P	P	P	P	P	P	P			P	
Retail Goods Establishment							P	P	P	P	P	P	P	P	P	P	P			P	
Retail Alcohol Sales									P	P		S		P	P		P				
Self-Storage Facility: Enclosed									S	P	P			P	P	P	P				Sec. 17.08.3.Y
Social Service Center									P	P				P			P			P	
Specialty Food Service								P	P	P		P	P	P	P		P				
Vehicle Repair/Service – Minor								S	P	P				P	P	P	S				Sec. 17.08.3.BB
Wine Bar								S	P	P		P	P	P			P				
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.3.DD
Wireless Telecommunications – Stealth Design Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.3.DD
Wireless Telecommunications – DAS Co-Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.3.DD
Wireless Telecommunications – DAS New Pole	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.3.DD

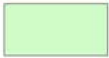


Subject Property

1900 Foot Buffer





-  Subject Property
-  200 Foot Notification Radius
-  Written Objections



REZ19-06 - Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
M1049-31A	23056.71	9.2%	0.00	0.0%	4621 CHEYENNE AV	IV-P INVESTMENTS LLC	C/O JERRY COUSSENS	DAVENPORT IA 52806
M1049-31B	642.744733	0.3%	0.00	0.0%	4619 CHEYENNE AV	JESSICA K WEBB	4619 CHEYENNE AV	DAVENPORT IA 52806
M1049-46	29518.5186	11.8%	0.00	0.0%	4624 CHEYENNE AV	NO BOUNDRY LLC	4118 BRIARWOOD DR	COUNCIL BLUFFS IA 51503
M1049-47	10262.2732	4.1%	Yes	4.1%	4646 CHEYENNE AV	DONALD E TEEL REVOC LIVING TRUST NANCY J TEEL REVOC LIVING TRUST	4646 CHEYENNE AV	DAVENPORT IA 52806
M1501A01	11170.6517	4.5%	0.00	0.0%	4521 N PINE ST	BFS PROPERTIES LLC	1415 ANTLER CT	BETTENDORF IA 52722
M1501A02	10000.3681	4.0%	0.00	0.0%	2245 W 46TH ST	BFS PROPERTIES LLC	1415 ANTLER CT	BETTENDORF IA 52722
M1501A03	9990.11488	4.0%	0.00	0.0%	2239 W 46TH ST	FLYNN HOLDINGS CO LLC	904 GRANT ST	BETTENDORF IA 52722
M1501A04	7578.21281	3.0%	Yes	3.0%	2227 W 46TH ST	NEWTON MICHELLE R	2227 W 46TH ST	DAVENPORT IA 52806-4801
M1501A05	841.362647	0.3%	0.00	0.0%	2223 W 46TH ST	SOTHMANN TIM H SOTHMANN GLORIA J	727 WESTERFIELD RD	DAVENPORT IA 52806
M1501A09	1229.9616	0.5%	Yes	0.5%	2254 W 45TH ST	LORI A LAKEY	2254 W 45TH ST	DAVENPORT IA 52806
M1501A10	1050.03174	0.4%	0.00	0.0%	2246 W 45TH ST	KITTI L EIKENBERRY	2246 W 45TH ST	DAVENPORT IA 52806
M1501A11	906.923348	0.4%	0.00	0.0%	2238 W 45TH ST	AURELIANO VAZQUEZ VAZQUEZ PETRA	2238 W 45TH ST	DAVENPORT IA 52806
M1501A12	80.9222584	0.0%	0.00	0.0%	2232 W 45TH ST	MICHAEL F CARNEY CARNEY DEBRA K	2232 W 45TH ST	DAVENPORT IA 52806
O1607C01	8272.59301	3.3%	Yes	3.3%	4524 N PINE ST	MARIO MARTINEZ	4524 N PINE ST	DAVENPORT IA 52806
O1607C02	2735.48705	1.1%	0.00	0.0%	2311 W 46TH ST	RENOVATIONS LLC RIOT	1519 11TH AVE	MOLINE IL 61265-3141
U0955-01	12980.018	5.2%	0.00	0.0%	4604 N PINE ST	LEROY TRACYTRACY ANNE	4604 N PINE ST	DAVENPORT IA 52806
U0955-02	12789.0229	5.1%	0.00	0.0%	4616 N PINE ST	DAVENPORT BUDDHIST ASSC KIM TEMPLE INC	4630 N PINE ST	DAVENPORT IA 52806
U0955-03B	8771.65831	3.5%	0.00	0.0%	4630 N PINE ST	DAVENPORT BUDDHIST ASSOCIATION	KIM CANG TEMPLE INC	DAVENPORT IA 52806

PARCELS 151,877.6 60.7%
R.-O.-W. 98,519.5 39.3%
TOTAL
NOTICE AREA 250,397.1 100%

10.9% PROTEST RATE

Protests:

Properties:

4

18
Ward: 8

Rusnak, Ryan

From: Debra Ewoldt <cybertyetiborg@yahoo.com>
Sent: Monday, June 3, 2019 5:47 PM
To: Rusnak, Ryan
Subject: object to the rezoning of GD express on 4607 N. Pine St

Hello,

I strongly object to the rezoning of GD express on 4607 N. Pine St. Davenport and beg the City Council to vote against it. I have lived in this a block from this station and now hear constant noise and police sirens. If you have not witnessed it for yourself, I strongly encourage/dare you to stop in any evening after dark. I have personally been in the gas station and can honestly say I was sorry I stopped in. I feared for my safety as the type of clientele that frequent the store is vocal about their intentions. Again I strongly encourage/dare you to stop in the store and you will see and feel what all of us decent people in the area have to deal with. If this grows my concern/fear is the area will continue to decline and the crime rate will grow. I ask if that is your intentions to drive out good people especially women, children and vulnerable elderly people who are in constant fear of more crime? We care about our neighborhood and do not want this to get worse as it has in the last couple years. The facts of theft, vandalism, harassment, weapons discharged, burglary, drug arrest, stalking from your arrest records and police calls say it all. Do you really think as good neighbors trying to live in this area want more of that? I ask you to vote against rezoning of GD express on 4607 N. Pine St as City Council that protects neighborhoods, and the decent people that live in the area.

Debra Freese

2219 w 45th Street

Davenport

Rusnak, Ryan

From: Jerry Freese <dynochrome@yahoo.com>
Sent: Sunday, June 2, 2019 9:22 PM
To: Rusnak, Ryan
Subject: Objection to GD Express Mart rezoning

Hello,

I strongly object to the rezoning of GD express on 4607 N. Pine St. Davenport and beg the City Council to vote against it. I live in this area and if any of you do, you know this business is a magnet for a bad element. If you have not witnessed it for yourself, I encourage/dare you to stop in any evening after dark. I have and every time was a testimony to why the rezoning should not happen. Sit in the parking lot for a few minutes and just watch. We can hear screaming, & noises from that declining area regularly two blocks away. This rezoning will do nothing less than accelerate the decline of this area. We don't wish our once nice neighborhood to get worse than it already has the last couple years. Do you really want to drive good people out of the neighborhoods so more bad can move in? That's not what someone would do that was properly representing their city.

Jerry Freese

2219 W. 45th Street

Davenport

Rusnak, Ryan

From: Beth Adrian <adrianbeth59@gmail.com>
Sent: Monday, June 3, 2019 3:19 PM
To: Rusnak, Ryan

We object to the gas station at 46th and Pine expanding. We already have loud noose from that corner, fireworks at all times(or gun shots) garbage being thrown in our neighborhood. Please don't let them get and bigger hopefully they will move. Beth and Clark Adrian

2224 W. 45th St.
Davenport,ia

Rusnak, Ryan

From: Michelle Newton <mishellerenee@gmail.com>
Sent: Saturday, June 1, 2019 4:17 PM
To: Planning Division – CPED; Rusnak, Ryan
Subject: Rezoning case REZ19-06

Hello, my name is Michelle Newton. I live at 2229 W. 46th St. and I am the owner of this duplex including 2227 W. 46th Street.

I am adamantly opposed the rezoning of the property of 4607 N. Pine Street. I object to this proposal. I am only a few houses down from this gas station. As it stands now, the traffic from this gas station creates a lot of traffic on my street. The noise is increased on weekends from the gas station being so close. Also 46th street itself has increased traffic. We have semis and large trucks using this street as a main traffic way and the potholes in the road aren't even fixed by the city. When large trucks hit the potholes it actually shakes the upper level of my house. If the size of the gas station is increased I can only imagine that it would increase traffic as well.

Also, with increased traffic it becomes more difficult to rent the other unit, since this street is already busy.

Thank you for your time and consideration.

Michelle Newton

Rusnak, Ryan

From: Lakey, Lori <lori-lakey@uiowa.edu>
Sent: Thursday, April 25, 2019 9:25 AM
To: Planning Division – CPED
Cc: Rusnak, Ryan
Subject: Case # REZ19-06

Importance: High

Good morning.

It has come to my attention per a letter from the City of Davenport, that Jasveer Saini is asking to be rezoned from a C-1 Neighborhood Commercial Zoning to a C-2 Corridor Commercial District. I feel this will be a detriment to our neighborhood and I am asking the commission to deny this request.

Since this business has existed in our neighborhood, our properties are nothing but a land dump for trash, such as small plastic bottles of booze, plastic bottles, cups, candy wrappers and other such trash. The business is bringing in “shady” characters that are doing drug deals and causing fights. If Mr. Saini is allowed to make a larger store, we are going to be increasing the crime rate, garbage, traffic, and noise around our neighborhood. This is a neighborhood, not a business district.

His current establishment is filthy and should be inspected more thoroughly as it probably would not pass health inspections. He doesn't maintain a clean property and he allows loitering around his business.

As a property owner and taxpayer in this area, I am asking the commission to deny this request.

Thank you for letting me voice my concerns.

Lori Lakey
2254 West 45th Street
Davenport, IA 52806

Phone 563-340-9825

Our lives are not determined by what happens to us, but how we react to what happens; not by what life brings to us, but by the attitude we bring to life. A positive attitude causes a chain reaction of positive thoughts, events and outcomes. It is a catalyst ... a spark that creates extraordinary results.

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Rusnak, Ryan

From: D C <dcourtney1961@hotmail.com>
Sent: Monday, June 3, 2019 4:06 PM
To: Planning Division – CPED
Subject: The request to rezone 4607 North Pine Street

I object to the rezoning of 4607 North Pine Street. I am a neighboring property owner at 2346 West 47th Street. This is a nice quiet neighborhood. I don't want the extra traffic, noise, lights and littering.

David Courtney

Rusnak, Ryan

From: betyandmariom <betyandmariom@yahoo.com>
Sent: Tuesday, May 7, 2019 5:22 PM
To: Rusnak, Ryan
Subject: I reject the Zone change

Hi this is Mario Martinez owner off 4524 North Pine for about eight years. I definitely disagree with the rezoning. I definitely don't want a bigger gas station this is residential zone a nice peaceful place that is mine and family house our neighborhood and were my two kids are growing up in a safe environment and by having that gas station or rezoning to commercial would destroy our peace by bringing the possibility of crime and more garbage around our streets and I always have to pick up garbage and little bottles of licor from gas station product when mowing the front yard. Can't imagine if this rezoning goes through. Would have to most likely move out to keep me and my family peace and safe. So definitely reject the possibility of rezoning. Let's keep our neighborhood the way it has been safe, peaceful, and calm thank you.

Sent from my Samsung Galaxy smartphone.

Rusnak, Ryan

From: Chris Cooper <qcadmin@gmail.com>
Sent: Tuesday, June 4, 2019 9:05 AM
To: Rusnak, Ryan
Cc: Tompkins, Kerri; Dickmann, Maria
Subject: Objection to Rezoning 4607 North Pine

Christopher Cooper
4601 Kelling St.
Davenport, IA 52806

June 6th, 2019

To: Davenport City Council

Subject: Objection to Rezoning 4607 North Pine

Dear Members of the Council,

I am **opposed** to the rezoning of property at 4607 North Pine Street.

Last month I provided my objection to the Planning and Zoning commission (Included below). Since then I have been following the statements at the Planning and Zoning meeting, as well as the neighborhood meeting on May 31st (I was one of 35 people in attendance). In all these discussions, I have noticed a reoccurring theme, which is the owners trying to downplay or sidestep the conversation about liquor and tobacco, while stating the intention for the expansion is to sell more gas. Whenever liquor is brought up, they immediately jump to stating "most of the money comes from gas sales", while simultaneously stating that they try to have "the cheapest gas prices in town".

My understanding of the convenience store model is that margins on gas are incredibly thin due to the tax structure, and rely almost exclusively on in-store purchases for profit (much the way movie theaters make their profits on concessions instead of ticket sales). This would lead me to believe that while gas sales may be a large portion of their gross sales, the majority of their net profits must be coming from convenience purchases such as liquor and tobacco. While their expansion plans call for doubling gas pumps, they are also almost tripling the size of the convenience store. Since Liquor advertising presence is limited to a percentage of square footage, this would almost triple the available space. Combined with the evasiveness on the topic, and the nature of all the garbage found on the property and surrounding neighborhoods, this again leads me to believe this is not about gas, but primarily about liquor sales. **I do not feel a residential neighborhood needs a larger carry-out liquor store in the middle of it**, especially when others are available on major roadways less than a mile away.

Below is a copy of the points I provided to the Planning and Zoning commission on April 30th:

Dear Members of the Commission,

At the time of writing, I am currently **opposed** to the rezoning of property at 4607 North Pine Street due to the following concerns:

- A. **Precedent** - The precedent will be set for rezoning from C1 to C2 in the area. While I understand rezoning is handled on a case by case basis, it is my understanding that this will be the first variance given locally under the newly revised classifications. It was mentioned at the April 29th neighborhood meeting by the owners that they were already considering plans to continue expansion in the future

to include the remainder of parcel M1049-46 (4624 Cheyenne Ave). Many legal decisions are based on precedent, and this would establish a pattern of major corridor development in a currently residential area.

- B. **After Hours Noise & Litter** - At the April 29th meeting, the owners stated that with the expansion and rezoning, they plan to expand operations to 24 hours and include hot food options. With the property adjacent to one bar (Hawkeye Tap), and 1000 ft away from a second bar (Jeno's), it is my belief this store will become a natural stop after bar closing, contributing to noise pollution and litter in the area. Inebriated patrons are not typically known for cleanliness (or quietness), nor would I reasonably expect a 3rd shift employee to be as vigilant about property clean up as required.
- C. **Lack of Additional Need** - At the April 29th neighborhood meeting, the owners indicated the primary reason for expansion was to accommodate more gas pumps due to need in the area. I do not believe there is sufficient need for additional gas or convenience store amenities in the area. Within a 1.5 Mile radius:

Gas Station / Convenience Stores:

1. 0.5 mi - Big 10 Mart (Pine & 53rd)
2. 0.8 mi - Kwik Shop (Division & Kimberly)
3. 0.9 mi - Kwik Star (Division & Kimberly)
4. 0.9 mi - SNS Mart (Division & Kimberly)
5. 1.0 mi - Casey's General Store (Division & 53rd)
6. 1.3 mi - Murphy Gas (Elsie & Kimberly)
7. 1.4 mi - Casey's General Store (Pine & 63rd)

Drinks / Snacks / Tobacco / Liquor:

1. 0.5 mi - Hy-Vee (Pine & Kimberly)
2. 0.8 mi - Walgreens (Division & Kimberly)
3. 0.9 mi - CVS (No Tobacco) (Division & Kimberly)
4. 1.2 mi - Fareway (No Tobacco) (Villa & 53rd)
5. 1.3 mi - Walmart (Elsie & Kimberly)
6. 1.4 mi - Hy-Vee Wine & Spirits (Elsie & Kimberly)

Thank you for your time.

Sincerely,
Christopher Cooper

Rusnak, Ryan

From: Chris Cooper <qcadmin@gmail.com>
Sent: Tuesday, April 30, 2019 3:14 PM
To: Planning Division – CPED
Cc: Rusnak, Ryan; Tompkins, Kerri
Subject: Objection to Rezoning 4607 North Pine (REZ19-06)

Christopher Cooper
4601 Kelling St.
Davenport, IA 52806

April 30th, 2019

To: Davenport Plan and Zoning Commission

Subject: Objection to Rezoning 4607 North Pine (REZ19-06)

Dear Members of the Commission,

At the time of writing, I am currently **opposed** to the rezoning of property at 4607 North Pine Street due to the following concerns:

- A. **Precedent** - The precedent will be set for rezoning from C1 to C2 in the area. While I understand rezoning is handled on a case by case basis, it is my understanding that this will be the first variance given locally under the newly revised classifications. It was mentioned at the April 29th neighborhood meeting by the owners that they were already considering plans to continue expansion in the future to include the remainder of parcel M1049-46 (4624 Cheyenne Ave). Many legal decisions are based on precedent, and this would establish a pattern of major corridor development in a currently residential area.
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- 6. 1.3 mi - Murphy Gas (Elsie & Kimberly)
- 7. 1.4 mi - Casey's General Store (Pine & 63rd)

Drinks / Snacks / Tobacco / Liquor:

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3. 0.9 mi - CVS (No Tobacco) (Division & Kimberly)
4. 1.2 mi - Fareway (No Tobacco) (Villa & 53rd)
5. 1.3 mi - Walmart (Elsie & Kimberly)
6. 1.4 mi - Hy-Vee Wine & Spirits (Elsie & Kimberly)

Sincerely,
Christopher Cooper

I object to the request for zoning change, REZ19-06, that would result in a major expansion of GD Express, 4607 N. Pine St. on the following grounds.

- Increase in traffic resulting in increase in noise, increase in disturbances and police calls.
- Increase in liquor sales resulting in increase in litter (empty liquor bottles) on the grounds and surrounding neighborhoods. The empty liquor bottles would seem to infer drinking and driving originating from this location.
- Setting of a precedent which would allow other nearby parcels to be re-zoned to C2, resulting in the commercialization of a otherwise quite residential neighborhood.
- There are many Gas Stations/Convenient Marts (NOT Liquor Stores disguised as Convenient Stores) in a 2 mile radius of this location therefore an increase in gas pumps is not needed or wanted in this neighborhood.

Thank you for letting submit these comments.

Robert Thompson
4606 Kelling St.
Davenport.

Rusnak, Ryan

From: Rebekah Mikami <autumnelf@mchsi.com>
Sent: Tuesday, June 4, 2019 6:54 AM
To: Rusnak, Ryan
Subject: Rezoning of the gd express objection

My name is Rebekah Dietz-Mikami and I live at 4609 Cheyenne Ave, Davenport Iowa 52806.

I strongly object to the rezoning and expansion of the liquor shop gd express. That is not the kind of neighborhood I want to live in or have the surrounding children grow up in. I bought my house just last year and have been trying to improve it as I loved the house and yard and the neighborhood. If anyone needs anything that store supplies late at night they can just as easily go to the hy-vee just a little further down the road and at a less expensive price. There is no reason to have a 24hr liquor store in our area. Please consider the well being of the area over this expansion.

Thank you for your time.

Sincerely,
Rebekah Dietz-Mikami

Re: Objection to REZ19-06, Rezoning GD Express at 4607 North Pine Street from C1 to C2

Committee of the Whole 6/4/2019

My name is Judith Lee, and I live in the area called Green Acres at 4621 Kelling St.

I reference my letter that I read and provided to the City Council, the Mayor, and the Davenport Planning Department on 5-22-2019, and the follow-up corrected email to the City Council, the Mayor, and the Davenport Planning Department dated May 25, 2019.

In these documents, I expressed concerns with potential violations of the carry-out liquor/alcohol Davenport City code at Chapter 5.10 that I observed at GD Express, and apparent lack an authorized city department with trained personnel for conducting systematic, unannounced on-site inspections of GD Express and similar gas station/carry-out liquor stores in Davenport. For my investigation, I talked directly to the City Legal Department, the City Community Planning Department, the City Revenue Department, two officers with the City Police Department, and the Fire Marshall, and none of them have taken or been given authority/responsibility to enforce this code on a systematic unannounced spot-check basis related to the management and operations at any of the Class E licensed facilities in Davenport, including the gas station/liquor convenience stores such as and including GD Express.

The people I talked to were not familiar with the details the Chapter 5.10 of the City Code, and a police officer said that they would require training in the code if they were given responsibility for enforcement. The Police Department does conduct spot checks on selling of cigarettes to minors, which must also include Swisher Sweets and other flavored "cigars" regulated by the Federal Food and Drug Administration under the Tobacco Control Act, but the Department conducts no other enforcement actions related to operation and management of such establishments per Chapter 5.10.

I requested that the Council and Mayor conduct their own investigation into the matter.

I respectfully submit the following evidence of potential violations of Chapter 5.10 at GD Express that were present approximately 3 weeks ago, shortly before my presentation to the Council and Mayor. Not coincidentally, people at the establishment began making corrections relevant to the allegations I made at the City meeting that night, in the rain, and obvious changes from the outside were present by 10AM the next morning.

I reiterate my objection to approving the REZ19-06 request at 4607 North Pine Street, GD Express, and I also reiterate my request for the City and City Council to investigate this lack enforcement of Chapter 5.10 throughout the City of Davenport and especially at GD Express, using systematic unannounced, on-site inspections by authorized and trained city personnel. Enforcement of operational legal requirements would also substantially reduce associated crime and police responses to such establishments, including GD Express.

1. Large bottles of hard liquor were available for sale next to the entryway, not secured under the control of the establishment, in potential violation of 5.10.106.



2. Large window banners, equipment, window shades, and other obstacles blocked the view into the inside of the establishment, in potential violation of 5.10.40.E.





The establishment is also a public nuisance, appearing unkempt and in poor condition and repair, and Mr. Ortiz publicly stated on April 29, 2019 at the city-sponsored neighborhood meeting that he has no intention of improving the aesthetics of the physical property unless his zoning request is approved, indicating that the establishment and its owners and managers are not good neighbors:



Number of Incidents Reported to the Police at Four Establishments Owned by SAINI II or SAINI III, 01/2016-05/2019 (SAINI II and SAINI III own/operate of total of 12 properties in the greater Davenport/Eldridge/LeClaire area)

Category of Response	# Incidents 4607 N. Pine	# Incidents 1802/1808 W. 7 th Street/Div	# Incidents 4307 W. Locust	# Incidents 3108 W. Central Park	Notes
Weapons/Firearms	7	1	0	1	
Theft (larceny), Burglary, Burglary Alarms	12	17	8	21	Includes one carjacking at W. Central Park
Damage/Vandalism/Mischief/Property Damage	5	2	4	6	
Harassment/Stalking/Domestic Disturbance/Abuse/Neglect	11	1	1	2	
Trespassing/Unwanted Activity/Disturbance/Nuisance	16	7	3	19	
Warrant Service/Wanted Check	10	2	3	17	
Business check	3	38	2	3	Mostly at 1802/1808 W 7 th between 11PM and 5AM, between 11/7/2017-1/26/2108
Traffic Violation	12	1	3	15	Failure to stop, traffic hazard, traffic stop
Drugs	2	0	0	1	
Assault	0	1	1	1	
Public Service	8	2	3	6	
Fraud/Deception	2	0	0	3	
Miscellaneous	4	4	5	11	Missing/runaway/found person, administrative duties, fireworks, animal problem, suicidal person, welfare check, 911 hangup
Total	92	76	33	106	

Warning Letter US Food and Drug Administration (FDA) dated 9/28/2017 (reference 17IA002808): On July 26, 2017, GD Express was observed by FDA during on-site inspection selling Swisher Sweets cigars to a minor and failed to check ID for age.

Rusnak, Ryan

From: Judith Lee <jleeeeps@mchsi.com>
Sent: Saturday, May 25, 2019 11:21 AM
To: Gripp, Kyle; Condon, JJ; Dunn, Rick; Dickmann, Maria; Meginnis, Marion; Ambrose, Ray; Clewell, Rich; Matson, Mike; Tompkins, Kerri; Mayor Info; Rawson, Rita
Cc: Judith Lee; Flynn, Matt; Rusnak, Ryan
Subject: Corrected: Followup information on my presentation re: GD Express Rezoning REZ19-06, 4607 N. Pine Street and repeat of my request for city investigation
Attachments: City Council letter 5-22-19JLLA.docx; ATT00001.htm; FDA takes action against four tobacco manufacturers for illegal sales of flavored cigarettes labeled as little cigars or cigars FDA.html; ATT00002.htm; gas station Tobacco Retailer Warning Letters _ GD Xpress 9_28_17.html; ATT00003.htm

Your Honor, and Honored Councilmen, Please use this corrected email version.

I am providing additional details regarding my 5/22/2019 request for the City of Davenport and the City Council to investigate enforcement of City of Davenport Code Chapter 5.10 "Alcoholic Beverage Control." This information reinforces that the City must investigate the enforcement of this Chapter, particularly at gas station/liquor convenience stores such as and including GD Express (the establishment directly at issue), and not approve the rezoning request REZ19-06.

To date, I have talked directly to the City Legal Department, the City Community Planning Department, the City Revenue Department, two officers with the City Police Department, and the Fire Marshall, and none of them have taken or been given authority/responsibility to enforce this code on a systematic unannounced spot-check basis related to the management and operations at any of the Class E licensed facilities, including the gas station/liquor convenience stores such as and including GD Express. Many of the people I talked to did not know the Chapter of the City Code I was referring to, and a police officer said that they would require training in the code if they were given responsibility for enforcement. the Policy Department also does spot checks on selling of cigarettes to minors (including Swisher Sweets and other flavored "cigars" regulated by the Federal Food and Drug Administration), but no other enforcement actions related to operation and management of such establishments per Chapter 5.10.

The police respond to calls from citizens regarding potential nuisances and crimes occurring on the property.

It appears that the licenses are renewed based on written applications and drawings submitted by the operators themselves, with no on-site reviews, except for the Fire Marshall reviewing the site only for human and fire safety/ compliance with fire code, within their direct authority.

As I said that the meeting, citizens do not know the City Code 5.10, nor do they have any authority to make allegations for enforcement. Citizens can also risk a trespassing charge if they enter an establishment solely for the purpose of investigating potential Code violations or collecting evidence.

Disturbingly, there is apparently no department in City Government for a citizen to even call if possible operation/management violations of Chapter 5.10 are identified or suspected.

I believe this is the fundamental source of the recurring crime problems (as identified by police reports) at these establishments, and for citizens to both resist these establishments in their neighborhoods, and for feeling powerless and unheard when such new establishments/rezoning requests are approved by City Council, including by super majorities, sometimes contrary to the recommendations of City Community Planning and the Planning and Zoning Commission (see: W 7th Street, where I found a federal violation of the Tobacco Control Act, and observed mini-bottles being sold when the General Manager promised the neighborhood in 2016 that mini bottles would not be sold). The City Community Planning Department and the P&Z Commission have both recommended against the rezoning, with the P&Z decision being unanimous.

I reiterate my objection to approving the REZ19-06 request at 4607 North Pine Street, GD Express, and I also reiterate my request for the City and City Council to investigate this lack of enforcement of Chapter 5.10 through the City of Davenport and especially at GD Express. Interestingly, one of the potential long-term violations at GD Express I identified at the City Council meeting was corrected by the next morning, so someone alerted the owners after the meeting.

I have attached the documents that I provided to Bruce Berger at the City Council Meeting on 5/22/2019 for your direct review.

Thank you,

Judith

Judith Lee, President
Environmental Planning Strategies, Inc.
4621 Kelling Street
Davenport, IA 52806
563-332-6870 (c) 563-505-4997
www.jlee-eps.com www.lee-cunninghamipr.com

It's not true what they say: We are not made of flesh and blood. Humans, all of us, are made of choices. Aaron Abeyta, Poet

Re: Objection to REZ19-06, Rezoning GD Express at 4607 North Pine Street from C1 to C2

My name is Judith Lee, and I live in the area called Green Acres at 4621 Kelling St., close to the establishment at issue.

I am aware that this issue will be subject to a public hearing at the Committee of the Whole on June 5, 2019. However, as I have investigated issues related to the rezoning consideration, I have discovered a disturbing and challenging problem that I believe lies at the foundation of this issue that I would like the Council to consider and investigate further for yourselves prior to the Committee of the Whole meeting on June 5.

Contrary to the constant assertion of the General Manager of GD Express Robby Ortiz at both the neighborhood meeting and the Planning and Zoning meeting that alcohol has nothing to do with this request for rezoning, to the neighbors who must live with the problems associated with carry-out alcohol, and tobacco, sold at the premises every day, especially if GD Express is allowed to be enlarged and open 24 hours every day under a C-2 zoning, it is fundamental to the decision that the Council must make regarding the rezoning request.

After inquiries to relevant personnel at the City of Davenport, I have discovered that, subsequent to annual approval of a Class E liquor license for carryout liquor sales at convenience stores per Chapter 5.10, there is no formal city or state process for conducting follow-up on-site visits for ensuring that the information/drawings provided for compliance is accurate to what is actually happening on site during daily operations, and that there are no violations of either the license or the City Code.

It appears that once a license is approved and issued every year, it falls on citizens to report alleged violations of City Code at such establishments, including GD Express. The problems with this lack of City oversight include: 1) Citizens do not know the Code as well (or at all) as the relevant City departments (as I am told by the City Revenue Coordinator, every Department approves the renewal of active licenses prior to processing and issuance, and I must therefore assume that each department is fully knowledgeable about the relevant code at Chapter 5.10); 2) it is neither safe nor appropriate for a citizen to walk into these establishments looking for potential violations, especially after dark and certainly not after midnight; and 3) realistically, it is responsibility of city staff, police departments, and elected officials to ensure that licenses and permits are enforced.

Without a formal, systematic, and unannounced review of code and license conditions during operations at establishments such as GD Express after approval of a license, it is irresponsible for the City to approve a rezoning that institutionalizes the selling of carry-out alcohol in a residential neighborhood zoned R-4 such as the Green Acres area.

Citizen Request:

I therefore request that the City Council initiate investigation into the lack of systematic and unannounced follow-up site-visits to convenience stores with Class B, C, and E liquor licenses in the City of Davenport, and until such process is put into place, that this establishment not be granted a rezoning to C-2, consistent with City staff recommendation and the unanimous vote of the Planning and Zoning Commission, and other written and oral testimony of affected citizens presented before the P&Z. I object to the rezoning requested.

Examples of concerns:

Example 1: SAINI II, LLC and SAINI III, LLC (same people, difference LLCs) own and operate 12 convenience stores in this area, including GD Express. I conducted a quick review of GD Express, during the day, and allege that large bottles of Vodka were available for sale next to the entryway, not under the control of the establishment, in potential violation of 5.10.106. Large window banners and other obstacles blocked the view into the inside of the establishment, in potential violation of 5.10.40. There is no way for a citizen to know if the establishment potentially violates 5.10.106 regarding the proportion of display area involving the display of alcohol for sale (code states that it must be <35%), and I understand that the city makes the decision on this section of the code based on a drawing submitted by the applicant; I do not know if the state checks the accuracy of the actual proportion. I am not alleging violations of code, am simply stating what I observed.

Example 2: Violations and potential violation of tobacco federal laws. On September 28, 2017, the Federal Food and Drug Administration, Center for Tobacco Products, sent a formal warning letter to GD Express that an inspector observed the establishment selling Swisher Sweets Blueberry cigars to a minor, without carding for age. Swisher Sweets are regulated as cigarettes rather than cigars under the Federal Tobacco Control Act because of the flavoring, potentially attracting use by minors (Reference number 17IA002008), and the violations were under several federal codes as identified in the warning letter. I understand that such letters, by regulation, are also sent to the city and state involved for their own follow-up. The establishment was required to respond with 15 days of the letter. I do not know if and how this matter was resolved.

Example 3. I bought some water in one of the establishments owned by SAINI II, LLC at 1802 W. 7th Street and found individual Swisher Sweets for sale on the counter. I asked if that was legal, and she assured me that it was. However, it is potentially illegal under Federal law as Swisher Sweets are regulated by the US Government as cigarettes, not cigars, and cigarettes are unauthorized to be sold separately.

Example 4: According to police records from 1/1/2106 through 5/21/2019 obtained for the GD Express address, there have been 7 reports of weapons/firearms, 12 reports of larceny and burglary, 11 reports of stalking, disturbances, and related actions, and 10 reports of serving warrants or doing a wanted checks, for a total of 92 reports at this address.

Relevant Sections of City of Davenport Code Chapter 5.10

5.19.40 Liquor control license or wine or beer permit – conditions for approval.

E. Any premises for which a class "E" liquor control license or a class "B" wine or a class "C" beer permit is sought or has been issued shall have visual access which shall provide at all times a clear and unobstructed view into the premises through the entryway and any exterior windows thereof from the adjacent sidewalk, parking area, street or other public area. In order to satisfy the clear and unobstructed view requirement, establishments shall restrict entryway and window signage and merchandise displays, inside and outside of the building, so as not to obscure sightlines into the interior of the building from the adjacent sidewalk, parking area, street or other public area, in general; and of the cash register counter area, in particular. At a minimum, the bottom edge of window signage shall be located not less than seven feet above the interior floor level; ...

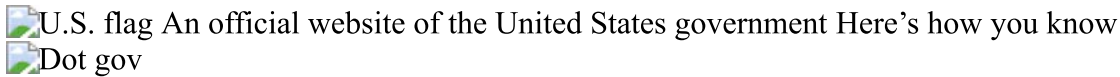
5.10.106. Carryout only liquor additional requirements.

In addition to all other requirements, carryout only class E Liquor licensees must: 1) a) keep all liquor in a location that, while visible, is behind a counter accessible only to employees,... 5) have no more than thirty-five percent of the store's interior display area (measured in cubic feet) dedicated to beer, wine, or liquor;

5.10.107. All licenses and permits – additional requirements

B.4. Attractive litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.

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FDA takes action against four tobacco manufacturers for illegal sales of flavored cigarettes labeled as little cigars or cigars

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FDA takes action against four tobacco manufacturers for illegal sales of flavored cigarettes labeled as little cigars or cigars

For Immediate Release:
December 09, 2016

[Español](#)

The U.S. Food and Drug Administration today [issued warning letters](#) to four tobacco manufacturers — Swisher International Inc., Cheyenne International LLC, Prime Time International Co. and Southern Cross Tobacco Company Inc. — for selling flavored cigarettes that are labeled as little cigars or cigars, which is a violation of the Family Smoking Prevention and Tobacco Control Act. The companies received warning letters for products

under the “Swisher Sweets,” Cheyenne,” “Prime Time” and “Criss-Cross” brands in a variety of youth-appealing flavors, including grape, cherry, wild cherry and strawberry.

“Flavored cigarettes appeal to kids and disguise the bad taste of tobacco, but they are just as addictive as regular tobacco products and have the same harmful health effects,” said Mitch Zeller, J.D., director of the FDA’s Center for Tobacco Products. “Because about 90 percent of adult daily smokers smoked their first cigarette by the age of 18, continued enforcement of the ban on cigarettes with characterizing flavors is vital to protect future generations from a lifetime of addiction.”

The Tobacco Control Act, which was passed by Congress and signed by the President in 2009, banned cigarettes containing certain characterizing flavors, such as candy or fruit flavors, to reduce the number of youth who start to smoke and who become addicted to dangerous tobacco products. The FDA began enforcing that provision in September 2009.

The agency has determined that, although labeled as little cigars or cigars, the products meet the definition of cigarettes in the Tobacco Control Act, because they are likely to be offered to, or purchased by, consumers as cigarettes based on their overall presentation, appearance, and packaging and labeling. Additionally, since the products meet the definition of a cigarette, the FDA determined that the products are adulterated because they contain a natural or artificial characterizing flavor, or misbranded if they only purport to do so.

The FDA has requested the manufacturers respond to the warning letters within 15 working days of receiving the letter. Failure to obey federal tobacco law may result in the FDA initiating further action, including, but not limited to, civil money penalties, criminal prosecution, seizure, and/or injunction. The agency expects many of these products to remain available for purchase by consumers at retail establishments while the FDA works with the manufacturers to ensure the products are in compliance with the requirements of the law.

Consumers and other interested parties can report a potential tobacco-related violation of the FD&C Act by using the FDA’s [Potential Tobacco Product Violation Reporting Form](#).

The FDA, an agency within the U.S. Department of Health and Human Services, protects the public health by assuring the safety, effectiveness, and security of human and veterinary drugs, vaccines and other biological products for human use, and medical devices. The agency also is responsible for the safety and security of our nation’s food supply, cosmetics, dietary supplements, products that give off electronic radiation, and for regulating tobacco products.

###

Inquiries

Media:

[Michael Felberbaum](#)
240-402-9548

Consumer:

888-INFO-FDA

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U.S. Food & Drug Administration
Center for Tobacco Products
10903 New Hampshire Avenue
Silver Spring, MD 20993

WARNING LETTER

VIA UPS

SEP 28 2017

GD Xpress
Attn: Site Manager
4607 North Pine Street
Davenport, IA 52806

Re: FDA Warning Letter Regarding Tobacco Retailer Inspection Violations
Reference Number: 17IA002808

Dear Sir or Madam:

This Warning Letter is notification from the United States Food and Drug Administration (FDA) advising you that GD Xpress was observed to be in violation of federal tobacco laws and regulations. Failure to correct these violations may lead to federal enforcement actions, including monetary penalties. Your response is requested in 15 working days.

On July 26, 2017, an inspector representing the FDA completed an inspection of the establishment, located at 4607 North Pine Street, Davenport, IA 52806. During this inspection the establishment was in violation because you or your employee sold cigars to a minor and failed to check identification to verify purchaser's age for a purchaser under the age of 27.

This inspection revealed that the establishment sells, distributes, and/or advertises tobacco products, including cigars, which requires that the establishment and its owners comply with federal laws and regulations governing such practices. The violations observed during the July 26, 2017, inspection include the following:

1. A minor was able to buy Swisher Sweets Blueberry cigars on July 26, 2017, at approximately 9:33 AM in the establishment.

A retailer must NOT sell covered tobacco products, such as cigars, to a person younger than 18 years of age. Doing so violates 21 C.F.R. § 1140.14(b)(1) (2016).

2. No one in the establishment checked the minor's identification before the sale of Swisher Sweets Blueberry cigars on July 26, 2017, at approximately 9:33 AM.

A retailer MUST check a photographic identification that includes a date of birth for any person under the age of 27 who attempts to purchase covered tobacco products, such as cigars. Failure to do so violates 21 C.F.R. § 1140.14(b)(2)(i) (2016).

The listed violations cause your cigars to be "misbranded" under 903 of the FD&C Act (21 U.S.C. § 387c).

You should immediately correct the violations listed above. Failure to correct the violations may result in FDA taking regulatory action without further notice. These actions may include, but are not limited to, civil money penalty, no-tobacco-sale order, seizure, and/or injunction.

The violations indicated in this letter may not be a complete list of violations at the establishment.

We will periodically inspect your establishment and review your promotional activities (e.g., website(s)) related to FDA-regulated tobacco products to assess your compliance with all applicable laws and regulations, including access, marketing, labeling, and advertising restrictions. For more information on these requirements, helpful resources for retailers, a database of inspections, and retailer education materials, visit our website at <http://www.fda.gov/TobaccoProducts>. Specifically, *Guidance for Industry: Compliance with Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents* (<http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm252758.htm>) and *Small Entity Compliance Guide: FDA Deems Certain Tobacco Products Subject to FDA Authority, Sales and Distribution Restrictions, and Health Warning Requirements for Packages and Advertisements* (<http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm499353.htm>) provide additional information on compliance with retailer responsibilities.

You have 15 working days from the date you receive this letter to respond. In your response, explain your plan for correcting the listed violations and preventing future violations. Include a telephone number and address. Note your reference number of 17IA002808 in your response and mail it to:

Food and Drug Administration
Center for Tobacco Products
Document Control Center
Building 71, Room G335
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

If you have any questions, contact the Center for Tobacco Products via email at CTP-Compliance-WL-Correspondence@fda.hhs.gov or via phone at 1-877-CTP-1373, option 6. Have your reference number ready when you call and include it with any email communications.

Sincerely,

/S/

Ann Simoneau, J.D.

Director

Office of Compliance and Enforcement

Center for Tobacco Products

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Subject: Objection to Rezoning 4607 North Pine Street, GD Express (REZ19-06)

My name is Judith Lee, and I live in the greater Green Acres neighborhood at 4621 Kelling Street, about a block from the establishment at 4607 North Pine Street.

I am opposed to the proposed rezoning, and I respectfully request that the Planning & Zoning Commission fail to recommend, and ultimately, the City Council deny the change in zoning from C-1 Neighborhood Commercial Zoning District to C-2 Commercial Zoning District.

As you can see from this Google Earth screenshot, the great Green Acres Neighborhood is mostly quiet residential, even along West 53rd Street, with large lots and relatively modest homes and many houses of worship, especially on North Pine Street. The commercial development is mostly limited to, for example, small business offices, a tanning spa, a renewable energy office, a small strip mall of offices, all businesses with minor associated vehicular and people traffic. Even the BP gas station and neighborhood store on the corner of 53rd and North Pine Street has relatively limited traffic. The only establishments with active vehicular and people traffic in this area are the Hawkeye Tap and the GD Express.

The City of Davenport spent a lot of tax money and hired a professional company from Chicago to prepare an updated zoning code to match today's realities of development and visions for the city.

As you can see from the screen shot of the greater Green Acres neighborhood, I believe that the City of Davenport made a wise decision in zoning this area C-1, which focuses on providing commercial uses that are compatible in scale and character with the surrounding residential area with low intensity mixed. The C-2 Corridor Commercial Zoning District is primarily corridors oriented toward retail centers, individual businesses, and mixed use development, similar to that on Kimberly Road, as the City Planner agreed at the neighborhood meeting last night.

The zoning code has been in place less than 5 months and already the GD Express is requesting a change in zoning that is incompatible with the C-1 character of the Green Acres area. Under the current ordinance, C-1 Districts allow bars and gas stations only as an approved special use and prohibit sales of alcohol, tobacco and vaping products, while C-2 Commercial inherently allows bars and gas stations and sales of alcohol and tobacco and vaping products. The General Manager of GD Express, with the tacit approval of the owner, told 21 people gathered at the neighborhood meeting last night that he intends to expand his business beyond the current boundaries of his site to include more gasoline, fast food, and hard liquor, beer, and wine.

I ask for the Commission to recommend not approving the request for the following reasons:

1. **Setting a Precedent.** As the City Planner stated at the neighborhood meeting, once a zoning variance is approved, it sets a precedence for future

police, 9 were for disturbances/nuisances, 3 were for warrants/checks, 3 were for theft, and 5 were for fraud/deception, weapons, and drugs. I have to admit that 11 officers were called on our neighborhood meeting to respond to a disturbance, which reinforces that disturbances in the area are taken seriously.

5. **Lack of Neighborhood Public Notice.** I understand that city policy is to notify only within 200 feet, but this affects a much larger area – 21 people attended the neighborhood meeting last night. The 200 foot area only include an empty house, the bar, the establishment, the strip mall, a house of worship, several rental properties, and three houses. Residents who would be actually affected were not notified in sufficient time for responses.

In closing, I respectfully request that the zoning not be changed from C-1 to C-2 for this establishment for the reasons stated above.

Thank you.



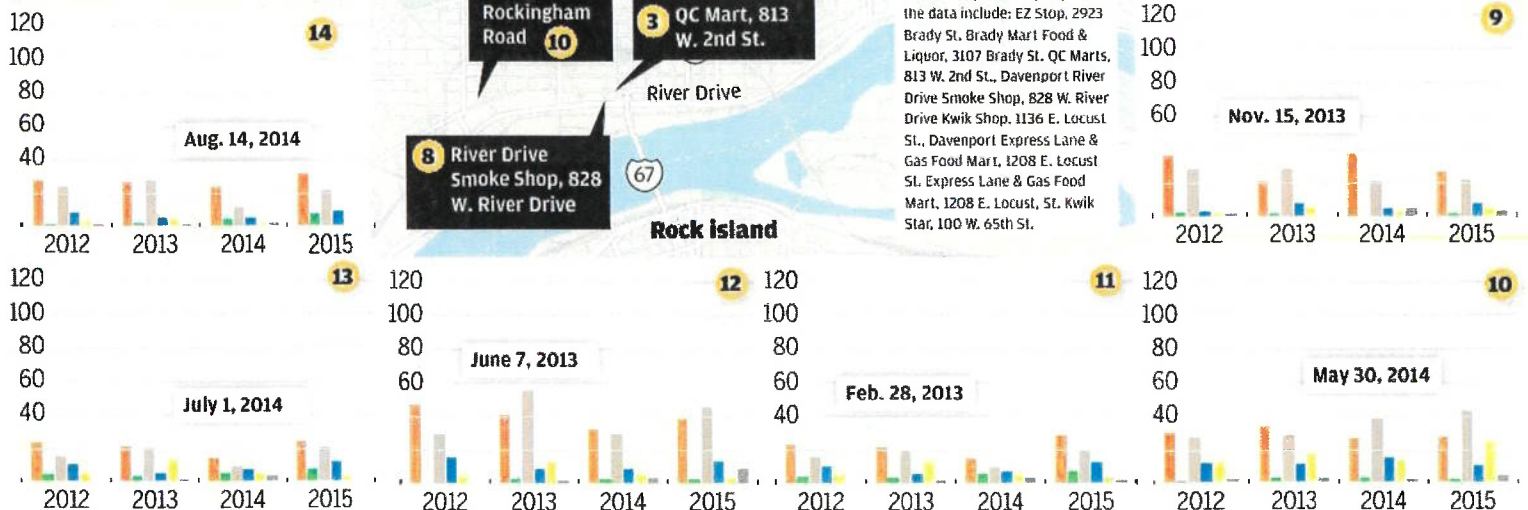
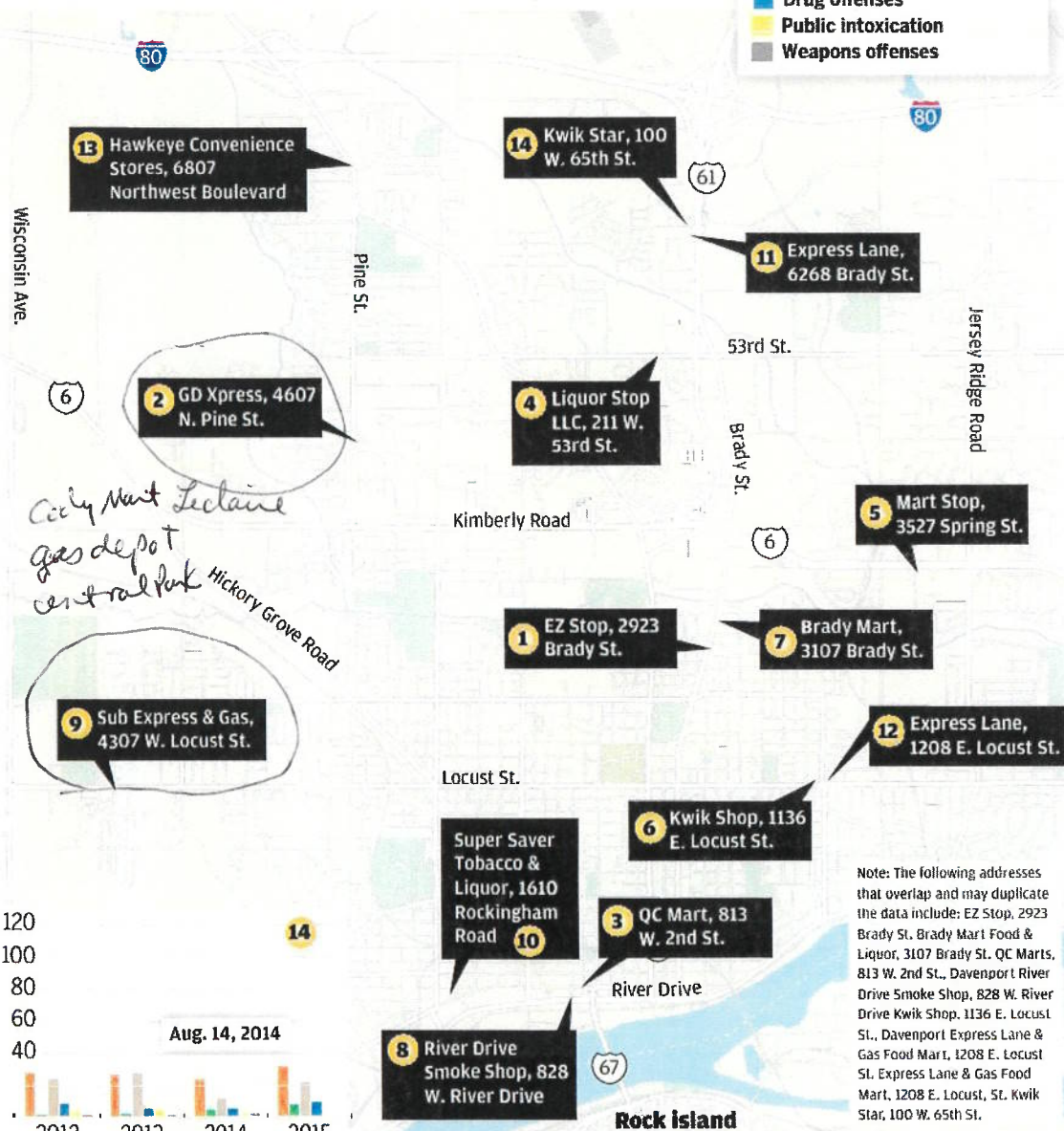






Crime near convenience, liquor stores

The Quad-City Times examined crime data within 1,500 feet of 14 liquor stores and convenience stores in Davenport between 2012 and 2015. According to the Iowa State Alcoholic Beverages Division, the stores examined originally had a liquor license that went into effect within that time period.



Rusnak, Ryan

From: JandPCarr <carrlot58@yahoo.com>
Sent: Tuesday, April 30, 2019 6:50 AM
To: Tompkins, Kerri; Rusnak, Ryan
Subject: 4607 North Pine Zoning Meeting.

My name is James Carr, 4626 Kelling Street, Davenport, Ia and I'm responding to offer my opinion on the rezoning that is being considered for G&D Express Gas/Convenience Store located at 4607 North Pine Street. My wife and I were in attendance at the neighborhood meeting held at the store on 04/30/19.

Thank you both for attending this meeting and providing information in regards to this matter.

My initial response is that I'm against this rezoning. To me it will set a zoning precedent for this area that could inspire other development minded individuals to attempt to convert what was once green space or residential to commercial use. The quality and character of our neighborhood would then change, for the worse in my view, as more traffic, noise, and activity would be introduced.

I understand G&D's motivation, they just want to build a more viable/attractive business. Sadly for them I think the location and it's restrictions do not suit their goals. We should not sacrifice the quality of life we as residents currently enjoy for the purpose of expanding a business that does not fit in with the neighborhood and may alter it's character permanently.

Thank You.

James Carr

Rusnak, Ryan

From: Barry Tucker <barrytucker1962@gmail.com>
Sent: Tuesday, June 4, 2019 9:54 AM
To: Planning Division – CPED
Subject: Proposed expansion of GD Express

As owners of the Hawkeye Sportsbar and Grill my wife Patty and I would like to express our concerns for this proposal. Since GD Express has opened at this location we have seen a large increase in litter, alcohol bottles thrown about, and noise. In the 8+ years we've been in business we have strived to be a good neighbor and a positive presence in the neighborhood. We definitely see a need for the grocery and gas business here but we feel an expansion would not be in the best interests of the neighborhood or the city as a whole. Thank you. Sincerely, Barry Tucker

Sent from my iPad

Dear City Council Members,

Recently I learned that the Gas Station located little more than 200 feet from my front door, will be expanding. I find this truly distressing and potentially dangerous to our neighborhood. I have lived in this neighborhood for over 15 years and the property I live on has been owned by my family since the early 80's. I have watched many people come and go, and some businesses close. We had small issues with the bar located across the street in the past, but nothing like the problems that have ensued since the G.D. Express opened. Small issues like trash and loitering, are nothing compared to the other bigger problems. First the sale of alcohol has brought a very bad element to this neighborhood, that wasn't present before. These people bring with them loud music late at night, yelling and yes fighting. So bad I can't even have my windows open at night because I would be constantly woken up. To be truthful, I am starting to wonder if having my windows open is even safe anymore and I hate feeling this way. I understand that the gas station has a right to run a profitable, successful business, but at what price to the neighborhood? Do we honestly want or need a 5000 Square foot gas station, which is located less than a mile from a BP gas station? I say no, we don't need that. We are located close too Hy Vee and Fareway Grocery stores. Both within walking distance and both stores carrying everything the gas station does and more. We are also located right on the bus line and the bus stops at several corners. This neighborhood has the best of both worlds, it's close to shops and transportation, meaning the people that live in this neighborhood are well served.

Unfortunately, if you allow this Gas Station to expand, you will change the makeup of this neighborhood. We already have traffic issues, that Pine street can barely handle. Speeding, accidents and failure to stop at the stop signs. They have installed flashing lights just to make sure that people see the stop signs. Last Thursday we had two cop cars handing out speeding tickets all afternoon and they stayed busy. How much busier will Pine street be , I.E. our neighborhood if the gas station is allowed to expand. The noise

and traffic from the gas station is bad now, how much worse will it get? No one can say and I would rather we don't find out. I ask any and all Counsel Members to come observe a Friday or Saturday night in my back yard and get an idea of what goes on in this neighborhood. Until to live here, I don't feel you have the right to inflict drastic change on our neighborhood. I also feel that changing the zoning will only make this area less of a neighborhood and more of a business district. I lived in a business district in college and would rather not live in one again. Please consider everyone in the neighborhood, and all the issues that this expansion will create, before granting this business a license to expand.

Sincerely,

Jayne Haffarnan

4706 North Pine Street

Davenport

A handwritten signature in blue ink, reading "Jayne Haffarnan". The signature is written in a cursive, flowing style with a large initial "J".

4/25/19

From:

Richard & Lydia McCrady
4716 N. Pine
Davenport, IA 52806

RE: Proposed construction of Liquor
and grocery mart at 46th street
and Cheyenne Ave., with major sales
of alcohol.

My wife, Lydia McCrady and I are definitely
opposed to this proposal for the following
reasons;

1. Increased traffic for this short street
resulting in more vehicle accidents from
cars turning onto Pine street.
2. This area is already saturated with
businesses selling alcohol.
 1. Hawkeye Tap
4646 Cheyenne Ave
 2. Seno's Little Hungary Tavern
4908 N. Pine
 3. BP 10 Mart
2308 W 53rd Street (NW corner of 53rd & Pine)
 4. Hy-Vee Store
2200 Kimberly Rd. (NE corner (Kimberly + Pine))

2. These businesses are all located within a 10 block area, North and South of the Proposed site.
3. The proposed business indicate they plan to sell groceries along with alcohol products. This is a sham because they cannot compete with Fairway, Hy-Vee or Walmart on prices. Their main business would be alcohol.
4. The parking lot would become a gathering space and hang-out for people drinking their purchases.

Signed: Richard McQuady
Dylin McQuady

INCIDENT SEARCH

Print Date/Time: 4/30/2019 9:53:39 AM

Incident Number	Call Date/Time	Officers	Location	Incident Type
Dispositions				
=====	=====			
2019-00033968	04/29/2019 17:32:33	842 Hunter, 831 Blaser, 800 Blocker, 869 Crow, 813 Howell, 855 Remley, 838 Johnson, 818 Askam, 817 Mayfield, 867 Mitchell, 788 Runge	UNFOUNDED - 1	4607 N PINE ST, Davenport Disturbance/Nuisance
2019-00033157	04/26/2019 17:56:19			
HBO - 1			4607 N PINE ST, Davenport	Public Service
2019-00032868	04/25/2019 15:21:49	849 Askew		
REPORT - 1			4607 N PINE ST, Davenport	Traffic Stop
2019-00032863	04/25/2019 15:13:12	738 Miller		
HBO - 1			4607 N PINE ST, Davenport	Wanted Check
2019-00029253	04/13/2019 19:38:58	865 Mark, 784 Bowers		
HBO - 1			4607 N PINE ST, Davenport	Public Service
2019-00029231	04/13/2019 18:20:11	869 Crow, 788 Runge, 818 Askam, 854 Wehde, 824 Hegg, 766 Mahieu, 865 Mark, 784 Bowers		
REPORT - 1			4607 N PINE ST, Davenport	Weapons/Fire Arms
2019-00015612	02/25/2019 13:41:56	808 Stegall		
REPORT - 1			4607 N PINE ST, Davenport	Traffic Hazard
2018-00077665	10/04/2018 23:37:30	837 Thomas		
CIT - 1, REPORT - 1			4607 N PINE ST, Davenport	Traffic Stop
2018-00073613	09/20/2018 10:04:00	646 Anderson		
HBO - 1			4607 N PINE ST, Davenport	Harassment/Stalking/Threat
2018-00073419	09/19/2018 17:07:58	1170 VanCamp		
REPORT - 1			4607 N PINE ST, Davenport	Fraud/Deception
2018-00073298	09/19/2018 10:23:58	715 Crow, 708 Alcala		
HBO - 1			4607 N PINE ST, Davenport	Harassment/Stalking/Threat
2018-00072964	09/17/2018 23:33:11	762 Koepke		
CIT - 1			4607 N PINE ST, Davenport	Traffic Stop
2018-00070185	09/07/2018 17:21:09	784 Bowers, 709 Gillaspie		
UTL/GOA - 1			4607 N PINE ST, Davenport	Domestic Disburbance/Violence
2018-00069046	09/03/2018 07:45:33	715 Crow, 708 Alcala		
UTL/GOA - 1			4607 N PINE ST, Davenport	Domestic Disburbance/Violence
2018-00065323	08/22/2018 11:25:53	715 Crow		
REPORT - 1			4607 N PINE ST, Davenport	Domestic Disburbance/Violence
2018-00065185	08/21/2018 23:27:52	825 Deney		
HBO - 1			4607 N PINE ST, Davenport	Traffic Hazard
2018-00064419	08/19/2018 09:48:51	757 Regan		
HBO - 1			4607 N PINE ST, Davenport	Traffic Hazard
2018-00056603	07/23/2018 10:20:57	715 Crow		
HBO - 2			4607 N PINE ST, Davenport	Public Service
2018-00047237	06/21/2018 09:27:59	715 Crow, 694 Greenleaf		
REPORT - 1			4607 N PINE ST, Davenport	Public Service
2018-00045301	06/14/2018 01:38:48	791 Trice, 819 Digman		
UNFOUNDED - 1			4607 N PINE ST, Davenport	Weapons/Fire Arms
2018-00044161	06/09/2018 22:02:24	833 Griffin		
HBO - 1			4607 N PINE ST, Davenport	Theft (Larceny)
2018-00043793	06/08/2018 14:41:20	827 Jarrin		
UTL/GOA - 1			4607 N PINE ST, Davenport	Traffic Hazard
2018-00043247	06/06/2018 15:51:37	760 Antle		
UTL/GOA - 1			4607 N PINE ST, Davenport	Drugs
2018-00042784	06/04/2018 17:43:38	818 Askam		
HBO - 1			4607 N PINE ST, Davenport	Assist Other Agencies
2018-00038704	05/21/2018 14:27:24	851 Rusk, 788 Runge		
UTL/GOA - 1			4607 N PINE ST, Davenport	Disturbance/Nuisance
2018-00031648	04/28/2018 19:09:32	800 Blocker, 788 Runge, 746 Kelling, 831 Blaser		
ARREST - 1, REPORT - 1			4607 N PINE ST, Davenport	Warrant Service

Rusnak, Ryan

From: William Lynch <williamlynchsr1954@gmail.com>
Sent: Monday, June 3, 2019 10:24 AM
To: Planning Division – CPED
Subject: 4607 North Pine Strret

I would like to see them NOT expand however if they are allowed to expand I don't think they should be allowed to stay open 24 hours. We live in a quite neighborhood for a reason. If they are allowed to stay open 24 hours we will have drunks and others spilling into our neighborhood at all hours of the the night.

William Lynch
2408 West 47th

Rusnak, Ryan

From: DAN MONTEGNA <qcsteamproinc@gmail.com>
Sent: Friday, May 31, 2019 12:28 PM
To: Rusnak, Ryan
Subject: GD EXPRESS GAS STATION

I understand they are proposing a new gas station and store. I live at 5002 n pine street Dav. and think it would be nice to see a new station and store on that end of the street. This area is growing with a lot of new structures , commercial and homes. I have seen other places that GD has and they are very nice and well cared for. In my option this would be great for the neighborhood.
thank you Dan Montegna

Rusnak, Ryan

From: Chris Cooper <qcadmin@gmail.com>
Sent: Tuesday, June 4, 2019 9:24 AM
To: Rusnak, Ryan
Cc: Dickmann, Maria; Tompkins, Kerri
Subject: May 31st Neighborhood meet over 4607 N. Pine St rezoning
Attachments: IMG_20190531_183155.jpg; IMG_20190531_182021.jpg; IMG_20190531_183116.jpg; MVIMG_20190531_180355.jpg

Ryan,

I wanted to update you since you were unable to attend. There was a neighborhood meeting on May 31st primarily discussing the 4607 N. Pine St rezoning request.

35 people formally signed in, though I believe there were a few more present who didn't sign. Maria Dickmann of the 2nd Ward was in attendance, though the meeting included a large number of people from both the 8th and 2nd ward (as the property in question sits on the edge).

I will leave it to Maria to provide details on the topics discussed if she wishes, but I will say it felt very similar in tone to the April 29th meeting.

Attached are a couple of photos as the group was forming as well as a copy of the sign-in sheets for your records.

Sign in

Chris Cooper QCAAdmin@Gmail.com

Robin Coleman-Russ nonconfmr66@gmail.com

Lana + David Courtney Isister1942@outlook.com

Valerie Davins

Steve Atkins

Christen Finney

cfinney@uchoi.com

~~XXXXXXXXXX~~

Jim Munchie jmmunchie@yahoo.com

Jim Jensen

James Jensen 8110@yahoo.com

Darla Wallock

dawallock80@gmail.com

G B R Lee

Wane Johnson

T L Nair

Eric & Kara Smith

DAMIAN ROACH

Richard McCreedy

Lupia McCreedy

kczerwinski@rocketmail.com

DAMIAN ROACH 77@yaho.com

Chuck & Valerie Swynenberg

Kari & Perry Teel

Mike & Lori Bromwell

Ryan & Lindsay Reathaford

Debbie Marshall

Duty Hawkins

Ryan Uhle

William L Lynch

Ron Schwener

Dot Richards

Tracey Cline

~~Bob~~

Maria Dickmann

cvswynenberg@msn.com

kteel@mchsi.com

bromwellmike@yahoo.com

garyreathaford@gmail.com

sbehume@mchsi.com

duty calls & earthlink.net

uhlee1@mchsi.com

563 579-1258

563-340-9151

traceycline14@gmail.com

mdickmann@ci.davenport.iowa.us

35





**NOTICE
NEIGHBORHOOD MEETING
MONDAY, APRIL 29, 2019 – 5:30 P.M.
4607 NORTH PINE STREET**

You are invited to a neighborhood meeting regarding the following request:

Case REZ19-06: Request of Jasveer Saini for a zoning map amendment on .56 acres, more or less, of property located at 4607 North Pine Street from C-1 Neighborhood Commercial Zoning District to C-2 Corridor Commercial District. [Ward 7]

The purpose of the request is to allow the property to be redevelopment with a larger store and additional gasoline pumps.

Please see map on the back for the meeting location.

The purpose of the meeting is to allow the applicant to describe the proposed development, answer any questions you have and hear any concerns about the proposed development.

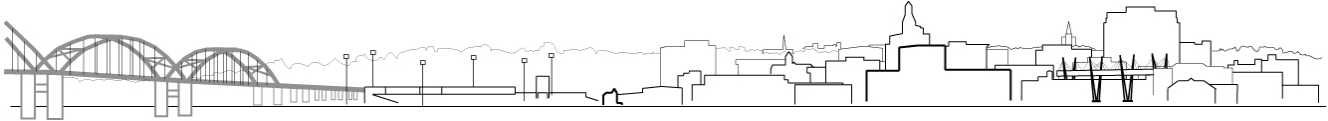
If you have any questions on this request, or if you need accommodations for any reason, please contact Ryan Rusnak, AICP, the case planner assigned to this project at rrusnak@ci.davenport.ia.us or 563-888-2022.



-  Subject Property
-  200 Foot Notification Radius



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



Public Hearing Details:

Date: 4/30/2019
Time: 5:00 PM
Location: 226 West 4th Street in City Hall Council Chambers.
Subject: Public hearing for a zoning map amendment.
Location: 4607 North Pine Street
Case #: REZ19-06

Ward: 7th

To: All property owners within 200 feet of the subject property.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a request for a zoning map amendment. The purpose of the request is to allow the property to be redevelopment with a larger store and additional gasoline pumps.

Request Description:

Case REZ19-06: Request of Jasveer Saini for a zoning map amendment on .56 acres, more or less, of property located at 4607 North Pine Street from C-1 Neighborhood Commercial Zoning District to C-2 Corridor Commercial District. [Ward 7]

What are the Next Steps after the Public Hearing?

The 4/30/2019 public hearing is the first step in the review/approval process. The Plan and Zoning Commission will meet on 5/14/2019 to vote (provide its recommendation) on the request. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment or Protest?

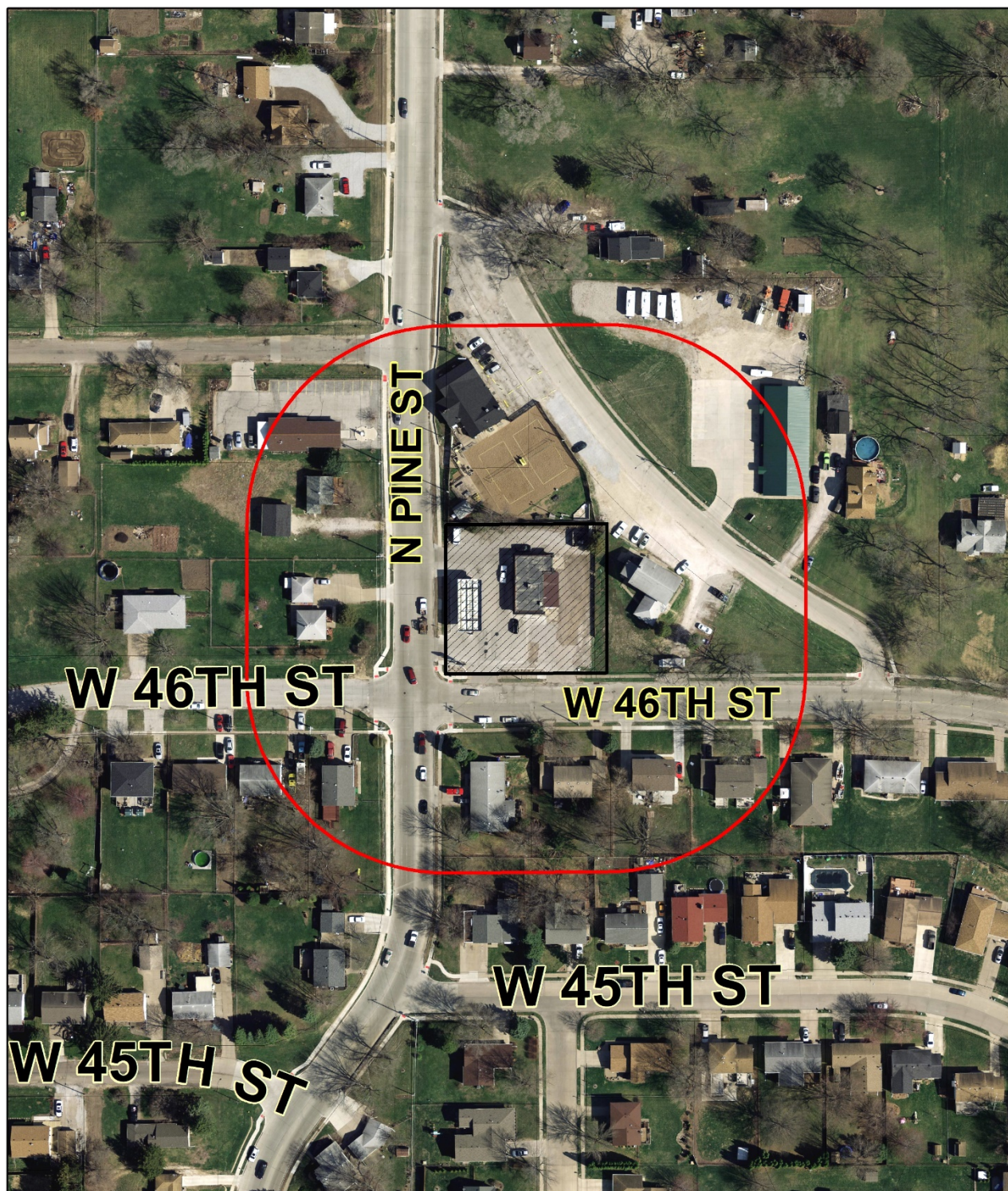
As a property owner within 200 feet of the subject property, you have the opportunity to officially comment or formally protest this request. These must be provided in writing.

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. Please note that for a protest to be official, it needs to be in writing. Send comments to 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 Ryan Rusnak, AICP, the case planner assigned to this project at rrusnak@ci.davenport.ia.us or 563-888-2022. 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 for updates.



Subject Property



200 Foot Notification Radius



FID	OBJECTID	TAX_LINK	TAX_RECORD	Parcel	Address	Occupancy	Deed1_Name	Deed1_Addr	Deed1_CSZ
0	2874	M1049-31A	SINGLE	M1049-31A	4621 CHEYENNE AV		IV-P INVESTMENTS LLC	4440 CHEYENNE AVE	DAVENPORT IA 52806
1	2236	M1049-31B	SINGLE	M1049-31B	4619 CHEYENNE AV	Single-Family	JESSICA K WEBB	4619 CHEYENNE AV	DAVENPORT IA 52806
2	13461	M1049-46	SINGLE	M1049-46	4624 CHEYENNE AV	Three-Family Conversion	NO BOUNDRY LLC	4118 BRIARWOOD DR	COUNCIL BLUFFS IA 51503
3	4372	M1049-46A	SINGLE	M1049-46A	4607 N PINE ST		SAINI III LLC	4607 N PINE ST	DAVENPORT IA 52806-5035
4	8004	M1049-47	SINGLE	M1049-47	4646 CHEYENNE AV		BARRY TUCKER		
5	24514	M1501A01	SINGLE	M1501A01	4521 N PINE ST	Two-Family Duplex	PATRICIA TUCKER	4646 CHEYENNE AV	DAVENPORT IA 52806
6	21925	M1501A02	SINGLE	M1501A02	2245 W 46TH ST	Two-Family Duplex	BFS PROPERTIES LLC	1415 ANTLER CT	BETTENDORF IA 52722
7	17426	M1501A03	SINGLE	M1501A03	2239 W 46TH ST	Two-Family Duplex	BFS PROPERTIES LLC	1415 ANTLER CT	BETTENDORF IA 52722
8	17420	M1501A04	SINGLE	M1501A04	2227 W 46TH ST	Two-Family Duplex	FLYNN HOLDINGS CO LLC	904 GRANT ST	BETTENDORF IA 52722
9	17415	M1501A05	SINGLE	M1501A05	2223 W 46TH ST	Two-Family Duplex	MICHELLE NEWTON	2227 W 46TH ST	DAVENPORT IA 52806-4801
10	376	M1501A09	SINGLE	M1501A09	2254 W 45TH ST	Single-Family	TIM SOTHMANN		
11	2895	M1501A10	SINGLE	M1501A10	2246 W 45TH ST	Single-Family	GLORIA SOTHMANN	1460 W 40TH ST	DAVENPORT IA 52806
12	2891	M1501A11	SINGLE	M1501A11	2238 W 45TH ST	Single-Family	LORI LAKEY	2254 W 45TH ST	DAVENPORT IA 52806
13	13328	M1501A12	SINGLE	M1501A12	2232 W 45TH ST	Single-Family	KITTI EIKENBERRY	2246 W 45TH ST	DAVENPORT IA 52806
14	24521	O1607C01	SINGLE	O1607C01	4524 N PINE ST	Single-Family	AURELIANO VAZQUEZ		
15	24523	O1607C02	SINGLE	O1607C02	2311 W 46TH ST	Single-Family	PETRA VAZQUEZ	2238 W 45TH ST	DAVENPORT IA 52806
16	11261	U0955-01	SINGLE	U0955-01	4604 N PINE ST	Single-Family	MICHAEL CARNEY		
17	3913	U0955-02	SINGLE	U0955-02	4616 N PINE ST		DEBRA CARNEY	2232 W 45TH ST	DAVENPORT IA 52806
18	22041	U0955-03B	SINGLE	U0955-03B	4630 N PINE ST		MARIO MARTINEZ	4524 N PINE ST	DAVENPORT IA 52806
							RIOT RENOVATIONS LLC	1519 11TH AVE	MOLINE IL 61265-3141
							LEROY TRACY		
							ANNE TRACY	4604 N PINE ST	DAVENPORT IA 52806
							DAVENPORT BUDDHIST ASSC KIM TEMPLE INC		
							KIM CANG TEMPLE INCE	4630 N PINE ST	DAVENPORT IA 52806
							DAVENPORT BUDDHIST ASSC KIM TEMPLE INC		
							KIM CANG TEMPLE INCE	4630 N PINE ST	DAVENPORT IA 52806

	June 2018 - June 2019 (1YR)	Hilltop Grocery	West Side Grocery	The Liquor Stop	Sun Mart	EZ Stop	Brady Mart Food & Liquor	Dhakals LLC	Mart Stop No. 1	Rina Mart	GD Xpress	Hawkeye Bar
(Crime Totals)	20	7	8	4	2	8	8	10	2	7	10	
911 Hangup	1	2	1			4	1	1	1		4	
Accident Hit and Run											1	
Accident Personal Injury	1									1		
Accident Property Damage	1							1	1		5	
Administrative Duties	1		1		1	1	2		2		1	
Alarms-Burglary	1	2	1	1		3	2		1			
Alarms-Hold Up					1	3						
Animal Problem						1		1			1	
Assault	2	2				1						
Assist Other Agencies			1			2						
Burglary/Home Invasion									1			
Business/Residence Check	1	1										
Damage/Vandism/Mischief							1				1	
Disturbance/Nuisance	10	1	3	1	1	5	4	4		2	7	
Domestic Disurbance/Violence	3	1	1					1		3		
Drugs					1							
Fireworks							1					
Fraud/Deception								2		1		
Harassment/Stalking/Threat										2		
Public Service	3	1	1		1	2	2			4	1	
Robbery/Car Jacking			1			1						
Suicidal Person											1	
Theft (Larceny)	4	3	3	2		1	3	4	1		2	
Traffic Hazard	2			1		2	1			3	1	
Traffic Stop	8	1	1	1	1	2	4			4	2	
Trespassing/Unwanted	3	1						1				
Wanted Check	7	1	1	1	3	7	6	2	2	1	2	
Warrant Service			1									
Weapons/Fire Arms	1			1				1		2		
Grand Total	49	16	15	8	8	35	27	18	9	23	29	

June 2016 - June 2019

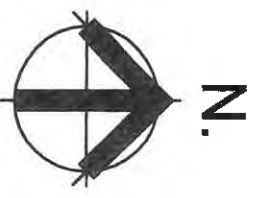
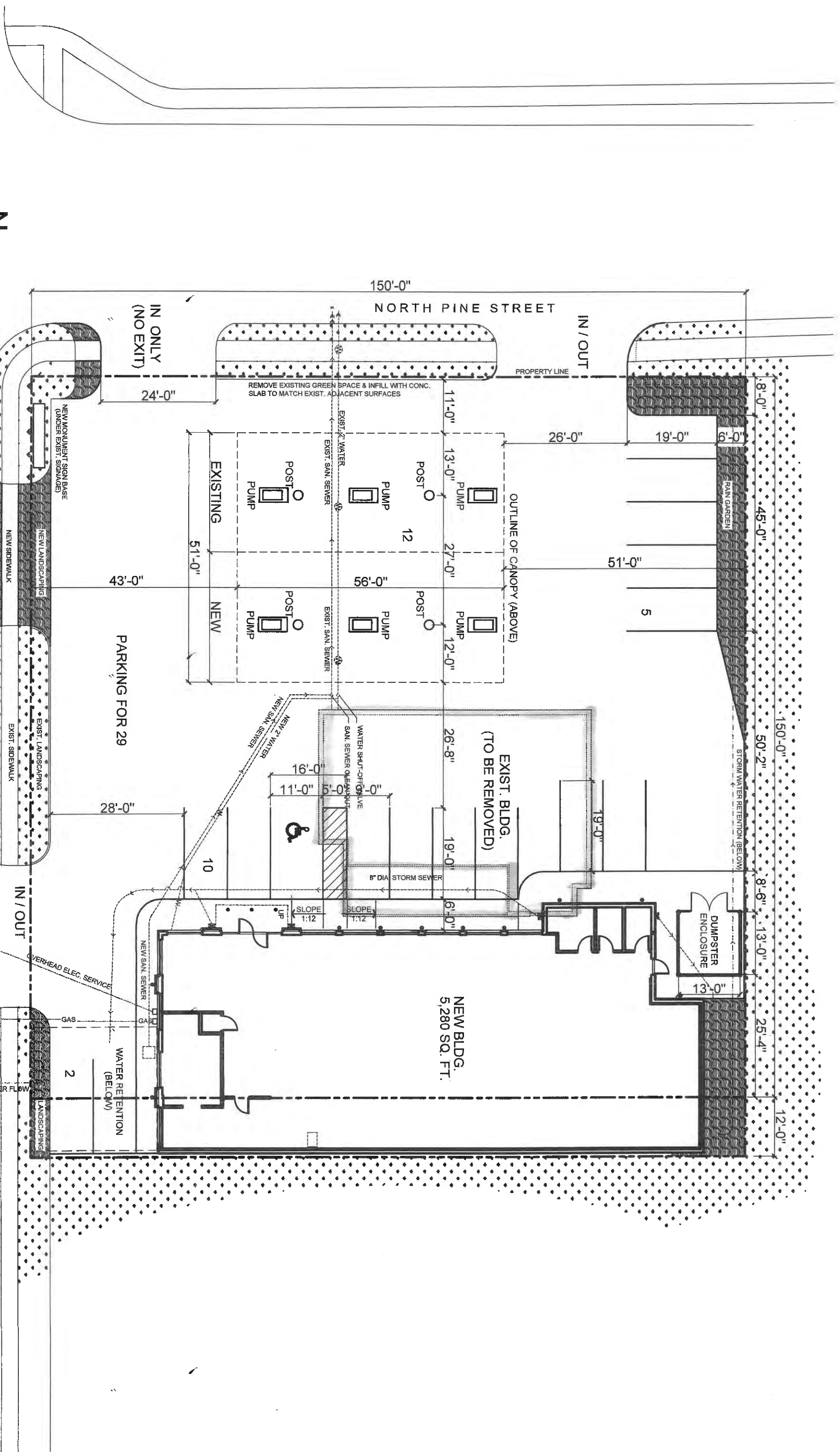
	Hilltop Grocery	West Side Grocery	The Liquor Stop	Sun Mart	EZ Stop	Brady Mart Food & Liquor	Dhakals LLC	Mart Stop No. 1	Rina Mart	GD Xpress	Hawkeye Bar
(Crime Totals)	60	23	11	6	7	32	38	37	3	40	50
911 Hangup	6	3	1	2		4	2	6	1		5
Abuse/Abandonment/Neglect			1				1				
Accident Hit and Run											1
Accident Personal Injury	2					1	2	2	1	1	
Accident Property Damage	6	1			1	3	3	3	1	3	9
Administrative Duties	1		1		1	1	3		2		1
Alarms-Burglary	3	6	2	1		8	5		1	1	
Alarms-Hold Up	1				1	5		1			
Animal Problem	1					1	1	1			1
Assault	4	2			2	2	1	1			1
Assist Other Agencies	1		1			3		2		1	1
Burglary/Home Invasion									1	2	
Business/Residence Check	3	38		1	2	5	1	1	1	3	8
Civil					1						
Damage/Vandism/Mischief	2	1	1	1			3	1			1
Disturbance/Nuisance	25	6	4	1	2	14	17	15		13	29
Domestic Disburbance/Violence	7	1	1			1	2	1		9	6
Drugs				1	1		1			2	1
Fail to Stop Vehicle	1										
Fireworks							1				1
Fraud/Deception							1	5		2	
Harassment/Stalking/Threat	1					1				2	
Miscellaneous		1		1							
Missing/Runaway/Found Person									1	1	
Public Service	11	2	2	1	1	7	6	12		7	5
Robbery/Car Jacking	2		1			1					
Suicidal Person											1
Theft (Larceny)	12	12	4	2	2	12	14	17	2	7	11
Traffic Hazard	5			2	1	3	2	3		6	5
Traffic Stop	14	1	2	2	2	5	12	1		5	2
Trespassing/Unwanted	9	2					1	1		2	1
Wanted Check	20	2	4	4	7	24	14	11	4	9	5
Warrant Service	1		1		2			1		1	
Weapons/Fire Arms	8	1		1		2		2		7	1
Welfare Check										1	
Grand Total	146	79	25	19	24	103	93	87	15	85	96

Hilltop Grocery 1312 Harrison Street
West Side Grocery 1802 W 7th Street
The Liquor Stop 211 W 53rd Street
Sun Mart 2920 W Locust Street
EZ Stop 2923 Brady Street
Brady Food Mart & Liquor 3107 Brady Street
Dhakals LLC 3108 W Central Park
Mart Stop No. 1 3527 Spring Street
Rina Mart 3815 W Kimberly Rd
GD Express 4307 N Pine Street
Hawkeye Bar 4646 Cheyenne Ave

THE TRUTH ABOUT GD EXPRESS' REQUEST TO REZONE AND EXPAND

I am Jesse Saini, owner of the GD Express Gas Mart at 4607 North Pine Street. There has been a lot of misinformation about our request to rezone and our plans to rebuild the current food mart. I want to address that misinformation and provide the TRUTH:

- 1) The new food mart will not be a 24 hour operation. It is my full intent to keep the same hours for the new store as the current store. I am willing to make that a condition of the rezoning.
- 2) Hard liquor sales at the new store will not be expanded beyond current levels. Even though this new store will be larger, the square footage dedicated to hard liquor sales will remain the same as in the old store and I will not increase hard liquor inventory. Again, I am willing to make this a condition of the rezoning.
- 3) The claim that there have been 92 incidents reported to police at our location between January 2016 and May 2019 is misleading. Twelve of those incident reports involved traffic violations which occurred in the street in front of our store. Eleven more of the incidents were for public service and business checks which typically do not involve criminal activity. An additional twelve incident reports involved our employees reporting thefts or attempted thefts from the store. Every retail business has to deal with shoplifting where the business itself, not its customers or neighbors, is the victim. When those incidents are removed from the total, the result is that police have been called to our store an average of fewer than 1.4 times per month over the reporting period. Additionally, we are reaching out to the Davenport Police Department to work with them in reducing criminal activity in and around the store.
- 4) Contrary to the information being disseminated, it is not illegal to sell Swisher Sweet cigars individually if they are appropriately wrapped and marked for individual sale. The ones that we sell are marked and wrapped for individual sale. We did have one incident where a clerk sold a tobacco product to a minor and we were appropriately cited for it. Our clerks are trained that when in doubt, ID for all tobacco and alcohol sales.

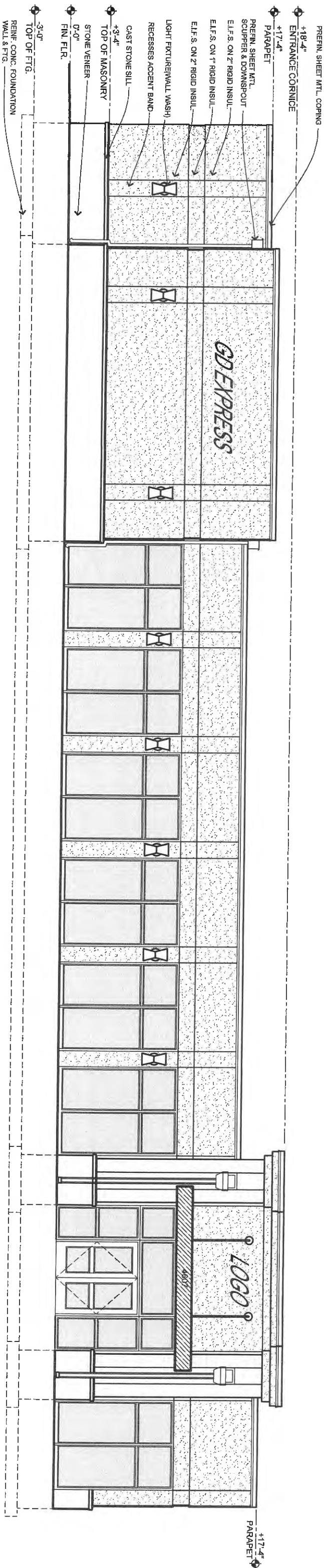


SITE PLAN

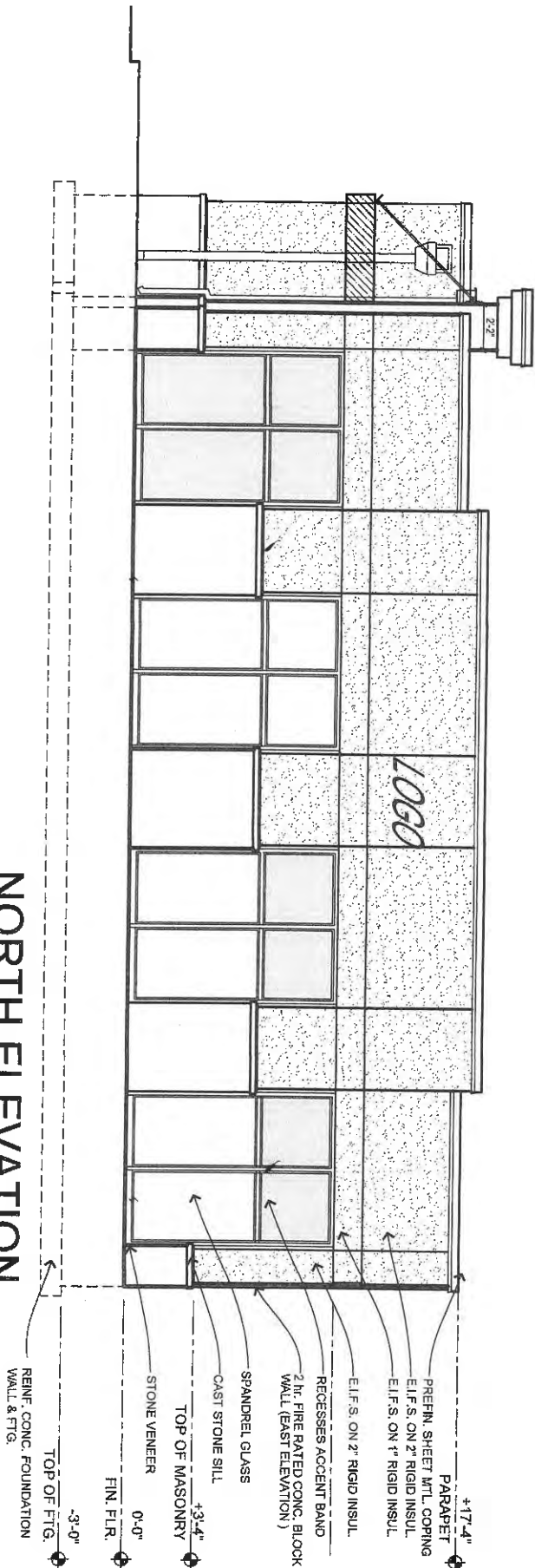
SCALE: 1" = 20'-0"

JESSE SAINI
GD EXPRESS
4607 N. PINE ST. DAVENPORT, IA.

ITALO MILANI ARCHITECT, P.C.
5.5.19



WEST ELEVATION



NORTH ELEVATION

JESSE SAINI
GD EXPRESS
4607 N. PINE ST. DAVEPORT, IA.

ITALO MILANI ARCHITECT, P.C.
5.5.19



City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Brandon Melton 563-888-2221

Wards:

Action / Date

5/15/2019

Subject:

Third Consideration: Ordinance for Case REZ19-05: Request of John Wulf, to rezone 6401 West Kimberly Road from R-1 Single-Family Residential District to I-1 Light Industrial District; property contains 0.42 acres. [Ward 2]

Recommendation:

Adopt the Ordinance.

Background:

Reason for Request:

To allow for the operation of business office for John Wolf's Septic which is expected to include a business sign and indoor storage for equipment on site.

Background:

Comprehensive Plan:

The property is outside the Urban Service Area.

The property does not currently have a land use plan designation.

Technical Review:

No specific concerns have been noted by the Technical Review Team.

Public Input:

A neighborhood meeting was held on April 9. Property owners within 200 feet were notified. Seven people attended the meeting.

A sign was posted on the property on March 28.

At the Plan and Zoning Commission Public Hearing on April 16, 2019, no one spoke in favor or opposition. One commissioner raised concerns regarding waste disposal. At the time of the public hearing the petitioner mistook the question to mean the external cleaning of his vehicles and responded to the questioning accordingly. In a follow up conversation with the petitioner, it was determined that waste from his business' septic trucks is properly discharged at licensed sewage treatment facilities in Davenport, Milan, and Muscatine. Any cleaning of vehicles on site is not expected to produce waste or runoff substantially different than washing a personal vehicle.

No protests have been received.

Discussion:

The new zoning ordinance includes approval standards for rezonings. Staff will be using these standards as part of the evaluation of rezoning requests.

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

Staff Comments:

Without a future land use designation, compatibility of the proposed zoning cannot be determined. The property is adjacent to Agricultural Reserve and Residential General. This area will be addressed as part of the six month review of the Zoning Ordinance.

b. The compatibility with the zoning of nearby property.

Staff Comments:

I-1 already exists to the northwest of the property. Rezoning from R-1 to I-1 would extend the existing district. It is staff's opinion that the proposed I-1 zoning is compatible with the adjacent I-1 and R-1 Zoning in this particular case.

c. The compatibility with established neighborhood character.

Staff Comments:

The residential development to the south is rural in nature with minimal urban services. The properties to the Northwest are of a light industrial character. The proposed rezoning would allow for a small office and limited indoor storage while protecting the stability of the neighborhood.

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

Staff Comments:

The proposed I-1 zoning is consistent with existing vicinity uses. The petitioner has stated that the business intends properly discharge any waste to licensed sewage treatment facilities and will operate the business in a manner that promotes the health, safety and welfare of the neighborhood.

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

Staff Comments:

The property is not suited for development of the proposed business under the existing R-1 Zoning.

f. The extent to which the proposed amendment creates non-conformities.

Staff Comments:

The amendment will not create any non-conformities so long as the building is not used as a residence, which is not the intended use.

Conclusion:

Staff's opinion is that zoning this property I-1 is compatible with the existing character of the surrounding area.

Plan and Zoning Commission Recommendation:

The Plan and Zoning Commission accepted the findings and forwards Case REZ19-05 to the City Council for approval.

Findings:

1. The property has no designation on the Comprehensive Plan future land use map.
2. The property is adjacent to Residential General and Agricultural Reserve designations.
3. The proposed I-1 zoning adequately protects the adjoining residential property from adverse impacts.
4. There is existing I-1 zoning adjacent to the northwest; the proposed zoning is an expansion of an existing zoning district.
5. Prior to the January, 2019 Zoning Ordinance update, the property was zoned C-2 as were the four properties to the Northwest with frontage on W Kimberly Road.
6. The aforementioned properties to the Northwest were zoned I-1 in the updated Zoning Ordinance while the subject property was zoned residential per the existing use at the time.

Vote for approval was unanimous 5-0.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	P&Z Letter
▣ Backup Material	Location Map
▣ Backup Material	Zoning Map
▣ Backup Material	Land Use Map
▣ Backup Material	Legal Notice
▣ Backup Material	Public Hearing - Neighborhood Meeting - and Property Owners Notified
▣ Backup Material	Application

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berger, Bruce	Approved	5/10/2019 - 10:54 AM

ORDINANCE NO.

ORDINANCE for Case REZ19-05 being the request of John Wulf to rezone approximately 0.42 acres located at 6401 W. Kimberly from R-1 Single Family Residential District to I-1, Light Industrial District. [Ward 2].

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

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

Part of the Southwest Quarter of Section 06, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as Lot 1 of Fennelly's 1st Addition to the City of Davenport, Scott County, Iowa.

Section 2. That the following findings are hereby associated with said rezoning:

Findings:

1. The property has no designation on the Comprehensive Plan future land use map.
2. The property is adjacent to Residential General and Agricultural Reserve designations.
3. The proposed I-1 zoning adequately protects the adjoining residential property from adverse impacts.
4. There is existing I-1 zoning adjacent to the northwest; the proposed zoning is an expansion of an existing zoning district.
5. Prior to the January, 2019 Zoning Ordinance update, the property was zoned C-2 as were the four properties to the Northwest with frontage on W Kimberly Road.
6. The aforementioned properties to the Northwest were zoned I-1 in the updated Zoning Ordinance while the subject property was zoned residential per the existing use at the time.

Section 3. At its April 30, 2019 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation to approve.

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: _____

Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on _____

May 1, 2019

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

Dear Mayor and Council:

At its regular meeting of April 30, 2019, the Plan and Zoning Commission considered Case REZ19-05 being the request of John Wulf to rezone approximately 0.42 acres located at 6401 W. Kimberly from R-1 Single Family Residential District to I-1, Light Industrial District. [Ward 2].

The Commission voted 5-0 to forward the case to the City Council for its approval, with the following findings:

Findings:

1. The property has no designation on the Comprehensive Plan future land use map.
2. The property is adjacent to Residential General and Agricultural Reserve designations.
3. The proposed I-1 zoning adequately protects the adjoining residential property from adverse impacts.
4. There is existing I-1 zoning adjacent to the northwest; the proposed zoning is an expansion of an existing zoning district.
5. Prior to the January, 2019 Zoning Ordinance update, the property was zoned C-2 as were the four properties to the Northwest with frontage on W Kimberly Road.
6. The aforementioned properties to the Northwest were zoned I-1 in the updated Zoning Ordinance while the subject property was zoned residential per the existing use at the time.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

Meeting Location: Council Chambers-City Hall

Notes:

6401 W Kimberly (R-1 to I-1)



1 inch = 500 feet



Legend



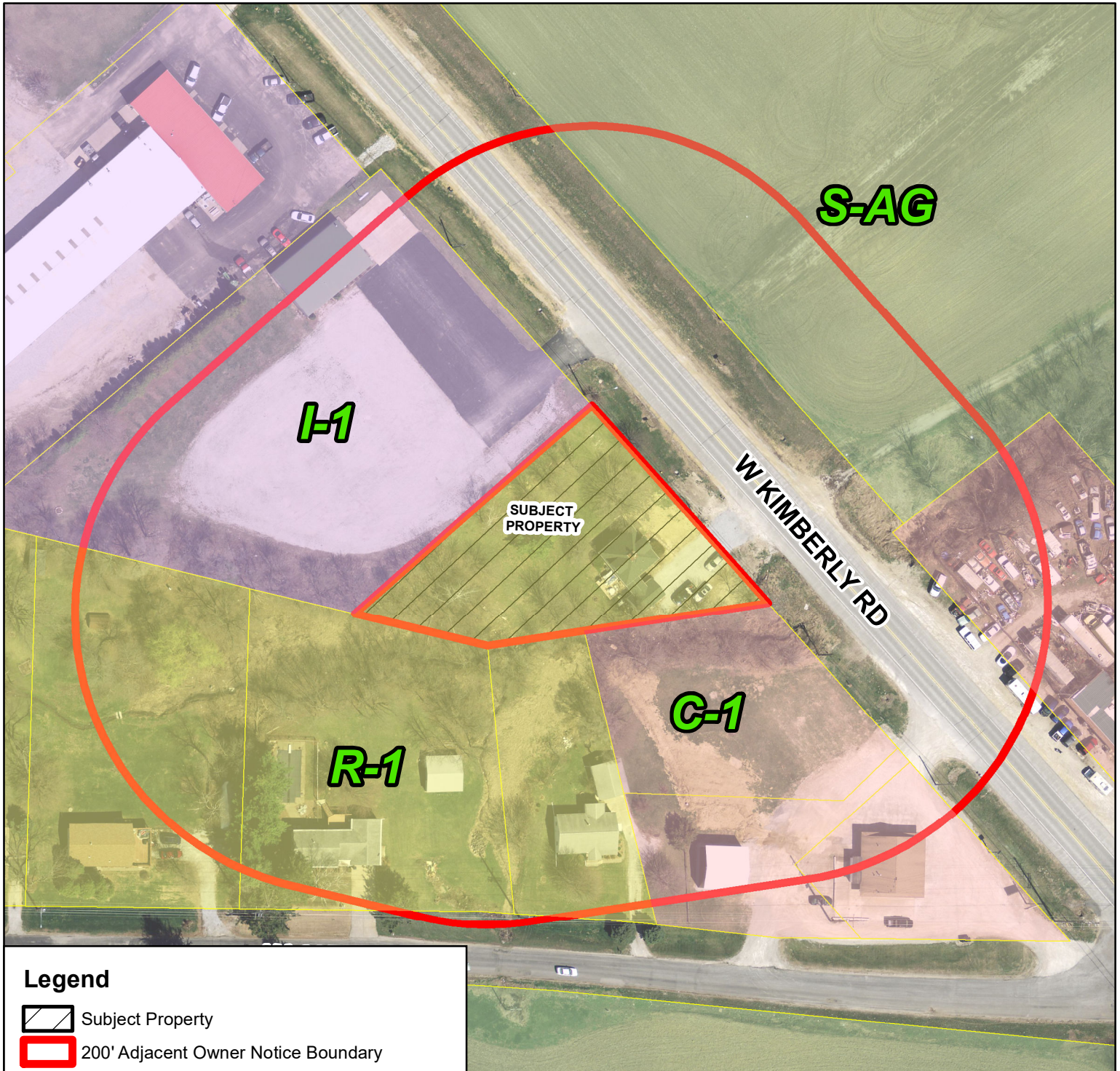
Subject Property

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.

Request for a Zoning Map Amendment (Rezoning)

Current Zoning Map

6401 W Kimberly (R-1 to I-1)



Legend

- Subject Property
- 200' Adjacent Owner Notice Boundary

Zoning Districts

Residential Districts

- R-1 Single-Family Residential District

Commercial Districts

- C-1 Neighborhood Commercial Zoning District

Industrial Districts

- I-1 Light Industrial Zoning District

Special Purpose Districts

- S-AG Agricultural Zoning District

Feet
0 37.5 75 150 225
1 inch = 100 feet



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Request for a Zoning Map Amendment (Rezoning)

Future Land Use Map (Davenport +2035)

6401 W Kimberly (R-1 to I-1)



Legend

-  Subject Property
-  200' Adjacent Owner Notice Boundary

Land Use+2035

Type

-  Residential General
-  Agricultural Reserve

0 37.5 75 150 225 Feet
1 inch = 100 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.

Monday, April 1, 2019

Please publish the following public notice in the April 6, 2019 edition of the Quad City Times.

The PO number for this notice is: 1911583

Please provide proof of publication for our records. If you have any questions, please contact us at planning@ci.davenport.ia.us or 563-326-7765. Thank you!

**NOTICE
PUBLIC HEARING
TUESDAY, APRIL 16, 2019 - 5:00 P.M.
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA**

There is on file in the Community Planning and Economic Development Department (CPED), on behalf of the Plan and Zoning Commission, the following requests:

Case REZ19-05: Request of John Wulf, to rezone 6401 West Kimberly Road from R-1 Single-Family Residential District to I-1 Light Industrial District; property contains 0.42 acres. [Ward 2]

Case REZ19-02: Request of Jennifer Smith, SJ56, LLC/Russell, to rezone Lot 1 of Crow Valley Plaza 12th Addition from C-T Commercial Transitional District to C-O Commercial Office Park District; property contains 9.58 acres and is located on East 56th Street east of Utica Ridge [Ward 6].

The public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday, April 16, 2019 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. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Any written comments to be reported at the public hearing should be received in the 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. 1911583

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



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



Public Hearing Details:

Date: 4/16/2019
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning request before the Plan and Zoning Commission
Case #: REZ19-05

Ward: **2nd**

To: All property owners within 200 feet of the subject property located at **6401 W Kimberly Rd.**

What is this All About?

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

Request Description

Case REZ19-05: Request of John Wulf, to rezone 6401 West Kimberly Road from R-1 Single-Family Residential District to I-1 Light Industrial District; property contains 0.42 acres. [Ward 2]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

As a 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 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 Brandon Melton, the case planner assigned to this project at brandon.melton@ci.davenport.ia.us or 563-326-6172. 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 for updates.

**NOTICE
PUBLIC MEETING
Tuesday April 9, 5:30 PM
DAVENPORT PUBLIC LIBRARY, FAIRMOUNT BRANCH
3000 N FAIRMOUNT ST., DAVENPORT, IOWA 52804
Brooke Room**

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case REZ19-05: Request of John Wulf, to rezone 6401 West Kimberly Road from R-1 Single-Family Residential District to I-1 Light Industrial District; property contains 0.42 acres. [Ward 2]
(See map of the affected property on reverse side of this notice).

If successful, this rezoning could result in the establishment of a business office and an indoor storage structure on the property.

A public meeting will be held to discuss the proposal at the time and place listed above. A formal public hearing will be held on the matter by the Plan and Zoning Commission on Tuesday, April 16, 2019, 5:00 pm at Davenport City Hall. You will receive an additional notice prior to this meeting.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ19-05

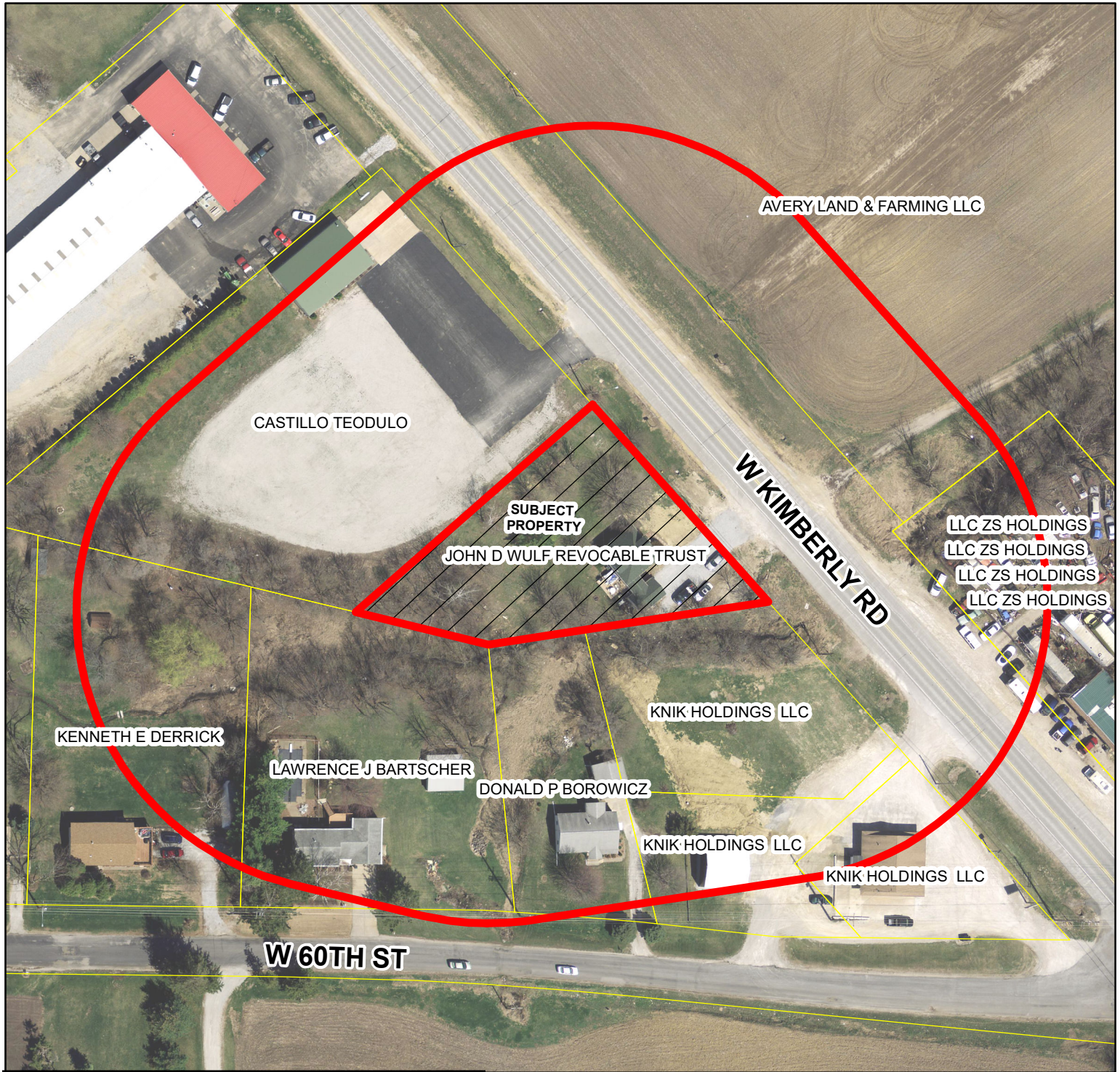
EMAIL: planning@ci.davenport.ia.us

Phone: (563) 326-7765

Request for a Zoning Map Amendment (Rezoning)

Adjacent Property Owner Notice Area

6401 W Kimberly (R-1 to I-1)



Legend

-  Subject Property
-  200' Adjacent Owner Notice Boundary

0 37.575 150 225 Feet

1 inch = 100 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.

<u>PARCEL #</u>	<u>PROPERTY ADDRESS</u>	<u>Owner Name</u>	<u>OWNER ADDRESS</u>	<u>OWNERCITY/STATE/ZIP</u>
V0649-01		AVERY LAND & FARMING LLC	PO BOX 639	WALCOTT IA 52773
V0649-02A	6425 W KIMBERLY RD	CASTILLO TEODULO	6425 W KIMBERLY RD	DAVENPORT IA 52806-6610
V0649-10	6510 W 60TH ST	KENNETH E DERRICK	6510 W 60TH ST	DAVENPORT IA 52806
V0649-11	6430 W 60TH ST	LAWRENCE J BARTSCHER	6430 W 60TH ST	DAVENPORT IA 52806-6630
V0649-12	6410 W 60TH ST	DONALD P BOROWICZ	6410 W 60TH ST	DAVENPORT IA 52806
V0649-13	6315 W KIMBERLY RD	KNIK HOLDINGS LLC	7708 NEW LINERTY RD	WALCOTT IA 52773
V0649-14	6333 W KIMBERLY RD	KNIK HOLDINGS LLC	7708 NEW LIBERTY RD	WALCOTT IA 52773
V0649-22	6315 W KIMBERLY RD	KNIK HOLDINGS LLC	7708 NEW LIBERTY RD	WALCOTT IA 52773
V0651-17	6306 W KIMBERLY RD	LLC ZS HOLDINGS	2523 W 47TH ST	DAVENPORT IA 52806



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

Property Address* 6401 W Kimberly Rd

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

Applicant (Primary Contact)**

Name: John Wulf
Company: John Wulf Septic
Address: 6401 W. Kimberly Rd
City/State/Zip: Davenport IA 52804
Phone: 563-329-3030
Email: WULFSEPTIC@Netins.net

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☐

Design Review Board

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

Engineer (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Architect (if applicable)

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

Administrative

Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Attorney (if applicable)

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

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

Request:Existing Zoning: R 1Proposed Zoning Map Amendment: CT Z-1

Purpose of the Request:

Ann
~~Don~~ Want to ~~put~~ John Wolf Septic office out of this location
and put a business sign in the front yard.

Total Land Area: 0.42 Please SelectDoes the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☐ No**Submittal Requirements:**

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

Formal Procedure:

(1) Application:

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

(2) Plan and Zoning Commission public hearing:

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

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

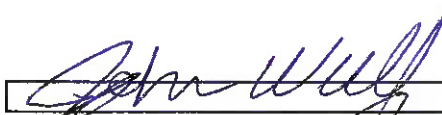
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council.
- If the Plan and Zoning Commission recommends denial, the request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

Formal Procedure (continued):

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

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

Applicant:



Date:

3-7-2019

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Brandon Wright 563-326-7750
Wards:

Action / Date
6/5/2019

Subject:

Second Consideration: Ordinance granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain, and operate in the City of Davenport, Iowa a natural gas system and to furnish and sell natural gas to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

Franchise agreements are contracts in the form of an ordinance between a municipal government and a utility company. These agreements provide the authority and legal basis for a company to use the streets, alleys, and public places within the municipal corporations for the poles, wires, pipes, and other facilities necessary to provide natural gas to customers.

Under the natural gas franchise agreement, MidAmerican is granted the authority to:

- install, operate, and maintain facilities.
- trim trees in the public right of way.
- serve customers including the sale and delivery of natural gas.
- restore rights of way.
- adhere to Iowa Utilities Board rules and regulations.
- meet Davenport's energy needs.

Under the agreement, the City of Davenport is guaranteed:

- indemnification.
- no-cost relocations of company facilities.
- franchise fees, if separately approved by the City Council.

While this Ordinance permits the City Council to take separate action to institute a natural gas franchise fee similar to many other Iowa communities, it does not impose a franchise fee on customers. To date, Davenport has not elected to impose a franchise fee on Davenport customers. If such action is desired in the future, Council action would be required to begin that process.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	5/21/2019 - 3:56 PM

Finance Committee
City Clerk

Wright, Brandon
Admin, Default

Approved
Approved

5/21/2019 - 3:56 PM
5/21/2019 - 4:49 PM

ORDINANCE NO. ____

AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF DAVENPORT, IOWA, A **NATURAL GAS SYSTEM** AND TO FURNISH AND SELL NATURAL GAS TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 25 YEARS.

BE IT ENACTED by the City Council of the City of Davenport, Iowa:

The following is adopted and replaces any natural gas franchise agreement(s) between the parties:

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called “Company,)” and to its successors and assigns the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Davenport, Iowa, (hereinafter called the “City,)” a gas distribution system, to furnish natural gas along, under and upon the right-of-way, streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2019, or as subsequently amended or changed.

Section 3. Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to unreasonably interfere with any above or below-ground utility services or facilities which have been or may hereafter be located by or under authority of the City.

Section 4. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended (“Tariff,”) at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction reconstruction, maintenance or repair of the street or alley. If the City has a reasonable alternative route for the street, alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City shall select said alternative route, or construction method. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested the City shall provide, at no cost to the Company, copies of its relocation plan and profile and cross section drawings. If tree and vegetation removal must be completed by the City as part of the City’s project and are

necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree/vegetation removal does not coincide with the Company facilities relocation schedule and Company must remove trees/vegetation that are included in the City's portion of the project, the City shall either remove the material at its cost or reimburse the Company for the expenses incurred to remove said vegetation or trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

Section 5. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring it to the condition as existed immediately prior to excavation. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition exceeding its previously existing condition to the extent any alterations are required for the City to comply with city, state or federal rules, regulations or laws.

Section 6. The City's vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property unless the Company has consented in writing.. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has facilities in the vicinity, the City shall provide Company with not less than sixty (60) days advance notice of the city's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for the existing Company facilities.

Section 7. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City at any time during the previous ten (10) years.

Section 8. Pursuant to relocation of Company facilities as may be required here under, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly or indirectly facilitate the project of a commercial or private developer or other non-public entity, City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation. The Company shall not be required to relocate in order to facilitate such private project at its expense.

Section 9. The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or

occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

Section 10. Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in the public right of way, including documents, maps and other information in paper or electronic or other forms ("Information"). The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may otherwise be protected from public disclosure by state or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written explanation of the basis for such assertion of confidentiality or exemption from disclosure within ten (10) days.

Section 11. The Company shall extend its mains and pipes and operate, and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

Section 12. During the term of this franchise, the Company shall furnish natural gas in the quantity and quality consistent and in accordance with the applicable regulations of the Iowa Utilities Board the Company's tariff made effective by the Iowa Utilities Board or its successors and Iowa law.

Section 13. All reasonable and proper police regulations shall be adopted and enforced by the City for the protection of the facilities of the Company.

Section 14. The City may, as allowed by Iowa law, impose upon and the same shall be collected from the natural gas customers of the Company receiving service, pursuant to the Tariff, located within the corporate limits of the City and remitted by the Company to the City, a franchise fee of ____ percent upon the gross receipts, minus uncollectible accounts, derived by the Company from sales of natural gas and distribution service to customers within the corporate limits of the City.

A. The City may amend the level of franchise fees.

B. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-

imposed franchise fee.

C. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than sixty (60) days after receiving annexation ordinances from the City.

D. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Section 15. The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge right of way management fees upon the Company. Permit fees for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters will be paid on an annual basis as is the current 2019 practice between the parties with an annual adjustment to match the payment with the prior year's experience as well as a supplemental payment or credit to true up the actual experience with the advance annual payment if necessary.

Section 16. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have sixty (60) days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a shorter or longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

Section 17. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 18. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within ten (10) days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the

office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of publication. In the event that the Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council this ordinance shall be void and of no effect.

Section 19. Upon the effective date of this ordinance, all prior natural gas franchises granted to the Company to furnish natural gas to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

PASSED AND APPROVED this ____th day of _____ 2019.

CITY OF DAVENPORT, IOWA

By: _____
Mayor/Mayor Pro Tem

ATTEST:

City Clerk (OFFICIAL SEAL)

I, _____, City Clerk of the City of Davenport, Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____, passed by the City Council of said City at a meeting held _____, 2019, and signed by the mayor _____, 2019, and published as provided by law on _____, 2019.

City Clerk (OFFICIAL SEAL)

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Brandon Wright 563-326-7750
Wards:

Action / Date
6/5/2019

Subject:

Second Consideration: Ordinance granting to MidAmerican Energy Company, its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain, and operate in the City of Davenport, Iowa an electric system and communications facilities and to furnish and sell electric energy to the City and its inhabitants and authorizing the City to collect franchise fees for a period of 25 years. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

Franchise agreements are contracts in the form of an Ordinance between a municipal government and a utility company. These agreements provide the authority and legal basis for a company to use the streets, alleys, and public places within the municipal corporations for the poles, wires, pipes, and other facilities necessary to provide electricity to customers.

Under the electric franchise agreement, MidAmerican is granted the authority to:

- install, operate, and maintain facilities.
- trim trees in the public right of way.
- serve customers including the sale and delivery of electricity.
- restore rights of way.
- adhere to Iowa Utilities Board rules and regulations.
- meet Davenport's energy needs.

Under the agreement, the City of Davenport is guaranteed:

- indemnification.
- no-cost relocations of company facilities.
- franchise fees, if separately approved by the City Council.

While this Ordinance permits the City Council to take separate action to institute an electric franchise fee similar to many other Iowa communities, it does not impose a franchise fee on customers. To date, Davenport has not elected to impose a franchise fee on Davenport customers. If such action is desired in the future, Council action would be required to begin that process.

ATTACHMENTS:

Type	Description
Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	5/21/2019 - 3:55 PM
Finance Committee	Wright, Brandon	Approved	5/21/2019 - 3:56 PM

City Clerk

Admin, Default

Approved

5/21/2019 - 4:47 PM

ORDINANCE NO. _____

AN ORDINANCE GRANTING TO MIDAMERICAN ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND NON-EXCLUSIVE FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE IN THE CITY OF DAVENPORT, IOWA, AN **ELECTRIC SYSTEM** AND COMMUNICATIONS FACILITIES AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS AND AUTHORIZING THE CITY TO COLLECT FRANCHISE FEES FOR A PERIOD OF 25 YEARS.

BE IT ENACTED by the City Council of the City of Davenport, Iowa:

The following is adopted and replaces any electric franchise agreement(s) between the parties or to which MidAmerican Energy Company is a successor:

Section 1. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, (hereinafter called “Company,)” and its successors and assigns, the right and non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Davenport, Iowa, (hereinafter called the “City,)” a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, rights of way and alleys to serve customers within the City, and to furnish and sell electric energy to the City and its inhabitants. The Company is granted the right to exercise of powers of eminent domain, subject to City Council approval. This franchise shall be effective for a twenty-five (25) year period from and after the effective date of this ordinance.

Section 2. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa 2019 or as subsequently amended or changed.

Section 3. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as to excavate and bury conduits or conductors for the distribution of electric energy and communications signals in and through the City, provided the same shall be placed as not to reasonably interfere with any water pipes, drain or sewer, or the flow of water therefrom, which have been or may hereafter be located by authority of the City, further providing the same shall be placed in accordance with any regulation the City may from time to time adopt or amend regarding the placement of facilities or structures in the right-of-way or the use thereof.

Section 4. City placement of banners and traffic signage are allowed as referenced in a separate City-Company banner agreement.

Section 5. The Company is authorized and empowered to prune or remove at Company expense, any tree extending into any street, avenue, right of way, alley, public place or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches, or trunks from interfering with the wires and

facilities of the Company. The pruning and removal of vegetation and trees shall be completed in accordance with nationally accepted safety and utility standards, NSI Z133.1-2012, American National Standard for Arboricultural Operations-Safety Requirements, and ANSI A300(part 1) – 2008 Pruning, (Revision of ANSI A300 part 1-2001) American National Standard for Tree, Shrub, and other Woody Plant Management – Standard of Practices (Pruning) or subsequent revisions to these standards, and City ordinances regarding the pruning of trees that incorporate by reference that standard.

Section 6. The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company’s Tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended (“Tariff”), at its cost and expense, locate and relocate its existing installations located in, on, over or under the right-of-way of any public street, right of way or alley in the City in such a manner as the City may require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street right of way or alley. If the City has a reasonable alternative route for the street, right of way or alley or an alternative construction method, which would not cause the relocation of Company installations or would minimize the cost or expense of relocation of Company installations, the City and Company shall work together to consider said alternative route or construction method. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested, the City shall provide, at no cost to the Company, copies of the relocation plan and profile and cross section drawings. If vegetation and tree removals must be completed by the City as part of the City’s project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of vegetation and tree removals does not coincide with Company’s facilities relocation schedule and the Company must remove vegetation and trees that are included in the City’s portion of the project, the City shall either remove them or reimburse the Company for the expenses incurred to remove said materials. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

Section 7. In making excavations in any streets, avenues and public places for the installation, maintenance or repair of conductor, conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets, and shall replace the surface, restoring the condition as existed prior to the company excavation. In emergencies which require immediate excavation, the Company may proceed with the work without first applying for or obtaining the permit, provided, however, that Company shall apply for and obtain the excavation permit as soon as possible after commencing such emergency work. The Company shall comply with all provisions and requirements of the City in its regulation of the use of City right of way in performing such work. The Company shall comply with all City ordinances regarding paving cuts,

placement of facilities and restoration of pavement and other public infrastructure. Company shall complete all repairs in a timely manner. Company agrees any replacement of road surface shall conform to current City ordinances regarding its depth and composition.

Section 7. Vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities and their replacements on, below, above, or beneath the vacated property unless the Company has consented in writing. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities, the City shall provide Company with not less than sixty (60) days advance notice of the City's proposed action and, upon request grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for existing Company facilities.

Section 8. The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right of way that have been relocated at Company expense at the direction of the City in the previous ten (10) years.

Section 9. Pursuant to relocation of Company facilities as may be required in Sections 3 and 5-8, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly facilitate a project for the primary benefit of a commercial or private developer or other non-public entity, the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation of its existing facilities or equipment. The Company shall not be required to relocate in order to facilitate such private project at its expense.

Section 10. The Company shall indemnify, save and hold harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

Section 11. Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in City right of way, including documents, maps and other information in paper or electronic or other forms ("Information.") The Company and City recognize the Information may in whole or part be considered a confidential record under state or federal law or both. Therefore, City shall not release any Information without prior consent of the Company and shall return the Information to Company upon request. City recognizes that Company claims the Information may constitute a trade secret or is otherwise protected from public disclosure by state or federal law on other grounds, and agrees to retain the

Information in its non-public files. Furthermore, the City agrees that no documents, maps or other Information provided to the City by the Company shall be made available to the public or other entities if such documents or Information are exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the Code of Iowa, as such statutes and regulations may be amended from time to time. In the event any action at law, in equity or administrative is brought against the City regarding disclosure of any document which the Company has designated as a trade secret or as otherwise protected from disclosure, the Company shall assume, upon request of the City, the defense of said action and reimburse the City any and all costs, including attorney fees and penalties to the extent allowed by law.

Section 12. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law.

Section 13. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with and in accordance with the applicable regulations of the Iowa Utilities Board, the Company's tariff and made effective by the Iowa Utilities Board or its successors and Iowa law.

Section 14. The City may, as allowed by Iowa law, impose upon and the same shall be collected from the electric customers of the Company receiving service, pursuant to the Tariff, located within the corporate limits of the City and remitted by the Company to the City, a franchise fee of zero percent upon the gross receipts, minus uncollectible accounts, derived by the Company from sales of electricity and distribution service to customers within the corporate limits of the City.

A. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged.

B. The City may amend the level of the franchise fees.

C. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following ninety (90) days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee.

D. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than sixty (60) days after receiving annexation ordinances from the City.

E. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to

provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

Section 15. The City shall not, pursuant to Chapter 480A.6 of the Code of Iowa, impose or charge right of way management fees upon the Company. Permit fees for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters will be paid on an annual basis as is the current 2019 practice between the parties with an annual adjustment to match the payment with the prior year's experience as well as a supplemental payment or credit to true up the actual experience with the advance annual payment if necessary.

Section 16. Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have sixty (60) days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with state or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

Section 17. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provisions or part thereof not adjudged invalid or unconstitutional.

Section 18. This franchise shall apply to and bind the City and Company and their successors and assigns.

Section 19. This ordinance and the rights and privileges herein granted shall become effective and binding upon its approval and passage in accordance with Iowa law and the written acceptance by the Company. The City shall provide Company with an original signed and sealed copy of this ordinance within 10 days of its final passage. The Company shall, within thirty (30) days after the City Council approval of this ordinance, file in the office of the clerk of the City, its acceptance in writing of all the terms and provisions of this ordinance. Following City Council approval, this ordinance shall be published in accordance with the Code of Iowa. The effective date of this ordinance shall be the date of publication. In the event Company does not file its written acceptance of this ordinance within thirty (30) days after its approval by the City Council, this ordinance shall be void and of no effect.

Section 20. Upon the effective date of this ordinance, all prior franchises granted to the Company to

furnish electric service to the City and its inhabitants are hereby repealed and all other ordinances or parts of ordinances in conflict herewith are also hereby repealed.

PASSED AND APPROVED this ____ day of _____, 2019.

CITY OF DAVENPORT, IOWA

By: _____
Mayor/Mayor Pro Tem

ATTEST:

City Clerk

(OFFICIAL SEAL)

I, _____, City Clerk of the City of Davenport, Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____, passed by the City Council of said City at a meeting held _____, 2019, and signed by the mayor _____, 2019, and published/posted as provided by law on _____, 2019.

City Clerk

(OFFICIAL SEAL)

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Scott Koops 563-328-6701
Wards:

Action / Date
6/19/2019

Subject:
Resolution approving Case F19-07 of Advance Homes, Inc for the final plat Candlelight Village on 4.01 acres, being a replat of Lot 1 Candlelight Square 1st Addition located at 5330 Gaines St containing one lot zoned R-MF, Residential Multi-family District. [Ward 8]

Recommendation:
Adopt the Resolution.

Background:
This final plat simply adjusts existing lot lines. No new development is anticipated.

Findings:
1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Recommendation:
At its June 4, 2019 meeting, the Plan and Zoning Commission accepted the findings and forwards Case No. F19-07 to the City Council with a recommendation for approval subject to the following conditions:

1. That the surveyor signs the plat;
2. That the plat depict a drainage easement to convey the 100 year storm event from Lot 1 to Lot A per 13.34.140;
3. Stormwater detention shall be proved on Lot 1 and a blank easement shall be provided;
4. A 50' buffer shall be required on both sides of the stream per 13.34 Easements; and
5. Ownership of Lot A shall be shown.

The Commission vote for approval was 9-yes, 0-no and 0-abstentions.

Background:
The plat allows for the sale of a small lot used for a playground.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Exhibit	Vote Results
▣ Exhibit	Exhibit Maps
▣ Exhibit	Council Letter
▣ Exhibit	Plat

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	6/13/2019 - 3:56 PM

RESOLUTION NO. _____

Resolution offered by Alderman Gripp, Chairperson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving F19-07 of Advance Homes, INC for final plat Candlelight Village on 4.01 acres, being a replat of Lot 1 Candlelight Square 1st Addition located at 5330 Gaines St. containing 1 lot zoned multiple-family (R-MF). [Ward 8]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of Candlelight Village to the City of Davenport, Iowa, be the same and is hereby approved and accepted subject to the following conditions as follows:

1. That the surveyor signs the plat;
2. That the plat depict a drainage easement to convey the 100 year storm event from Lot 1 to Lot A per 13.34.140;
3. Stormwater detention shall be proved on Lot 1 and a blank easement shall be provided;
4. A 50' buffer shall be required on both sides of the stream per 13.34 Easements; and
5. Ownership of Lot A shall be shown.

and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record the attached assessment waiver.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City Plan & Zoning Commission Voting Record

Meeting Date: 5-14-19

Meeting Location: Council Chambers-City Hall

No.	Name:	Public Hearing Roll Call	Regular Meeting Roll Call	4-30-19 Minutes	M	S	REZ19-06	M	S	F19-07	M	S	F19-08	M	S
1	Schneider		Present	Yes			Yes			Yes			Yes		
2	Lammers		Present	Yes			Yes		X	Yes			Yes		X
3	Medd		Present	Yes			Yes			Yes			Yes		
4	Johnson		Excused												
5	Tallman		Present	Yes	X		Yes	X		Yes			Yes		
6	Inghram		Present												
7	Connell		Present	Yes		X	Yes			Yes			Yes		
8	Hepner		Present	Yes			Yes			Yes	X		Yes	X	
9	Brandsgard		Present	Yes			Yes			Yes			Yes		
10	Reinartz		Present	Yes			Yes			Yes			Yes		
11	Maness		Present	Yes			Yes			Yes		X	Yes		
	Result		10 Present	9-0			9-0			9-0			9-0		

Notes: REZ19-06 - Motion was to deny.



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

PLAN AND ZONING COMMISSION

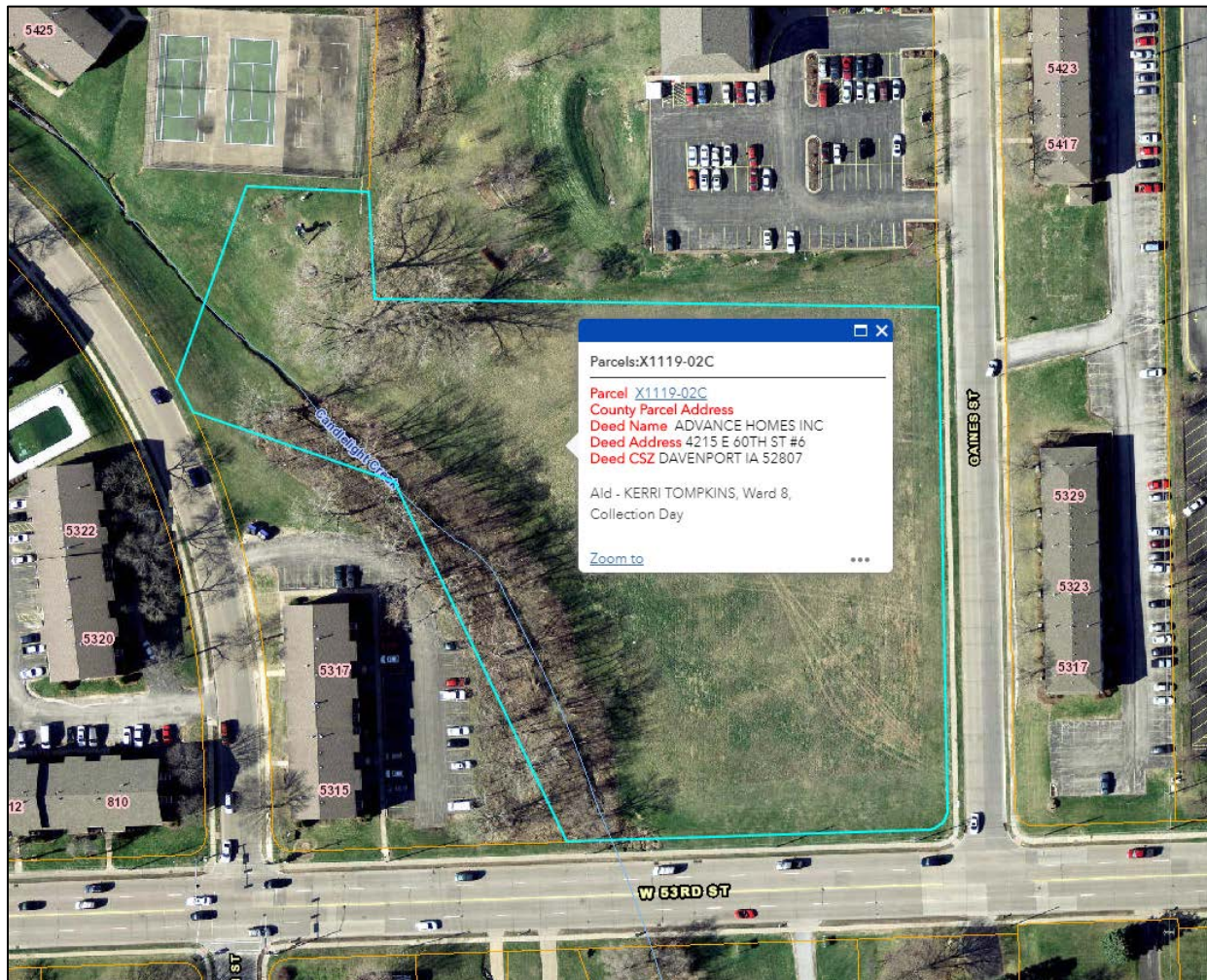
Date: May 14, 2019
Request: F19-07 Final Plat – Candlelight Village
Address: 5330 Gaines Street
Applicant: Advance Homes, INC

DESCRIPTION

Request F19-07 of Advance Homes, INC for final plat Candlelight Village on 4.01 acres, being a replat of Lot 1 Candlelight Square 1st Addition located at 5330 Gaines St. containing 1 lot zoned multiple-family (R-MF). [Ward 6]

Recommendation: Staff recommends the City Plan and Zoning Commission accept the listed findings and forward F19-07 to the City Council with a recommendation for approval subject to the listed conditions.

Aerial Photo:

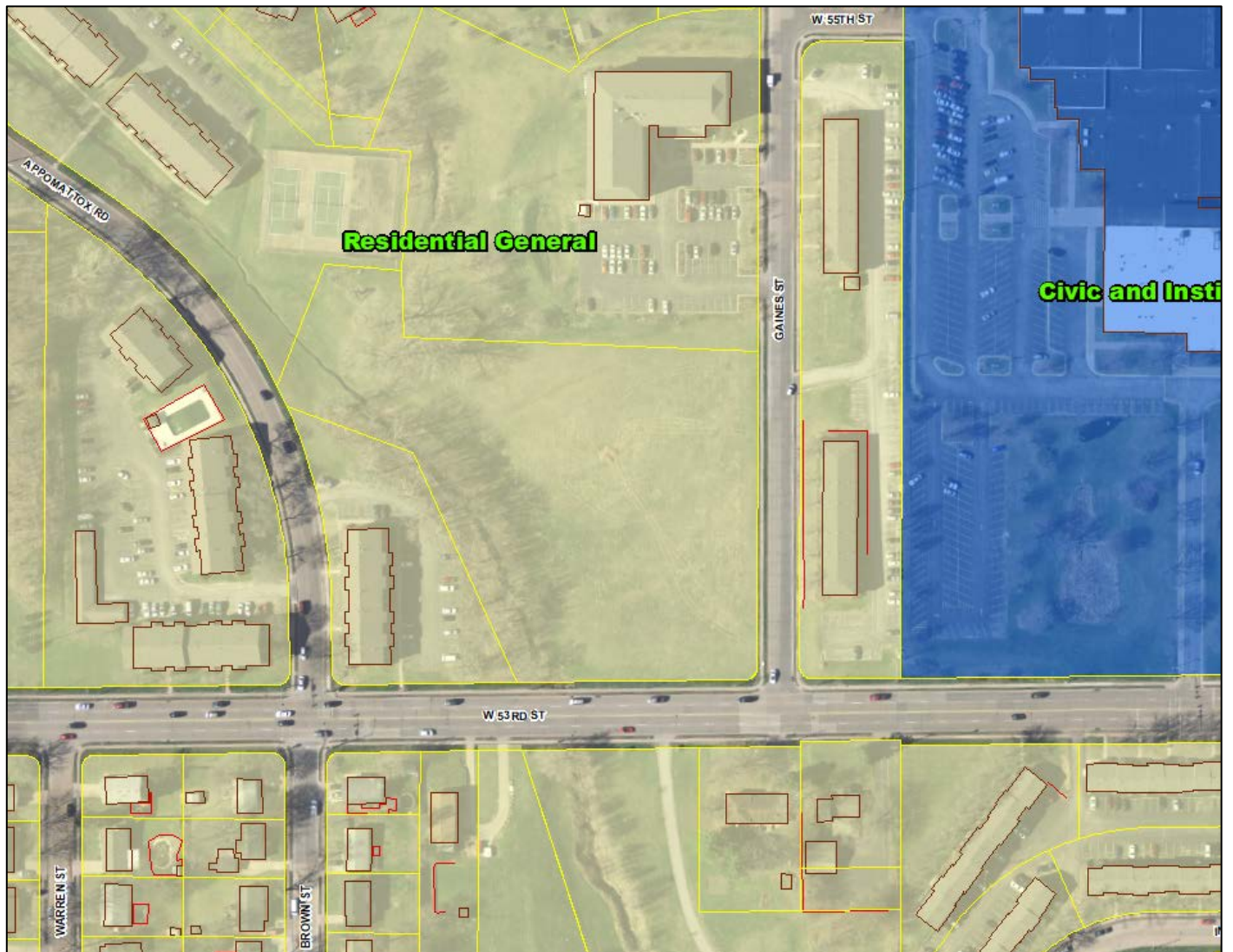


Zoning

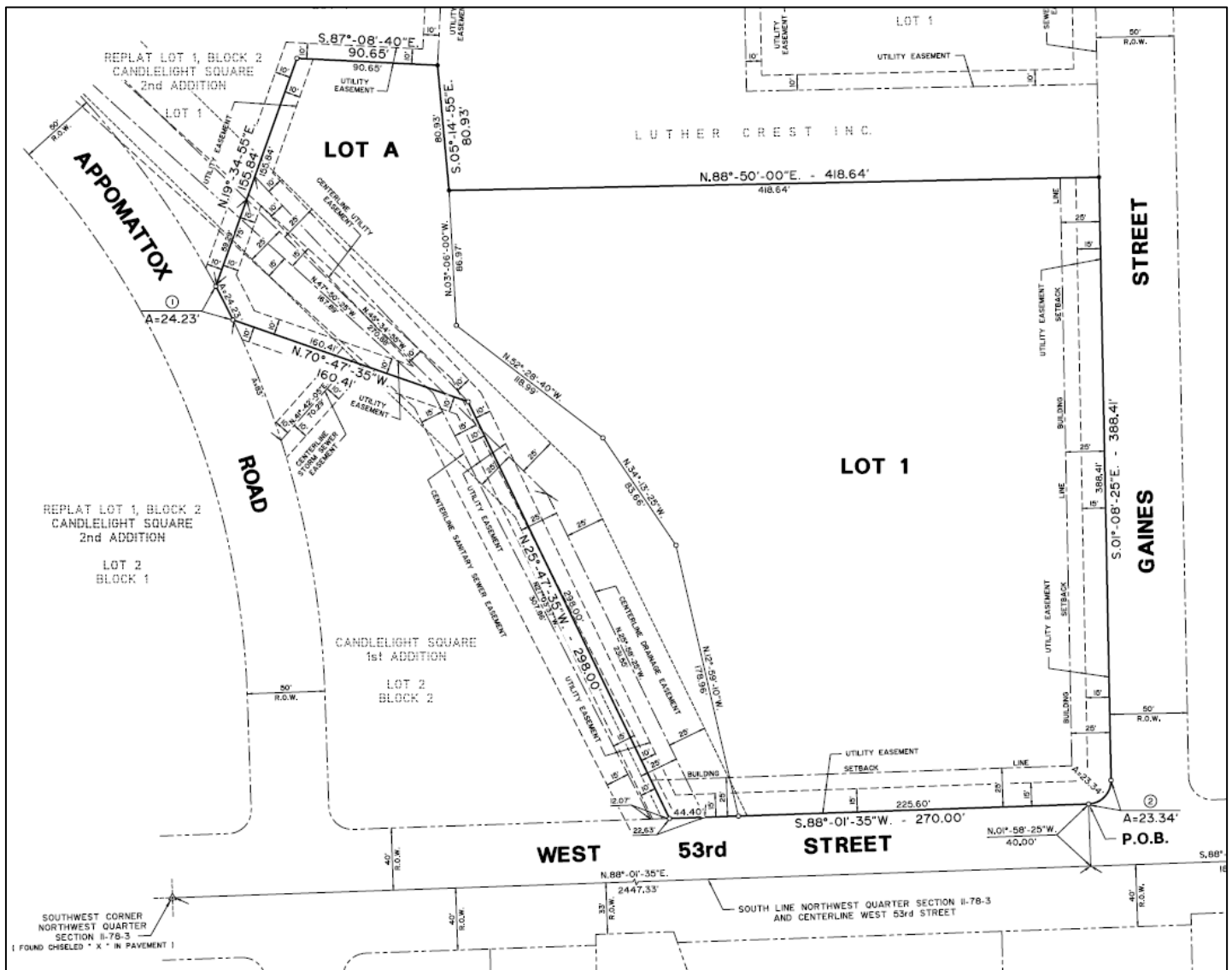
("R-MF" Multiple Family, "R-3" One & Two Family Residential, "R-1" Single Family, and "S-IC" Institutional Campus)



Land Use 2035
(Residential General & Civic/Institutional)



Plat



CURVE NUMBER	RADIUS	DELTA	ARC	CHORD	CHORD BEARINGS	TANGENT
1	100.14'	102°-09'-56"	24.23'	14.83'	1,017°-09'-56"W	14.72'
2	150.07'	80°-50'-00"	33.34'	20.04'	1,017°-09'-00"W	14.72'

FINAL PLAT OF
CANDLELIGHT VILLAGE
AN ADDITION TO THE CITY OF DAVENPORT, IOWA

BEING PART OF THE NORTHWEST QUARTER OF SECTION 11
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 6th P.M.
AND BEING A REPLAT OF PART OF LOT 1,
CANDLELIGHT SQUARE 1st ADDITION

CONCLUSIONS AND RECOMMENDATIONS

ADVANCE HOMES INC.
4235 EAST 80th STREET
DAVENPORT, IOWA
ATTN: ADAM SIEITZ

GENERAL NOTES

IRON MONUMENTS FOUND SHOWN THUS (5/8" IRON PIN)

IRON MONUMENTS SET SHOWN THIS (5/8" IRON PIN)

ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF

SUBDIVISION CONTAINS 4.01 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.

SUBDIVISION IS ZONED R-SM (MEDIUM DENSITY DWELLING DISTRICT).

BEARINGS SHOWN ARE BASED ON THE IOWA STATE PLANE COORDINATE SOUTH ZONE, NAD 83 / 2011.

I hereby certify that this last surviving descendant was
properly and the closest surviving such one preferred
by me or under my direct personal supervision and
control to a duly licensed United European master the law
of the State of Iowa.

Signature _____
Randy L. Rogers, P.E. U.S.A. Master Number 1088

Date **APRIL 22, 2010**
My Master received this on November 18, 1998

THIS ENTRY ONLY
Signer or donor received by this work.



PREPARED BY

VERBEKE - MEYER
CONSULTING ENGINEERS, P.C.

4TH EAST 80th STREET
DAVENPORT, IOWA 52007
PHONE NUMBER: (562) 390-1544

VOICE 12/130

CENTURYLINK

57

DATE _____

MIDAMERICAN ENERGY COMPANY

or

D47

DATE _____
APPROVED SUBJECT TO ENDORSEMENTS OF RECORD BY
MECHANICAL ENERGY COMPANY

IOWA-AMERICAN WATER CO.

BY

EAT

MEDIA.COM

ST

EAT

PLAN & ZONE COMMISSION

BY

DA

CITY OF DAVENPORT, IOWA

87

AT

24

BACKGROUND

Comprehensive Plan:

Within Urban Service Area (USB35): Yes

Future Land Use Designation: RG

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.

Technical Review:

Streets. No new streets are proposed with this request.

Storm Water. The plat will need to conform to any requirements of the City of Davenport Natural Resources Division and specifically 13.34.140.

Sanitary Sewer. Sanitary sewer service is located along the street. No new service will be required.

Other Utilities. Normal utility services are available nearby in this developed area.

Parks/Open Space. No park shall be required with this infill development.

DISCUSSION

Planning Staff has reviewed this plat and confirmed that the plat generally conforms to the requirements of the subdivision code.

STAFF RECOMMENDATION

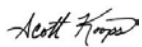
Findings

The plat shall conform to the requirements of the subdivision code and the plat shall further development in this areas.

Recommendation

Staff recommends the City Plan and Zoning Commission forward F19-07 to the City Council with a recommendation for approval subject to the following condition(s):

1. That the surveyor signs the plat;
2. That the plat depict a drainage easement to convey the 100 year storm event from Lot 1 to Lot A per 13.34.140;
3. Stormwater detention shall be proved on Lot 1 and a blank easement shall be provided;
4. A 50' buffer shall be required on both sides of the stream per 13.34 Easements; and
5. Ownership of Lot A shall be shown;

Prepared by: 
Scott Koops, AICP – Planner II Community Planning

May 15, 2019

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of May 14, 2019, the City Plan and Zoning Commission considered Request F19-07 of Advance Homes, INC for final plat Candlelight Village on 4.01 acres, being a replat of Lot 1 Candlelight Square 1st Addition located at 5330 Gaines St. containing 1 lot zoned multiple-family (R-MF). [Ward 6]

Findings:

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Recommendation:

The City Plan and Zoning Commission accepted the findings and forwards F19-07 to the City Council for approval, subject to the following conditions:

1. That the surveyor signs the plat;
2. That the plat depict a drainage easement to convey the 100 year storm event from Lot 1 to Lot A per 13.34.140;
3. Stormwater detention shall be proved on Lot 1 and a blank easement shall be provided;
4. A 50' buffer shall be required on both sides of the stream per 13.34 Easements; and
5. Ownership of Lot A shall be shown.

The Commission vote for approval was 9-yes, 0-no and 0-abstentions.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Scott Koops 563-328-6701
Wards:

Action / Date
5/14/2019

Subject:
Resolution approving Case F19-10 of Dan Gunsteen for final plat WK First Addition on 1.71 acres, being a replat of portions of Westlyn and Georgetown Square Additions located at 3306 W Kimberly Rd containing 2 commercial lots. [Ward 2]

Recommendation:
Adopt the Resolution.

Background:
Comprehensive Plan:

Within Urban Service Area (USB35): Yes
Future Land Use Designation: RC

Regional Commercial (RC) - 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.

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.

Technical Review:

Streets. No new streets are proposed with this request.

Storm Water. The plat will need to conform to any requirements of the City of Davenport Natural Resources Division.

Sanitary Sewer. Sanitary sewer service is located along the street.

Other Utilities. Normal utility services are available nearby in this developed area.

Parks/Open Space. No park shall be required with this infill development.

Discussion

This subdivision reconfigures three existing lots to accommodate new commercial development. Planning Staff has reviewed this plat and confirms that the plat generally conforms to the

requirements of the subdivision code.

At its June 4, 2019 meeting, the Plan and Zoning Commission voted unanimously recommend the City Council approve Case F19-10.

Findings:

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Condition:

1. That a note shall be added to the plat granting a blanket easement to lot 3 for storm water detention.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Exhibit	Vote Results
▣ Exhibit	P&Z Letter
▣ Exhibit	Plat
▣ Exhibit	Staff Report
▣ Cover Memo	Application

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berger, Bruce	Approved	6/14/2019 - 10:29 AM

RESOLUTION NO. _____

Resolution offered by Alderman Gripp, Chairperson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving F19-10 of Dan Gunsteen for final plat W. K. First Addition on 1.71 acres, being a replat of portions of Westlyn and Georgetown Square Additions located at 3306 W. Kimberly Rd. containing 2 commercial lots. [Ward 2]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of Candlelight Village to the City of Davenport, Iowa, be the same and is hereby approved and accepted subject to the following conditions as follows:

1. That a note shall be added to the plat granting a blanket easement for access to lot 3 for detention basin inspection and maintenance.

and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record the attached assessment waiver.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City Plan & Zoning Commission Voting Record
Meeting Date: 6-4-19
Meeting Location: Council Chambers-City Hall

No.	Name:	Public Hearing Roll Call	Regular Meeting Roll Call	5-14-19 Minutes	M	S	F19-10	M	S	M	S	M	S	M	S
1	Schneider		✓	Y			X								
2	Lammers		✓	Y			Y	X							
3	Medd		✓	Y			Y								
4	Johnson		✓	Y			Y	X							
5	Tallman		✓	Y			Y								
6	Inghram		✓												
7	Connell	EX	EX												
8	Hepner		✓	Y			Y								
9	Brandsgard		✓	Y			Y								
10	Reinartz	EX	EX												
11	Maness	EX	EX												
	Result	—	8	7-0			7-0								

June 5, 2019

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 4, 2019, the City Plan and Zoning Commission considered Request F19-10 of Dan Gunsteen for final plat W. K. First Addition on 1.71 acres, being a replat of portions of Westlyn and Georgetown Square Additions located at 3306 W. Kimberly Rd. containing 2 commercial lots. [Ward 2]

Findings:

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Recommendation:

The City Plan and Zoning Commission accepted the findings and forwards F19-07 to the City Council for approval, subject to the following conditions:

1. That a note shall be added to the plat granting a blanket easement for access to lot 3 for detention basin inspection and maintenance.

The Commission vote for approval was 7-yes, 0-no and 0-abstentions.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

PLAN AND ZONING COMMISSION

DESCRIPTION

Request F19-10 of Dan Gunsteen for final plat W. K. First Addition on 1.71 acres, being a replat of portions of Westlyn and Georgetown Square Additions located at 3306 W. Kimberly Rd. containing 2 commercial lots. [Ward 2]

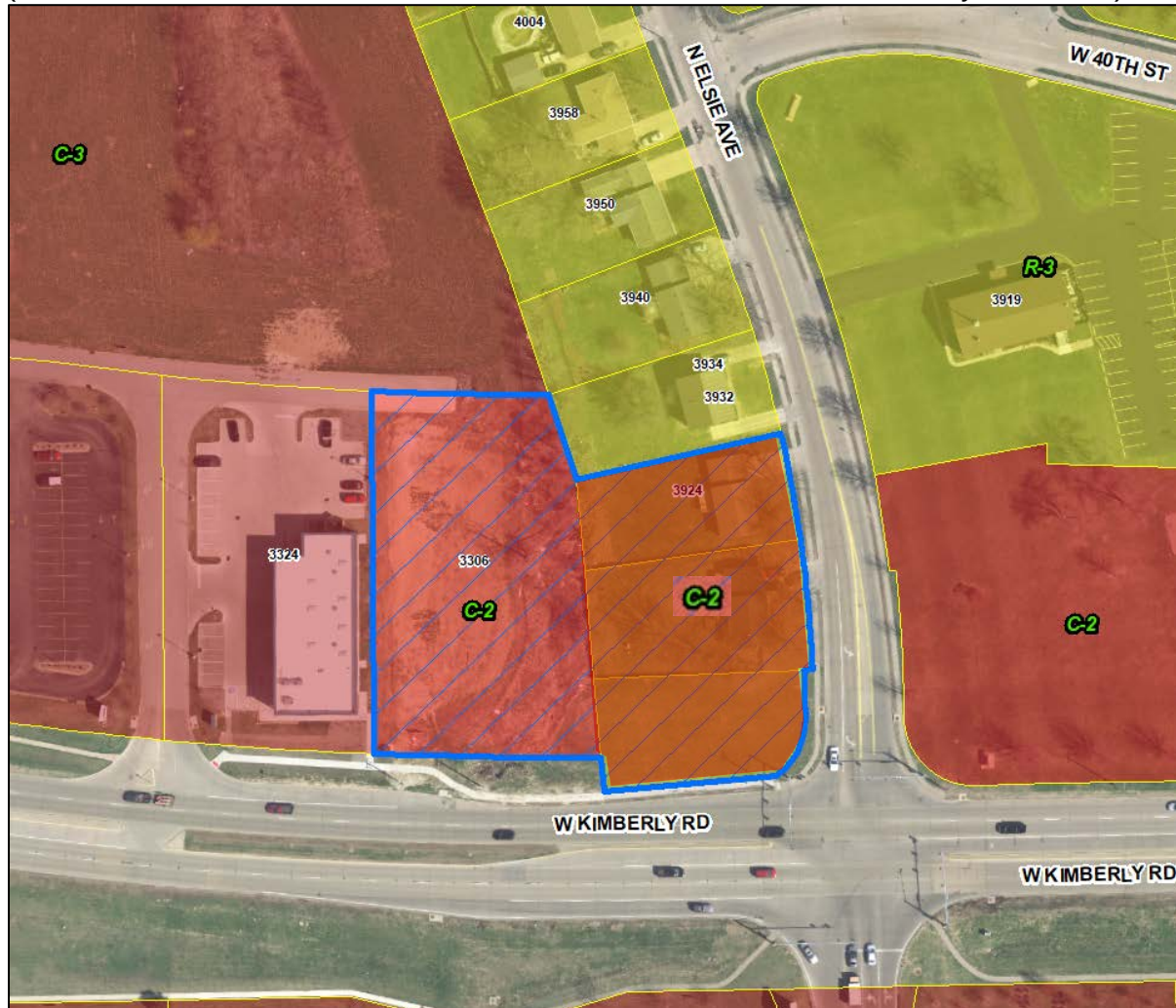
Recommendation: Staff recommends the City Plan and Zoning Commission accept the listed findings and forward F19-10 to the City Council with a recommendation for approval subject to the listed conditions.

Aerial Photo:

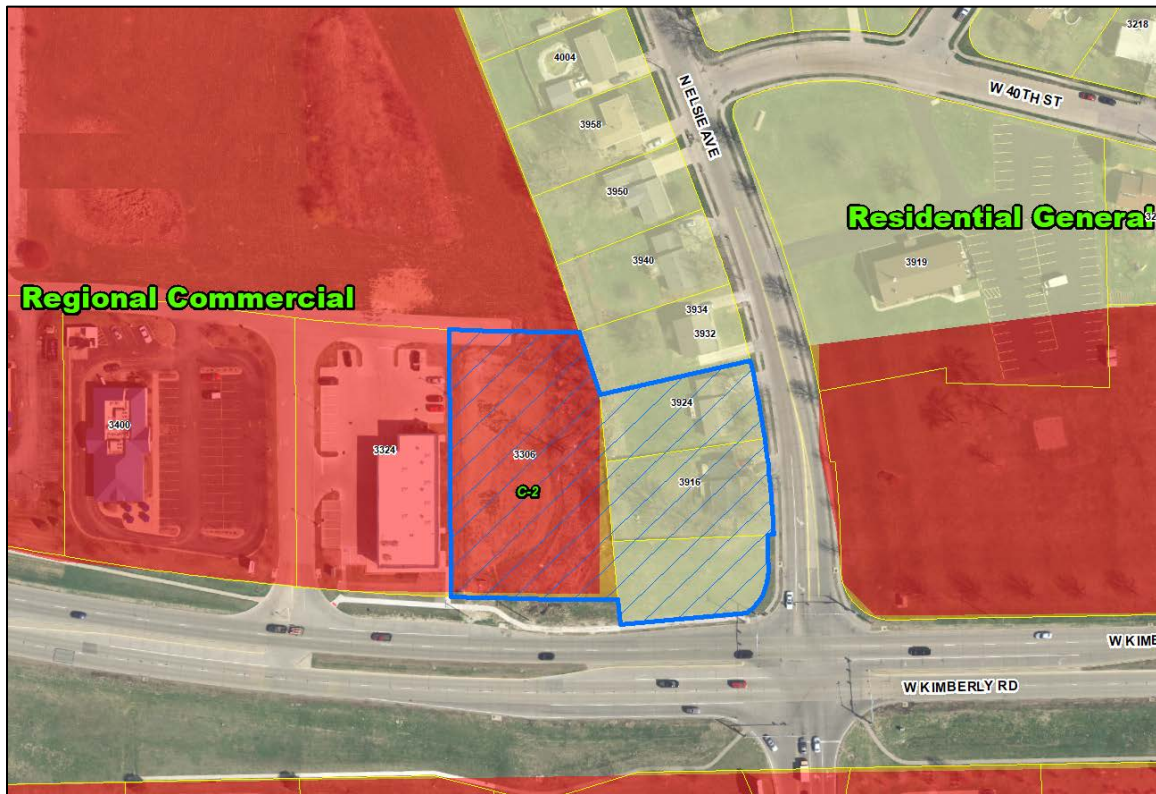


Zoning

("C-2" Corridor Commercial, "C-3" General Commercial, "R-3" One & Two Family Residential)



Land Use 2035
(Regional Commerical & Residential General)



BACKGROUND

Comprehensive Plan:

Within Urban Service Area (USB35): Yes

Future Land Use Designation: RC

Regional Commercial (RC) - 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.

Technical Review:

Streets. No new streets are proposed with this request.

Storm Water. The plat will need to conform to any requirements of the City of Davenport Natural Resources Division.

Sanitary Sewer. Sanitary sewer service is located along the street.

Other Utilities. Normal utility services are available nearby in this developed area.

Parks/Open Space. No park shall be required with this infill development.

DISCUSSION

Planning Staff has reviewed this plat and confirmed that the plat generally conforms to the requirements of the subdivision code.

STAFF RECOMMENDATION

Findings: The plat conforms to the comprehensive plan Davenport+2035; and

1. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Recommendation:

Staff recommends the City Plan and Zoning Commission forward F19-10 to the City Council with a recommendation for approval subject to the following condition(s):

1. That a note shall be added to the plat granting a blanket easement for access to lot 3 for detention basin inspection and maintenance.

Prepared by:



Scott Koops, AICP – Planner II
Community Planning

Project Information

Project Name W.K. First Addition - Plat

Project ID PRJ-1050

Alternate ID

Site Address NW Corner of Kimberly Road and Elsie Ave Davenport, IA, 52806 [View Additional Information](#)

Review Type Standard Review

Start Date 5/2/2019

Review Status Review Cycle 2, Open, Due 5/29/2019

2: 5/8/2019 (Open) ▼

Contacts

Engineer

Dan Gunsteen

South Sutton Road
uite 305
Streamwood
IL
60107
Business: 630-688-5843

Tully Heath

26th Avenue
Rock Island
IL
61201
Business: 309-793-3415
Cell: 563-265-9700
Email: tully.c.heath@imegcorp.com

City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Brian Krup 563-326-6163
Wards:

Action / Date
6/26/2019

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

Christ Apostolic Church; Picnic; 1201 W 6th St; Saturday, June 29, 2019 8:00 a.m. - 5:00 p.m.;
Closure: east-west alley between Taylor St and N Marquette St and W 5th St and W 6th St.
[Ward 3]

Stephen Andrews; July 3rd block party; Wednesday, July 3, 2019 7:00 p.m. - 10:00 p.m.;
Closure: Western Ave from W 7th St south to the alley. [Ward 3]

Downtown Partnership; Bix Street Fest; 10:00 a.m. Thursday, July 25, 2019 - 12:00 a.m. Sunday, July 28, 2019; **Closure:** 2nd St between Ripley St and Brady St; Harrison St from the parking garage entrance south of 3rd St to the Ground Transportation entrance north of River Dr; Main St from the Current Hotel parking lot to the entrance of the parking garage. [Ward 3]

Heather Hall; Graduation Party; 6124 N Hancock Ave; Saturday, July 27, 2019 3:00 p.m. - 11:00 p.m.; **Closure:** N Hancock Ave from W 61st St to W 62nd St. [Ward 2]

J&M Displays Inc; Palmer College of Chiropractic Homecoming Fireworks; Palmer parking lot northeast corner of E 9th St and Perry St; Saturday, August 10, 2019 between 9:00 p.m. and 9:30 p.m. (may vary depending on event); **Closure:** Perry St between E 9th St and north of 10th St. [Ward 3]

St. Anthony's Catholic Church; Picnic; 417 N Main St; Sunday, September 8, 2019 12:30 p.m. - 4:30 p.m.; **Closure:** N Main St between W 4th St and W 5th St. [Ward 3]

Recommendation:
Adopt the Resolution.

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

ATTACHMENTS:

Type	Description
□ Resolution Letter	Resolution
□ Backup Material	CAC Picnic Street Closure Petition
□ Backup Material	July 3rd Block Party Map
□ Backup Material	Street Fest Map
□ Backup Material	Street Fest Petition
□ Backup Material	Street Fest Flyer

- ▢ Backup Material
- ▢ Backup Material
- ▢ Backup Material
- ▢ Backup Material

Grad Party Street Closure Petition
 Palmer Homecoming Fireworks Map
 St Anthony map
 St Anthony Flyer to Neighbors

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	5/15/2019 - 10:11 AM

Resolution No. _____

Resolution offered by Alderman Gripp

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 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 on the date(s) 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):

*Christ Apostolic Church; Picnic; 1201 W 6th St; Saturday, June 29, 2019 8:00 a.m. - 5:00 p.m.; **Closure:** east-west alley between Taylor St and N Marquette St and W 5th St and W 6th St. [Ward 3]*

*Stephen Andrews; July 3rd block party; Wednesday, July 3, 2019 7:00 p.m. – 10:00 p.m.; **Closure:** Western Ave from W 7th St south to the alley. [Ward 3]*

*Downtown Partnership; Bix Street Fest; 10:00 a.m. Thursday, July 25, 2019 - 12:00 a.m. Sunday, July 28, 2019; **Closure:** 2nd St between Ripley St and Brady St; Harrison St from the parking garage entrance south of 3rd St to the Ground Transportation entrance north of River Dr (beginning at 7:30 a.m.); Main St from the Current Hotel parking lot to the entrance of the parking garage. [Ward 3]*

*Heather Hall; Graduation Party; 6124 N Hancock Ave; Saturday, July 27, 2019 3:00 p.m. – 11:00 p.m.; **Closure:** N Hancock Ave from W 61st St to W 62nd St. [Ward 2]*

*J&M Displays Inc; Palmer College of Chiropractic Homecoming Fireworks; Palmer parking lot northeast corner of E 9th St and Perry St; Saturday, August 10, 2019 between 9:00 p.m. and 9:30 p.m. (may vary depending on event); **Closure:** Perry St between E 9th St and north of 10th St. [Ward 3]*

*St. Anthony's Catholic Church; Parish Picnic; 417 N Main St; Sunday, September 8, 2019 12:30 p.m. - 4:30 p.m.; **Closure:** N Main St between W 4th St and W 5th St. [Ward 3]*

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS

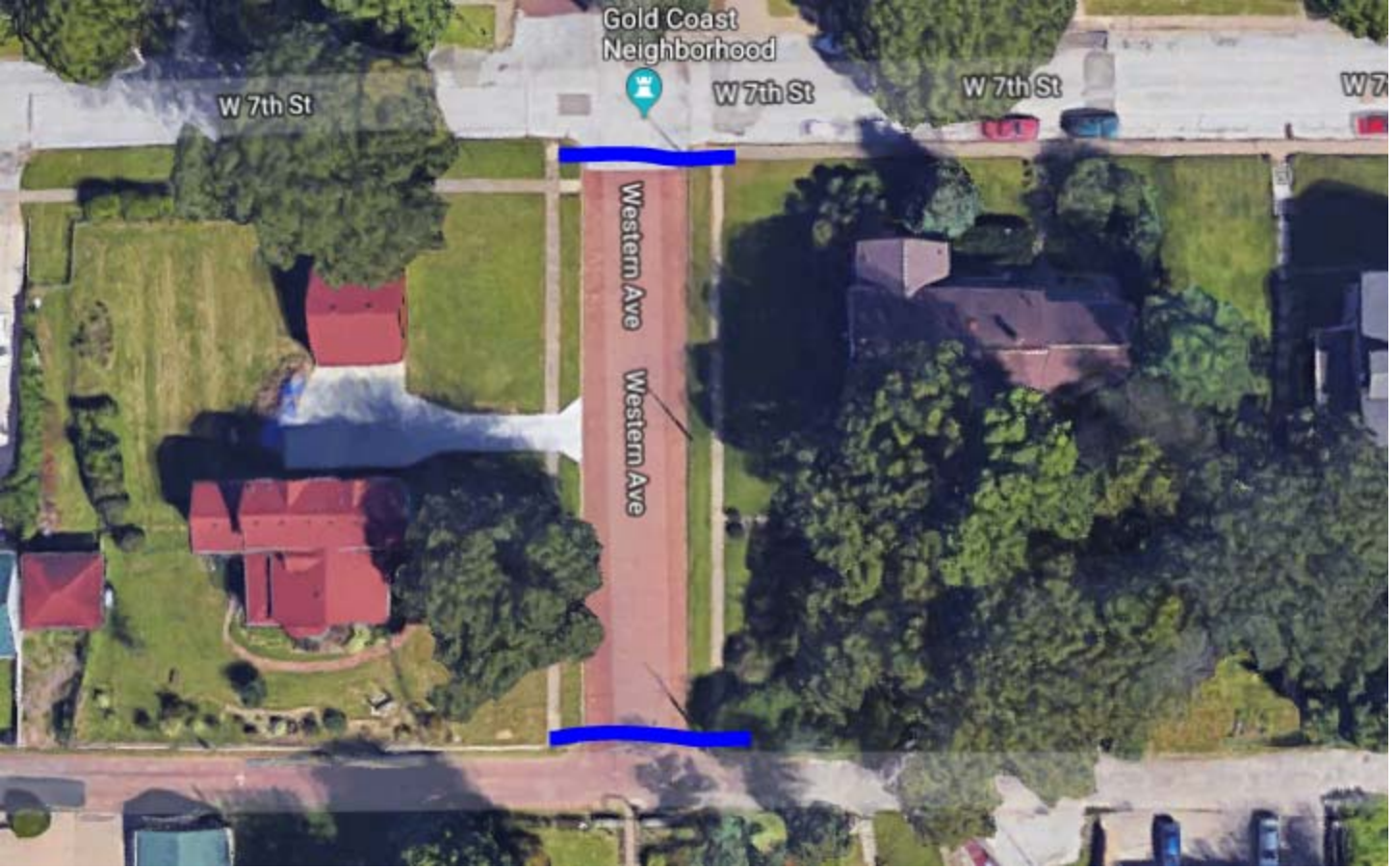
On the 29th day of June, 20 19, there is proposed a street closing, requested by CHRIST APOSTOLIC CHURCH, which will require the closing of MARQUETTE St. ALLEYES between MARQUETTE St. and TAYLOR St., during the hours of 10:AM- 5PM.

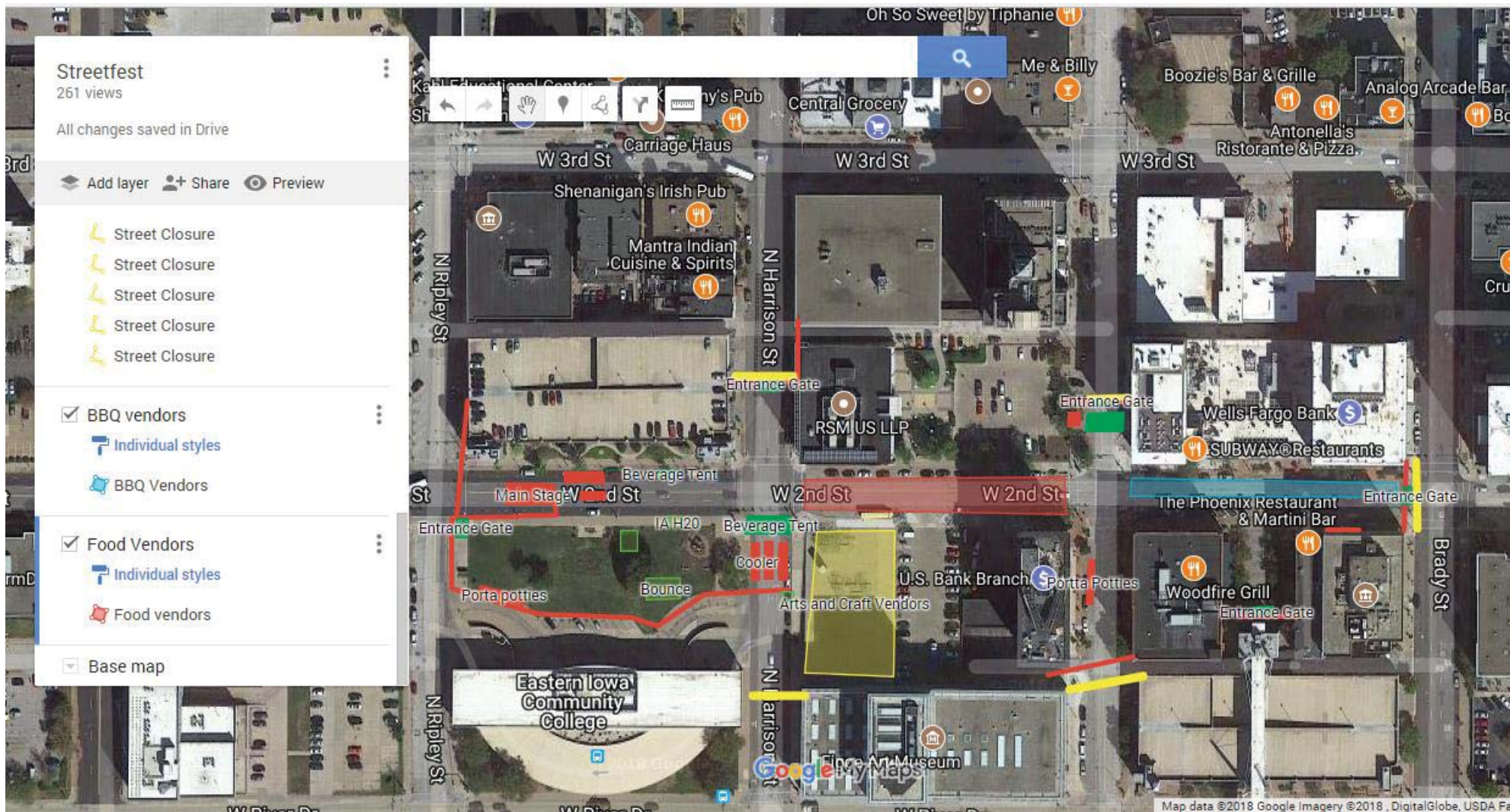
** Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

NAME AND ADDRESS	FAVOR	OPPOSED	NOT CONCERNED
<u>Joseph Hall Jr</u>	☒	☐	☐
<u>James Christman</u>	☒	☐	☐
<u>Dandra Martiny</u>	☒	☐	☐
<u>Maurice Delaney</u>	☒	☐	☐
<u>Tomas Goncalves</u>	☒	☐	☐
<u>Nancy Lugo</u>	☒	☐	☐
<u>Mary Jane Stone</u>	☒	☐	☐
<u>Kelly J. W/ 6th St.</u>	☒	☐	☐
<u>Debra Hernandez</u>	☒	☐	☐
<u>Jan Berntsen</u>	☒	☐	☐
<u>Cheryl Clepper</u>	☒	☐	☐
<u>Ralph Fearon</u>	☒	☐	☐

* If additional space is needed, please attach sheets with additional signatures.

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





Streetfest

261 views

All changes saved in Drive

Add layer Share Preview

- Street Closure
- Street Closure
- Street Closure
- Street Closure
- Street Closure

☒ BBQ vendors

Individual styles

BBQ Vendors

☒ Food Vendors

Individual styles

Food vendors

☐ Base map

CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 26th 27 day of JULY, 2019, there is proposed a street closing, requested by Downtown Davenport Partnership, which will require the closing of ~~2nd St~~ 2nd St. between Brady and Ripley, during the hours of _____.

** Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

NAME AND ADDRESS	FAVOR	OPPOSED	NOT CONCERNED
<u>JEFF HEBER, U.S. BANK, 201 W. 2nd St</u>	☒	☐	☐
<u>ESTES CONST, 131 W. 2nd St</u>	☐	☐	☒
<u>River Music Experience 129 N. Main Street</u>	☒	☐	☐
<u>CBI Bank and Trust 101 W. 2nd St.</u>	☒	☐	☒
<u>Wells Fargo 104 W 2nd St Ste 1A</u>	☒	☐	☐
<u>JA Word 116 S. 1st St</u>	☒	☐	☐
<u>Ant to THE Current Town</u>	☒	☐	☐
<u>M 1451 331 W. Phoebe</u>	☒	☐	☐
<u>Figge Art Museum</u>	☒	☐	☐
<u>Subway Dunkin' Donuts</u>	☒	☐	☐
_____	☐	☐	☐
_____	☐	☐	☐

* If additional space is needed, please attach sheets with additional signatures.

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



ATTENTION:

2ND STREET (BETWEEN BRADY AND RIPLEY) WILL BE CLOSED FOR STREET FEST

WHEN: Thursday, JULY 25TH through Sunday, JULY 28TH, 2019.

WHAT: Street Fest is produced by the Downtown Davenport Partnership, a division of the Quad Cities Chamber of Commerce. Proceeds from Street Fest go to support economic development efforts downtown.

CONTACT US: Please email our Events Director, Jason Gilliland, at jgilliland@quadcitieschamber.com or call 563-823-2681.

THANK YOU,



CITY OF DAVENPORT
226 W. Fourth Street

OFFICE OF THE CITY CLERK

226 WEST FOURTH ST
563-326-6163

BLOCK PARTY APPLICATION AND STREET CLOSING PETITION

NAME OF APPLICANT Heather Keyser-Hall DATE _____

ADDRESS 6124 N Hancock Ave. Davenport PHONE 563-639-5337

EMAIL heather.hall0222@att.net

Signature of applicant below indicates acceptance of all responsibility for this block party and holds harmless the City of Davenport, its officers, agents and employees. The applicant further agrees to pay for any lost barricades or signs. The applicant understands that this is approval for the street closure only and does not grant permission for outside music or other activities.

Heather Hall

Applicant's Signature

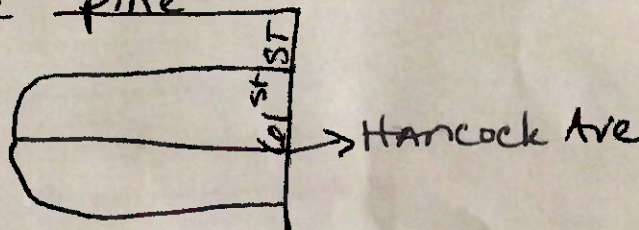
BLOCK PARTY COSTS: The cost for barricade and sign rental will be \$ 80.00 payable to the City of Davenport when this application is filed. This fee covers the costs of barricades and sign rental when the applicant is closing one block. Should there be other intersecting streets the cost may be different and if so you will be advised of the additional costs.

APPLICATION: Return this application to the City Clerk's Office, 3rd Floor, City Hall, 226 West Fourth Street at least two (2) weeks prior to the date of the block party. If you have any questions, please feel free to call 563-326-6163.

STREET CLOSING REQUEST

On July 27th 2019 (date of your block party) this Block Party will require the closing of the following street (s) Hancock Ave between the hours of 1600-2200 (Block Parties may be held until 10:00 PM ONLY). Applicant, please list street(s) to be closed and indicate such on the diagram below.

Hancock Ave Pine



All residents along both sides of the street as well as those at the intersections **MUST** sign the Street Closing Petition on the reverse side of this application.

.....
FOR OFFICE USE:

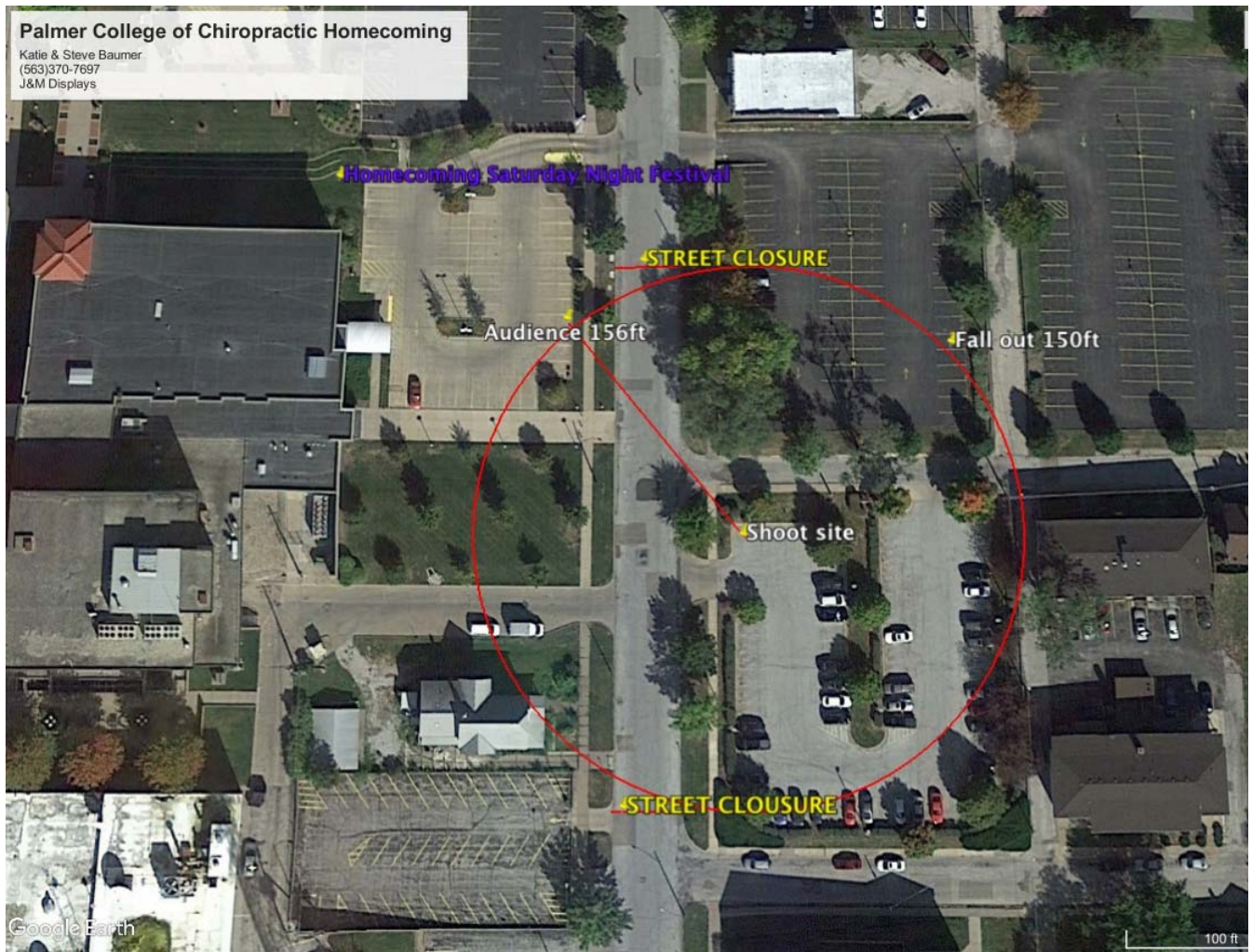
ROUTE TO: _____ TRANSPORTATION _____ POLICE _____ FIRE

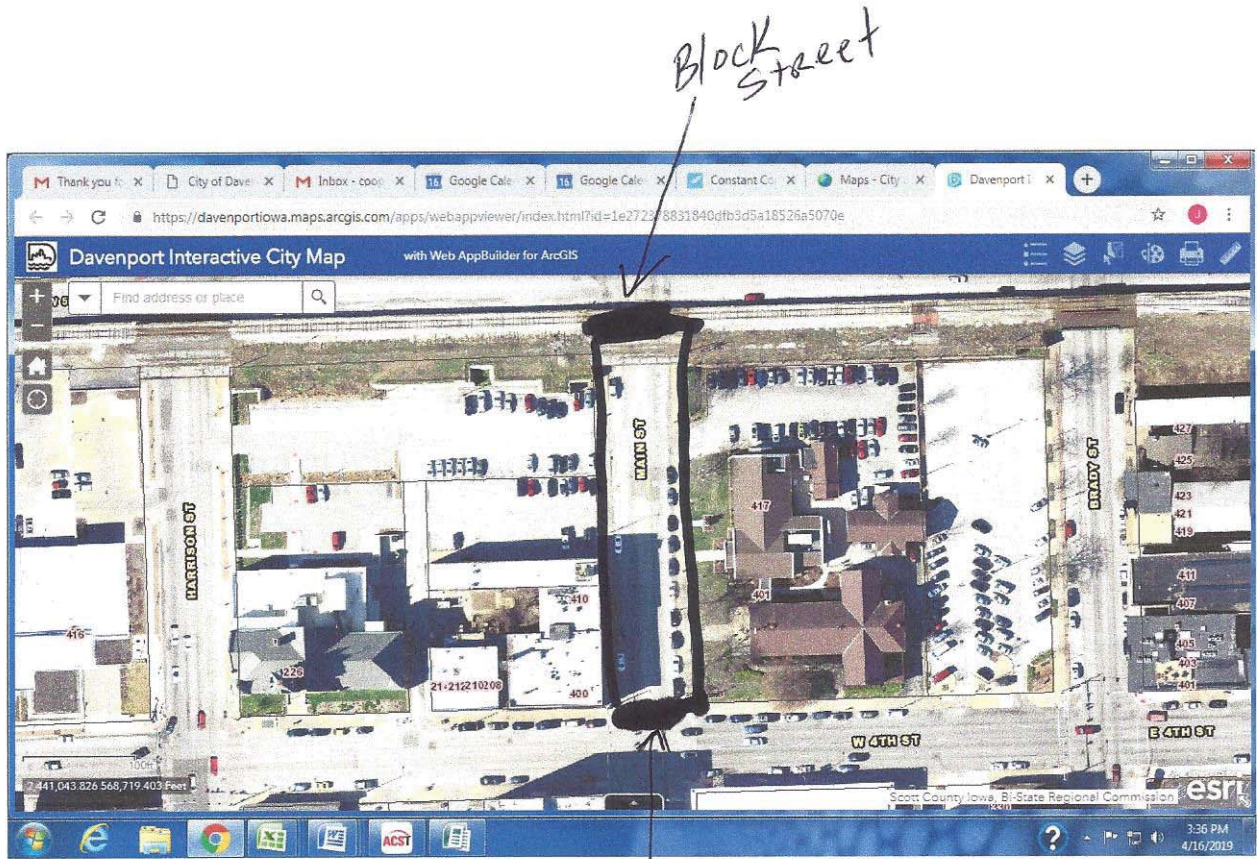
STREET CLOSING PETITION FOR BLOCK PARTIES

RESIDENTS: On the front of this petition you will find information regarding a request for a Block Party to be held in your neighborhood. Please sign below your NAME, ADDRESS and whether you are IN FAVOR OF, OPPOSED TO, or are NOT CONCERNED about the closing of the street(s) listed for this Block Party (check one, please). Applicants please list allow address along the streets you are closing and if a resident is not available please indicate.

[illegible]

If additional space is needed, please attach sheets with additional signatures.





Block Street

Street Closure

Sunday, September 8

12 p.m. to 4:30 p.m.

Main Street

Between 4th St. and 5th St.

for

St. Anthony Parish Picnic

Thank you!

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Tom Leabhart 563-327-5155
Wards:

Action / Date
6/5/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimate of cost for a permeable paver alley, from Pleasant to Lombard between Myrtle and Vine, CIP #33031. [Ward 4]

Recommendation:
Adopt the Resolution.

Background:
The project will remove the existing alley pavement from W Pleasant St to W Lombard St between Myrtle St and Vine St and construct a new permeable alley system. This new permeable alley system will include a concrete border and permeable pavers. The permeable alley system will allow for the capture and conveyance of storm water which will mitigate flooding.

Funding is available in the amount of \$154,000 thru CIP #33031.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW Pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/30/2019 - 2:24 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 2:25 PM
City Clerk	Admin, Default	Approved	6/3/2019 - 10:53 AM

Resolution No. _____

RESOLUTION offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

Resolution approving the plans, specifications, forms of contract and estimated cost for the Green Alley, Pleasant to Lombard/Myrtle to Vine, CIP #33031.

WHEREAS, plans, specifications, form of contract and an estimate of cost have been filed with the City Clerk of Davenport, Iowa, for the Green Alley, Pleasant to Lombard/Myrtle to Vine, CIP #33031.

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 for the Green Alley, Pleasant to Lombard/Myrtle to Vine, CIP #33031.

Passed and approved on this 26th day of June, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, City Clerk

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Nick Schmuecker 563-327-5162
Wards:

Action / Date
6/19/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Eastern Ave Reconstruction Project, CIP #35035. [Wards 6 & 7]

Recommendation:
Adopt the Resolution

Background:
The stretch of Eastern Avenue from E 39th St to E 43rd St was selected for full reconstruction by the City's pavement management program based on a system wide comparison of benefit to cost ratios. This project will remove existing pavement which is past its useful life and replace with new PCC that meets current material standards.

Funding for the Eastern Ave Reconstruction Project is established within CIP #35035. The current estimate is \$625,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW Pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	6/13/2019 - 11:24 AM
Public Works Committee	Lechvar, Gina	Approved	6/13/2019 - 11:24 AM
City Clerk	Admin, Default	Approved	6/13/2019 - 1:58 PM

Resolution No. _____

Resolution offered by Alderman Dunn

Resolution approving the plans, specifications, form of contract and estimate cost for the Eastern Avenue Reconstruction Project, CIP #35035.

WHEREAS, on the 6th day of June, 2019, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Eastern Avenue Reconstruction Project, CIP #35035.

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 Eastern Avenue Reconstruction Project.

Passed and approved this 26th day of June, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Sandy Doran 563-326-7756
Wards:

Action / Date
6/19/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimate of cost for the 1930's Interceptor Flow Diversion Project, CIP #30038. [Wards 3, 5 & 6]

Recommendation:
Adopt the Resolution.

Background:

The 1930's Interceptor Flow Diversion Project is the result of intensive engineering studies that found the sewer is ineffective and inefficient at transporting flows to the Water Pollution Control Plant. Extension maintenance and repairs would be required to bring the interceptor sewer into a state of good repair for continued use. Due to the high cost of those repairs and available capacity within the 1970's interceptor, the 1930's structure will be abandoned and disconnected from the existing sewer collection system. The project will remove known connections to the 1970's line, outside a small section that will continue to be utilized. This will cut off large amounts of inflow and infiltration from entering the sewer collection system during high river events and high groundwater periods. This project has been identified in the Iowa Department of Natural Resources Consent Order.

Construction funding for the project is split between FY 2020 and FY 2021 out of CIP #30038.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution Letter 1930's Interceptor Flow Diversion Project Plans & Spec's
▣ Backup Material	1930's Interceptor Flow Diversion Project Area Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Rejected	6/11/2019 - 11:55 AM
Public Works - Engineering	Doran, Sandy	Approved	6/11/2019 - 11:10 AM
Public Works - Engineering	Lechvar, Gina	Approved	6/13/2019 - 11:32 AM
Public Works Committee	Lechvar, Gina	Approved	6/13/2019 - 11:32 AM
City Clerk	Admin, Default	Approved	6/13/2019 - 1:59 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the plans, specifications, form of contract and estimate of cost for the Plans, Specifications, Form of Contract and Estimate of Cost for the 1930's Interceptor Flow Diversion Project. CIP Project # 30038.

WHEREAS, on the 6th day of June, 2019, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa for the 1930's Interceptor Flow Diversion 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, Iowa; that said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for said 1930's Interceptor Flow Diversion Project.

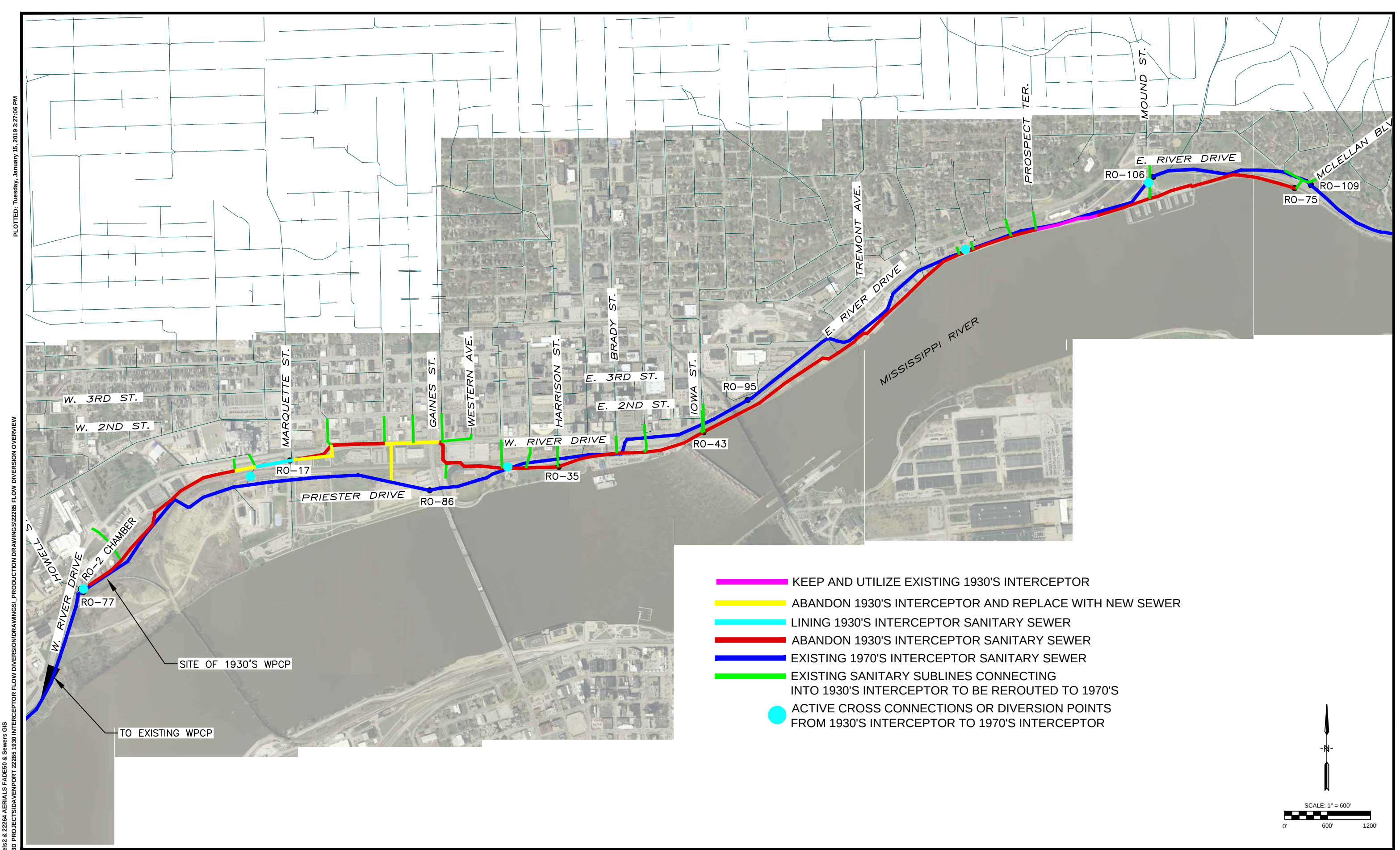
Passed and approved this 26th day of June, 2019.

Approved:

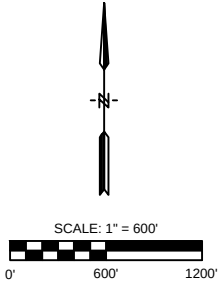
Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk



- KEEP AND UTILIZE EXISTING 1930'S INTERCEPTOR
- ABANDON 1930'S INTERCEPTOR AND REPLACE WITH NEW SEWER
- LINING 1930'S INTERCEPTOR SANITARY SEWER
- ABANDON 1930'S INTERCEPTOR SANITARY SEWER
- EXISTING 1970'S INTERCEPTOR SANITARY SEWER
- EXISTING SANITARY SUBLINES CONNECTING INTO 1930'S INTERCEPTOR TO BE REROUTED TO 1970'S
- ACTIVE CROSS CONNECTIONS OR DIVERSION POINTS FROM 1930'S INTERCEPTOR TO 1970'S INTERCEPTOR



X-REFS: Dav GIS parcels2 & 22264 AERIALS FADE50 & Sewers GIS
FILE PATH: C:\CIVIL 3D PROJECTS\DAVENPORT 22285 1930 INTERCEPTOR FLOW DIVERSION\DRAWINGS\ PRODUCTION DRAWINGS\22285 FLOW DIVERSION OVERVIEW

PLOTTED: Tuesday, January 15, 2019 3:27:06 PM

DATE		REVISIONS		SCALE		AS NOTED		VERIFY SCALE		1930'S INTERCEPTOR DIVERSION INTO JOINT USE INTERCEPTOR CITY OF DAVENPORT, IOWA			PROJECT OVERVIEW - EXISTING RIVERFRONT INTERCEPTOR SEWERS		DWG. NO.	
															1	
															PROJECT	
															22264	



1530 46th Ave • Suite 2B • Moline, Illinois 61265-7019
309-797-0171 • 309-797-0996(FAX) • 877-241-8010(WATS)

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Jen Walker 326-6168
Wards:

Action / Date
6/19/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimate of cost for the W 16th Street and Main St Streetscape Project, Project #BG250. [Ward 5]

Recommendation:
Adopt the Resolution.

Background:

This project encompasses two block faces: the east side of Main St from W 16th north until (but not including) the Main at Locust Pharmacy parcel, and the north side of W 16th St between Main St and Brady St. The design includes ornamental lights on both block faces, and the Main St block face will also receive new curbing, wider sidewalks, and street trees. No brick banding is part of this project as it is not located in the downtown corridor.

Project costs will be primarily covered by the city's FY2019 community development block grant. The current project estimate is \$278,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	page 2
▣ Exhibit	project limits

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	6/13/2019 - 11:24 AM
Public Works Committee	Lechvar, Gina	Approved	6/13/2019 - 11:24 AM
City Clerk	Admin, Default	Approved	6/13/2019 - 1:54 PM

Resolution No. _____

Resolution offered by Alderman Dunn

Resolved by the City Council of the City of Davenport.

Resolution to approve the plans, specifications, form of contract and estimate of cost for the 16th St. and Main St. Streetscape Project #BG250.

Whereas, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the 16th St. and Main St. Streetscape project; and

Whereas, Notice of Hearing on plans, specifications and form of contract was published as required by law:

Now, Therefore, Be It Resolved, by the City Council of the City of Davenport; that said plans, specifications, form of contract and estimate of cost are hereby approved for said 16th St. and Main St. Streetscape project.

Passed and approved this 26th day of June, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

D.S INDUSTRIES LLC

ASCENTRA CREDIT UNION

MEDD INVESTMENTS LLC

1706

1704

ALDI INC

1702

1606 BRADY ASSOCIATES LP

1700

W 16TH ST

BRADY ST

MAIN ST

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Clay Merritt 563-888-3055
Wards:

Action / Date
6/19/2019

Subject:
Resolution approving the second year option for the sidewalk program to Kelly Construction Inc of Davenport, Iowa in the amount of \$400,000 funded in CIP #28021. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
On May 16, 2018, the City Council approved the FY 2019 Sidewalk Program contract to Kelly Construction Inc. In the specifications of the bid it was clearly stated that this was a one-year contract, with a possible one-year renewal, if all parties agreed. Kelly Construction Inc has performed successfully under this contract and Public Works staff recommends approving the one-year renewal in the amount of \$400,000.

The sidewalk program is used to construct new and repair existing sidewalk. Locations are based on residents that have elected to utilize the 50/50 cost share program, Cartegraph requests, areas where City tree roots have caused problems, and where sidewalk connections are needed.

Funding for this will be taken from FY 2020. These funds are from the sale of general obligation bonds.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW Pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	6/13/2019 - 2:52 PM
Public Works Committee	Lechvar, Gina	Approved	6/13/2019 - 2:52 PM
City Clerk	Admin, Default	Approved	6/13/2019 - 3:34 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the second year option for the sidewalk program to Kelly Construction Inc. of Davenport, Iowa in the amount \$400,000 funded in CIP #28021.

WHEREAS, the City of Davenport entered into a contract with Kelly Construction Inc. for the Sidewalk Program in FY 2019; and

WHEREAS, the City of Davenport will exercise the second year option therefore extending the contract in the amount of \$400,000

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa that the second year option for the contract is hereby approved.

Passed and approved this 26th day of June, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Kelley Shook 563-888-3379
Wards:

Action / Date
6/19/2019

Subject:
Resolution approving the renewal of general and auto liability, property, and workers' compensation insurance, and related professional services for FY20 with multiple insurance companies in the amount of \$1,144,390. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The City has established a Risk Management Fund to account for liability, property, and workers' compensation insurance premiums, claims, and administrative costs for the Risk Management program. The strategy of the Risk Management program is to procure insurance policies to protect against catastrophic losses and to self-insure for claims up to a specific stop loss amount for each type of coverage.

It has been the practice of the City to contract with Arthur J. Gallagher & Company to serve as the agent/broker for these insurance policies. The agent/broker is paid by a combination of policy commissions. The role of the agent/broker is to make recommendations for policy enhancements and to negotiate with the various insurance markets on the City's behalf. The goal is to find the most cost-effective coverages to minimize overall risk exposure with stable insurance firms capable of handling the specialized needs of a municipal government.

The overall premiums decreased this year from \$1,164,497 to \$1,144,390, or -1.73% compared to last year. The worksheet reflects slight increases and decreases in premium, most based on changes in the ratings basis. Property valuations include an annual 4% inflation guard. The City continues to maintain lower rates per thousand when compared to similar municipalities. Additionally, it should be noted that the workers' compensation premium is down slightly due to a decrease in rates in the State of Iowa.

Attached are documents labeled "FY20 Schedule of Insurance in Force," which is a comprehensive list of policies and premiums, and a document labeled "FY20 Year Over Year Comparison," which displays the year-over-year premium comparisons for Fiscal Years 2019 and 2020, respectively.

Below is a summary of products not included in the information above:

AHRMA	renewal on January 1, 2020
Selective (Flood policies)	Various renewal dates in FY 2020
Travelers (Public Official Bonds)	renewal on January 31, 2020

All insurance products are estimated to be within budget for FY 2020.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	FY20 Schedule of Insurance in Force
▣ Backup Material	FY20 Year Over Year Comparison

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	6/13/2019 - 3:07 PM
Finance Committee	Wright, Brandon	Approved	6/13/2019 - 3:08 PM
City Clerk	Admin, Default	Approved	6/13/2019 - 3:35 PM

Resolution No. _____

Resolution offered by Alderman Matson:

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the renewal of general and auto liability, property, and workers' compensation insurance, and related professional risk management services for Fiscal Year 2019 with multiple insurance companies in the amount of \$1,144,390.

WHEREAS, the City of Davenport must renew various insurance coverages effective July 1, 2019 for Fiscal Year 2020;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the renewal of general and auto liability, property, and workers' compensation insurance, and related professional Risk Management services for Fiscal Year 2020 is hereby approved in accordance with the attached Schedule of Insurance in Force.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

CITY OF DAVENPORT						
SCHEDULE OF INSURANCE IN FORCE						
JULY 1, 2019 thru JUNE 30, 2020						
		PREMIUM				COINSURANCE OR
COVERAGE	COMPANY	2019	POLICY NUMBER	EXPIRATION DATE	AMOUNT OF COVERAGE	DEDUCTIBLE
<u>PROPERTY</u>						
City Buildings	Chubb	364,490	TBD	7/1/20	300,000,000	100,000
Contents & Fixed Equipment	Chubb - Included Above		"	"	Included Above	100,000
Stored Vehicles	Chubb - Included Above		"	"	Included Above	100,000
Boiler & Machinery	Cincinnati	23,328	BEP2664904	7/1/20	25,000,000	25,000
Flood (various locations)	NFIP/Selective	67,914	Various	Various	Various	Various
Transit Center (50% needs to be billed to SCC)	Cincinnati	7,712	ENP0029100	7/1/20	6,544,561	1,000
Employee Dishonesty/Crime	Travelers	3,693	106682997	1/31/20	1,000,000	10,000
Scattered Sites & Heritage House	AHRMA	33,259	P060189064	1/1/20	16,043,680	1,000
Hull Physical Damage	Travelers	3,250	13S3915118	7/1/20	178,182	10,000
Red Flex Van	Travelers	1,000	BA-8E565124	6/19/20	1,000,000	1,000
Fire Truck Physical Damage Coverage	One Beacon	inc.	TBD	7/1/20	Actual Cash Value	25,000
Fire Boat House	Travelers	5,380	ZPD31M6648A18	7/1/20	250,000	25,000
Fine Arts (renews 10/3/19)	XL Catlin	15,600	UM00069766SP18A	10/3/19	20,000,000	2,500/5,000
				s		
<u>LIABILITY</u>						
GL/LAW/EBL/TERRORISM/LIQUOR	One Beacon	408,705	TBD	7/1/20	1,000,000	500,000
Public Officials (City)	One Beacon - Included Above		"	"	Included Above	500,000
Auto Liability	One Beacon - Included Above		"	"	1,000,000	500,000
Umbrella	One Beacon - Included Above		"	"	20,000,000	No Deductible
Housing Authority (Incl. Public Officials)	AHRMA	9,154	LO60189070	1/1/20	2,000,000	No Deductible
Airport	Commerce & Industry Ins Co	5,515	AP003790418	7/1/20	5,000,000	No Deductible
Public Official Bond (Wright)	Travelers	6,040	106684015	1/31/20	5,000,000	No Deductible
Public Official Bond (Folland)	Travelers	6,040	106684016	1/31/20	5,000,000	No Deductible
Public Official Bond (Odean)	Travelers	6,040	106684017	1/31/20	5,000,000	No Deductible
Cyber Liability	Beazley	42,256	W25630180101	11/21/19	5,000,000	50,000
Liquor Liability	TBD	6,000	TBD	7/1/20	1,000,000	No Deductible
<u>WORKERS' COMPENSATION</u>						
Excess Workers' Compensation	Midwest Employers	129,014	EWC008321	7/1/20	Statutory	2,000,000
City has Terrorism Coverage under Liability and WC.						

CITY OF DAVENPORT
YEAR OVER YEAR INSURANCE COMPARISON
2019 vs. 2020

COVERAGE	COMPANY	2020 PREMIUM	2019 PREMIUM	\$ Change	% Change	
<u>PROPERTY</u>						
City Buildings	Chubb	364,490	388,424	(23,934)	-6.16%	
Contents & Fixed Equipment	Chubb - Included Above					
Stored Vehicles	Chubb - Included Above					
Boiler & Machinery	Cincinnati	23,328	23,328	-	0.00%	
Transit Center	Cincinnati	7,712	7,712	-	0.00%	
Employee Dishonesty/Bond	Travelers	3,693	3,693	-	0.00%	
Hull Physical Damage	Travelers	3,250	3,152	98	3.11%	
Fire Truck Physical Damage Coverage	One Beacon	inc.	16,206	(16,206)	-100.00%	
Red Flex Van	Travelers	1,000	1,000	-	0.00%	
Fireboat House	Travelers	5,380	5,120	260	5.08%	
Fine Arts (renews 10/3/19)	XL Catlin	est. 15,600	15,600	-	0.00%	
<u>LIABILITY</u>						
GL/LAW/AUTO/TERRORISM	One Beacon	408,705	401,998	6,707	1.67%	
Public Officials (City)	One Beacon - Included Above					
Claims Handling E&O	One Beacon - Included Above					
Airport	Commerce & Industry Ins Co	5,515	5,166	349	6.76%	
Cyber (renews 11/29/19)	Beazley	est. 42,256	42,256	-	0.00%	
Liquor Liability	TBD	est. 6,000	1,645			
<u>WORKERS' COMPENSATION</u>						
Excess Workers' Compensation	Midwest Employers	129,014	130,921	(1,907)	-1.46%	
Total Property, Liability, & WC Coverages		<u>1,015,943</u>	<u>1,046,221</u>	(30,278)	-2.89%	
OTHER COVERAGES	<i>(Current policies in force)</i>					
<u>PROPERTY</u>						
		POLICY RENEWAL DATE	2020 PREMIUM	2019 ESTIMATE	\$ Change	% Change
Scattered Sites & Heritage House	AHRMA	1/1/20	33,259	32,439	820	2.53%
Flood (various locations)	NFIP/Selective	Various	67,914	58,563	9,351	15.97%
<u>LIABILITY</u>						
Housing Authority (Inc. Public Officials)	AHRMA	1/1/20	9,154	9,154	-	0.00%
Public Officials Bonds	Travelers	1/31/20	18,120	18,120	-	0.00%
Total Other Coverages			<u>128,447</u>	<u>118,276</u>	10,171	8.60%
Grand Total All Coverages	Total Budget Amount		<u>1,144,390</u>	<u>1,164,497</u>	(20,107)	-1.73%
	Surplus/(Overage)					

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Bruce Berger 563-326-7769
Wards:

Action / Date
6/19/2019

Subject:
Motion accepting the Analysis of Impediments to Fair Housing. [All Wards]

Recommendation:
Pass the Motion.

Background:

Pursuant to Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) the Department of Housing and Urban Development (HUD) requires that an Analysis of Impediments to Fair Housing Choice be updated every five years. As done in the past, the City of Davenport collaborated with the cities of Rock Island and Moline through an intergovernmental agreement approved by City Council on November 22, 2016. Mosaic Community Planning, LLC was hired to complete the necessary update and has completed the document.

The scope of work included reviewing and comparing HUD, Census, and local data; housing market activity (residential sales, building permits, zoning actions, etc) and bank lending information based on Community Reinvestment Act and Home Mortgage Disclosure Act data.

Attached is the Analysis of Impediments for Fair Housing plan summary for the City of Davenport.

Approval of this motion authorizes the City Administrator to sign the AI certification stating that the City of Davenport has conducted an Analysis of Impediments to Fair Housing Choice to assess the availability of fair housing choices within the City of Davenport and will support activities to assure nondiscrimination in the provision of housing and its accompanying transactions.

ATTACHMENTS:

Type	Description
Backup Material	Overview

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	6/13/2019 - 10:56 AM
Community Development Committee	Berger, Bruce	Approved	6/13/2019 - 10:56 AM
City Clerk	Admin, Default	Approved	6/13/2019 - 1:43 PM

ANALYSIS OF IMPEDIMENTS OVERVIEW

The Cities of Davenport, Moline, and Rock Island have prepared a fair housing study known as an Analysis of Impediments to Fair Housing Choice (AI). This study discusses patterns of race, poverty, and housing needs; access to opportunity; and housing barriers in each city. It also outlines strategies the cities plan to take to improve housing choices for their residents. The study is required by the U.S. Department of Housing and Urban Development for jurisdictions that receive certain community development and affordable housing grant funds.



Community Engagement

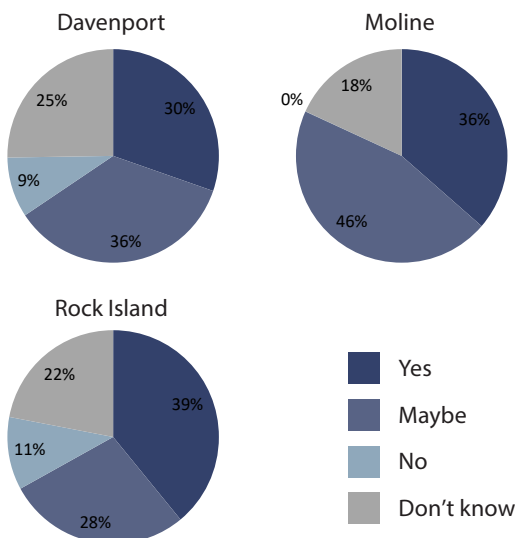
An important part of the AI involved hearing from local residents and other stakeholders. During the community engagement process, 23 people participated in interviews, 22 attended a public meeting or focus group, and 78 responded to a survey.

Survey takers' responses when asked what they like best about their neighborhood are summarized in the word cloud to the right. Top responses included safety, quiet, friendly neighbors, proximity to parks and stores, and well-maintained homes.

The majority of respondents think services like fire and police protection, garbage collection, and parks and trails are provided evenly throughout Davenport, Moline, and Rock Island. Conversely, more than 50% of survey takers think grocery stores, property maintenance, roads and sidewalks, and schools are not evenly provided.



Is housing discrimination an issue here?



Survey participants were also asked whether they think housing discrimination is an issue in their city. In each city, more than half of respondents answered either "yes" or "maybe."

Asked to select any factors that may be barriers to fair housing in their city, common answers for all three cities included:

- Displacement of residents due to rising housing costs
- Discrimination by landlords or rental agents
- Not enough affordable rental housing for individuals

Davenport and Rock Island residents identified two additional common issues:

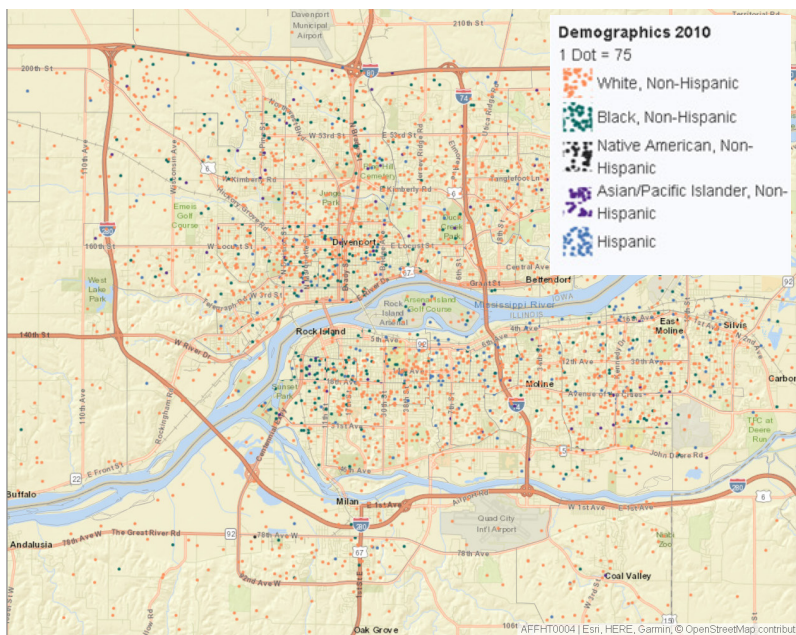
- Neighborhoods that need revitalization and new investment
- Not enough affordable rental housing for large families

DEMOGRAPHIC PROFILE

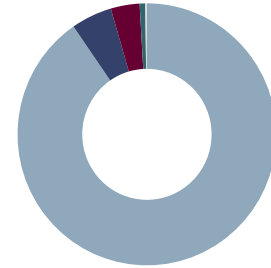
The population of the Davenport-Moline-Rock Island region has become more diverse in recent decades. Non-Hispanic white residents make up the majority of the region's population at 82%, but both their population share and number have decreased since 1990. All other population segments saw an increase in population and population share from 1990 to 2010. Black residents are the second-largest population group at 7.9%. The number of Latino residents more than doubled, and they are currently the third-largest population group at 7.6%. No other racial or ethnic group makes up more than 2% of the region's population. Asian and Native American populations more than doubled, but they remain low as overall shares of the population.

Foreign-born residents make up a small but significant share (5%) of the region. Shares vary considerably by city. In Moline, nearly one-in-ten residents is foreign-born (10%). This figure is slightly lower in Rock Island (6%) and lower still in Davenport (4%). The number of foreign-born residents more than doubled from 1990 to 2010 in Moline and Rock Island and increased by 80% in Davenport. In each city, the largest group of foreign-born residents were from Mexico. Indians also make up significant shares in each city, and other countries of origin vary by city. Limited English proficiency (LEP) population in each city typically grew at similar although slightly lower rates than the foreign-born population. Shares of residents with limited English proficiency are 2.4% in Davenport, 4.0% in Rock Island, and 6.2% in Moline. In all three cities, the most common language for the LEP population is Spanish. While the rank of other languages varies by city, African, Serbo-Croatian, Polish, French, Arabic, Vietnamese, Korean, Thai, and other Asian language are common in all three.

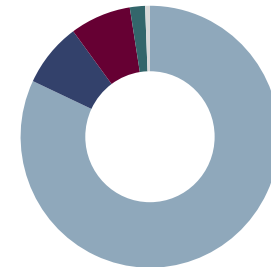
Residential Patterns and Segregation Levels



Race and Ethnicity in Davenport-Moline-Rock Island, 1990



Race and Ethnicity in Davenport-Moline-Rock Island, 2010



Demographic data indicates fairly low levels of racial and ethnic segregation within the region as of 2010. Davenport had the lowest overall segregation along with declines in segregation for most population groups since 1990. Moline also had low segregation but with some increases among groups since 1990. Rock Island had moderate segregation but with declines since 1990.

The map shows the distribution of the population by race and ethnicity in the region. It shows that density is relatively uniform and diverse throughout the city of Davenport, with slightly heavier concentrations of minority populations in the area south of Central Park Avenue between North Division Street and Bridge Avenue. Moline shows uniform spatial distribution of minority populations. Some slight patterns of racial clustering exist in Rock Island; residential population in the northwest quadrant of the city is predominantly Black and most of the Hispanic population resides in the northern half of the city.

ACCESS TO OPPORTUNITY

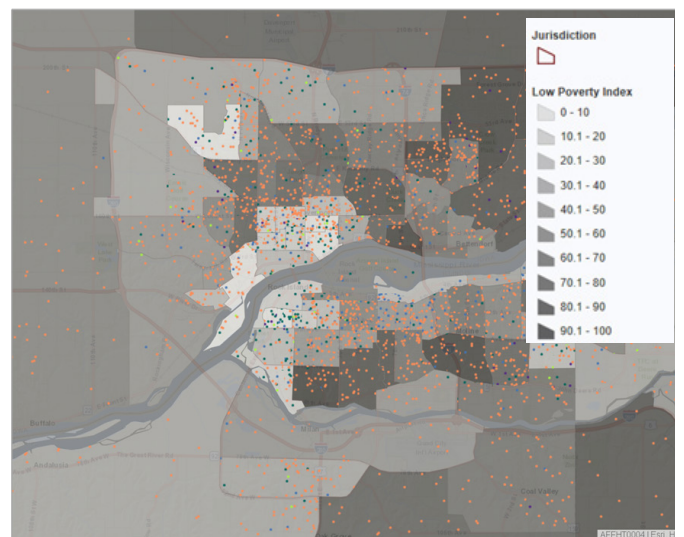
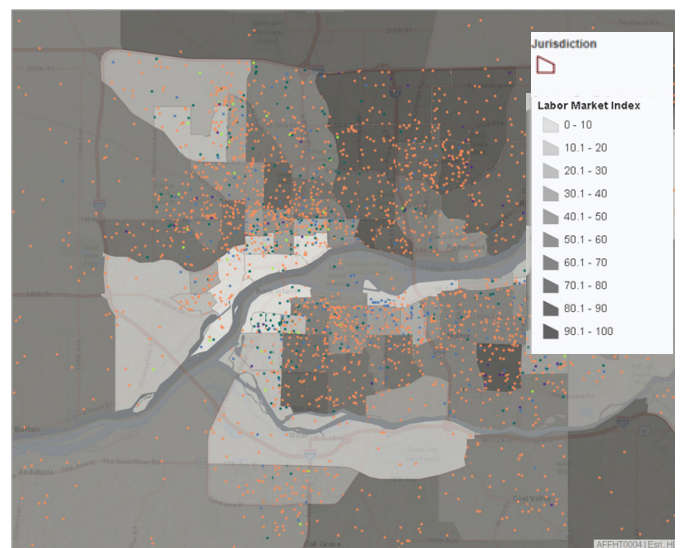
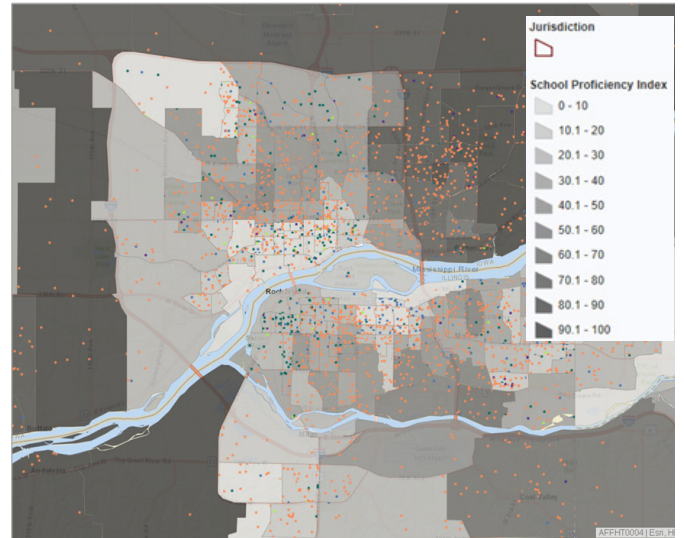
Among the many factors that drive housing choice for individuals and families are neighborhood characteristics including access to quality schools, jobs, transit, and a healthy environment. To measure these conditions at a neighborhood level, HUD developed a methodology to quantify the degree to which a neighborhood provides such opportunities. For each block group in the U.S., HUD provides a score on several “opportunity dimensions,” including school proficiency, poverty, labor market engagement, job proximity, transportation costs, transit trips, and environmental health. Higher scores (and darker shading on the maps to the right) indicate greater access to opportunity.

School proficiency is evaluated based on elementary school student performance on state reading and math exams. Using this index, there is significant variation in levels of access to proficient schools in Davenport, less variation in Moline, and even less still in Rock Island. Overlaying this map with residential patterns shows that, though the exact pattern varies by city, racial and ethnic minority residents are more likely to live in areas with lower access to proficient schools than are white residents.

HUD’s indices also show gaps in access to opportunity by race and ethnicity related to labor market engagement and poverty. Labor market engagement is based on unemployment rate, labor force participation rate, and the percent of the population age 25 and over with a bachelor’s degree or higher. The map (middle) shows that the lowest scoring block groups are located along the Mississippi River in all three cities. The scores of population groups indicate significant disparities among most populations in all three cities.

Densely populated block groups along the Mississippi River in all three cities have more exposure to poverty. Block groups that are exposed to more poverty (shown in lighter shading on the bottom map) seem to have a higher percentage of racial and ethnic minority residents, while block groups with low levels of poverty appear to be predominantly White. The city of Rock Island has the highest exposure to poverty compared to Davenport and Moline. Racial and ethnic minority populations in the city of Rock Island are exposed to significantly more poverty than the White population.

On other opportunity indices - job proximity, transit use, transportation costs, and environmental health - there is variation within and among the cities but little significant difference in residents’ access by race and ethnicity.



HOUSING NEEDS

The availability of quality affordable housing plays a vital role in ensuring housing opportunities are fairly accessible to all residents. On the surface, high housing costs in certain areas are exclusionary based solely on income. But the disproportionate representation of several protected class groups in low and middle income levels can lead to unequal access to housing options and neighborhood opportunity in high-cost housing markets. Black and Hispanic residents, immigrants, people with disabilities, and seniors often experience additional fair housing barriers when affordable housing is scarce.

Housing Needs

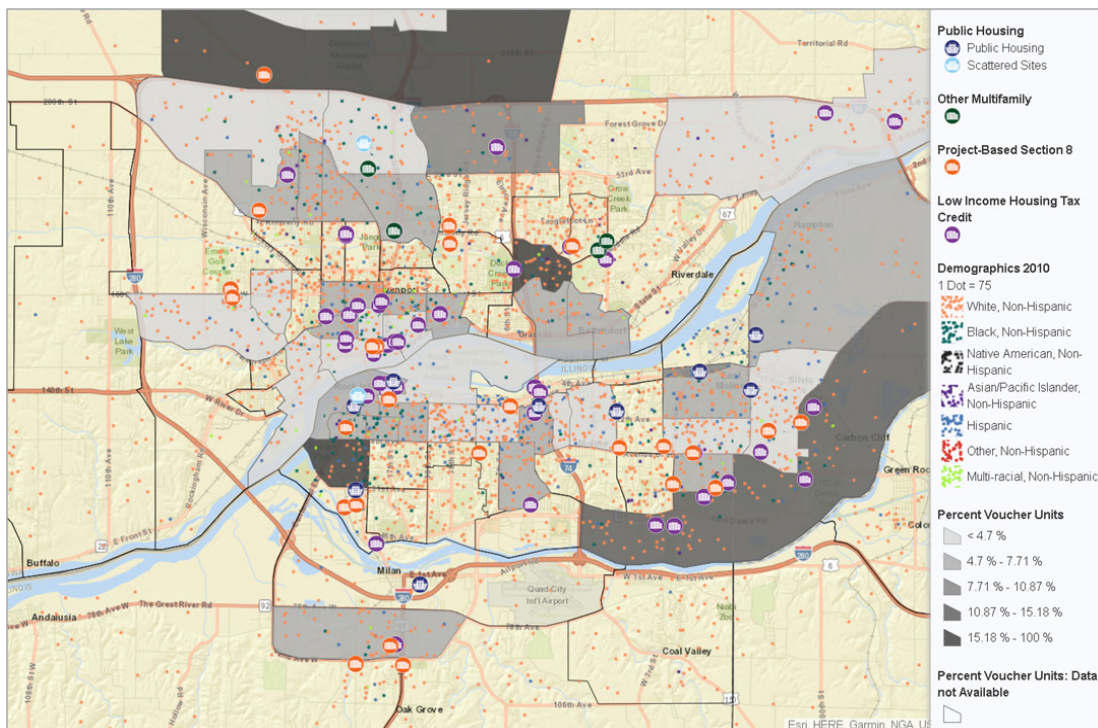
To assess affordability and other types of housing needs, HUD defines four housing problems:

1. **Cost burdens:** Monthly housing costs exceed 30% of monthly income.
2. **Overcrowding:** More than one person per room, including bed, dining, and living rooms but not kitchens or baths.
3. **Lack of complete kitchen facilities:** Lacks cooking facilities, a refrigerator, or a sink with piped water.
4. **Lack of complete plumbing facilities:** Lacks hot and cold piped water, a flush toilet, or a bathtub or shower.

In Davenport, 30% of households citywide have one or more of the four housing problems, in Moline 25%, and in Rock Island 33%. Levels of housing need vary by race and ethnicity. In Davenport, all non-white racial and ethnic group are disproportionately affected, and in Moline and Rock Island both Black and Hispanic households are disproportionately affected along with other smaller groups.

Affordable Housing Locations

The study looked at locations for public housing, project-based Section 8, Low Income Housing Tax Credit (LIHTC) units, and housing choice vouchers. For public housing, only scattered sites are located in Davenport, two are located in Moline, and four in Rock Island. The two in central Rock Island are located in areas that have higher percentages of African-American population, and one of the two in Moline is in an area that contains a larger share of Hispanic residents than the city overall. Two of the six project-based Section 8 properties in Davenport are in a racially and ethnically diverse area. In Moline, the two project-based Section 8 properties are located in areas with above average Hispanic population. In Rock Island, the project-based Section 8 properties are located in areas with above average African-American population. Housing choice voucher usage is highest in the area south of the Douglas Park neighborhood in Rock Island. Voucher use is also prevalent in the less-populated section of north Davenport north of Interstate 80 and in each of the cities' central city area.



IDENTIFICATION OF IMPEDIMENTS

Based on the data and public input collected for this analysis, the following fair housing impediments were identified. For each impediment, selected activities planned to address the impediment are shown below. The full report contains descriptions of each impediment and a complete listing of associated activities, goals, timelines, and responsible parties.

IMPEDIMENT #1:

Continued Need for an Increased Supply of Decent Affordable Housing

- Continue using CDBG and HOME funds to increase and maintain the availability of high-quality, affordable rental and for-sale housing through new construction and rehabilitation. (Ongoing, beginning Q2 2019)
- Review the Qualified Allocation Plans issued by the Illinois Housing Development Authority and Iowa Finance Authority (as appropriate) under their respective Low Income Housing Tax Credit (LIHTC) programs to identify local government policies or actions that may positively impact the competitiveness of developers' applications. For developers proposing LIHTC projects in areas with access to key community resources/opportunity factors or areas experiencing a loss of affordable rental units, work to increase the competitiveness of their applications through letters of support, provision of data and information, gap financing, and other assistance. (Ongoing, beginning Q1 2020)
- In the routine monitoring of subrecipient organizations and CHDOs, ensure that affirmative marketing plans are in place, are adhered to, and are effective in promoting affordable housing opportunities to diverse groups of residents, including people of color. (Ongoing, beginning Q3 2019)
- The cities of Davenport, Moline, and Rock Island all operate rental inspection programs to periodically assess the condition of the rental properties within their jurisdictions. The cities should assess their respective registration and inspection programs for opportunities to close loopholes and make them more effective, including consideration of increased staffing and resource allocations. (Q1, 2020)
- Organize a networking meeting between local government inspection staff and nonprofit housing assistance organizations to develop a referral protocol for situations where a tenant household may have to be displaced due to substandard housing conditions discovered in the course of an inspection. (Ongoing, beginning Q2, 2020)

IMPEDIMENT #2:

Lack of Geographic Diversity in Affordable Housing Choices

- Regular, ongoing campaigns to reach and recruit new landlords into the HCV program should be implemented by the region's housing authorities. (Ongoing, beginning Q2, 2019)
- New affordable housing development, whether by the cities with CDBG or HOME funds, the local housing authorities, or private-sector LIHTC developers should be given priority consideration when it will be located in an area that increases access to new types of opportunity not generally available in neighborhoods where existing affordable housing is located. (Ongoing, beginning Q2, 2019)
- The local public housing authorities and the private property managers of properties containing Project-Based Section 8 units should review their Affirmative Marketing Plans and consider new and creative marketing techniques to reach applicants of a wide variety of backgrounds. (Q4, 2019)
- Request that property managers at publicly supported housing developments conduct a periodic self-review of their practices and procedures, to include the racial and ethnic composition of resident-facing staff, the holidays celebrated at the property, and the content of flyers, newsletters, and wall posters to ensure inclusiveness and cultural sensitivity. (Ongoing, beginning Q1, 2020)

IDENTIFICATION OF IMPEDIMENTS (CONTINUED)

IMPEDIMENT #3:

Accessible Housing for People with Disabilities is in Short Supply

- Consider opportunities to encourage or incentivize the construction of new accessible housing units for people with disabilities.
- Consider establishing a pool of local funds to be used to hold vacated accessible and ground-floor apartments available for people with disabilities.
- Davenport and Rock Island should consider, draft, and adopt local code amendments that would provide an administrative alternative to a variance application for people requesting accommodation or modification related to a disability. (Q2, 2020)
- Moline and Rock Island should review family definitions to consider the elimination of relationship by “blood or marriage” as a basis determining whether a household qualifies as a family and/or whether caps on the number of unrelated individuals who may live together are warranted at all.
- Moline and Rock Island’s regulations relating to the siting of group homes should be clarified, with clear siting options available in residential districts and the group home definitions aligned with the codes’ respective family definitions to ensure that the treatment of people living in group homes is consistent with that of the non-disabled population.
- All three cities should review and clarify the permitted locations of housing serving people recovering from alcohol or substance abuse to include residential districts.
- Ensure local building inspectors are regularly and adequately trained to recognize and enforce accessibility standards in covered multifamily housing developments. (Ongoing, beginning Q2, 2019)
- As a component of general fair housing education offered within the community, consider a specialized workshop for multifamily developers that provides education on fair housing, the ADA, and also highlights the concept and benefits of universal design. (Ongoing, beginning Q1, 2020)

IMPEDIMENT #4:

Community Development Planning Lacks an Equity Focus

- The cities should each explore the creation of an evaluation tool that could be used to review development and policy decisions to maximize equitable outcomes (e.g. the King County Housing Development Consortium’s Racial Equity Impact Tool). (Q2, 2020)
- The cities should annually review and provide comment on the Annual Action Plans and annual PHA Plans of their neighboring municipalities to ensure they are furthering affordable housing opportunities in high-opportunity areas. (Ongoing, beginning Q1, 2020)
- New affordable housing development, whether by the cities with CDBG or HOME funds, the local housing authorities, or private-sector LIHTC developers should be given priority consideration when it will be located in an area that increases access to new types of opportunity not generally available in neighborhoods where existing affordable housing is located. (Ongoing, beginning Q2, 2019)
- As the cities’ comprehensive plans are routinely updated, staff in the respective CDBG program offices should review the proposed housing element updates and comment to planning staff on any concerns related to equity of planning policies or development plans. (Ongoing, beginning Q2, 2019)
- A broad-based and trusted local convening institution (e.g. the Quad Cities Community Foundation, United Way of the Quad Cities, Quad Cities Chamber, Augustana College, etc.) should be enlisted to create and offer a periodic anti-racism training aimed at local community leaders.

IDENTIFICATION OF IMPEDIMENTS (CONTINUED)

IMPEDIMENT #5:

Protected Classes Face Barriers to Fairly Accessing Housing

- Either using in-house staff or through a contracted provider, the cities should annually design and/or update and coordinate delivery of a regional fair housing education program that reaches the public with information about fair housing rights and responsibilities, how to recognize discrimination, and how and where to file a complaint. (Ongoing, beginning Q1, 2020)
- Identify an appropriate partner organization and coordinate a fair housing testing program directed at potential issues of steering. (Q1, 2020)
- Communicate results of fair housing testing to local officials and stakeholders; plan and implement remedial actions as may be necessary (Q3, 2020)
- Provide fair housing enforcement and education in culturally-appropriate ways, particularly to non-English speaking communities.
- Fund agencies that provide homeownership education and financial counseling for moderate-income and first time homebuyers. Work with local organizations to market these services to communities of color. (Ongoing, beginning Q2, 2019)
- Develop partnerships with credit counseling agencies to reach communities of color and build a pipeline of potential homebuyers. (Ongoing, beginning Q3, 2019)
- Meet with lenders and/or appraisers to inform them of goals for furthering fair housing and discuss lending barriers related to homeownership and community reinvestment in low-income neighborhoods. (Q4, 2019)

IMPEDIMENT #6:

Community Perceptions Influence Housing Choice

- Explore options for a community-wide event or events, such as the Quad Cities Big Table in 2018, that encourage interaction among diverse participants in neighborhoods throughout the region. Other events centered around food, music, and cultural exchange can also be supported and promoted to highlight underestimated neighborhoods within the Quad Cities. (Ongoing, beginning Q2, 2019)
- Develop and deliver community education around the concept of affordable housing and its cultural and economic value to the community.

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Sarah Ott 563-326-6167
Wards:

Action / Date
6/19/2019

Subject:
Motion directing staff to implement the Davenport DREAM Project for FY20. [Wards 1, 3, 4, 5]

Recommendation:
Pass the Motion.

Background:
The revitalization of Davenport neighborhoods, and specifically older neighborhoods within the City's core, is a priority of the Davenport City Council. In FY19 and FY20, the Council allocated money within the CIP for urban revitalization efforts. Utilizing this CIP money, along with federal CDBG money, the City will be launching the Davenport DREAM Project effective July 1, 2019. The goal of the Davenport DREAM project is to repopulate neighborhoods, rehabilitate properties, and assist in bringing vacant and abandoned properties back to useful life.

Funding for the Davenport DREAM Project in FY20 will total \$900k, with \$600k coming from the CIP and \$300k coming from CDBG. This funding will be used within the Davenport DREAM Project area (see attached map) to incent new homeowners to move to the area and to assist existing homeowners in rehabilitating their homes.

This Motion directs staff to implement the Davenport DREAM Project for FY20.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Davenport DREAM Project Overview
▣ Cover Memo	Area Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Ott, Sarah	Approved	6/13/2019 - 4:34 PM

Davenport Dream Project Overview

Overview

The revitalization of Davenport neighborhoods, and specifically older neighborhoods within the City's core, is a priority of the Davenport City Council. In FY19 and FY20, the Council allocated money within the CIP for urban revitalization efforts. Utilizing this CIP money, along with federal CDBG money, the city will be launching the Davenport DREAM Project effective July 1, 2019. The goal of the Davenport DREAM project is to repopulate neighborhoods, rehabilitate properties, and assist in bringing vacant and abandoned properties back to useful life.

Funding for the Davenport DREAM Project in FY20 will total \$900k, with \$600k coming from the CIP and \$300k coming from CDBG. This funding will be used within the Davenport DREAM Project area (see attached map) to incent new homeowners to move to the area and to assist existing homeowners in rehabilitating their homes.

New Homeowner Assistance

\$250k of the Davenport DREAM Project funding will be set aside for residents moving into the Davenport DREAM Project area. Participants will be eligible for a \$25k grant forgiven over five years. The property must be owner occupied during this period. The \$25k grant can be used for any improvements made to the property. City funds will assist with needed exterior improvements first and then remaining funds can be used towards interior improvements. Applications will be accepted on a rolling, first come, first served basis.

Existing Homeowner Assistance

\$650k of the Davenport DREAM Project funding will be set aside for existing residents in the Davenport DREAM Project area. Residents will be eligible for a \$15k grant forgiven over five years. The property must be owner occupied during this period. The \$15k grant can be used for façade and major mechanical improvements to the property. Applications will be accepted on a rolling basis with three deadlines for review throughout the year (September 1, January 1, April 1). Applications will be reviewed and scored using a priority matrix that gives preference to exterior façade improvements and outstanding code violations. Applicants must address all existing code violations in their scope of work. Applicants may not apply to use funds solely for roof replacement, but may include roof replacement in a larger façade project.

Process and Requirements

Community Planning and Economic Development staff will be administering the Davenport DREAM Project and will provide hands on assistance for residents who would like to apply for the program. When staff receives an inquiry for assistance, a rehabilitation specialist from CPED will meet the resident at their property to understand the scope of the project and identify any other property needs. After the walk through has been completed with the resident, CPED staff will assist the resident in completing the application if desired. In order to qualify, there must be no outstanding liens on the property and the homeowner must have current homeowners insurance. Contract owners are not eligible to apply.

Once a project has been approved, the rehabilitation specialists will assist the resident in receiving a minimum of two quotes from licensed contractors to complete the work. The resident will then choose their contractor and payments will be made directly to the contractor after the work has been completed. If a resident chooses to complete their own work, they will be reimbursed after the work has been completed and inspected.

Developers may be eligible for assistance for the rehabilitation of a property if the property is maintained as owner occupied after the sale of the property.

Citywide Program

In addition to the assistance available in the Davenport DREAM Project area, CDBG funding will be available for owner occupied rehabilitation projects citywide. Assistance will be in the form of a deferred loan that will be paid off when the property is sold in the future. Applicants must meet CDBG qualifications to apply.

Review and Analysis

The Davenport DREAM Project is funded through FY20 with CIP and CDBG money. Funding after FY20 will be determined by the City Council through the budget process. Staff will provide analysis to the Council on the efficacy of the Davenport DREAM Project prior to the budget process.

Davenport DREAM Project Area



City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Brian Krup 563-326-6163
Wards:

Action / Date
6/26/2019

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

Tina Hauser; 3rd St Bar & Grill 4th of July Event; 831 W 3rd St; Saturday, July 6, 2019 3:00 p.m. - 11:30 p.m.; Outdoor music/band, over 50 dBa. [Ward 3]

Quad City Times Bix 7; Starting Line Flyover/Hawkeye Howitzer Starting Gun; Race starting line at Brady St and 4th St; Saturday, July 27, 2019 8:00 a.m. - 12:00 p.m.; Over 50 dBa. [Ward 3]

Heather Hall; Graduation Party; 6124 N Hancock Ave; Saturday, July 27, 2019 3:00 p.m. - 11:00 p.m.; Outdoor music, over 50 dBa. [Ward 2]

J&M Displays Inc; Palmer College of Chiropractic Homecoming Fireworks; Palmer parking lot northeast corner of E 9th St and Perry St; Saturday, August 10, 2019 between 9:00 p.m. and 9:30 p.m. (may vary depending on event); Fireworks, over 50 dBa. [Ward 3]

Recommendation:
Pass the Motion.

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

ATTACHMENTS:

Type	Description
▣ Backup Material	Bix Flyover Map
▣ Backup Material	Bix Flyover Plan
▣ Backup Material	Bix Flyover Info

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	5/15/2019 - 10:15 AM

Bix Flyover Addendum

Mission Objective; Support the Bix 7 road race with a four ship formation fly over at the conclusion of the national anthem just prior to the beginning of the Bix 7 running event on Saturday July 27th at approximately 8am.

Over view; Flight of (5) North American T-6 Texan aircraft will launch from Davenport Airport, IA (KDVN) and hold over the Intersection of I-80 and Brady Street/Rte. 61 . Flight is to be called in by way of observer on ground. Flight plan is a North to South run, one pass, at 500 AGL.

Flight Plan; Flight is expected to depart KDVN at 0740 hrs and form up at Holding Point (N41 35 44.44 W090 34 13.04) at 2300MSL (1500 AGL). The flight will maintain radio contact and a squawk with Quad City Approach Control. Systems checks will be performed at that time along with “go-no go” decision made by flight leader. The flight will hold at Holding Point until ground personnel call flight inbound at start of national anthem. The ingress will be at 150 mph and not lower than 1800 MSL (1000 AGL) until the Descent Point at the intersection of Brady Street and Locust Street (N41 32 17.56 W090 34 25.53) at which time the flight will start a gradual descent from 1000 AGL to arrive at the Center Point (N41 31 20.74 W090 34 26.27) 500 AGL. After passing the flyover Center Point flight will begin a gradual climb back to 1000 AGL and commence a turn to the Southwest and continue climb while coordinating with Quad City Approach control for return to KDVN.

Contingency Planning/Risk Mitigation;

Risk: Engine Failure during flyover portion of profile.

Risk Mitigations:

1. Pre-flight briefing will cover engine failure and glide procedures of the T-6 Texan.
2. Flight Lead will conduct and airborne systems check upon reaching hold point. Any questionable aircraft issues will be instructed to return to KDVN.
3. During ingress prior to descent point any aircraft issues will be dealt with by a climb and a turn back to the KDVN.
4. After descent point any aircraft issues will be dealt with an immediate climb trading excess airspeed 150 MPH for altitude while decelerating to best glide speed of 100 MPH. The aircraft with the malfunction will continue straight ahead toward the Mississippi River for possible ditching if required.
5. T-6 Flight Manual (Figure 3-2 Maximum Glide Chart) shows a glide distance of 1.8 statute miles per 1000 feet of altitude at best glide speed of 100 MPH.

Distance from Descent Point to River Approximately 1.35 miles

Distance from Center Point to River Approximately 0.25 miles

At the planned ingress speed we will be able to trade kinetic energy for potential energy and be able to make the river from any point after the Descent Point or from any portion of the flight below 1000 AGL.

Flyover Request Form

PLACE OF FLYOVER: Davenport, Iowa **DATE:** 27 Jul 2019

EVENT: 45th Annual Quad City Times Big 7 Road Race

TIME : Race Begins at 0800 after the National Anthem **BACK UP TIME: 0756 or 0757 Actual**

(A block of time i.e. 1000 —1100 AM, has the best chance of being approved. Provide back up time if possible)

FLYBY POINT OF CONTACT : MSG- US Army Retired Gerald N. (Jerry) Dykes and

DOD Retired - Darrell Thomas

(Required for notification of flyby cancellation due to inclement weather conditions. Phone number should be for day of flyover.)

ADDRESS & PHONE NUMBER : 4509 North Thornwood Avenue, Davenport, Iowa 52806

(563) 386-3138 Day of the event Cell (563) 505-7788 or 6716 Brookview Lane, Davenport,

IA 52806 (309) 428-4140 Day of the event.

DESCRIPTION OF FLYBY: Request Aircraft entering from the Mississippi River (NE direction) , left at Coordinates 41 52 04 N, 90 57 42 W — Proceed up Brady Street over crowd of competitors below — Pass over reviewing stand at 4th and Brady Street at coordinates 41 52 37N, 90 57 43W — Continue on path up Brady street hill and split at Coordinates 40 52 82N, 90 57 41W. Reform and return to Davenport Municipal Airport. Mission Complete. MAP ATTACHED

(I.e. North to South over school stadium. Flyovers are restricted to one pass at 1000' AGL, at a speed of 300 kts, and maximum of four aircraft.)

EXACT FLYBY LOCATION - (LAT/LONG with tenths and hundredths of digits, not minutes and seconds (example: N 42° 09' 53" = N 42.1647°) — the more accurate the information, the more accurate the flyby) N42 52' 82" W90 57' 41" ELEVATION: 1000'

A map with coordinates can be downloaded at the following web site. <http://www.topozone.com/>
Enter the name of nearest city and state. Press "search" button and a table will open with the name of the city in color. Click on the city and a map will open. Please check the following selections on the left hand toolbar.

USGS TOPO MAPS: 1:24KJ25K MAP SIZE: MEDIUM VIEW SCALE: 1:50,000
COORDINATE FORMAT: DD.DDD DATUM: WGS84/NAD83 SHOW TARGET

Once these are selected, click on the location where the flyby should occur. A red symbol should appear at that spot and the coordinates displayed at the top of the map. Print a hardcopy and send it to the location below.

Return to: MSG US Army Retired Gerald N. (Jerry) Dykes

4509 North Thornwood Avenue

Davenport, Iowa 52806

Email: MSGJerry@q.com

Phone: 563-386-3138

Fax: 563-386-3138

DOD Retired Darrell Thomas

6716 Brookview Lane

Davenport, IA 52806

Phone: 309-428-4140

Continuation sheet for: Fly over request : Bix 7 Road Race — 27 Jul 2019

Significant Landmarks from the Air:

#1 Wells Fargo Bank Building	41 52 26N 90 57 85W	18 Story
#2 Mississippi Hotel Building	41 52 26N 90 57 41W	12 Story
#3 Mid-American Energy Building	41 52 26N 90 57 28W	18 Story
#4 Radisson Hotel	41 52 26N 90 57 41W	7 Story
#5 Masonic Temple	41 52 67N 90 57 44W	12 Story

Locations annotated on TOPO map provided.

City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Sherry Eastman 563-326-7795
Wards:

Action / Date
6/19/2019

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

Mary's on 2nd "Pride Fest" (Birdland, Inc.) - 832 W 2nd St - Extended Outdoor Area rescheduled for June 28, 2019 - June 29, 2019 - License Type: C Liquor

Paradigm (ChalkBITES Inc) - 320 E 2nd St. - License Type: B Beer

Street Fest (Quad Cities Chamber of Commerce) - 2nd St from Brady St to Ripley St - Outdoor Area July 25, 2019 - July 26, 2019 - License Type: Beer / Wine

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 N Brady St, Ste 3 into parking lot - Extended Outdoor Area August 3, 2019 - August 4, 2019 "Back to School Bash" - License Type: C Liquor

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

Ward 1

Veterans of Foreign Wars, F.W. Galbraith Post #828 (Veterans of Foreign Wars, F.W. Galbraith Post #828) – 101 S Linwood Ave – License Type: A Liquor

Ward 3

Frick's Tap (LBLN, LLC) – 1402 W 3rd St – Outdoor Area – License Type: C Liquor

Ward 6

Red Lobster #0133 (Red Lobster Restaurants, LLC) – 3420 E Kimberly Rd – License Type: C Liquor

Sam's Club #8238 (Sam's West Inc) – 3887 Elmore Ave – License Type: E Liquor / C Beer / B Wine

Super Target T-533 (Target Corporation) – 5225 Elmore Ave – License Type: E Liquor / C Beer / B Wine

Ward 7

The Filling Station (Bar Management, LLC) – 305 E 35th St – Outdoor Area – License Type: C Liquor

Panchero's Mexican Grill (FMDAV, LLC) – 902 W Kimberly Rd, Ste 21 – Outdoor Area – License Type: B Beer

Recommendation:
Pass the Motion.

Background:

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

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	6/13/2019 - 3:09 PM
Finance Committee	Wright, Brandon	Approved	6/13/2019 - 3:09 PM
City Clerk	Admin, Default	Approved	6/13/2019 - 3:38 PM

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Brian Schadt 563-326-7923
Wards:

Action / Date
6/19/2019

Subject:
Motion approving the plans, specifications, forms of contract, and estimate of cost for the Division Street Soccer Complex Parking Lot Resurfacing, CIP #64062. [Ward 8]

Recommendation:
Pass the Motion.

Background:
This project includes adding a new 2" surface layer of asphalt to approximately 5,000 square yards adjacent to the main center drive, adjustment of the existing storm water intake, and rock and soil work to match the new surface into the existing side slopes.

Estimate of cost is \$90,000, CIP #64062.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	6/13/2019 - 11:22 AM
Public Works Committee	Lechvar, Gina	Approved	6/13/2019 - 11:23 AM
City Clerk	Admin, Default	Approved	6/13/2019 - 1:48 PM

City of Davenport

Agenda Group:
Department: Public Works Committee
Contact Info: Brad Guy 563-327-5105
Wards:

Action / Date
6/19/2019

Subject:
Motion approving an amendment to the contract with CDMI Concrete Contractors for the Elmore Ave Patching Project in the amount of \$58,000, CIP #35035. [Ward 6]

Recommendation:
Pass the Motion.

Background:
During construction of the Elmore Avenue Patching Project, additional areas of full depth patching and joint rehabilitation have been identified by the Engineering Division as needing addressed under the current contract. This additional work will provide a better driving surface and help prevent further deterioration of the road.

The work required for this contract amendment is estimated at \$58,000 which has been budgeted and is available in CIP #35035.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	6/13/2019 - 11:22 AM
Public Works Committee	Lechvar, Gina	Approved	6/13/2019 - 11:22 AM
City Clerk	Admin, Default	Approved	6/13/2019 - 1:44 PM