

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, June 5, 2019; 5:30 PM

City Hall, 226 W 4th Street, Council Chambers

- I. Moment of Silence
- II. Pledge of Allegiance
- III. Roll Call
- IV. Meeting Protocol and Decorum
- V. City Administrator Update
- VI. Public Hearings

A. Community Development

- 1. Public Hearing on the 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). [Ward 6]
- 2. Public Hearing 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. [Ward 8]

THE PLAN AND ZONING COMMISSION RECOMMENDS DENIAL OF THE REQUEST. A 3/4TH MAJORITY IS REQUIRED.

B. Public Works

- 1. Public Hearing on the plans, specifications, forms of contract, and estimate of cost for the FY20 Sanitary Sewer Repair Program, CIP #30049. [All Wards]
- 2. Public Hearing on the plans, specifications, forms of contract, and estimate of cost for the Civic Access (ADA Ramp) Program Project, CIP #28024. [All Wards]
- 3. Public Hearing 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. [Ward 4]
- 4. Public Hearing 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. [Ward 2]

C. Finance

- 1. Public Hearing 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. [Ward 3]

2. Public Hearing for proposed action by the City of Davenport to authorize the renewal of electric and natural gas franchise agreements with MidAmerican Energy Company. [All Wards]

VII. Presentations

- A. Mr. Henry Langrehr Day Proclamation - June 6, 2019

VIII. Petitions and Communications from Council Members and the Mayor

- A. Community Engagement Update - Alderwoman Meginnis

IX. Action items for Discussion

COMMUNITY DEVELOPMENT

Rita Rawson, Chairman; Ray Ambrose, Vice Chairman

I. COMMUNITY DEVELOPMENT

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]
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]
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]
4. 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]
5. 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. A 3/4TH MAJORITY IS REQUIRED.

6. 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]
7. Resolution authorizing the 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). [Ward 6]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Kyle Gripp, Chairman; Maria Dickmann, Vice Chairman

III. PUBLIC SAFETY

1. 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]
2. Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events.

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***

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

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]

4. Motion approving beer and liquor license applications.

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

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Rick Dunn, Chairman; JJ Condon, Vice Chairman

V. PUBLIC WORKS

1. Resolution approving the updated fee schedule for rental licenses and inspections. [All Wards]
2. 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]
3. 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]

4. 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]
5. 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]
6. 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]
7. 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]
8. Resolution approving a three-year agreement with Cartegraph Systems LCC of Dubuque, Iowa in the amount of \$216,000. [All Wards]
9. 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]
10. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the FY20 Sanitary Sewer Lateral Repair Program, CIP #30049. [All Wards]
11. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Civic Access (ADA Ramp) Program Project, CIP #28024. [All Wards]
12. Motion approving the plans, specifications, forms of contract, and estimate of cost for the Sterilite Drainage Improvements Project, CIP #33043. [Ward 8]
13. 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]
14. 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]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Mike Matson, Chairman; Rich Clewell, Vice Chairman

VII. FINANCE

1. 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]

2. 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]
3. Resolution 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. [Ward 3]
4. 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]
5. 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]
6. Motion approving the purchase of two (2) replacement 9,300 GVW pickup trucks with options from Stivers Ford in Waukegan, IA in the amount of \$76,216. [All Wards]

VIII. Motion recommending discussion or consent for Finance items

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

1. Brown Traffic Products Inc - Vehicle detection for Locust St - Amount: \$13,044
2. Superior Seawalls Inc - Boat dock replacement and kayak landings - Amount: \$16,000
3. Elliott Equipment - 6 rolls of sewer jetting hose - Amount: \$17,640
4. Altorfer - E426 replacement engine - Amount: \$21,673.01

XI. Other Ordinances, Resolutions and Motions

XII. Public with Business

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

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

XIII. Reports of City Officials

XIV. Adjourn

City of Davenport

Agenda Group:
Department: Legal
Contact Info: Brian Heyer 563-326-7735
Wards:

Action / Date
6/5/2019

Subject:
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). [Ward 6]

Recommendation:
Hold the Hearing.

Background:
The City vacated this public right-of-way in 1960 and the neighboring property owner would like to acquire title to it.

ATTACHMENTS:

Type	Description
▯ Cover Memo	Public Hearing

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Warner, Tom	Approved	5/2/2019 - 11:21 AM
Finance Committee	Wright, Brandon	Approved	5/10/2019 - 4:33 PM
City Clerk	Admin, Default	Approved	5/22/2019 - 4:59 PM

City of Davenport

Committee: Committee of the Whole
Department:
Contact Info: Brian Heyer 7735

Action / Date
6/5/19

Subject: 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.

Recommendation: Hold the public hearing.

Relationship to Goals: Revitalized Neighborhoods and Corridors

Background: In December of 1960 the city vacated this public right of way as shown in Misc. Book 137, Page 81 of the Records in the Scott County Recorder's Office. The petitioner is the abutting property owner to the North and seeks to purchase the vacated right of way from the city.

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Ryan Rusnak 563-888-2022
Wards:

Action / Date
5/9/2019

Subject:
Public Hearing 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. [Ward 8]

THE PLAN AND ZONING COMMISSION RECOMMENDS DENIAL OF THE REQUEST. A 3/4TH MAJORITY IS REQUIRED.

Recommendation:
Hold the Hearing.

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
▢ Backup Material	Ordinance
▢ Backup Material	Plan and Zoning Commission Letter to City Council - 5-15-2019
▢ Backup Material	Public Hearing Notice
▢ 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

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	5/29/2019 - 5:55 PM
Community Development Committee	Berger, Bruce	Approved	5/29/2019 - 5:55 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 12:02 PM

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]

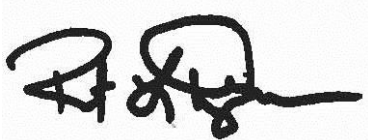
Findings offered by City Staff:

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.

Wednesday, May 23, 2019

Please publish the following public notice in the Wednesday, May 29, 2019 edition of the Quad City Times.

The PO number for this notice is: 1913536

Please provide proof of publication for our records. Please contact us at planning@ci.davenport.ia.us or 563-326-7765 with any questions.

**NOTICE
PUBLIC HEARING
WEDNESDAY, JUNE 5, 2019 - 5:30 P.M.
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
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 request:

Case REZ19-06: 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 legal description of the proposed rezoning is as follows: 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.

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.

The public hearing on the above matters are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, June 5, 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 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. 1913536

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



 Subject Property





 Subject Property





W 46TH ST

Residential General

N PINE ST

W 46TH ST

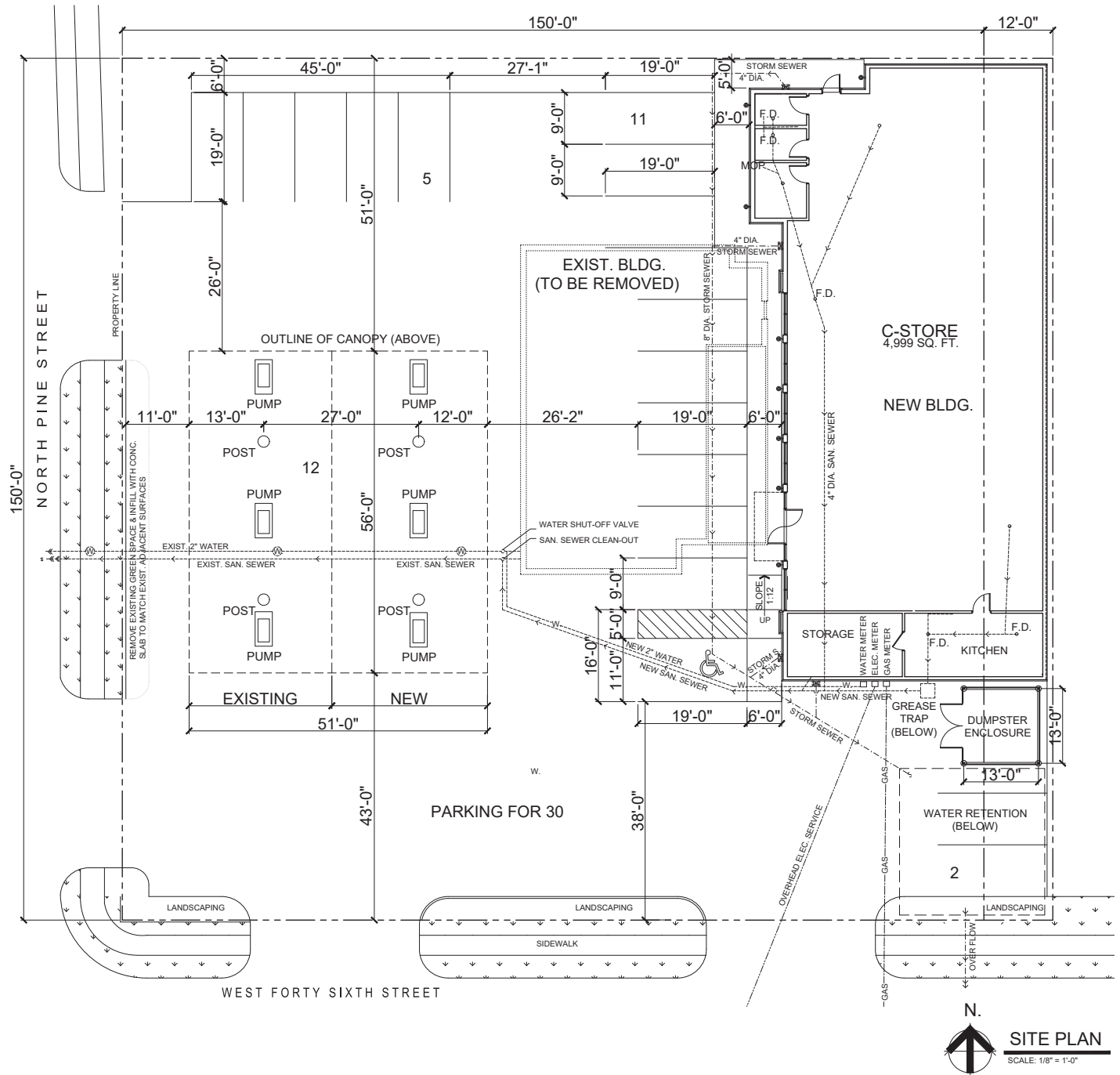
Residential General

W 45TH ST

W 45TH 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

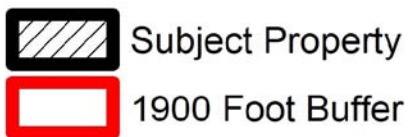
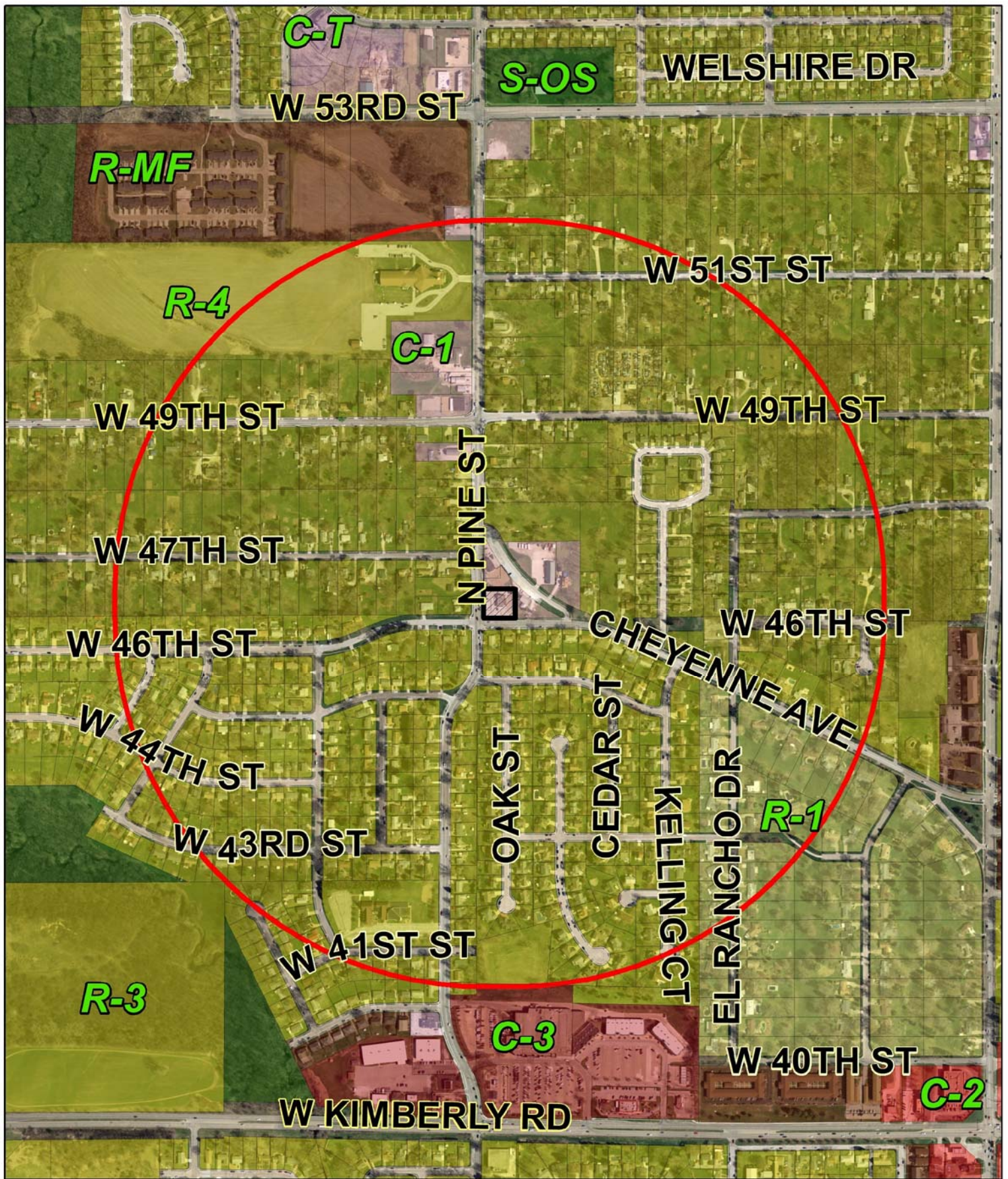
SHEET

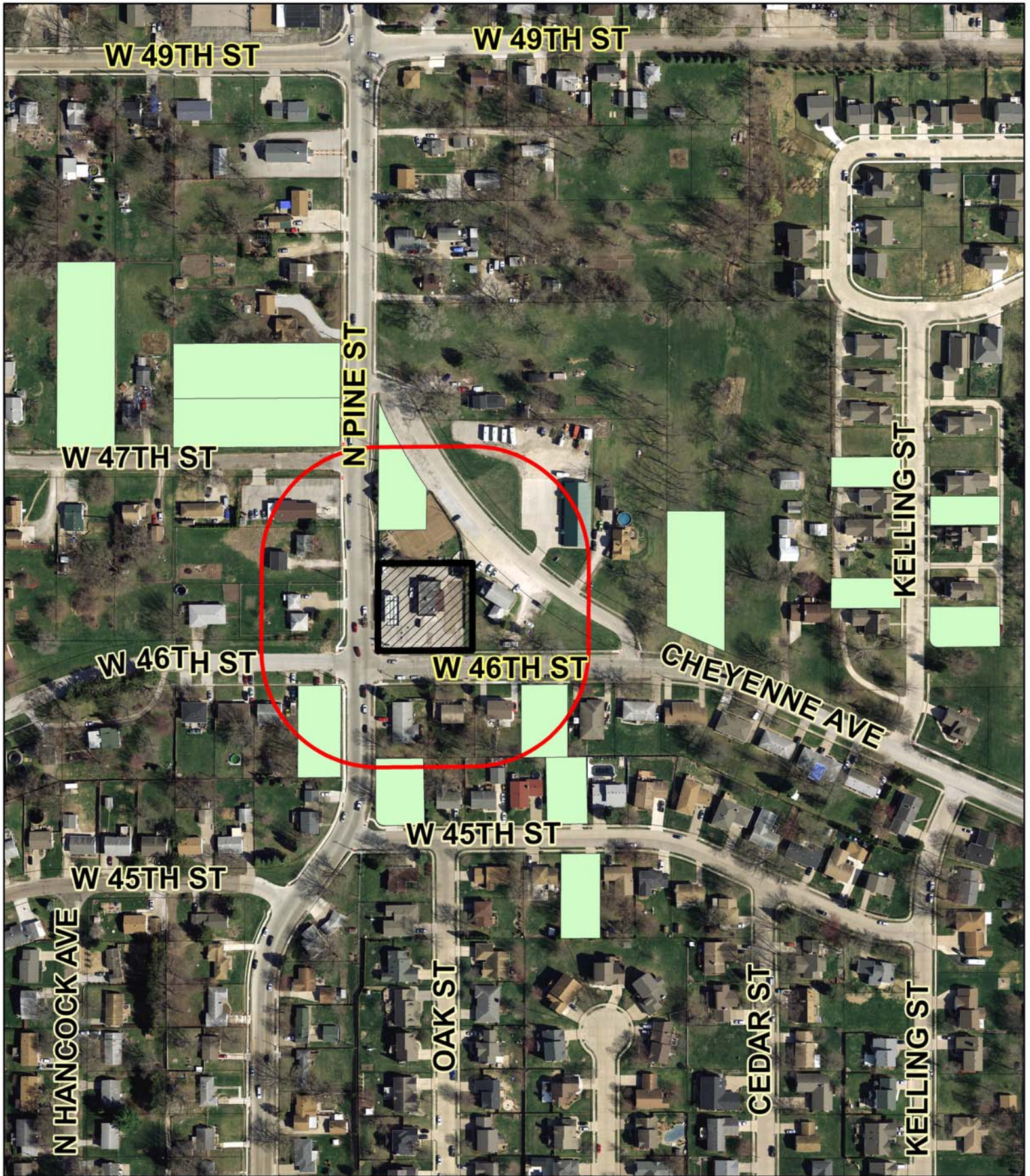
C1

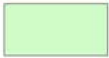
NUMBER

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
-  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.
- 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:

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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; ...

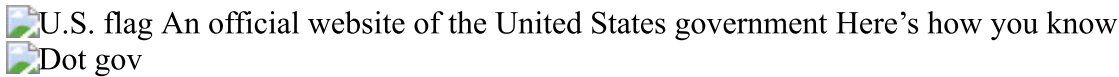
5.10.106. Carryout only liquor additional requirements.

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.



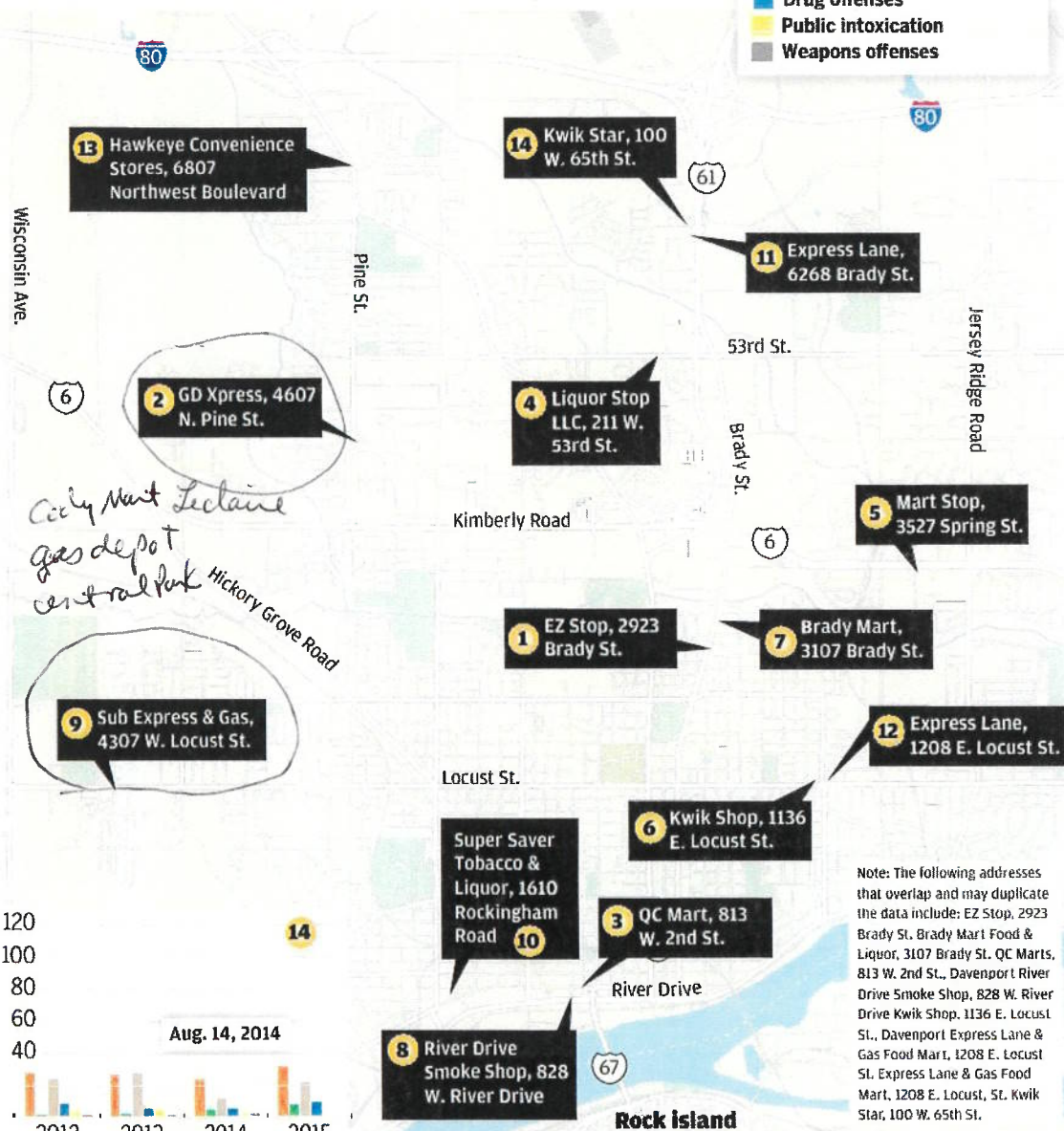






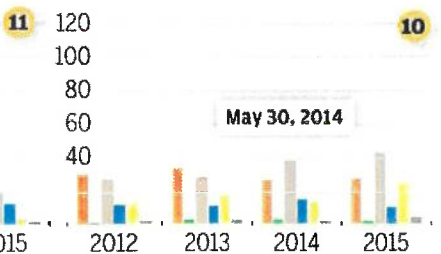
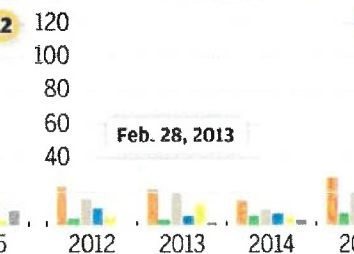
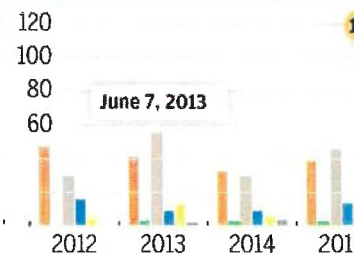
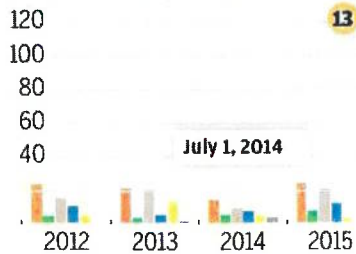
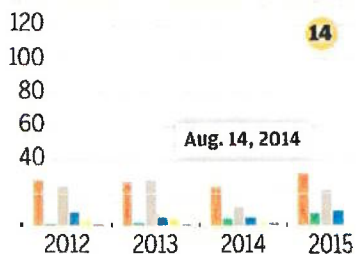
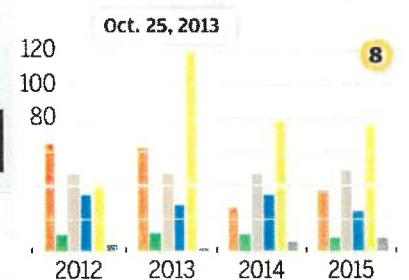
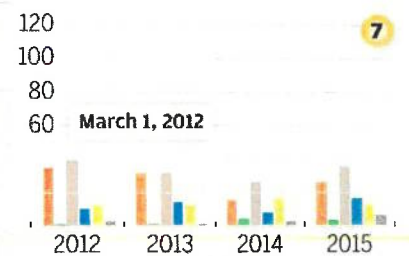
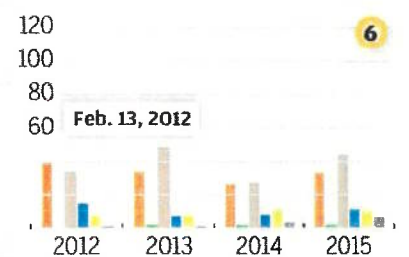
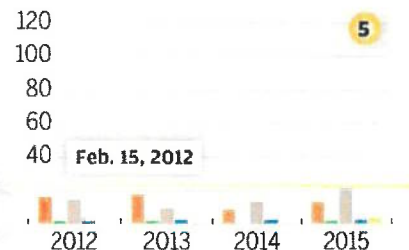
Crime near convenience, liquor stores

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.



TYPES OF INCIDENTS

- Assault (aggravated/simple)
- Robbery
- Vandalism
- Drug offenses
- Public intoxication
- Weapons offenses



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 Winkler jwminkler@yahoo.com

Jim Jensen JamesJensen811@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@yahoo.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.



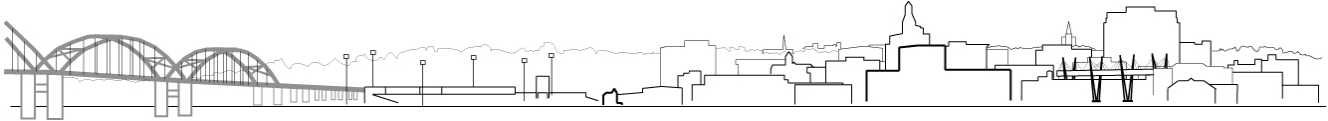
Subject Property



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?

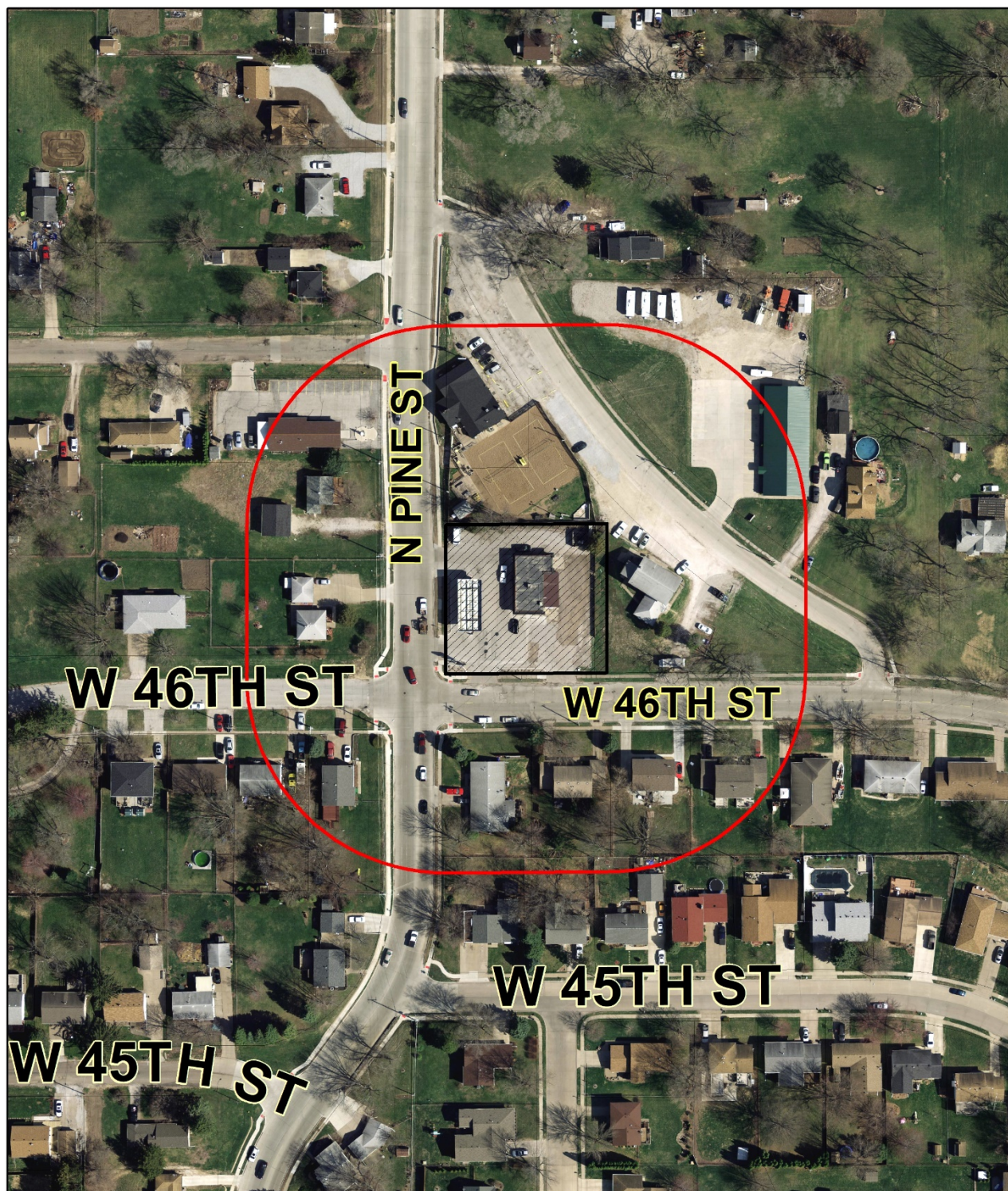
As a property owner within 200 feet of the subject property, you have the opportunity to officially comment or formally protest this request. These must be provided in writing.

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

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Brad Guy 563-327-5105
Wards:

Action / Date
6/5/2019

Subject:
Public Hearing on the plans, specifications, forms of contract, and estimate of cost for the FY20 Sanitary Sewer Repair Program, CIP #30049. [All Wards]

Recommendation:
Hold the Hearing.

Background:
This is the continuation of a program which repairs lateral sewer connections between the City's sewer main and private residences by contract. This program will provide a more reliable sanitary sewer system by repairing pipe failures and updating old materials and connections. This program will also aid in reducing the inflow and infiltration into Davenport's sanitary collection system, as well as reducing the potential for future sink holes on private property and within the City's right-of-way.

Program management will be conducted by the Engineering Division staff.

Funds for the FY20 Sanitary Sewer Lateral Repair Program are budgeted in CIP #30049 at \$1,000,000.

ATTACHMENTS:

Type	Description
▣ Backup Material	PH Publication

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/28/2019 - 3:32 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:46 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 10:59 AM

Customer Ad Proof

60067429 CITY OF DAVENPORT - LEGALS

Order Nbr 40691

Publication

Quad-City Times

Contact CITY OF DAVENPORT - LEGALS

Address 1 226 W 4TH ST

Address 2

City St Zip DAVENPORT IA 52801

Phone 5638882074

Fax 5633286742

Section Notices & Legals

SubSection

Category 2520 Miscellaneous Notice

Ad Key 40691-1

Keywords Notice of Hearing On the Propo

Notes

PO Number 1913796

Rate Legal

Order Price 18.77

Amount Paid 0.00

Amount Due 18.77

Start/End Dates 05/30/2019 - 05/30/2019

Insertions 1

Size 27

Salesperson(s) Obits Legals O10

Taken By Anastasia Sperling

Ad Proof

Notice of Hearing

On the Proposed Plans, Specifications and Proposed Contract for the F.Y. 2020 Sanitary Sewer Lateral and Nuisance Water Service Repair Program
For the City of Davenport, Iowa
Notice is hereby given that at 5:30 P.M., on Wednesday, June 5th, 2019, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on the Proposed Plans, Specifications and Proposed Contract for the F.Y. 2020 Sanitary Sewer Lateral and Nuisance Water Service Repair Program which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa, and on the cost and necessity of the above project in the City of Davenport, Iowa.
At said hearing any interested person may file written objection or comments with respect to the F.Y. 2020 Sanitary Sewer Lateral Repair Program or cost of and necessity for such improvements and may be heard orally with respect thereto.
Brian Krup,
Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Eric Gravert 563-327-5125
Wards:

Action / Date
6/5/2019

Subject:
Public Hearing on the plans, specifications, forms of contract, and estimate of cost for the Civic Access (ADA Ramp) Program Project, CIP #28024. [All Wards]

Recommendation:
Hold the Hearing.

Background:
This project will provide for ADA compliant curb ramps at various locations throughout the City. This project includes the construction of curbs, associated sidewalk, hydro-seeding, erosion controls, and other work required to construct ADA compliant curb ramps. This project is estimated at \$350,000 and funded in CIP #28024.

ATTACHMENTS:

Type	Description
▢ Backup Material	PH Publication

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/29/2019 - 1:40 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:53 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:28 AM

Miscellaneous Notice

**Notice of Hearing
on Proposed Plans,
Specifications and Proposed
Contract for the
FY2020 Civic Access (ADA
Ramp) Program**

Notice is hereby given that at 5:30 P.M., on Wednesday, June 5th, 2019, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on the proposed plans, specifications and form of contract which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa, and on the cost and necessity of the above project in the City of Davenport, Iowa.

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

Brian Krup,
Deputy City Clerk

Davenport, Iowa
May 24, 2019

City of Davenport

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

Action / Date
6/5/2019

Subject:
Public Hearing 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. [Ward 4]

Recommendation:
Hold the Hearing.

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 in CIP #33031.

ATTACHMENTS:

Type	Description
▢ Backup Material	Notice of Hearing
▢ Backup Material	Location Map

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	5/30/2019 - 3:57 PM

Notice of Hearing
on Green Alley, Pleasant to Lombard/Myrtle to Vine

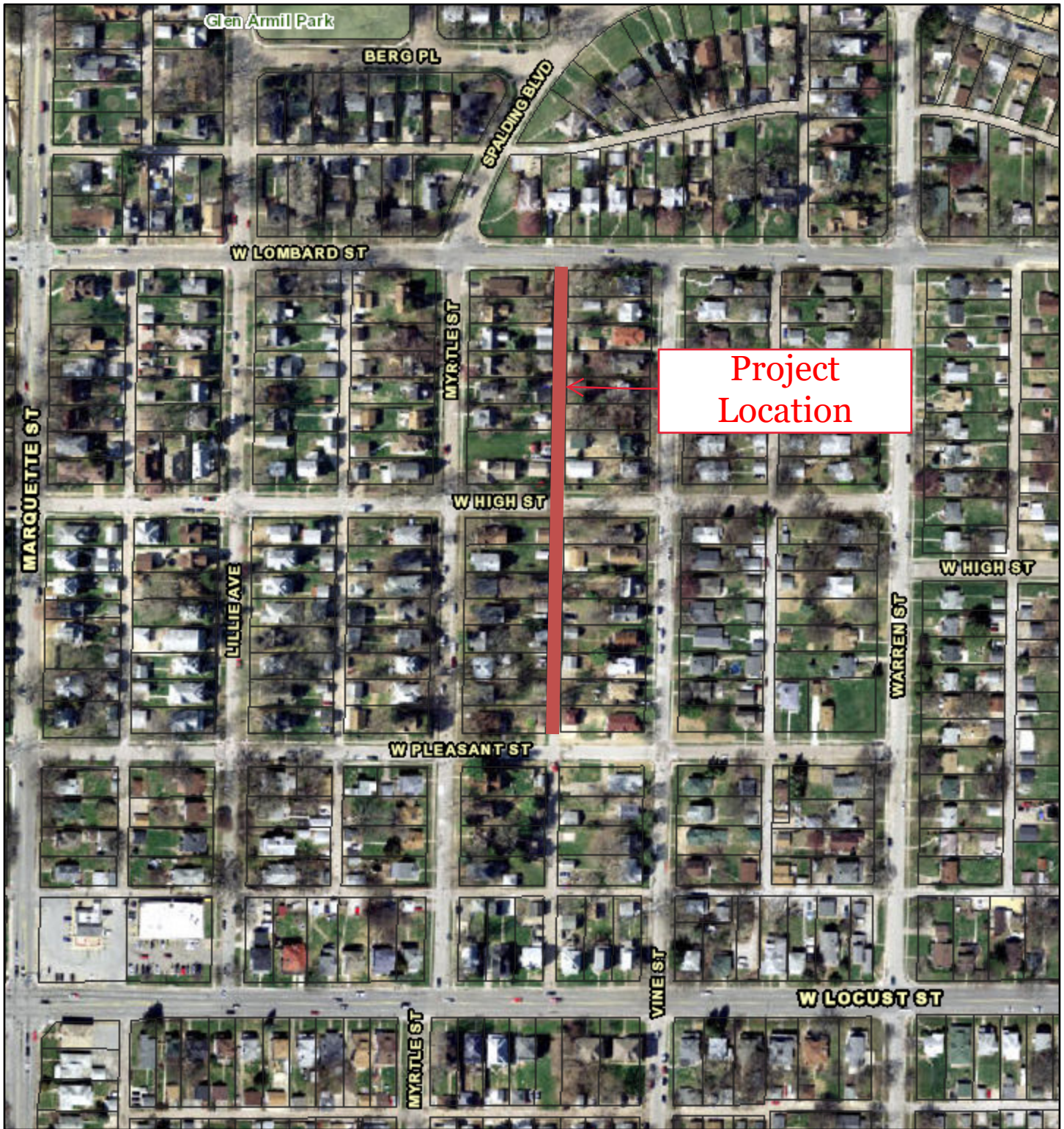
Notice is hereby given that at 5:30 P.M., on Wednesday, June 5, 2019, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on the proposed plans, specifications and form of contract which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa, and on the cost and necessity of the above project in the City of Davenport, Iowa.

At said hearing any interested person may file written objection or comments with respect to the proposed plans, specifications, form of contract or cost of and necessity for such improvements and may be heard orally with respect thereto. PO 1913896

Brian Krup,
Deputy City Clerk

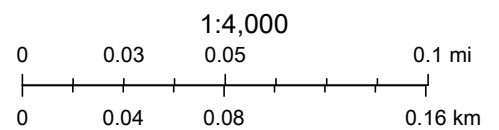
Davenport, Iowa
April 10, 2019

Project Location



5/24/2019, 10:55:07 AM

- Parks
- Parcels
- Street Centerline (Labels only)
- Named Creeks
- Unnamed Tributaries
- Piped Creeks
- City Limit



Scott County Iowa, Bi-State Regional Commission

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Amy Kay 563-327-5160
Wards:

Action / Date
6/5/2019

Subject:
Public Hearing 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. [Ward 2]

Recommendation:
Hold the Hearing.

Background:
The proposed project consists of the removal of a failed gabion basket retaining wall and replacement with a concrete lego block wall on private property at 2346 W 62nd Street.

The project is a 50/50 stream bank stabilization cost share project, as outlined in Section 13.34 and the Davenport Stormwater Management Manual. The project letting is proposed for July 2019 with construction completion by September 2019. Funding for the project will be from the FY20 Clean Water Operating Budget 51251980-520228.

ATTACHMENTS:

Type	Description
Backup Material	2346 W 62nd St 50-50 Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/30/2019 - 2:25 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 2:25 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 3:59 PM

Project Location – 2346 N 62nd Street – Lego Block Wall Reconstruction

50/50 Cost Share Stream Bank Stabilization Project



City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Mike Atchley 563-327-5149
Wards:

Action / Date
6/5/2019

Subject:
Public Hearing 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. [Ward 3]

Recommendation:
Hold the Hearing.

Background:
Parcel G0049-40, 1125 W 7th St abuts property owned by The One Eighty Zone. They are asking to purchase this vacant parcel for \$300 and anticipate to use this as a community garden.

The One Eighty Zone, Inc is a non-profit organization providing community outreach to those in need.

ATTACHMENTS:

Type	Description
▣ Cover Memo	1125 West 7th Street Aerial
▣ Cover Memo	Public Hearing Notice to convey 1125 W 7th St

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Rejected	5/16/2019 - 9:36 AM
Public Works - Engineering	Atchley, Mike	Approved	5/16/2019 - 8:41 AM
Public Works - Engineering	Lechvar, Gina	Approved	5/30/2019 - 2:13 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 2:13 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 5:37 PM



NOTICE OF A PUBLIC HEARING AUTHORIZING THE MAYOR AND CITY CLERK, TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY CITY OWNED PARCEL G0049-40, 1125 W. 7th STREET TO THE 180 ZONE, INC.

Notice is hereby given that there is on file in the office of the City Attorney, City Hall, Davenport, Iowa a RESOLUTION authorizing the Mayor and City Clerk, to execute the necessary documents to convey city owned parcel G0049-40, 1125 W. 7th Street to The 180 Zone, Inc. The property is described as follows:

The East 23 feet of the North 84 feet and the East half of the South 76 feet of Lot 12 in Block 12 of GCR Mitchell's Second Addition to the City of Davenport, Iowa, together with an easement for walkway purposes over the East 3 feet of the West 41 feet of the North 84 feet of said Lot 12, granting also an easement for walkway purposes to the property just west of and adjoining the property heretofore described, a tract of land described as follows: the West 4 feet of the South 48 feet of the East half of said Lot 12 and the part of the North 28 feet of the South 76 feet of the East half of said Lot 12, more particularly described as follows: beginning at the Southwest corner of the North 28 feet of the South 76 feet of said Lot 12; thence North along the West line of the East half of said Lot 12, 28 feet; thence East along the North line of the North 28 feet of the South 76 feet of the East half of said Lot 12, 8 feet; thence in a southerly direction to a point 4 feet East to the point of beginning; thence West 4 feet to the point of beginning.

This Resolution will come on for a public hearing before the Davenport City Council, City Hall, Davenport, Iowa, on the 5th day of June, 2019, commencing at 5:30 P.M., Local Time, or as soon thereafter as the matter can be considered. At said hearing; interested persons may appear and be heard for or against said Resolution.

Brian J. Krup
Deputy City Clerk

Davenport, Iowa
May 30, 2019

Publish once May 30, 2019
QUAD-CITY TIMES

City of Davenport

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

Action / Date
6/5/2019

Subject:
Public Hearing for proposed action by the City of Davenport to authorize the renewal of electric and natural gas franchise agreements with MidAmerican Energy Company. [All Wards]

Recommendation:
Hold the Hearing.

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 and natural gas to customers.

Under the electric and natural gas franchise agreements, 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 agreements, the City of Davenport is guaranteed:

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

While these Ordinances permit 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.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	5/21/2019 - 4:02 PM
Finance Committee	Wright, Brandon	Approved	5/21/2019 - 4:02 PM
City Clerk	Admin, Default	Approved	5/22/2019 - 4:58 PM

City of Davenport

Agenda Group:

Department: Administration

Contact Info: Tiffany Thorndike x2066

Wards:

Action / Date

6/5/2019

Subject:

Mr. Henry Langrehr Day Proclamation - June 6, 2019

REVIEWERS:

Department

Reviewer

Action

Date

Administration

Thorndike, Tiffany

Approved

5/31/2019 - 3:31 PM

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 563-888-2286
Wards:

Action / Date
5/1/2019

Subject:

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]

Recommendation:

Adopt the Ordinance.

Background:

Reason for Request:

According to the petitioner, "expand development opportunities by removing the 5000 square foot limitation in current C-T classification."

Comprehensive Plan:

The property is within the Urban Service Area.

It is designated as RG, Residential General, on the Future Land Use Map. RG is defined as, "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:

No specific concerns have been noted by the Technical Review Team. Neighboring property owners have expressed concern about the existing drainage way that transects the lot. Any development occurring on the lot, as anywhere else in the City, will have to meet the City's current standards for storm water management.

Public Input:

A neighborhood meeting was held on March 7. Property owners within 200 feet were notified. Approximately 7 people attended.

A sign was posted on the property on February 25.

At the Plan and Zoning Commission Public Hearing on March 19, 2019, one person spoke in opposition.

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:

Staff's opinion is that the proposed zoning, with conditions, meets the intent of the future land use designation of RG, as it promotes transitional uses along its edges.

b. The compatibility with the zoning of nearby property.

Staff Comments:

C-OP already exists to the south and east. C-T, Commercial Transitional zoning exists to the west. R-MF, Multi-family Residential exists to the north. It is staff's opinion that the proposed C-OP zoning, with conditions, is compatible with the adjacent C-T and R-MF Zoning.

c. The compatibility with established neighborhood character.

Staff Comments:

The residential development to the north is completely built out and stable. The existing office park to the east and south has been developing over the past 20 years and is nearing completion. The proposed rezoning would allow for limited office park expansion 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 C-OP zoning, coupled with the conditions limiting uses and building height, work to promote 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 suited for either development meeting the current classification (C-T) or the proposed classification of C-OP. The petitioner has indicated current interest from potential developers for office buildings exceeding 5000 square feet on the property. Less interest has been shown to develop uses consistent with C-T zoning.

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

Staff Comments:

The property is vacant and has no non-conformities.

C-1 and C-OP Comparison Summary:

Through discussions with the petitioner, it was determined that C-OP appeared to be a better fit

than C-1, including the following reasons:

- C-1 is designed to primarily provide for neighborhood-oriented goods and services. C-OP is designed to provide for office-park like development.
- C-1 has a 70% build-to requirement, intended to orient development towards the street. C-OP allows for a more campus-like development pattern.
- C-1 allows a 15 foot rear yard setback at most. C-OP requires 25 feet.
- Uses in C-1 may generate more traffic, parking and activity spread out over the entire week, whereas C-OP may have more limited activity concentrated primarily during the Monday-Friday work day.

A more complete side by side comparison of some of the purpose statements, dimensional standards and permitted uses is attached to this report.

Conclusion:

Staff's opinion is that zoning this property C-OP, with the use and building height restrictions provide adequate protections to the neighborhood while allowing the petitioner more flexibility in who they can market the land to.

The existing zoning of C-T can accomplish that as well, but it appears that current demand for new development in the vicinity is more aligned with the uses that need C-OP zoning to move forward.

Plan and Zoning Commission Recommendation:

At its April 16, 2019 meeting, the Plan and Zoning Commission accepted the listed findings and forwarded Case REZ19-02 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The property is designated RG, Residential General, on the Comprehensive Plan future land use map.
2. RG allows for transitional uses along its edges.
3. The proposed C-OP zoning with conditions meets the intent of transitional uses under the RG Plan designation.
4. The proposed C-OP zoning with conditions adequately protects the adjoining residential property from adverse impacts.
5. There is existing C-OP zoning adjacent to the east and south; the proposed zoning is an expansion of an existing zoning district.
6. The petitioner claims that demand for office buildings of moderate scale but exceeding the current 5000 square feet maximum exists in the area.

Conditions:

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

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Ordinance
▣ Backup Material	P&Z Letter
▣ Backup Material	P&Z Vote Sheet
▣ Backup Material	Zoning Map
▣ Backup Material	Application
▣ Backup Material	Notice Map
▣ Backup Material	Future Land Use Map
▣ Backup Material	Public Hearing and Neighborhood Meeting Notices and Notified Property Owners
▣ Backup Material	Objections
▣ Backup Material	Protest: Harris
▣ Backup Material	C-1, C-OP Comparison

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	4/25/2019 - 10:17 AM
Community Development Committee	Berger, Bruce	Approved	4/25/2019 - 10:17 AM
City Clerk	Thorndike, Tiffany	Approved	4/25/2019 - 10:47 AM

ORDINANCE NO.

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 District. [Ward 6].

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.

First Consideration _____

Second Consideration _____

Approved _____

Attest:

Frank J. Klipsch Mayor

Brian Krup
Deputy City Clerk

Published in the Quad City Times on _____



*Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com*

April 23, 2019

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Subject: Case REZ19-02

Honorable Mayor and City Council:

At its regular meeting of April 16, 2019, the Davenport Plan and Zoning Commission considered the following case:

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 District; property contains 9.58 acres and is located on East 56th Street east of Utica Ridge [Ward 6].

At its April 16, 2019 meeting, the Plan and Zoning Commission forwarded this case to the City Council with a recommendation for approval, including the following conditions:

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

On a unanimous vote of 9-0, the Plan and Zoning Commission forwards Case REZ19-02 to the City Council for approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', written over a light gray rectangular background.

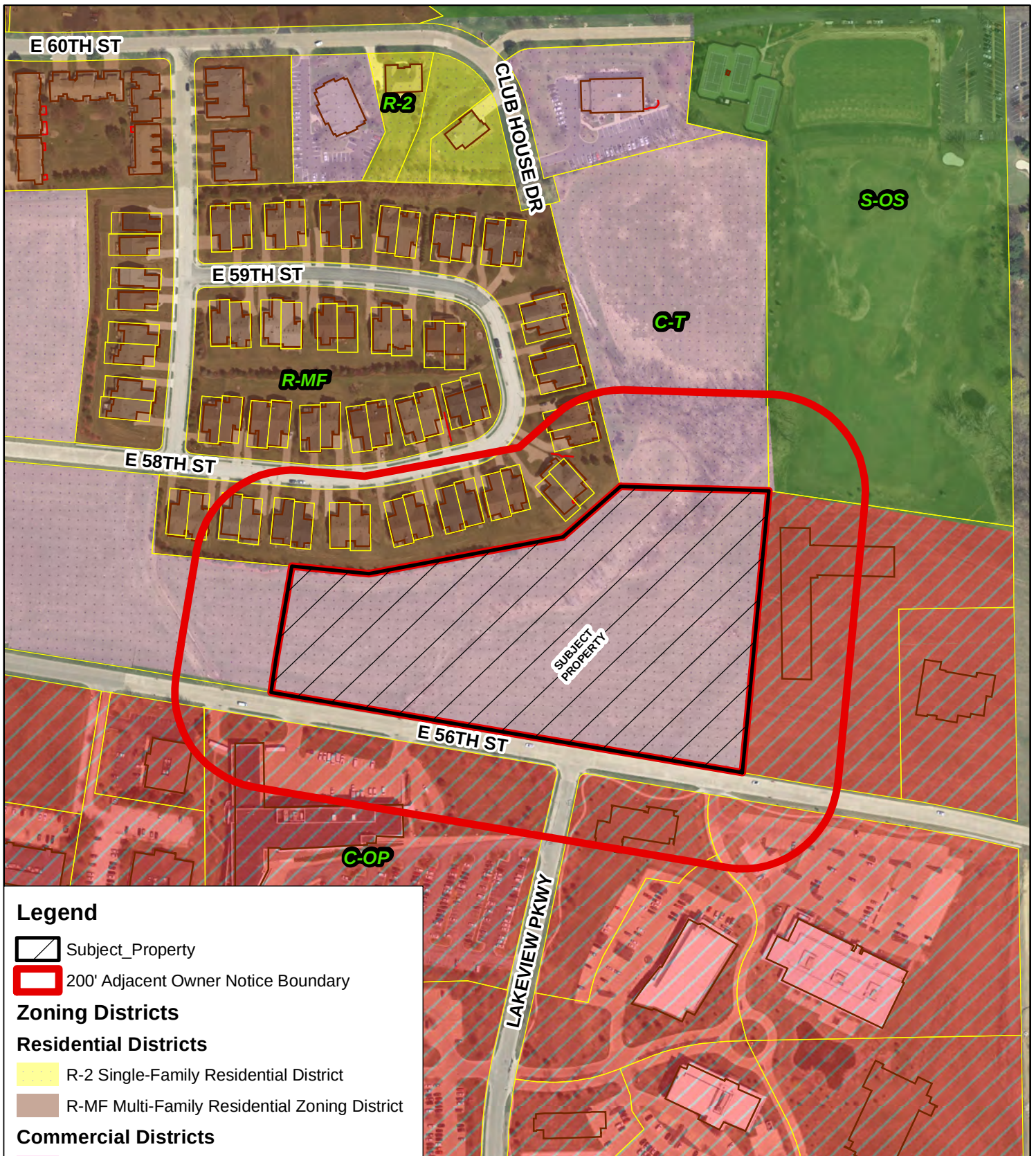
Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record
Meeting Date: 4-16-19
Meeting Location: Council Chambers-City Hall

No.	Name:	Public Hearing Roll Call	Regular Meeting Roll Call	4-2-19 Minutes	M	S	Amended cont'd 2-9 REZ 19-02 MS	M	S
1	Schneider	✓	✓	Y			Y	Y	
2	Lammers	✓	✓	Y			Y	X	Y
3	Medd	✓	✓	Y			Y		X
4	Johnson	✓	✓	Y			Y	X	Y
5	Tallman	✓	✓	Y	X		Y	X	X
6	Inghram	✓	✓						
7	Connell	✓	✓	Y		X	Y	Y	
8	Hepner	✓	✓	Y			X	Y	
9	Brandsgard	✓	✓	Y			Y	X	
10	Reinartz	✓	✓	Y			Y	Y	
11	Maness	EX	EX						
	Result	10	10	9-0			9-0	9-0	

Notes:

Zoning Map



Legend

Subject_Property

200' Adjacent Owner Notice Boundary

Zoning Districts

Residential Districts

R-2 Single-Family Residential District

R-MF Multi-Family Residential Zoning District

Commercial Districts

C-T Commercial Transitional Zoning District

C-1 Neighborhood Commercial Zoning District

C-OP Commercial Office Park

Special Purpose Districts

S-OS Open Space Zoning District

0 100 200 400 Feet

1 inch = 276 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.





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

Property Address* Lot 1 - CROW VALLEY PLAZA 12th ADDITION

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

Applicant (Primary Contact)**

Name: JENNIFER SMITH
 Company: SJ56, LLC / RUSSELL
 Address: 4600 E 53rd ST
 City/State/Zip: DAVENPORT, IA 52807
 Phone: 563-459-4652
 Email: JENSMITH@RUSSELLCO.COM

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

Name:
 Company: RUSSELL
 Address: SAME AS ABOVE
 City/State/Zip:
 Phone:
 Email:

Zoning Board of Adjustment

- Zoning Appeal ☐
 Special Use ☐
 Hardship Variance ☐

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

- Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Administrative

- Administrative Exception ☐
 Health Services and Congregate ☐
 Living Permit ☐

Attorney (if applicable)

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

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

Request:Existing Zoning: C-TProposed Zoning Map Amendment: C-1

Purpose of the Request:

Expand potential development opportunities by removing the 5,000 sf limitation included in current C-T classification.

Total Land Area: 9.58 ACRES Please SelectDoes the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☒ Yes ☐ No**Submittal Requirements:**

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

Formal Procedure:

(1) Application:

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

(2) Plan and Zoning Commission public hearing:

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

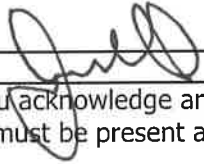
(3) Plan and Zoning Commission's consideration of the request:

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

Formal Procedure (continued):

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

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

Applicant:  _____

Date: 2/21/19

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: _____

Date: _____

Planning staff

Date of the Public Hearing: _____

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

Request for a Zoning Map Amendment (Rezoning) Plan and Zoning Commission

Adjacent Property Owner Notice Area



Legend

-  Subject_Property
-  200' Adjacent Owner Notice Boundary

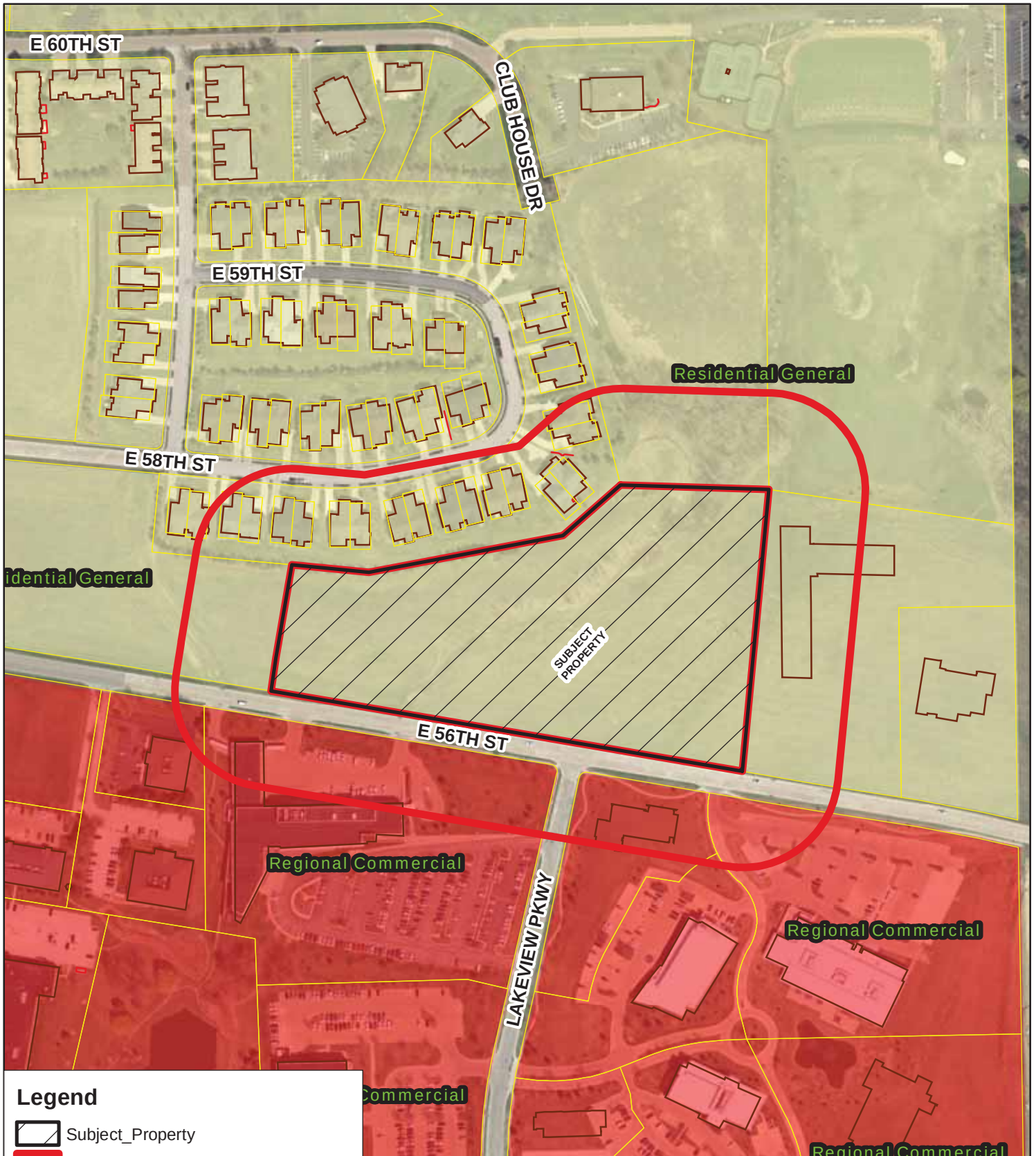


1 inch = 200 feet

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.



Future Land Use Map (Davenport +2035)



Legend

-  Subject_Property
-  200' Adjacent Owner Notice Boundary

Land_Use+2035

Type

-  Regional Commercial
-  Residential General

0 100 200 400 Feet

1 inch = 276 feet

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*Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com*

**NOTICE
PUBLIC HEARING
DAVENPORT PLAN AND ZONING COMMISSION
CITY HALL COUNCIL CHAMBERS
226 WEST FOURTH STREET, DAVENPORT, IOWA 52801**

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

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-1 Neighborhood Commercial District; property contains 9.58 acres and is located on East 56th Street east of Utica Ridge [Ward 6].

The proposed rezoning, if approved, would allow for commercial development of a larger scale to occur on the property.

A public hearing will be held at the time and place listed above. As a property owner within 200 feet of the subject property, you have the opportunity to formally protest this request. To do so, please contact the Community Planning Office at the email or mailing address below.

Any written protest must be received no later than the close of the public hearing before the Committee of the Whole, tentatively scheduled for March 6, 2019.

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

Case No. REZ19-02

EMAIL: planning@ci.davenport.ia.us

PHONE: (563) 326-7765

**MAILING ADDRESS: CPED
City Hall, 226 West Fourth Street
Davenport, IA 52801**

Request for a Zoning Map Amendment (Rezoning) Plan and Zoning Commission

Adjacent Property Owner Notice Area





*Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com*

**NOTICE
PUBLIC MEETING
THURSDAY, MARCH 7, 2019, 5:00 PM
BIRCHWOOD LEARNING CENTER
4620 E. 53RD ST. DAVENPORT, IOWA 52807**

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

Case No. REZ19-02: Request by Jennifer Smith, Russell Construction, to rezone 9.58 acres, more or less, of property located on the north side of East 56th Street and east of Utica Ridge Road [Ward 6] (See map of the affected property on reverse side of this notice).

This rezoning is requested in order to expand potential development opportunities by removing the existing 5000 sq. ft. building size limitation within the current CT classification.

A public meeting, hosted by the applicant, 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, March 12, 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. REZ19-02

EMAIL: planning@ci.davenport.ia.us

Phone: (563) 326-7765

Request for a Zoning Map Amendment (Rezoning) Plan and Zoning Commission

Adjacent Property Owner Notice Area



Legend

 Subject_Property

 200' Adjacent Owner Notice Boundary



1 inch = 200 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.

Parcel#	Property Address	Owner Name	Owner Mailing Address	Owner CityStateZip	Area
Y0451-24E	6300 UTICA RIDGE RD	CROW VALLEY GOLF CLUB	4315 E 60TH ST	DAVENPORT IA 52807	34570.76
Y0901-15	4221 E 58TH ST	LLOYD & DOROTHY FOX REVOC TRUS	4221 E 58TH ST	DAVENPORT IA 52807	4032.011
Y0901-16	4219 E 58TH ST	PATRICIA M HARRIS TRUST	4219 E 58TH ST	DAVENPORT IA 52807	4031.996
Y0901-17	4215 E 58TH ST	SMAZAL JOE	4215 E 58TH ST	DAVENPORT IA 52807	4034.629
Y0901-18A	4213 E 58TH ST	SUSAN R QUAIL REVOCABLE TRUST	4213 E 58TH ST	DAVENPORT IA 52807	4029.532
Y0901-19A	4209 E 58TH ST	STEVEN H JACOBS REVOC TRUST	4209 E 58TH ST	DAVENPORT IA 52807	4031.997
Y0901-20A	4207 E 58TH ST	JOAN W MCGEE TRUST	4207 E 58TH ST	DAVENPORT IA 52807	3926.422
Y0901-21A	4203 E 58TH ST	STEVEN E FRELS REV TR	4203 E 58TH ST	DAVENPORT IA 52807	329.1993
Y0901A04	E 60TH ST	MCCARTHY IMPROVEMENT CO	5401 VICTORIA AV	DAVENPORT IA 52807	66247.54
Y0901C02	4640 E 56TH ST	RIVERSTONE GROUP INC	1701 FIFTH AVE	MOLINE IL 61265	118098.3
Y0901D02	4400 E 56TH ST	MCCARTHY IMPROVEMENT CO	5401 VICTORIA AV	DAVENPORT IA 52807	51526.47
Y0903-05	4249 E 58TH ST	MARK J VRABLEC REVOC TRUST	4249 E 58TH ST	DAVENPORT IA 52807	3486.405
Y0903-06	4247 E 58TH ST	WALSH LIVING TRUST	4247 E 58TH ST	DAVENPORT IA 52807	4031.989
Y0903-07	4245 E 58TH ST	HEAPS ROBERT B	4245 E 58TH ST	DAVENPORT IA 52807	4031.985
Y0903-08	4243 E 58TH ST	HAMMES MARY J	4243 E 58TH ST	DAVENPORT IA 52807	4032.012
Y0903-09	4239 E 58TH ST	ANDREA HEITMAN KEEFE TR	4239 E 58TH ST	DAVENPORT IA 52807	4031.997
Y0903-10	4237 E 58TH ST	CONNIE R JONES TRUST	4237 E 58TH ST	DAVENPORT IA 52807	4031.997
Y0903-11A	4233 E 58TH ST	KRAMER DENNIS L	4233 E 58TH ST	DAVENPORT IA 52807	4030.655
Y0903-12	4231 E 58TH ST	STEPHEN L DARLING TRUST	4231 E 58TH ST	DAVENPORT IA 52807	4028.449
Y0903-13	4227 E 58TH ST	JOHN T MOUW REVOCABLE TRUST	4227 E 58TH ST	DAVENPORT IA 52807	4031.996
Y0903-14A	4225 E 58TH ST	ZIMMERMAN KURT M	4225 E 58TH ST	DAVENPORT IA 52807	4032.01
Y0917-01	5500 LAKEVIEW PKWY	MISSISSIPPI VALLEY REGIONAL BLOOD CENTER	5500 LAKEVIEW PKWY	DAVENPORT IA 52807	105266.7
Y0917-12M	4427 E 56TH ST	JBNN HOLDINGS LLC	3632 E 60TH CT	DAVENPORT IA 52807	4421.028
Y0919-01C	4650 E 53RD ST	BIRCHWOOD III LLC	4600 E 53RD ST	DAVENPORT IA 52807	26583.09
Y0919A01	4620 E 53RD ST	S J RUSSELL LC	4600 E 53RD ST	DAVENPORT IA 52807	41391.64
Y0919A02	4600 E 53RD ST	S J RUSSELL LC	4600 E 53RD ST	DAVENPORT IA 52807	583.3602
		VILLAS AT CROW VALLEY 2ND ADD	4555 UTICA RIDGE RD	BETTENDORF IA 52722	92533.22

Rusnak, Ryan

From: Connie R. Jones <connierjones@aol.com>
Sent: Friday, March 08, 2019 10:27 AM
To: Planning Division – CPED
Cc: ConnieRJones@aol.com; Clewell, Rich
Subject: REZ19-02

March 8, 2019

City Staff, Plan and Zoning Commission, and City Council,

I recently received notice of a public hearing for Case REZ19-02. At this time, I am formally objecting to the request to change the zoning from C-T Commercial Transitional to C-1 Neighborhood Commercial. My reasons follow:

1. I spent time last summer at City Hall with City Staff trying to understand the draft overhaul of the City's zoning. I applaud the much needed update, the use of an expert consultant and the clarity it now provides. As I hope you can appreciate, it is disappointing to be asked to consider a zoning change within weeks of the City Council approving the new zoning.
2. Several homeowners, including myself, remain concerned about water runoff at the south and east ends of the Villas at Crow Valley. The land slopes down from Utica Ridge, which especially impacts the south and east ends of the Villas. The parcel in question contains a very large swale running right through the middle of it. Increasing development, both in density and scale, has the potential of exacerbating the water runoff. Villas homeowners want to ensure that property damage is not going to result. I would hope that the City would agree that assurances need to be in place before changing any zoning to ensure that property damage and legal exposure is not being created.
3. Further, the 5,000 square foot limitation for C-T, essentially limits the building height to one story. This is an appealing transition for those of us who would have to live within 25' of its rear setback.

I do want to express my appreciation for the professionalism exhibited by the Russell representative at the neighborhood meeting held last evening.

Respectfully submitted,
Connie R. Jones
Villas at Crow Valley
6th Ward

Rusnak, Ryan

From: Dennis Kramer <denniskramer99@msn.com>
Sent: Monday, March 11, 2019 11:03 PM
To: Planning Division – CPED
Cc: Clewell, Rich
Subject: REZ19-02

My wife and I at 4233 E. 58th St. are included in the map that would be impacted by this rezone request. We are currently in Florida with our mail being forwarded to us. Yesterday (10 March) we received an envelop postmarked "MAR 05 2019", and a letter saying "Any written protest must be received no later than the close of the public hearing before the Committee of the Whole, tentatively scheduled for March 6, 2019." We would like to formally protest the request for this rezone. We do not want it for multiple reasons. Most of all, we don't want tall lighted retail businesses outside our back screened in porch.

And if I heard correctly, the City just approved a zoning map that has this area in question a "C-T" transitional. If true, are we *really* going to consider changing it to C-1 before the ink is even dry?

Thank you,
Dennis and Carol Kramer
4233 E. 58th St.

From: [Patricia Harris](#)
To: [Flynn, Matt](#); [Clewell, Rich](#)
Subject: REZ19-02: Public Input opposing proposed rezoning
Date: Friday, March 22, 2019 12:13:59 AM

Dear City Staff and Alderman Clewell,

I will be filing a formal protest and plan to attend the upcoming Plan & Zoning meeting relating to REZ19-02, and the purpose of this email is to recap at a high level the reasons for my objection to Petitioner's request to rezoning a parcel along East 56th Street from C-T to C-1:

1. The area surrounding the subject parcel, *as developed*, is residential and primarily one-story professional office buildings, all consistent with the former Zoning Ordinance C-0 use and the current C-T use. I incorporate by reference all objections that I filed relating to REZ18-09 (both the initial petition covering the Lot 1 parcel along Utica Ridge Road between East 56th and East 58th Streets and the parcel between the Villas of Crow Valley subdivision and East 56th Street) and the petition as amended (relating solely to Lot 1) on this point.
2. The City Staff's final report recommended approval of the amended REZ18-09 petition, and the City Council did approve it (overriding the Plan & Zoning Commission's vote against it) with restrictions on the basis there had been a compromise, and the subject property was along what is, *as developed*, the busy corridor of Utica Ridge Road. I referenced that in more detail in my Public Input opposing a second rezoning petition, REZ19-02, relating to the northeast corner of Utica Ridge and East 58th Street, which I also incorporate by reference.
3. The City Staff's final report relating to REZ18-09 recommended approval also on the basis the property was along the Utica Ridge corridor (even though it is surrounded on three sides by residential property), and also referred to the Future Land Use Map. (I will look again at that Land Use Map, however, I found it too general to pinpoint the color coding for the subject property. In any case, I question how a general directional map can take precedence over specific Zoning Ordinance provisions and corresponding detailed zoning map, and the area as currently developed.)
4. The stated rationale for adopting REZ18-09 and REZ18-16 does not apply to REZ19-02.
 - a. I note Utica Ridge is a 45 mph corridor, and East 56th is a 25 mph corridor.
 - b. More importantly, the fact there is a critical distinction between the REZ18-09 and REZ18-16 subject properties on one hand, and the REZ19-02 subject property on the other, is, I believe, repeatedly reflected in the City Staff final reports and City Council statements.
 - c. It would be unfair to base approval on surrounding area *as developed* for

recommending *approval* of a petition, but not consider it in recommending *denial* of a petition.

d. Homeowners believe they received some assurance that this distinction, and the "compromise" repeatedly referenced, remain in effect, and I believe the City may reasonably chalk up what appears up to now lower participation to that.

6. I do not object to Petitioner's request for a variance allowing 5,000 square feet of space, assuming the study of water runoff supports that, but I question why not write that exception into the current C-T use rather than rezone to C-1 with an exception. I continue to be troubled by the approach of zoning "up" subject to numerous "exceptions." I very strongly object to a two-story building in close proximity to one-story residential.

I appreciate your consideration.

Respectfully submitted,

Patricia Harris
6th Ward Resident

Comparison of Some of the Standards in C-1 and C-OP		
	C-1	C-OP
Purpose Statements	The C-1 Neighborhood Commercial Zoning District is intended to provide for commercial uses that predominantly serve the needs of nearby residential neighborhoods, and that are compatible in scale and character with the surrounding residential area. Low intensity mixed-use is encouraged.	The C-OP Commercial Office Park Zoning District is intended to accommodate larger office developments, office parks, and research and development facilities, which may include limited indoor light industrial uses with no outside impacts. The district is oriented toward larger-scale complexes that may include ancillary services for employees such as personal services, restaurants, and retail establishments. District standards are intended to guide the development of campus-like environments, and include provisions for orientation of structures around plazas or public spaces, and the creation of a cohesive appearance.
Minimum Lot Area	None	20,000 sq. ft.
Minimum Lot Width	None	70'
Maximum Height	45'	45'
Minimum Front Setback	Build to line of between 0 to 15'	20'
Front setback build to line percentage	70'	None
Minimum Rear Setback	Min 15'	25'
(Selected) Permitted Uses	Art Gallery Fitness Studio Bar (Special Use) Body Modification Establishment Community Center Community Garden Cultural Facility Day Care Center Drive through facility (Special Use) Domestic Violence Shelter Residential (most types) Financial Institution Government Office Industrial Design Lodge/Meeting Hall Medical Dental Office Office Outdoor dining Personal service Restaurant Retail Goods Establishment Vehicle Repair (Special Use) Wireless Communications (Stealth, Permitted; New Pole Special Use)	Broadcasting Facility Community Garden Day Care Center University or College Vocational School Financial Institution Government Office/Facility Hotel Light Industrial Industrial Design Lodge/Meeting Hall Medical Dental Office Office Outdoor Dining Parking Structure Personal Service Establishment Public Park Restaurant Indoor Self Storage Facility Solar Farm Wireless Communications (Stealth, Permitted, New Pole Special Use)

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 563-888-2286

Wards:

Action / Date

5/1/2019

Subject:

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]

Recommendation:

Adopt the Ordinance.

Background:

This action corrects an error in the preparation of the new zoning map for the City. Subject property is a credit union. Assigning C-T, Commercial Transitional zoning will make the facility legally conforming.

At its April 2, 2019 meeting, the Plan and Zoning Commission unanimously recommended to forward Case REZ19-03 to the City Council for approval.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Resolution Letter	P&Z Letter
▣ Backup Material	P&Z Vote
▣ Backup Material	Location Map
▣ Backup Material	Zoning Map
▣ Backup Material	Public Meeting Notice and Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	4/25/2019 - 9:54 AM
Community Development Committee	Berger, Bruce	Approved	4/25/2019 - 9:54 AM
City Clerk	Thorndike, Tiffany	Approved	4/25/2019 - 10:39 AM

ORDINANCE NO.

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]

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.

First Consideration _____

Second Consideration _____

Approved _____

Frank J. Klipsch
Mayor

Attest: _____
Brian Krup
Deputy City Clerk

Published in the *Quad City Times* on _____



*Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com*

April 23, 2019

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Subject: Cases REZ19-03 and REZ19-04

Honorable Mayor and City Council:

At its regular meeting of April 2, 2019, the Davenport Plan and Zoning Commission considered the following cases:

REZ19-03: Request of the City of Davenport for a Zoning Map Amendment from R-MF Multi-Family Residential District to CT Commercial Transitional Zoning District on 1 acre, more or less, for the property located at 709 East 46th Street. [Ward 7]

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). [Ward 7]

On a unanimous vote of 9-0, the Plan and Zoning Commission forwards Cases REZ19-03 and REZ19-04 to the City Council for approval.

Respectfully submitted,

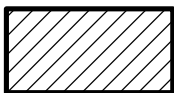
A handwritten signature in black ink, appearing to read 'R. Inghram', with a stylized flourish at the end.

Robert Inghram, Chairperson
City Plan and Zoning Commission

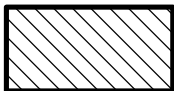
City Plan & Zoning Commission Voting Record
Meeting Date: 4-16-19
Meeting Location: Council Chambers-City Hall

No.	Name:	Public Hearing Roll Call	Regular Meeting Roll Call	4-2-19 Minutes	M	S	Amended cont'd 2-9 REZ 19-02 MS	M	S
1	Schneider	✓	✓	Y			Y	Y	
2	Lammers	✓	✓	Y			Y	X	Y
3	Medd	✓	✓	Y			Y		X
4	Johnson	✓	✓	Y			Y	X	Y
5	Tallman	✓	✓	Y	X		Y	X	X
6	Inghram	✓	✓						
7	Connell	✓	✓	Y		X	Y	Y	
8	Hepner	✓	✓	Y			X	Y	
9	Brandsgard	✓	✓	Y			Y	X	
10	Reinartz	✓	✓	Y			Y	Y	
11	Maness	EX	EX						
	Result	10	10	9-0			9-0	9-0	

Notes:

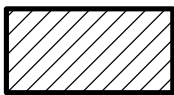
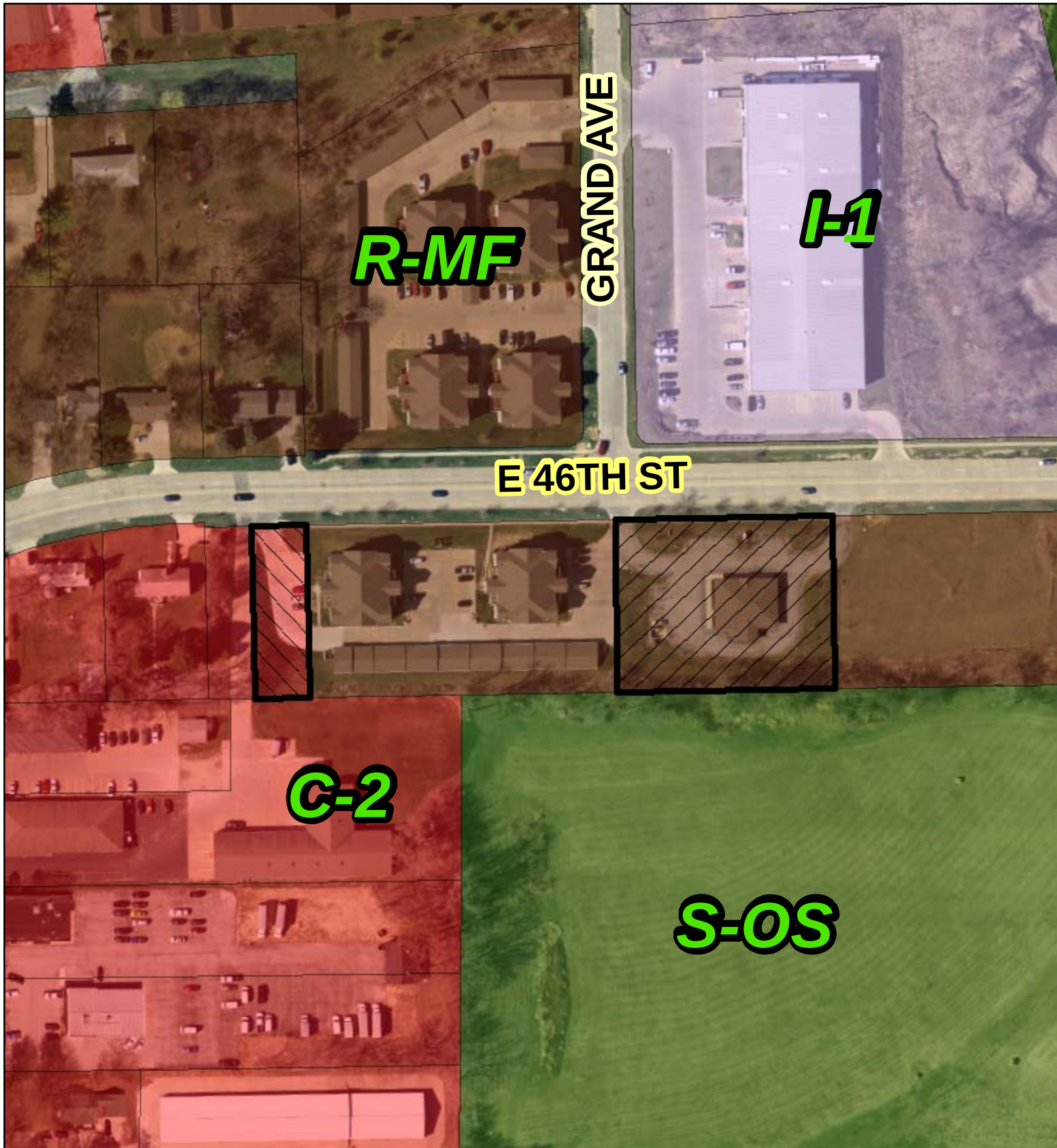


Subject Property

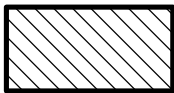


Subject Property





Subject Property



Subject Property



**NOTICE
PUBLIC MEETING
TUESDAY, MARCH 26, 2019, 1:00 PM
CPED OFFICES, 2ND FLOOR, CITY HALL
226 WEST 4TH STREET, DAVENPORT, IOWA**

The City adopted a new zoning ordinance on January 20, 2019. In the course of assigning zoning classifications to all 43,000+ properties in the City, couple minor errors were made on east 46th Street (See map on the other side). The City seeks to correct the error through the following actions:

Case REZ19-03: Request of the City of Davenport for Zoning Map Amendment from R-MF Multi-Family Residential District to CT Commercial Transitional Zoning District on 1 acre, more or less, for the property located at 709 East 46th Street. [Ward 7]

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]

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 2, 2019, 5:00 pm at Davenport City Hall.

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

EMAIL: planning@ci.davenport.ia.us

Phone: (563) 326-7765

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 563-888-2286

Wards:

Action / Date

4/2/2019

Subject:

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]

Recommendation:

Adopt the Ordinance.

Background:

This action corrects a mapping error made in the preparation of the new zoning map. This property is used as multi-family and should contain uniform R-MF zoning.

At its April 2, 2019 meeting, the Plan and Zoning Commission unanimously recommended Case REZ19-04 be forwarded to the City Council for approval.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Resolution Letter	P&Z Letter
▣ Backup Material	meeting notice
▣ Backup Material	Location Map
▣ Backup Material	Zoning Map

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	4/25/2019 - 10:11 AM
Community Development Committee	Berger, Bruce	Approved	4/25/2019 - 10:12 AM
City Clerk	Thorndike, Tiffany	Approved	4/25/2019 - 10:48 AM

ORDINANCE NO.

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). [Ward 7]

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.

First Consideration _____

Second Consideration _____

Approved _____

Frank J. Klipsch, Mayor

Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on _____



*Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com*

April 23, 2019

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Subject: Cases REZ19-03 and REZ19-04

Honorable Mayor and City Council:

At its regular meeting of April 2, 2019, the Davenport Plan and Zoning Commission considered the following cases:

REZ19-03: Request of the City of Davenport for a Zoning Map Amendment from R-MF Multi-Family Residential District to CT Commercial Transitional Zoning District on 1 acre, more or less, for the property located at 709 East 46th Street. [Ward 7]

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). [Ward 7]

On a unanimous vote of 9-0, the Plan and Zoning Commission forwards Cases REZ19-03 and REZ19-04 to the City Council for approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', written over a light gray rectangular background.

Robert Inghram, Chairperson
City Plan and Zoning Commission

**NOTICE
PUBLIC MEETING
TUESDAY, MARCH 26, 2019, 1:00 PM
CPED OFFICES, 2ND FLOOR, CITY HALL
226 WEST 4TH STREET, DAVENPORT, IOWA**

The City adopted a new zoning ordinance on January 20, 2019. In the course of assigning zoning classifications to all 43,000+ properties in the City, couple minor errors were made on east 46th Street (See map on the other side). The City seeks to correct the error through the following actions:

Case REZ19-03: Request of the City of Davenport for Zoning Map Amendment from R-MF Multi-Family Residential District to CT Commercial Transitional Zoning District on 1 acre, more or less, for the property located at 709 East 46th Street. [Ward 7]

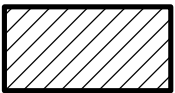
Case REZ19-04: Request of the City of Davenport for Zoning Map Amendment from C-2 Corridor Commercial Zoning District to R-MF Multi-Family Residential District on .25 acres, more or less, for the property located at 641 and 643 East 46th Street (west 60 feet only). [Ward 7]

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 2, 2019, 5:00 pm at Davenport City Hall.

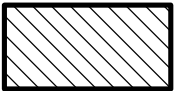
If you have any questions regarding the proposal, please contact the Community Planning Division.

EMAIL: planning@ci.davenport.ia.us

Phone: (563) 326-7765

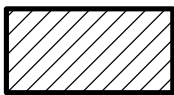
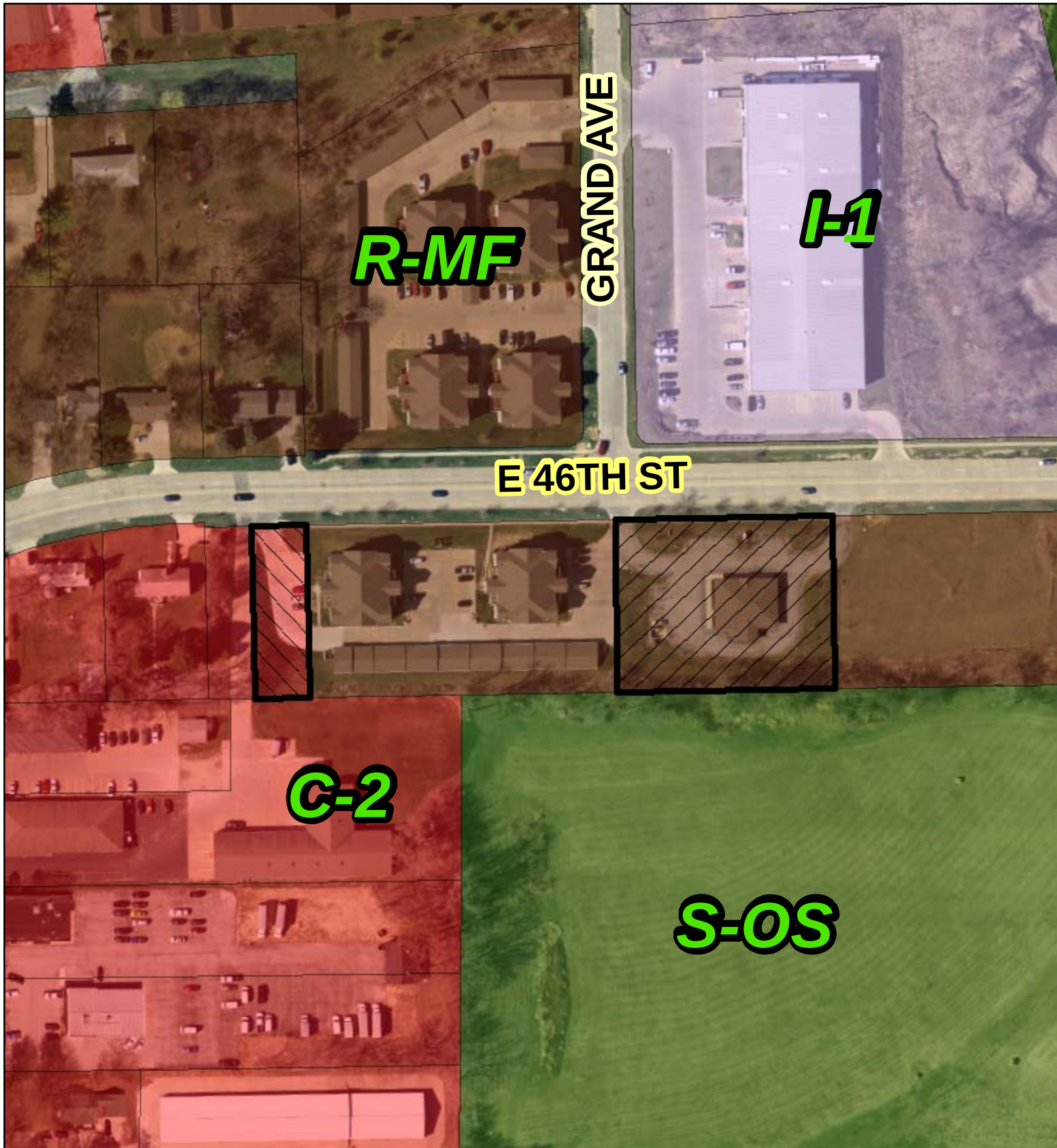


Subject Property

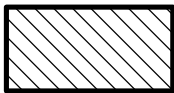


Subject Property





Subject Property



Subject Property



City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Brandon Melton 563-888-2221

Wards:

Action / Date

5/15/2019

Subject:

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]

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



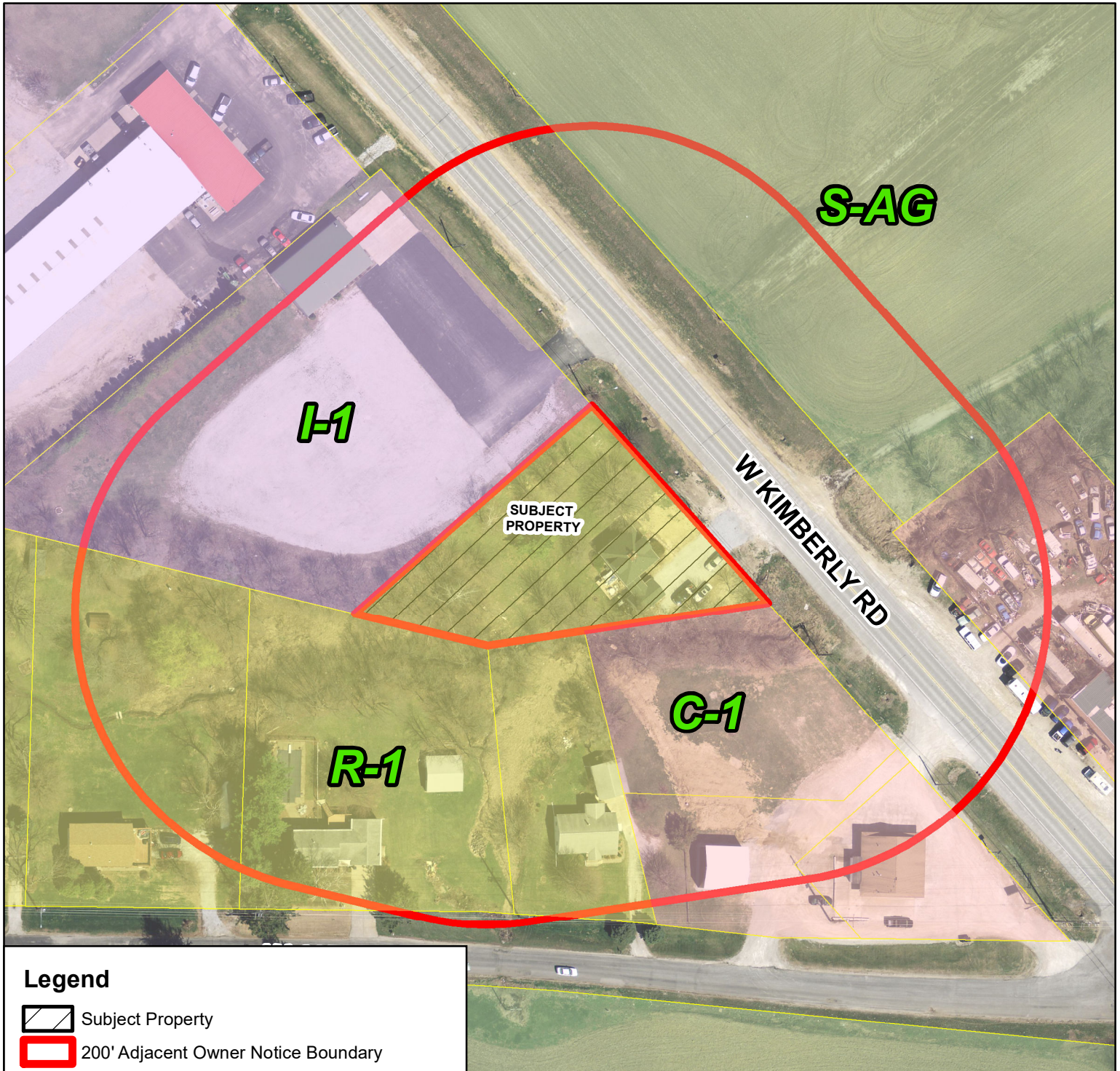
Subject Property

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

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.

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

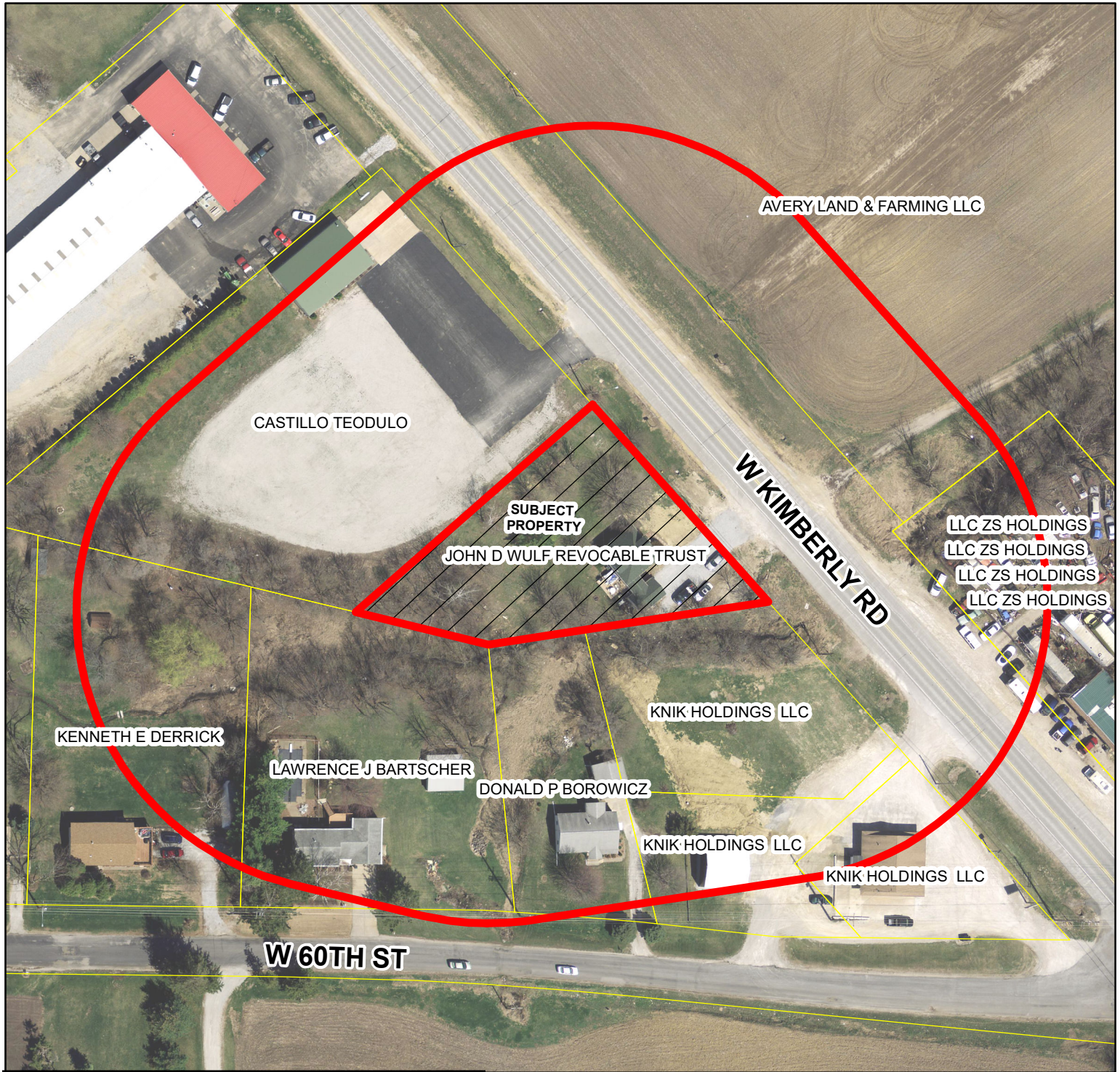
EMAIL: planning@ci.davenport.ia.us

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: 563-529-3030
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:

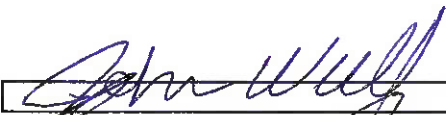
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council.
- If the Plan and Zoning Commission recommends denial, the request 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: Community Planning & Economic Development
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. A 3/4TH MAJORITY IS 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

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]

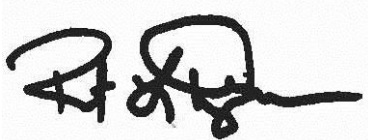
Findings offered by City Staff:

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

N





W 46TH ST

N PINE ST

R-4

C-1

W 46TH ST

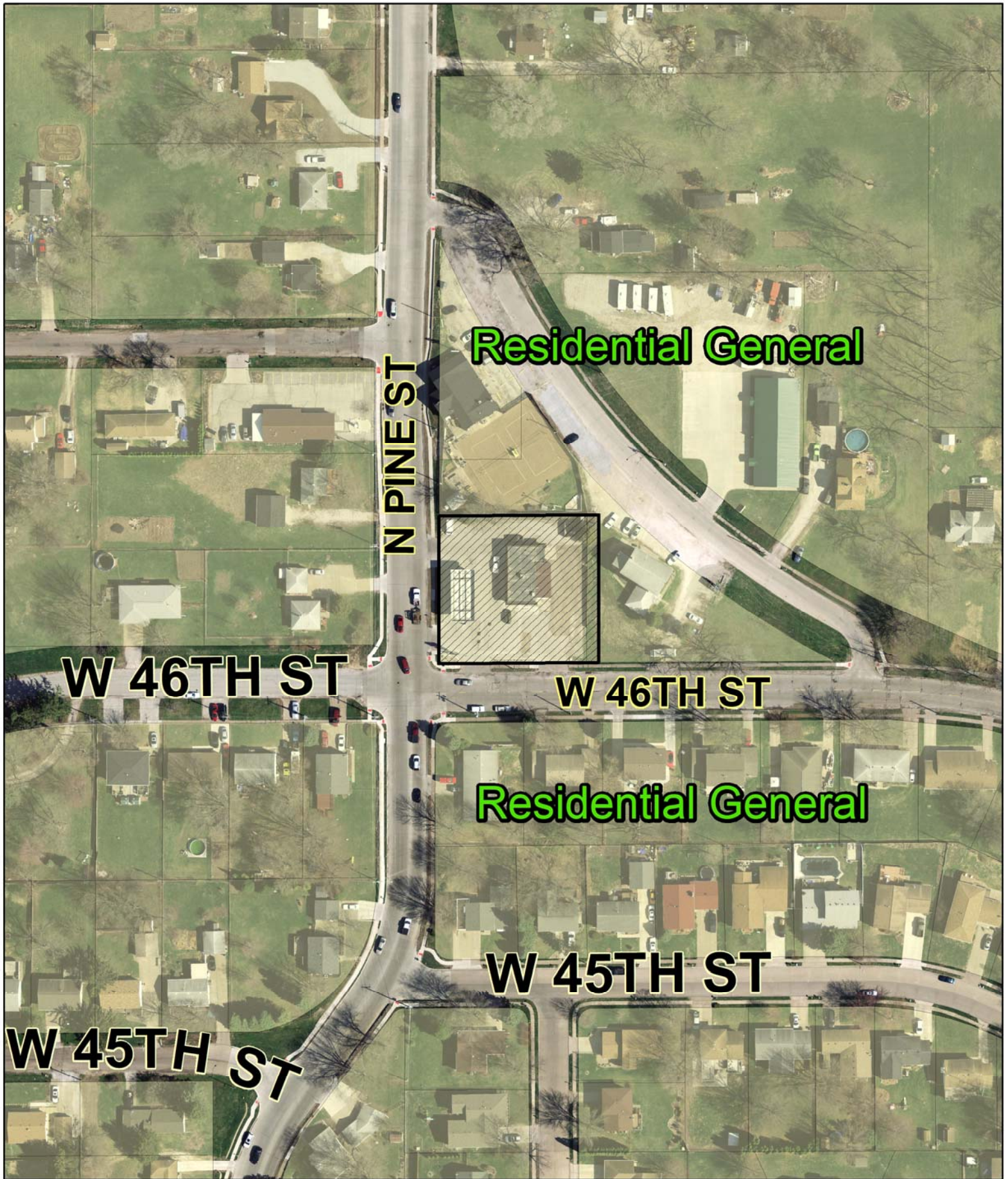
R-3

W 45TH ST

W 45TH ST

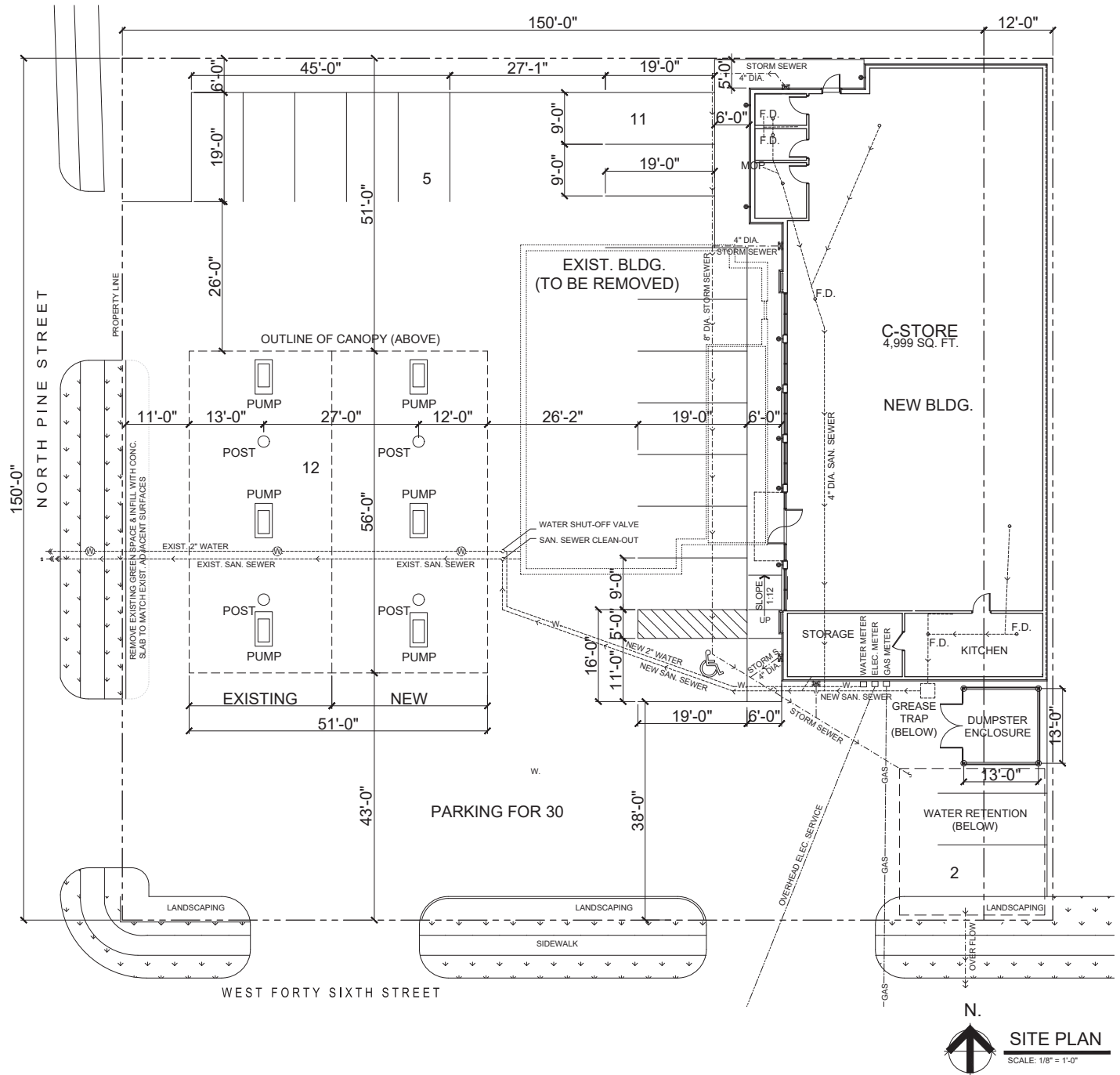
 Subject Property





 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
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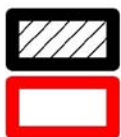
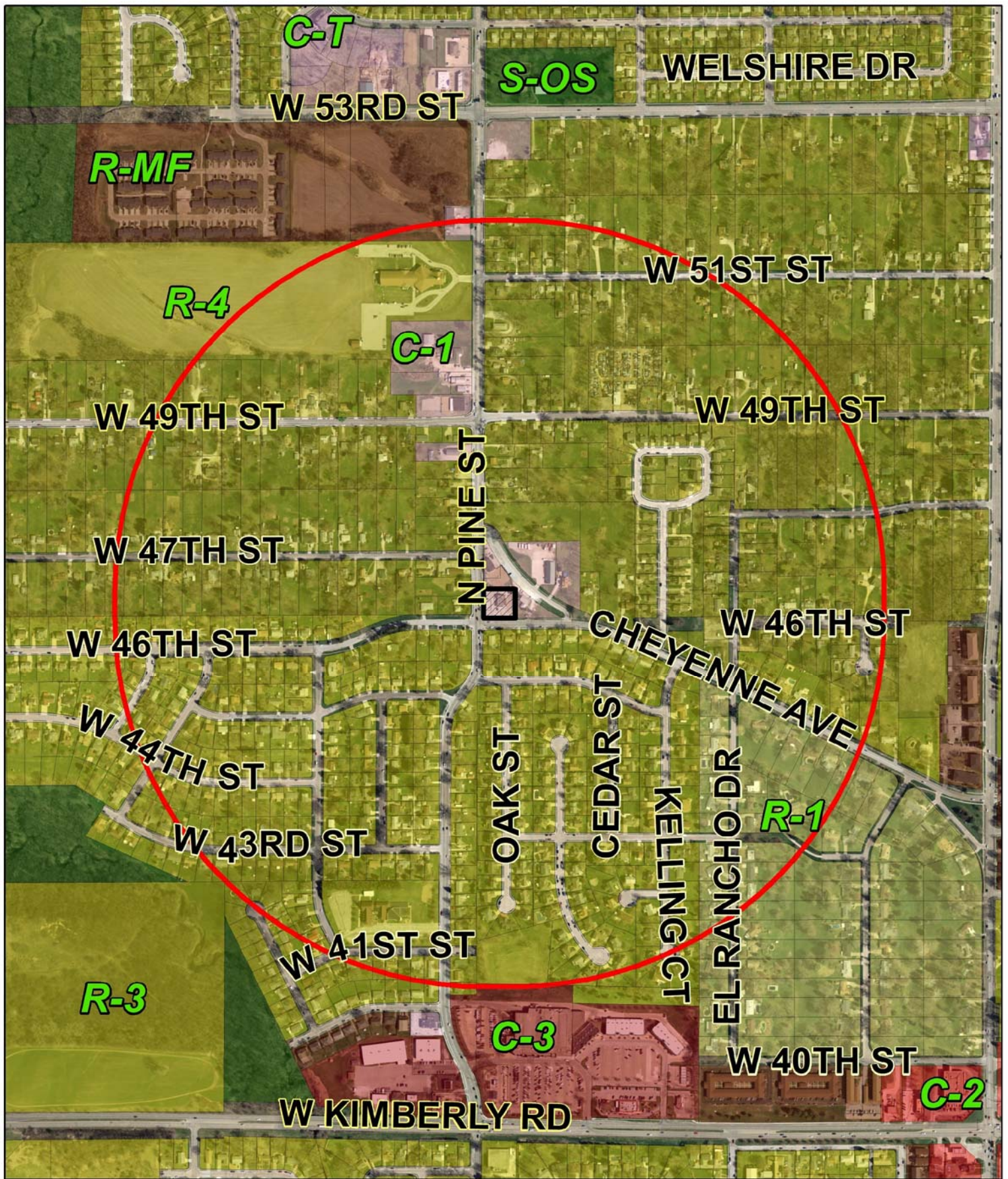
PROJECT
2018-42
NUMBER

SHEET
C1
NUMBER

SITE PLAN
SCALE: 1/8" = 1'-0"

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

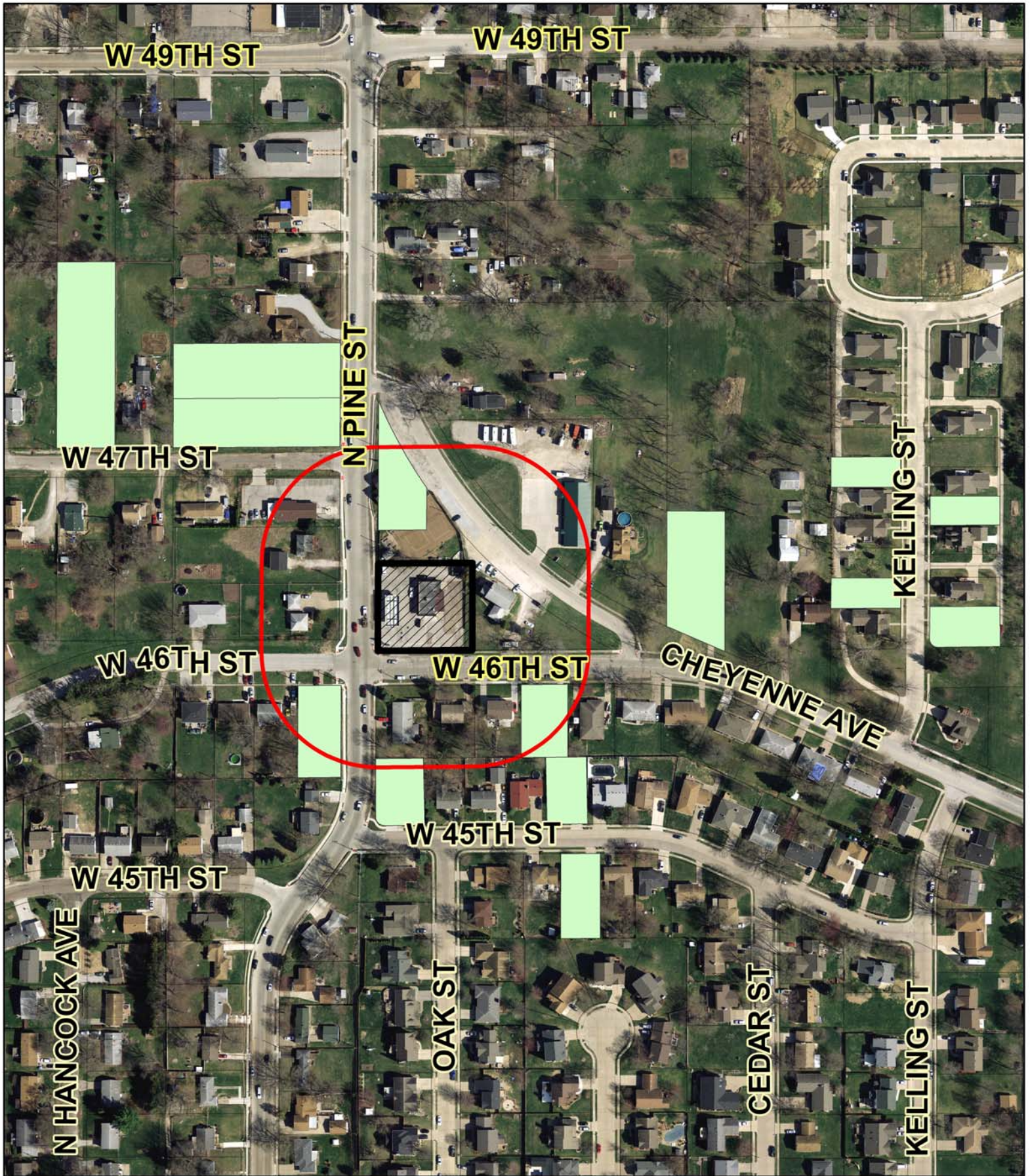


Subject Property

1900 Foot Buffer

N

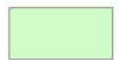




Subject Property



200 Foot Notification Radius



Written Objections

N



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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immediately and delete or destroy all copies of the original message and attachments thereto. Email sent to or from UI Health Care may be retained as required by law or regulation. Thank you.

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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- 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:

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- 7. 1.4 mi - Casey's General Store (Pine & 63rd)

Drinks / Snacks / Tobacco / Liquor:

1. 0.5 mi - Hy-Vee (Pine & Kimberly)
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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; ...

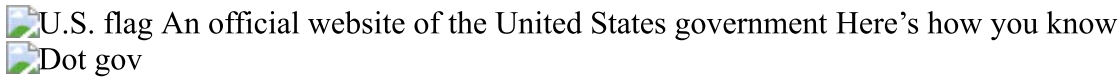
5.10.106. Carryout only liquor additional requirements.

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.



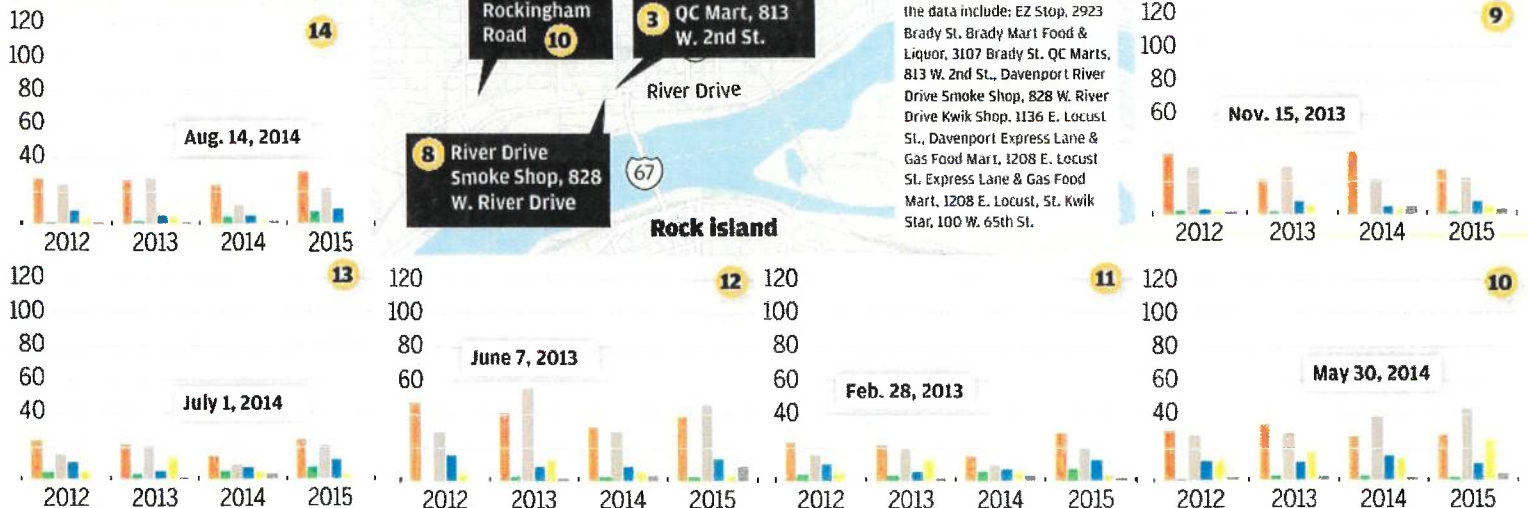
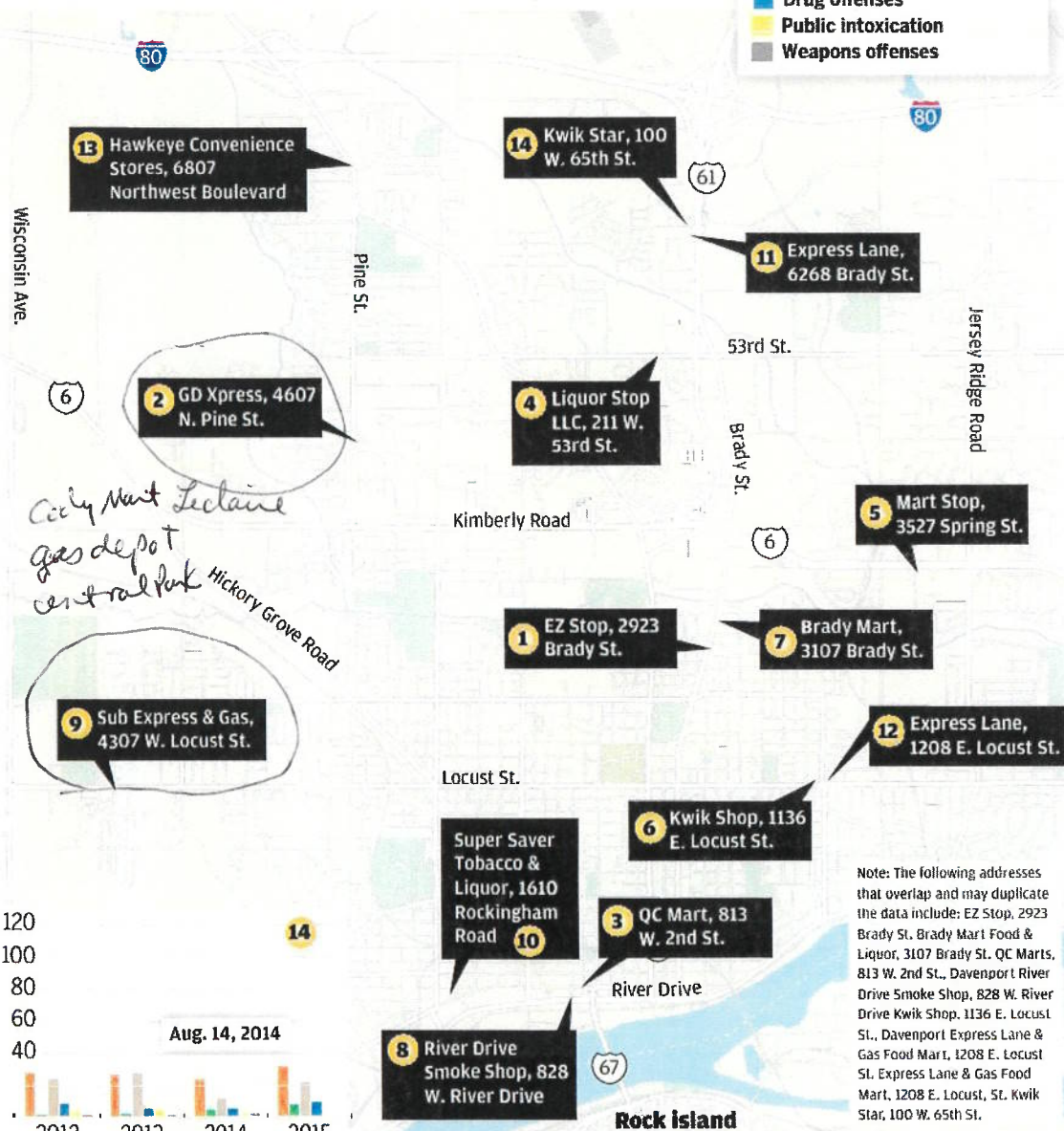






Crime near convenience, liquor stores

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 1sister1942@outlook.com

Valerie Davins

Steve Atkins

Christian Finney

cfinney@uchoi.com

~~XXXXXXXXXX~~

Jim Winkler jmwinkler@yahoo.com

Jim Jensen JamesJensen811@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@yahoo.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.

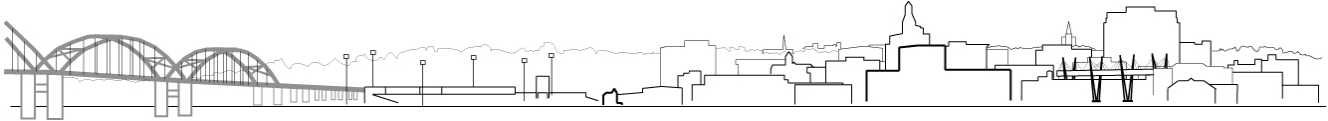
If you have any questions on this request, or if you need accommodations for any reason, please contact Ryan Rusnak, AICP, the case planner assigned to this project at rrusnak@ci.davenport.ia.us or 563-888-2022.



-  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?

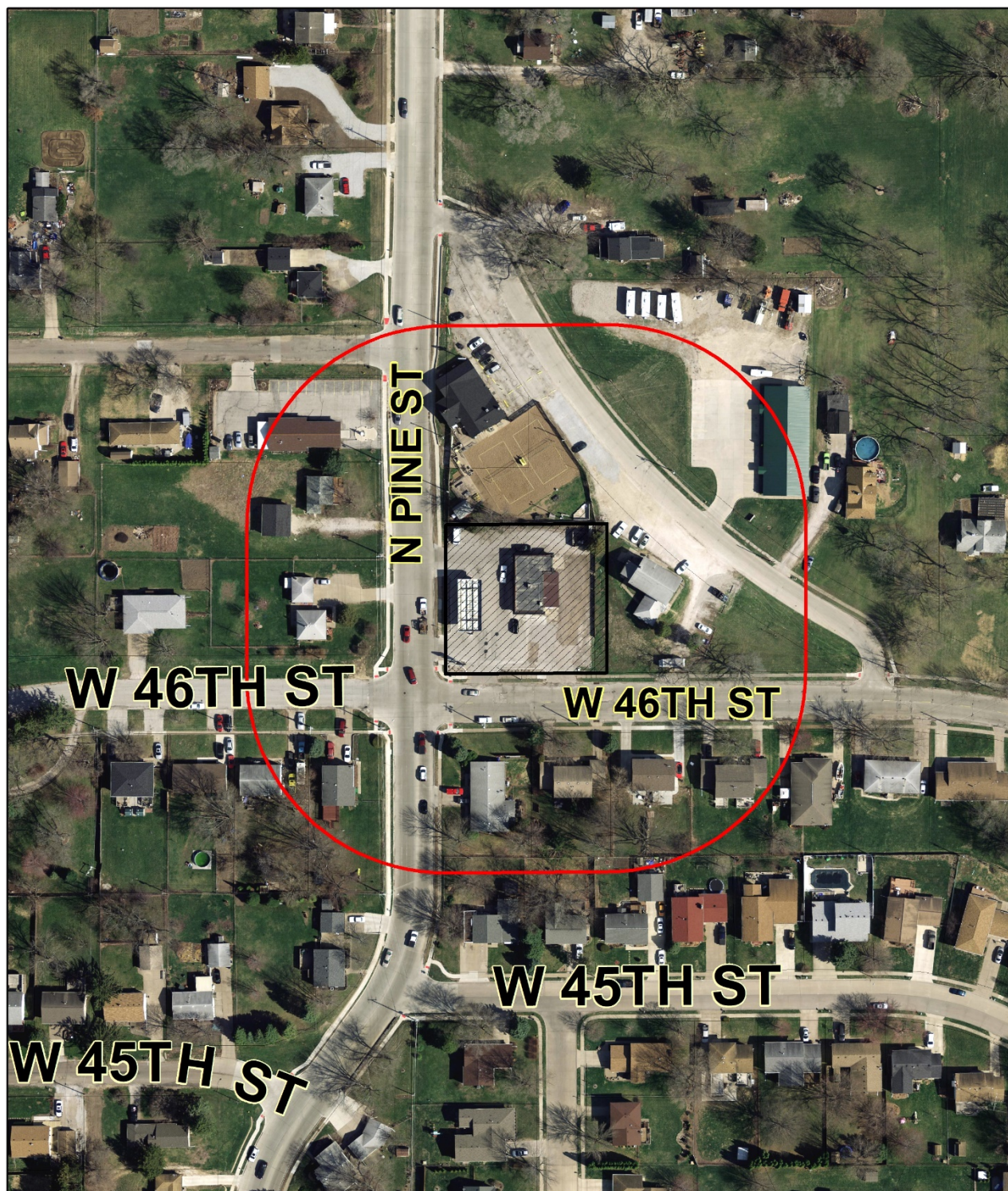
As a property owner within 200 feet of the subject property, you have the opportunity to officially comment or formally protest this request. These must be provided in writing.

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

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Nevada Lemke 563-888-2296

Wards:

Action / Date

5/22/2019

Subject:

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]

Recommendation:

Adopt the Resolution.

Background:

The City of Davenport completes a Housing Needs Assessment Study every 5 years. The intent of the project is to provide a framework for the City to understand gaps in the housing inventory. This year, a regional collaboration is desired between the Cities of Moline and Rock Island, Illinois and Davenport, Iowa. The Cities last completed individual Housing Needs Assessment Studies in 2015. Since that time, there have been social and economic changes in the Cities. The project will give the Cities an updated understanding of the housing conditions both individually and regionally to guide staff and the City Councils.

The collaboration, after formalization, will establish the means for paying, managing, and completing the construction of the project. The City of Davenport will serve as the lead entity of the collaboration. They will send out an RFP to obtain the services of a consultant, and will pay the consulting cost which will be reimbursed from the Program Participants. The Housing Needs Assessment is estimated to be in the range of \$45,000, or approximately \$15,000 each. The City of Davenport will fund their \$15,000 portion using CDBG Funds.

Under the terms of this agreement, the cities will be responsible for providing information, data, assisting with public input meetings, and more as required by the consultant. The Consultant will recommend action steps for the cities to progress towards meeting the housing needs of the community both individually and regionally.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Resolution for Intergovernmental Agreement
▣ Backup Material	Intergovernmental Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	5/30/2019 - 11:39 AM
Community Development Committee	Berger, Bruce	Approved	5/30/2019 - 11:39 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 12:00 PM

Resolution No. _____

Resolution offered by Alderman Rawson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the Collaboration and Intergovernmental Agreement among the Cities of Moline and Rock Island, Illinois and the City of Davenport, Iowa.

WHEREAS, the Program Participants wish to collaborate on a regional Housing Needs Assessment.

WHEREAS, the City of Moline (hereinafter "Moline") is a home rule unit pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the City of Rock Island (hereinafter "Rock Island") is a home rule unit pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, in order to proceed with the project the Parties desire to formalize their relationship to each other in order to establish a means of financing, paying, managing, and completing the Project.

WHEREAS, intergovernmental cooperation between units of local government to contract, further combine, or transfer a lawful power or function in any manner not prohibited by law or ordinance is authorized by Article VII, Section 10 of the Illinois Constitution of 1970; and

WHEREAS, the Illinois General Assembly, in order to implement Article VI, Section 10 of the Illinois Constitution of 1970, adopted the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.); and

WHEREAS, all aspects of this Agreement are designed and intended to enhance the public health, safety, and welfare, and to provide efficiencies to the parties and their residents.

NOW, THEREFORE, BE IT RESOLVED, by the City Council and the City of Davenport that the Collaboration and Intergovernmental Agreement between the Cities of Moline and Rock Island, Illinois and the City of Davenport, Iowa is hereby adopted.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

**COLLABORATION & INTERGOVERNMENTAL AGREEMENT AMONG THE
CITIES OF MOLINE AND ROCK ISLAND, ILLINOIS & CITY OF DAVENPORT
IOWA
FOR
THE 2020 – 2025 HOUSING NEEDS ASSESSMENT**

This agreement among the City of Moline, Illinois, a municipal corporation, (hereinafter “Moline”), the City of Rock Island, Illinois, a municipal corporation, (hereinafter “Rock Island”), and the City of Davenport, Iowa, a municipal corporation, (hereinafter “Davenport”), in consideration of the cost share identified, the mutual promises and covenants exchanged herein and in accordance with all appropriate Iowa and Illinois constitutional and statutory sections related to the enactment or adoption of intergovernmental and collaboration agreements hereby enter into the following agreement.

WHEREAS, the Program Participants wish to collaborate on a regional Housing Needs Assessment.

WHEREAS, the City of Moline (hereinafter “Moline”) is a home rule unit pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the City of Rock Island (hereinafter “Rock Island”) is a home rule unit pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, in order to proceed with the project the Parties desire to formalize their relationship to each other in order to establish a means of financing, paying, managing, and completing the construction of the Project.

WHEREAS, intergovernmental cooperation between units of local government to contract, further combine, or transfer a lawful power or function in any manner not prohibited by law or ordinance is authorized by Article VII, Section 10 of the Illinois Constitution of 1970; and

WHEREAS, the Illinois General Assembly, in order to implement Article VI, Section 10 of the Illinois Constitution of 1970, adopted the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.); and

WHEREAS, all aspects of this Agreement are designed and intended to enhance the public health, safety, and welfare, and to provide efficiencies to the parties and their residents.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, Parties hereby agree as follows:

NOW THEREFORE, it is agreed among the parties hereto that:

LEAD ENTITY

The City of Davenport will serve as the lead entity of the collaboration.

ROLES/RESPONSIBILITIES OF PROGRAM PARTICIPANTS

The City of Davenport will serve as the lead entity and as such will, after consultation with Program Participants, issue an RFP/RFQ to obtain the services of a consultant. Each Program Participant will be responsible for providing information, data, assisting with public input meetings, etc. as required by the consultant and identified in the agreed upon scope of work.

WITHDRAWAL

Prior to the selection of the consultant a Program Participant may withdraw from the collaboration. However, once the consultant is chosen, scope of work identified and financial obligation of each program participant identified, a participant will be held responsible, as stated in the contract, for their share of the Housing Needs Assessment. Participants are to submit, in writing withdrawing from the Housing Needs Assessment to the lead entity.

SPECIAL CONDITIONS

In consideration of the mutual covenants and promises herein contained, the Program Participants hereby agree as follows:

1. The recitals hereto are incorporated herein by this reference thereto as if fully set out herein.
2. The City of Davenport will serve as the lead entity of the collaboration and the Housing Needs Assessment; and
3. The City of Davenport will pay consulting cost for which the City of Davenport will be reimbursed from the Program Participants. At this time the cost of the Housing Needs Assessment is estimated to be in the range of \$45,000, or approximately \$15,000 each. If the selected consultants estimated proposal exceeds \$45,000 the collaborators retain the right to revise the scope of work to reduce the consultant costs associated with the Housing Needs Assessment. In no event shall this agreement obligate any of individual municipalities to an obligation of more than fifteen thousand dollars (\$15,000.00) without an amendment to this agreement approved by the appropriate authority for that municipality.
4. Each section of this Agreement and each sentence, clause or phrase contained in such section shall be considered severable and, if for any reason, any section or sentence, clause or phrase contained in such section is determined to be invalid or contrary to any existing or future laws, such invalidity shall not impair the operation of or affect that portion of this Agreement which is valid.
5. This instrument contains the sole agreement of the parties hereto and all prior negotiations or correspondence shall be deemed merged into this

Agreement; and the terms of this Agreement shall govern the rights of the parties exclusively.

6. This Agreement shall be governed by the laws of the State of Iowa, and the sole and exclusive venue for any disputes arising out of this Agreement shall be any state court located within Scott County, Iowa, or federal court located within the appropriate venue. A waiver of any part of this Agreement shall be limited to that specific event and shall not be a waiver of the entire Agreement.
7. The roles/responsibilities of the collaborating program participants will be identified as part of the agreement with the consultant.
8. Program participants will be responsible for ensuring that their jurisdiction's analysis, priorities, and goals are sufficient and suitable for inclusion in the Housing Needs Assessment. The scope of the responsibilities to be carried out by the participants, individually and jointly, will ultimately be established during negotiations regarding the specific scope of work with the selected consultant.

SECTION HEADINGS AND SUBHEADINGS

The section headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this agreement.

WAIVER

A Program Participant's failure to act with respect to a breach by another Program Participant does not waive its right to act with respect to subsequent or similar breaches. The failure of the Program Participant to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates as indicated.

CITY OF DAVENPORT, IOWA,
a municipal corporation:

By: _____
Mayor

Attest: _____
City Clerk

Approved as to Form:

City Attorney

Date

CITY OF MOLINE, ILLINOIS,
a municipal corporation:

By: _____
Mayor

Attest: _____
City Clerk

Approved as to Form:

City Attorney

Date

City OF ROCK ISLAND, ILLINOIS,
a municipal corporation:

By: _____
Mayor

Attest: _____
City Clerk

Approved as to Form:

City Attorney

Date

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Brian Heyer 563-326-7735

Wards:

Action / Date

6/12/2019

Subject:

Resolution authorizing the 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). [Ward 6]

Recommendation:

Adopt the Resolution.

Background:

The City vacated this as right-of-way in 1960 and the abutting property owner would like to acquire it.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	6/3/2019 - 12:28 PM

Resolution No. _____

Resolution offered by Alderman Rawson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION AUTHORIZING THE 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).

WHEREAS, the City of Davenport currently owns vacated public right of way known as a portion of Crestline Drive lying West of the North-South alley lying West of Marlo Avenue, Davenport, Iowa, legally described as:

Commencing at the Southeast corner of Lot 11 in Stacey Heights Second Addition to the City of Davenport, Iowa; thence extending South in a straight line along the line of the East line of said Lot 11 if extended to a point on the South line of Crestline Drive in the City of Davenport, Iowa, being the boundary line between the City of Davenport, Iowa and the City of Bettendorf, Iowa; thence West along said boundary line a distance of 120.00 feet; thence North to the Southwest corner of Lot 12 in Stacey Heights Second Addition to the City of Davenport, Iowa; thence East 120.00 feet to the point of beginning. Said tract containing 3,000 square feet, more or less.

WHEREAS, the City of Davenport wishes to convey the same to 2950 Crestline, L.L.C., subject to easements and restrictions of record and existing utilities;

WHEREAS, a public hearing on the matter was held on Wednesday, June 5, 2019, as required by law;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that the above-described real estate be conveyed to 2950 Crestline, L.L.C., subject to easements and restrictions of record and existing utilities; and in addition that an easement be recorded granting access to all public utility providers, including the City of Davenport, for the maintenance, operation, removal, repair, construction, reconstruction, placement and/or replacement of all utilities within the vacated right of way, and

BE IT FURTHER RESOLVED that the proposed conveyance shall be executed by the Mayor and Deputy City Clerk on behalf of the City.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, City Clerk

City of Davenport

Agenda Group:
Department: Public Safety
Contact Info: Gary Statz 563-326-7754
Wards:

Action / Date
5/1/2019

Subject:

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]

Recommendation:
Adopt the Ordinance.

Background:

With the engineering/reconstruction of E 53rd, MUTCD code recommends this configuration and road width carry a 40 mph speed limit. As the reconstruction is completed, the signage will be changed from 45 to 40 mph. Here are some of the benefits of this change:

- Improved traffic flow with center turn lanes available
- Interconnected fiber signals that will improve timing of signals
- Configuration and reduced mph will help minimize rear-end collisions
- Improved pedestrian safety

ATTACHMENTS:

Type	Description
Ordinance	PW Pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	4/24/2019 - 11:46 AM
Public Works Committee	Lechvar, Gina	Approved	4/24/2019 - 11:46 AM
City Clerk	Admin, Default	Approved	4/24/2019 - 11:50 AM

ORDINANCE NO.

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.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Brian Krup
Deputy City Clerk

Published in the *Quad City Times* _____

City of Davenport

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

Action / Date
6/5/2019

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

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***

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	Bix Course Map
□ Backup Material	RME Anniversary Concert Map
□ Backup Material	RME Anniversary Concert Street Closure Petition

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

Grad Party Street Closure Petition
Ride the River
Air Show Aerial Map
Air Show Street Closures

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	5/13/2019 - 3:26 PM

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):

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 PM - 12:00 AM; **Closure:** 2nd St from Main St to Brady St (access to CBI Bank & Trust will be available). [Ward 3]

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

River Action; Ride the River; Sunday, June 16, 2019 5:30 AM - 4:30 PM; **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.*

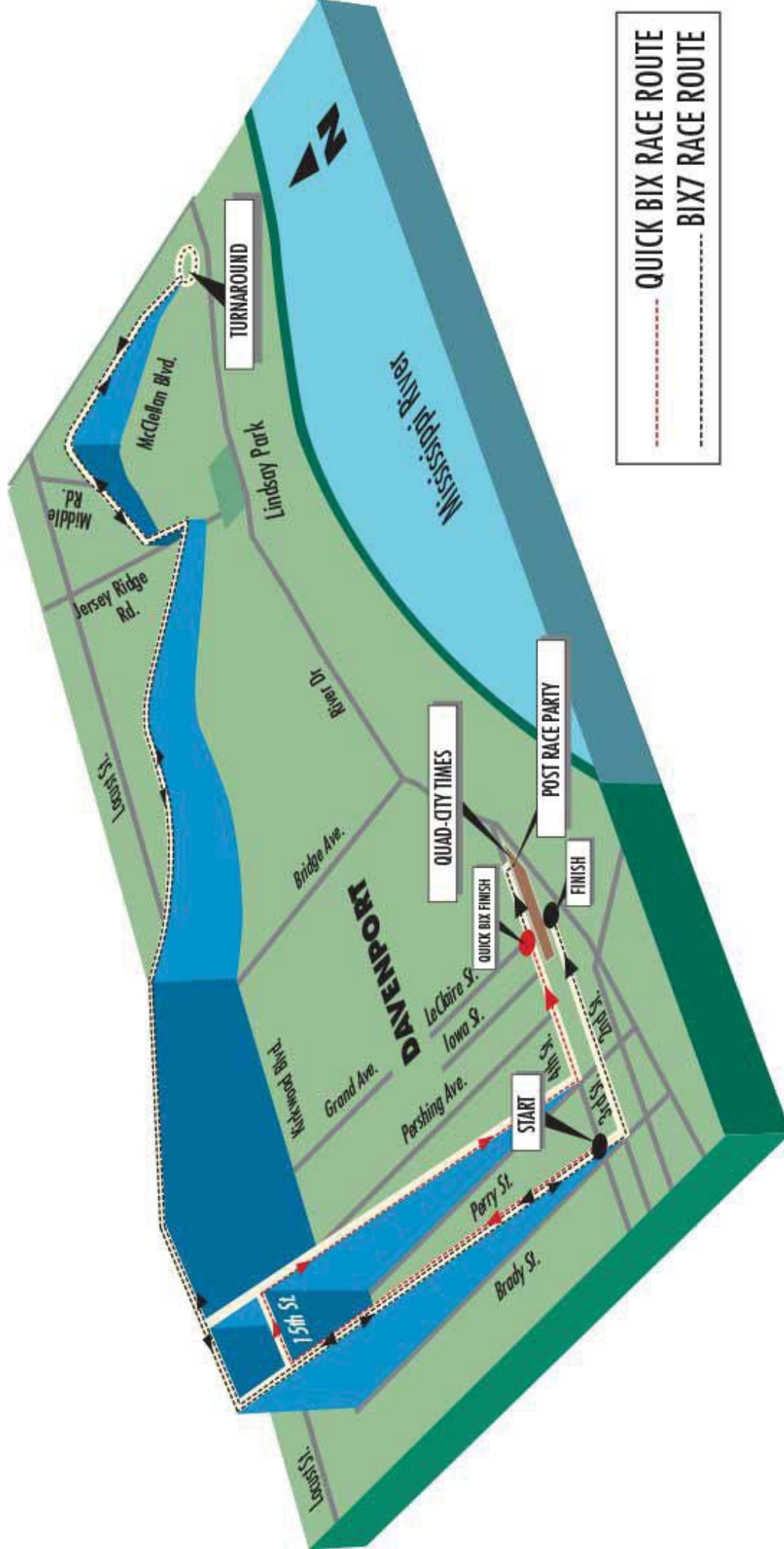
Ken Hopper; 31st Quad City Air Show; Thursday, June 27, 2019 12:00 PM - 4:00 PM; Friday, June 28, 2019 1:30 PM - 4:30 PM; Saturday, June 29, 2019 12:30 PM - 4:30 PM; and Sunday, June 30, 2019 12:30 PM - 4:30 PM; **Closure:** W 76th St from Division St to Slopertown Rd; Slopertown Rd east of the Sterilite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

Approved:

Attest:

Frank Klipsch, Mayor

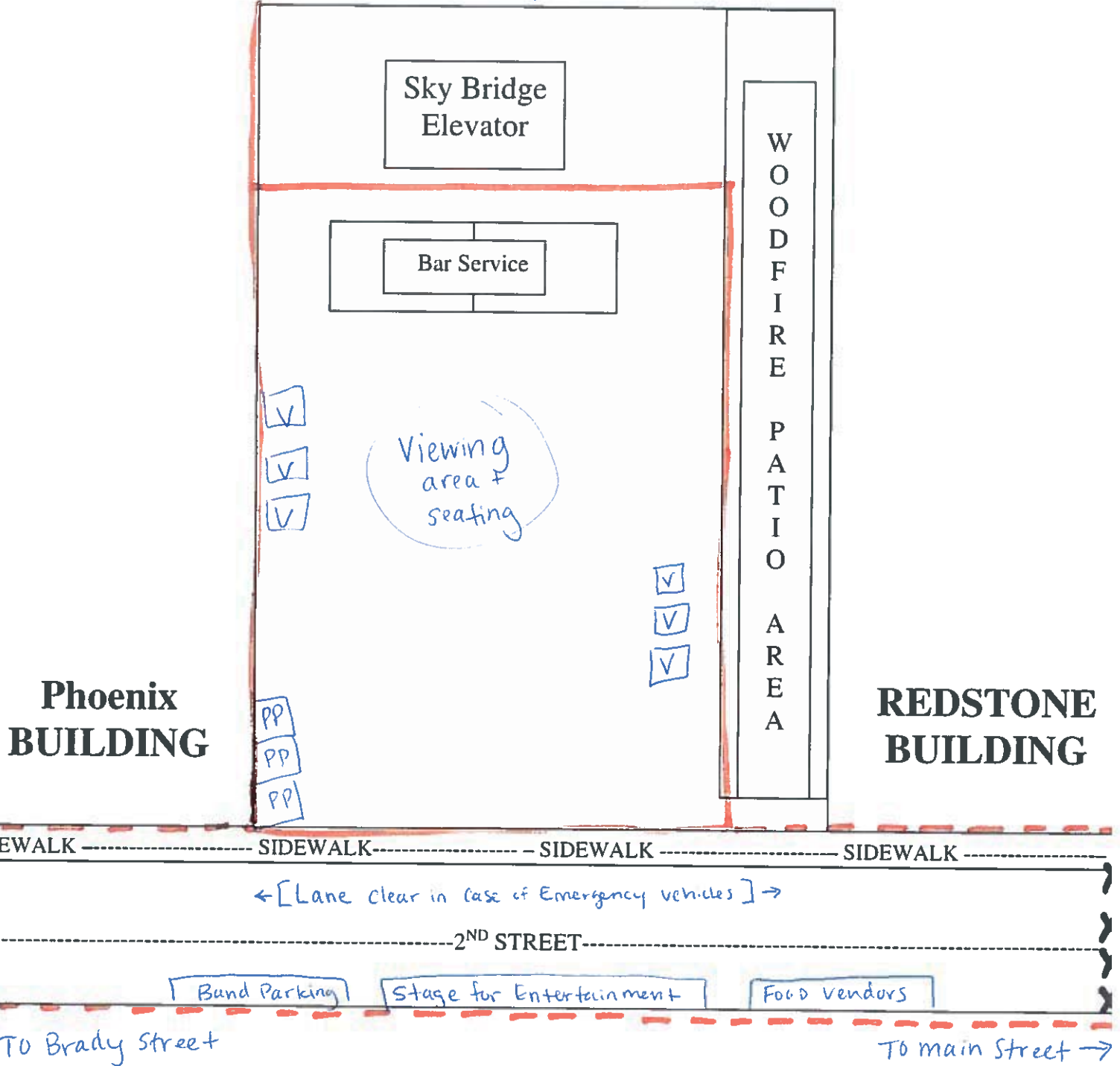
Brian Krup, Deputy City Clerk



Friday, June 14th, 2019

Street Closure: 12pm - 12am (includes set-up + tear-down)

Event time: 4pm - 10pm



* Request to temporarily extend outdoor area to street for 15th Anniversary Event on June 14th, 2019. Bar service area will stay on licensed premise. Extended area will be controlled by Barricades from city, fencing and policed by security, staff and volunteers to ensure alcohol is not carried out beyond street closure + licensed area.

CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 14th day of June, 20 19, there is proposed a street closing, requested by River Music Experience, which will require the closing of 2nd Street between Main and Brady, during the hours of 12:00pm - 12:00am.

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>CBI Bank & Trust 101 W. 2nd ST STE 100</u>	<u>X</u>	<u> </u>	<u> </u>
<u>BAD BOY2 PIZZA</u>	<u>X</u>	<u> </u>	<u> </u>
<u>WOODFIRE GRILL</u>	<u>X</u>	<u> </u>	<u> </u>
<u>The Current Tavern</u>	<u>X</u>	<u> </u>	<u> </u>
<u>Subway 124 2nd St</u>	<u>X</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

STREET CLOSING PETITION FOR RME ANNIVERSARY CELEBRATION

RME is requesting 2nd Street be closed between Main and Brady on Friday, June 14th, 2019 between 12:00 PM until the end of the event at 10:00 PM. Please sign below your BUSINESS 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 event (check one, please).

[illegible]

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

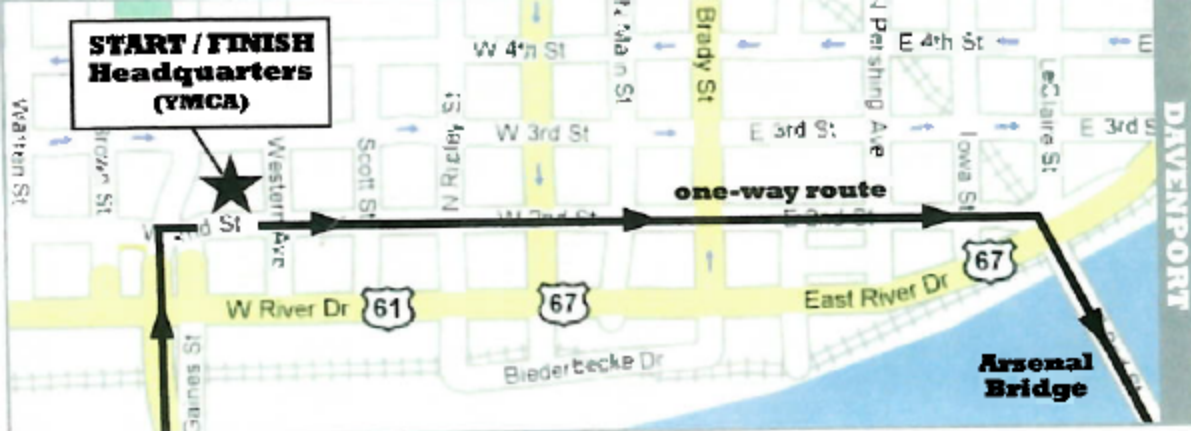
MICHAEL'S GRADUATION PARTY

SATURDAY, JUNE 15, 2019 APPROX 12:00PM - 8:00PM

RESIDENTS: 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 above for this Block Party (check one, please). Applicants: if a resident is not available please indicate.

[illegible]

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





2019 – 31st Quad City Air Show is scheduled for June 29-30, 2019

Main runway 15/33 – is 500' show line





ROAD CLOSURE – 2019

31st QUAD CITY AIR SHOW – June 27-30, 2019
Davenport Municipal Airport

City of Eldridge

- 1) 155th Avenue South from 230th Street to Slopertown Road.
- 2) 162nd Avenue (or) South 1st Street from Blackhawk Trails south to 210th Street.
- 3) 230th Street (Lincoln Road) from South 1st Street west to 155th Avenue.

City of Davenport

- 1) Division Street from 76th Street North to Slopertown Road
- 2) 145th Avenue (Hillandale) at Highway 130
- 3) Northwest Blvd at Hillandale Road.

Scott County

- 1) Slopertown Road east from 145th Avenue to South 1st Street – Eldridge
- 2) 210th Street west from Highway 61 to Airport entrance

Times to be closed

<u>Day of the week</u>	<u>Hours for closure</u>	<u>Reason for closure</u>
Thursday, June 27, 2019	1200-1600	USN Blue Angels Practice
Friday, June 28, 2019	1330-1630	USN Blue Angels Practice
Saturday, June 29, 2019	1230-1630	Air Show Day One
Sunday, June 30, 2019	1230-1630	Air Show Day Two

** Remember, times and dates may change depending on the needs, this is our best estimate as of this time and these have worked in the past. We allow the Police to use discretion for allowing residents to/from their respective property, IF THE U.S. Navy BLUE ANGELS ARE NOT FLYING.

Thanks for the support.
19roads

City of Davenport

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

Action / Date
6/12/2019

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

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]

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	Farm Days

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	5/13/2019 - 3:50 PM

March 28, 2019

To Whom It May Concern;

I have submitted a Special Events Application for Farm Days in the Village. This event would be held on Saturday, August 24th from 10:00AM-5:00PM and on Sunday, August 25th from 10:AM-4:00PM in the Village of East Davenport. Event Set Up would begin on Friday, August 23rd at 3:00PM until 6:00PM. Set up would continue on Saturday, August 24th at 6:00AM and continue until the event begins at 10:00AM.

The event is hosted by the Village of East Davenport Business Association, Deer Valley Collectors, Scott County Farm Bureau, and the North Scott High School Future Farmers of America. Local businesses sponsor the event that is free to the public.

We are requesting use of Lindsay Park excluding the ball diamond. Activities in the Park would be restricted to the Basketball Court and the grassy area near the court.

I have included a map of necessary street closures for the event. Please feel free to call me at 563-324-6137 or via my email: trlago52@gmail.com.

Thank you for your continued support of this family friendly event.

Sincerely;

A handwritten signature in black ink that reads "Tom Lagomarcino". The signature is written in a cursive, flowing style.

Tom Lagomarcino
Event Coordinator, Farm Days in the Village

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Sherry Eastman 563-326-7795
Wards:

Action / Date
6/5/2019

Subject:
Motion approving beer and liquor license applications.

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

Ward 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

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	5/30/2019 - 2:27 PM
Finance Committee	Wright, Brandon	Approved	5/30/2019 - 2:27 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 4:57 PM

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Rich Oswald 563-326-6115
Wards:

Action / Date
6/5/2019

Subject:
Resolution approving the updated fee schedule for rental licenses and inspections. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
Neighborhood Services and Legal staff reviewed Chapter 8 of the Davenport Municipal Code last fall and Council passed an updated Rental and Property Maintenance code. Staff has reviewed the current fees and are proposing the attached changes be adopted. The purpose of the fee change is to incent landlords to pass first inspections by building the first inspection fee into the license cost. This will also save paperwork cost for billing inspections. Landlords who remain on the four-year cycle would see a cost saving in rental fees.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW Pg 2
▣ Backup Material	Fee Schedule

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	5/31/2019 - 2:46 PM
Public Works Committee	Lechvar, Gina	Approved	5/31/2019 - 3:13 PM
City Clerk	Admin, Default	Approved	5/31/2019 - 4:40 PM

Resolution No. _____

Resolution offered by Alderman Dunn

Resolution approving the updated fee schedule for rental licenses and inspections.

WHEREAS, Staff reviewed fees for Rental and Property Maintenance inspections;

WHEREAS, the proposed change builds the first inspection fee into the license cost;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the schedule fee for Rental and Property Maintenance attached hereto, be adopted.

Passed and approved this 12th day of June, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

Rental License and Fee Inspection Comparison (Current vs. Proposed)

	<u>Current</u>	<u>Proposed</u>	<u>Notes</u>
Annual License Fee - Single Home (per parcel)	\$ 25.00	\$60/\$40/\$30	
Annual License Fee - Multiple-Unit (per parcel)	\$ 25.00	\$60/\$40/\$30	
Multiple Unit parcel Fee	N/A	\$5.00/ea.	
Inspection Fee - Single Home	\$ 35.00	Free	
Inspection Fee - Multiple-Unit (Per Unit, regardless of parceling)	\$ 35.00	Free	
First Re-inspection Fee	Free	\$50/Unit	
Second Re-Inspsection Fee	\$ 50.00	\$50/Unit	
Charge <u>per item</u> remaining out of compliance on each re-inspection	\$ 20.00	\$ 10.00	
Tenant Complaint Inspection	Free	Free/\$50	Charge Founded Only
No Show Fee (Failure to show)	\$ 50.00	\$ 75.00	
Late Cancellation fee (less than 5 days notice)	\$ 50.00	\$ 25.00	
Failure to register rental property	\$ 500.00	\$ 500.00	
Rental License Re-instatement	\$ 500.00	\$ 500.00	
Appeal Filing Fee	\$ 100.00	\$ 100.00	
Occupying Tagged Building	\$250.00 + daily	\$250.00 + daily	\$10.00/per day
Repair Action Plan Deviation, without approval	\$ 1,000.00	\$ 1,000.00	

Example:

4 Plex, single parcel, 4 year cycle, zero findings (total of yrs of fees)	\$ 360.00	\$ 180.00	\$30/year plus \$15 3 extra units.
Single home, 2 year cycle, 6 violations, 3 total inspections (2 yrs of fees)	\$ 305.00	\$ 340.00	\$152.50/year vs. \$170/year avg.
Single home, 4 year cycle, 1 re-inspection, 2 violations fixed (4 yrs of fees)	\$ 240.00	\$ 210.00	\$60/year vs. \$52.50/year avg.

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
6/5/2019

Subject:
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]

Recommendation:
Adopt the Resolution.

Background:
The Iowa DOT recently processed an Invitation to Bid for 35' Low Floor Buses. Included in their bid request were three buses for the City of Davenport. The contract was awarded to Gillig of Livermore, California. It is agreement # IA-2019-003-00-182-FY17, contract #21061.

These buses will be delivered in approximately 18 months. The buses being replaced will go to public auction.

Funding for this purchase is from account #79262680 530350 24015 Bus Fleet.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES_Low-Floor Diesel Buses

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	5/28/2019 - 3:27 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:52 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:19 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the purchase of the three (3) 35' Low-Floor Diesel Buses from the Iowa DOT State Bid to Gillig of Livermore CA, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the purchase of three (3) 35' Low-Floor Diesel Buses from the Iowa DOT State Bid; and

WHEREAS, Gillig of Livermore CA was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the purchase of three (3) 35' Low-Floor Diesel Buses from the Iowa DOT State Bid to Gillig of Livermore CA; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
6/5/2019

Subject:
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]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on April 23, 2019 and was sent to 45 vendors. On May 14, 2019, the Purchasing Division opened and read three responsive and responsible bids. See attached bid tab.

Cargill Inc of North Olmsted OH, was the low bidder for the bulk order and is recommended for the contract.

The City of Davenport is the lead for the multi-jurisdictional cooperative bid. The total salt being purchased is distributed between several area cities, counties, and townships. The City of Davenport will invoice the other participating entities their salt orders at cost plus an administrative fee when delivery is made.

Funding for the purchase is from 54702031 520201. The source of funding is from Road Use Tax.

ATTACHMENTS:

Type	Description
▣ Cover Memo	PW_RES_Road Salt 2019-2020 Season
▣ Cover Memo	Bid Tab for Greensheet- Road Salt

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	5/28/2019 - 3:24 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:48 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:10 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the purchase of Road Salt 2019-2020 season to Cargill Inc. of North Olmsted OH, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the purchase of Road Salt for the 2019-2020 Winter Season; and

WHEREAS, Cargill Inc. of North Olmsted OH was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the purchase of Road Salt 20-19-2020 Season to Cargill Inc. of North Olmsted OH; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: ROAD SALT 2019-2020 WINTER SEASON

BID NUMBER: 19-106

OPENING DATE: MAY 14, 2019

RECOMMENDATION: AWARD THE BID TO CARGILL INC. OF
NORTH OLMSTED OHIO

<u>VENDOR NAME</u>	<u>SUPPLEMENTAL SALT PER TON</u>
Cargill Inc. of North Olmsted, OH	\$59.98/TON
Compass Minerals America Inc. of Overland Park, KS	\$65.91/TON
Morton Salt Inc. of Chicago, IL	\$89.03/TON

Approved By Kristi Keller 5-20-19
Purchasing

Approved By Nicole Allenson 5/20/19
Department Director

Approved By Michael Murray 5/23/19
Budget/CLP

Approved By [Signature] 5-23-2019
Finance Director

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
6/5/2019

Subject:
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]

Recommendation:
Adopt the Resolution.

Background:
The City of Davenport coordinated this multiple jurisdiction purchase of supplemental road salt with the cities of Moline, IL; Clinton, IA; and Buffalo, IA.

An Invitation to Bid was issued and sent to 45 vendors on April 23, 2019. On May 14, 2019, the Purchasing Division opened three bids for supplemental road salt orders. A bid tab is attached.

The vendor has been guaranteed the order of 25% of the supplemental order by February 2020. The City of Davenport's share is an additional 2500 tons at \$78.48 per ton delivered via semi truck for an additional cost of \$196,200.

Funding for this purchase is from the FY20 Operating Budget account 54702031 520201 SALT. Source of funding is the Road Use Tax Fund.

ATTACHMENTS:

Type	Description
▣ Cover Memo	PW_RES_Supplemental Order for Road Salt
▣ Cover Memo	Bid Tab for Greensheet- Supplemental Road Salt

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	5/28/2019 - 3:26 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:48 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:08 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the purchase of the Supplemental Order for Road Salt 2019-2020 season to Compass Minerals America Inc. of Overland Park KS, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the purchase of the Supplemental Order for Road Salt for the 2019-2020 Winter Season; and

WHEREAS, Compass Minerals America Inc. of Overland Park KS was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the purchase of the Supplemental Order for Road Salt 20-19-2020 Season to Compass Minerals America Inc. of Overland Park KS; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: SUPPLEMENTAL ROAD SALT 2019 – 2020 SEASON

BID NUMBER: 19-106

OPENING DATE: MAY 14, 2019

RECOMMENDATION: AWARD THE BID TO COMPASS MINERALS AMERICA
INC. OF OVERLAND PARK KS

<u>VENDOR NAME</u>	<u>SUPPLEMENTAL SALT PER TON</u>
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Compass Minerals America Inc. of Overland Park KS	\$78.48/TON
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Cargill Inc. of North Olmsted OH	\$89.31/TON
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Morton Salt Inc. of Chicago, IL	\$98.77/TON
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Approved By Krista Keller 5-20-19
Purchasing

Approved By Heidi Wheaton 5/20/19
Department Director

Approved By Mykhailo Pury 5/23/19
Budget/CLP

Approved By BR 5-23-2019
Finance Director

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
6/5/2019

Subject:
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]

Recommendation:
Adopt the Resolution.

Background:
Sourcewell (previously known as US Communities), of which the City of Davenport is a member, processed a cooperative bid for street sweepers. Mid-Iowa Solid Waste Equipment was awarded as the lowest responsive and responsible bidder. Contract #122017-TYM. The quote to purchase the two sweepers is \$535,700.

The units being replaced will be sold at public auction.

Funding for this purchase is from CIP 76511675 530350 24017 Street Sweeper Replacement.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES_Street Sweepers

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	5/28/2019 - 3:29 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:52 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:15 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the purchase of two (2) Tymco street sweepers from the Sourcewell (previously known as U. S. Communities) cooperative bid from Mid-Iowa Solid Waste Equipment in the amount of \$535,770, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the purchase of Two street sweepers; and

WHEREAS, Mid-Iowa Solid Waste Equipment was awarded the Sourcewell contract as the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the purchase of two (2) Tymco street sweepers from the Sourcewell contract with Mid-Iowa Solid Waste Equipment; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
6/5/2019

Subject:
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]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on April 30, 2019 and sent to contractors. On May 23, 2019, the Purchasing Division opened and read five bids. CDMI Concrete Contractors Inc of Port Byron was the lowest responsive and responsible bid. See bid tab attached.

This project is the replacement of W 46th Street from N Pine St to 215 ft. east of Cheyenne Avenue. The street is in poor condition and is in need of replacement.

Funding for this project is from the CIP #35036 Concrete Neighborhood Street Replacement account. These funds are from the sale of General Obligation Bonds.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES_W 46th St Replacement Project
▣ Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	5/28/2019 - 3:31 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:59 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:52 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the W 46th Street Replacement from N Pine to 215 feet east on Cheyenne Ave project to CDMI Concrete Contractors Inc of Port Byron IL, in the amount of \$288,760, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the W 46th Street Replacement from N Pine to 215 feet east on Cheyenne Ave project; and

WHEREAS, CDMI Concrete Contractors Inc was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the W 46th Street Replacement from N Pine to 215 feet east on Cheyenne Ave project to CDMI Concrete Contractors Inc of Port Byron, IL; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

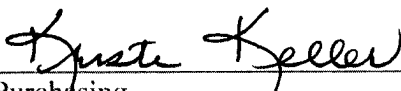
DESCRIPTION: W 46th ST RECONSTRUCTION FROM PINE TO CHEYENNE

BID NUMBER: 19-107

OPENING DATE: MAY 23, 2019

RECOMMENDATION: AWARD THE BID TO CDMI CONCRETE
CONTRACTORS INC OF PORT BYRON IL

<u>VENDOR NAME</u>	<u>TOTAL BID</u>
CDMI Concrete Contractors Inc of Port Byron IL	\$288,760.00
Walter D. Laud Inc. of Carbon Cliff IL	\$298,420.00
N J Miller Inc. of Bettendorf IA	\$306,165.00
Langman Construction Inc of Rock Island IL	\$322,020.50
McCarthy Improvement Company of Davenport	\$375,515.75

Approved By  5-28-19
Purchasing Date

Approved By  5/24/19
Department Director Date

Approved By  _____
Budget/CIP Date

Approved By  5-28-2019
Finance Director Date

City of Davenport

Agenda Group:
Department: Public Works - Admin
Contact Info: Nicole Gleason 563-327-5150
Wards:

Action / Date
6/5/2019

Subject:
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]

Recommendation:
Adopt the Resolution.

Background:
On April 16, 2019, an Invitation to Bid was issued and sent to contractors. On May 24, 2019, the Purchasing Division opened and read two bids. Davenport Electric Contract Co is being recommended for the award as the lowest responsive and responsible bid. See bid tab attached.

This project includes all labor, materials and equipment necessary to install LED streetlight retrofit kits and new globes as needed. LED fixtures are more efficient to operate.

Funding for this project is from the CIP account 79513691 530350 60020 Downtown Street Lights.

ATTACHMENTS:

Type	Description
▣ Cover Memo	PW_RES_Downtown Street Light LED Retrofit
▣ Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	5/29/2019 - 11:21 AM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 11:00 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:44 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Downtown Decorative Street Light LED Retrofit project to Davenport Electric Contract Co. of Davenport, in the amount of \$136,771.50, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the Downtown Decorative Street Light LED Retrofit project; and

WHEREAS, Davenport Electric Contract Co. was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the Downtown Decorative Street Light LED Retrofit project to Davenport Electric Contract Co. of Davenport; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: DOWNTOWN DECORATIVE STREET LIGHT LED RETROFIT

BID NUMBER: 19-101

ACCOUNT NUMBER: 79513691 530350 60020 DOWNTOWN STREET LIGHTS

OPENING DATE: MAY 7, 2019

RECOMMENDATION: AWARD THE BID TO DAVENPORT ELECTRIC
CONTRACT CO OF DAVENPORT

<u>VENDOR NAME</u>	<u>TOTAL BID</u>
Davenport Electric Contract Co. of Davenport	\$136,771.50
Tri-City Electric Co. of Davenport	\$190,491.00

Approved By *Kriste Keller* 5/28/19
Purchasing Date

Approved By *Nicole Pleasanti* 5/28/19
Department Director Date

Approved By *Brenda Coy* 5-28-19
Budget/CIP Date

Approved By *BR* 5-28-2019
Finance Director Date

City of Davenport

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

Action / Date
6/12/2019

Subject:
Resolution approving a three-year agreement with Cartegraph Systems LCC of Dubuque, Iowa in the amount of \$216,000. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
Cartegraph is the work order and asset management system used primarily by the Public Works and Neighborhood Services Departments. This software allows staff to generate work orders, track resources, issue reports and manage external and internal request for services. The agreement will be paid in annual installments of \$72,000 for three years.

The funding for this agreement will come out of the operating budgets of the Public Works and Neighborhood Services Departments.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW Pg 2
▢ Backup Material	Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	5/29/2019 - 1:41 PM
Public Works Committee	Lechvar, Gina	Approved	5/29/2019 - 1:42 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:54 AM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a three year agreement with Cartegraph Systems LCC of Dubuque, Iowa in the amount of \$216,000.

WHEREAS, the City needs to contract out for the use of a work order and asset management system; and

WHEREAS, Cartegraph Systems, LLC of Dubuque, Iowa is providing the system; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa that the three year agreement with Cartegraph Systems, LCC is approved.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

Purchase Agreement

Cartegraph is pleased to present this Purchase Agreement for the implementation of world class technology solutions. This Purchase Agreement is made and entered into between **City of Davenport** (hereinafter referred to as “**Customer**”) and **Cartegraph Systems LLC** (hereinafter referred to as “**Cartegraph**”). In the case that any terms or conditions provided in the Cartegraph Solutions Agreement differ from, are provided in more detail by, or are made irrelevant by the terms and conditions provided in this Purchase Agreement, the terms in this Purchase Agreement shall control. For all terms and conditions not addressed by this Purchase Agreement, the Cartegraph Solutions Agreement shall control.

Customer Bill To:	Customer Ship To:
City of Davenport 1200 East 46 th Street Davenport, IA 52807	Same

Investment Summary

The Addendums attached hereto, include:

Addendum A – Support Services

Cartegraph's proposed fees for this project are included in the summary below.

Today's Date: February
22, 2019

Signature July 31, 2019
Expiration Date:

Purchase #PA1082
Agreement No.:

	Purchase Type	Qty.	Unit Price	Total Price
YEAR 1				
SOLUTIONS				
Cartegraph OMS – Platform - Enterprise	Subscription, Cartegraph Cloud Deployment, Hosting fee is included, 8/1/19 – 7/31/20	1	\$27,000.00	\$27,000.00
Cartegraph OMS Extension	Advanced Work Management Subscription	1	\$6,600.00	\$6,600.00
Cartegraph OMS Extension	Advanced Asset Management Subscription	1	\$6,600.00	\$6,600.00
Cartegraph OMS Extension	Advanced User Tools Subscription	1	\$4,400.00	\$4,400.00
Cartegraph OMS Extension	Internal Requests Subscription	1	\$4,400.00	\$4,400.00
Cartegraph OMS Extension	Advanced Resources Subscription	1	\$6,600.00	\$6,600.00
Cartegraph OMS Users	User Pack Subscription – 100 Named Users	2	\$7,700.00	\$15,400.00
TECHNICAL SUPPORT				
Integration Support	Fixed Fee - FuelMaster	1	\$1,000.00	\$1,000.00
YEAR 1 SUB-TOTAL				\$72,000.00

YEAR 2				
SOLUTIONS				
Cartegraph OMS – Platform - Enterprise	Subscription, Cartegraph Cloud Deployment, Hosting fee is included, 8/1/20 – 7/31/21	1	\$27,000.00	\$27,000.00
Cartegraph OMS Extension	Advanced Work Management Subscription	1	\$6,600.00	\$6,600.00
Cartegraph OMS Extension	Advanced Asset Management Subscription	1	\$6,600.00	\$6,600.00
Cartegraph OMS Extension	Advanced User Tools Subscription	1	\$4,400.00	\$4,400.00
Cartegraph OMS Extension	Internal Requests Subscription	1	\$4,400.00	\$4,400.00
Cartegraph OMS Extension	Advanced Resources Subscription	1	\$6,600.00	\$6,600.00
Cartegraph OMS Users	User Pack Subscription – 100 Named Users	2	\$7,700.00	\$15,400.00
TECHNICAL SUPPORT				
Integration Support	Fixed Fee - FuelMaster	1	\$1,000.00	\$1,000.00
YEAR 2 SUB-TOTAL				\$72,000.00
YEAR 3				
SOLUTIONS				
Cartegraph OMS – Platform - Enterprise	Subscription, Cartegraph Cloud Deployment, Hosting fee is included, 8/1/21 – 7/31/22	1	\$27,000.00	\$27,000.00
Cartegraph OMS Extension	Advanced Work Management Subscription	1	\$6,600.00	\$6,600.00
Cartegraph OMS Extension	Advanced Asset Management Subscription	1	\$6,600.00	\$6,600.00
Cartegraph OMS Extension	Advanced User Tools Subscription	1	\$4,400.00	\$4,400.00
Cartegraph OMS Extension	Internal Requests Subscription	1	\$4,400.00	\$4,400.00
Cartegraph OMS Extension	Advanced Resources Subscription	1	\$6,600.00	\$6,600.00
Cartegraph OMS Users	User Pack Subscription – 100 Named Users	2	\$7,700.00	\$15,400.00
TECHNICAL SUPPORT				
Integration Support	Fixed Fee - FuelMaster	1	\$1,000.00	\$1,000.00
YEAR 3 SUB-TOTAL				\$72,000.00
TOTAL COST (3-YEAR TERM)				\$216,000.00

NOTES:

The pricing listed above does not include applicable sales tax.

The Cartegraph OMS pricing listed above does not include Esri ArcGIS licenses.

This Purchase Agreement #PA1082 together with the Cartegraph Solutions Agreement, constitutes the final, complete and exclusive statement of the agreement between the Parties pertaining to their subject matter and supersedes any and all prior and contemporaneous understandings or agreements of the Parties

Payment Terms and Conditions

In consideration for the Solutions and Services provided by **Cartegraph** to **Customer**, **Customer** agrees to pay **Cartegraph** the Fees in U.S. Dollars as described below:

1. **Delivery:** Customer shall be provided with the ability to access and use the Solutions upon execution of this Purchase Agreement. If applicable, Services will be scheduled and delivered upon your acceptance of this Purchase Agreement, which will be considered as your notification to proceed.
2. **Services Scheduling:** Customer agrees to work with Cartegraph to schedule Services in a timely manner. All undelivered Services shall expire 365 days from the signing of this Purchase Agreement.
3. **Solutions Invoicing:** The Fee for Solutions will be due in annual installments 15 days prior to the anniversary of the initial term as follows:
 - a. \$71,000.00 due upon execution of the Purchase Agreement.
 - b. \$71,000.00 due 15 days prior to 1st year anniversary of term start date.
 - c. \$71,000.00 due 15 days prior to 2nd year anniversary of term start date.
4. **Renewal Invoicing:** Invoicing for the Renewal fee shall occur upon the acceptance of this Purchase Agreement and shall be invoiced as follows:
 - a. \$1,000.00 due upon execution of the Purchase Agreement.
 - b. \$1,000.00 due 15 days prior to 1st year anniversary of term start date.
 - c. \$1,000.00 due 15 days prior to 2nd year anniversary of term start date.
5. **Payment Terms:** All payments are due Net 30 days from start date of invoice.

BY SIGNING BELOW, THE PARTIES AGREE THAT ALL USE AND ACCESS TO THE SOLUTIONS DESCRIBED IN THIS PURCHASE AGREEMENT SHALL BE GOVERNED BY THE CARTEGRAPH SOLUTIONS AGREEMENT, WHICH CAN BE REVIEWED AT: <https://www.cartegraph.com/solutions-agreement/>. THE PARTIES AGREE TO BE BOUND BY THE TERMS AND CONDITIONS OF THE CARTEGRAPH SOLUTIONS AGREEMENT AND THIS PURCHASE AGREEMENT REFERENCED HEREIN.

CARTEGRAPH: Cartegraph Systems LLC

By ____

(Signature)

Mitch Bradley

(Type or print name)

Title _ SVP of Sales & Marketing

Date _____

CUSTOMER: City of Davenport

By _____

(Signature)

(Type or print name)

Title _____

Date _____

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Amy Kay 563-327-5160
Wards:

Action / Date
6/5/2019

Subject:
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]

Recommendation:
Adopt the Resolution.

Background:
The proposed project consists of the removal of a failed gabion basket retaining wall and replacement with a concrete lego block wall on private property at 2346 W 62nd Street.

The project is a 50/50 stream bank stabilization cost share project, as outlined in Section 13.34 and the Davenport Stormwater Management Manual. The project letting and bidding process is proposed for July 2019 with construction completion by September 2019. Funding for the project will be from the FY20 Clean Water Operating Budget 51251980-520228. The current estimate is \$20,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES_FY20_2346 W 62nd St_50-50_P2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/30/2019 - 2:26 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 2:26 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 5:00 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLUTION approving the plans, specifications, form of contract and estimated cost for the construction of a lego block retaining wall along an unnamed tributary of Silver Creek between Pine Street and Hillandale Road. FY2020 Clean Water Operating Supplies 51251980-520228.

[Ward 2]

WHEREAS, plans, specifications, forms of contract and estimated cost were filed with the City Clerk of Davenport, Iowa for the FY2020 Unnamed Tributary to Silver Creek Bank Stabilization Project within the City of Davenport, Iowa; and

WHEREAS, Notice of Hearing on plans, specifications, forms 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, forms of contract and estimated cost are hereby approved as the plans, specifications, forms of contract and estimated cost for said project.

Passed and approved this 5th day of June, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Brad Guy 563-327-5105
Wards:

Action / Date
6/5/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimate of cost for the FY20 Sanitary Sewer Lateral Repair Program, CIP #30049. [All Wards]

Recommendation:
Adopt the Resolution.

Background:

This is the continuation of a program which repairs lateral sewer connections between the City's sewer main and private residences by contract. This program will provide a more reliable sanitary sewer system by repairing pipe failures and updating old materials and connections. This program will also aid in reducing the inflow and infiltration into Davenport's sanitary collection system, as well as reducing the potential for future sink holes on private property and within the City's right-of-way.

Program management will be conducted by the Engineering Division staff.

Funds for the FY20 Sanitary Sewer Lateral Repair Program are budgeted in CIP #30049 at \$1,000,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	RES_FY20 Lateral Program Approval
▣ Backup Material	PH Publication

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/29/2019 - 1:45 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:46 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:02 AM

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 Fiscal Year 2020 Sanitary Sewer Lateral Repair Program, CIP #30049. [All Wards]

Whereas, construction services are required for the continuation of a program that will provide a stable and more reliable sanitary sewer system for the residents of Davenport; and

Whereas, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Fiscal Year 2020 Sanitary Sewer Lateral Repair Program 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 the Fiscal Year 2020 Sanitary Sewer Lateral Repair Program.

Passed and Approved this 12th day of June, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, Deputy City Clerk

Customer Ad Proof

60067429 CITY OF DAVENPORT - LEGALS

Order Nbr 40691

Publication

Quad-City Times

Contact CITY OF DAVENPORT - LEGALS

Address 1 226 W 4TH ST

Address 2

City St Zip DAVENPORT IA 52801

Phone 5638882074

Fax 5633286742

Section Notices & Legals

SubSection

Category 2520 Miscellaneous Notice

Ad Key 40691-1

Keywords Notice of Hearing On the Propo

Notes

PO Number 1913796

Rate Legal

Order Price 18.77

Amount Paid 0.00

Amount Due 18.77

Start/End Dates 05/30/2019 - 05/30/2019

Insertions 1

Size 27

Salesperson(s) Obits Legals O10

Taken By Anastasia Sperling

Ad Proof

Notice of Hearing

On the Proposed Plans, Specifications and Proposed Contract for the F.Y. 2020 Sanitary Sewer Lateral and Nuisance Water Service Repair Program
For the City of Davenport, Iowa
Notice is hereby given that at 5:30 P.M., on Wednesday, June 5th, 2019, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on the Proposed Plans, Specifications and Proposed Contract for the F.Y. 2020 Sanitary Sewer Lateral and Nuisance Water Service Repair Program which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa, and on the cost and necessity of the above project in the City of Davenport, Iowa.
At said hearing any interested person may file written objection or comments with respect to the F.Y. 2020 Sanitary Sewer Lateral Repair Program or cost of and necessity for such improvements and may be heard orally with respect thereto.
Brian Krup,
Deputy City Clerk

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Eric Gravert 563-327-5125
Wards:

Action / Date
6/5/2019

Subject:
Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Civic Access (ADA Ramp) Program Project, CIP #28024. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
This project will provide for ADA compliant curb ramps at various locations throughout the City. This project includes the construction of curb ramps, associated sidewalk, hydro-seeding, erosion controls, and other works required to construct ADA compliant curb ramps. This project is estimated at \$350,000 and funded in CIP #28024.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution letter

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/29/2019 - 1:39 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:53 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:26 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the proposed plans, specifications, form of contract, and estimate of cost for the FY2020 Civic Access (ADA Ramp) Program, CIP #28024.

WHEREAS, specifications, forms of contract, and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the FY2020 Civic Access (ADA Ramp) Program within the City of Davenport, Iowa; and

WHEREAS, Notice of Hearing on specifications and forms of contract was published as required by law:

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa that:

1. Said specifications, forms of contract, and estimate of cost are hereby approved as the plans, specifications, forms of contract, and estimate of cost for said FY2020 Civic Access (ADA Ramp) Program.

Passed and approved this 12th day of June, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian Krup, City Clerk

City of Davenport

Agenda Group:

Department: Public Works - Engineering

Contact Info: Brian Schadt 563-326-7923

Wards:

Action / Date

6/5/2019

Subject:

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

Recommendation:

Pass the Motion.

Background:

This project includes grading and storm sewer installation to improve drainage along Slopertown Rd north of Sterilite. The ditch and adjacent land will be graded to drain to a new inlet that will be connected to the existing Sterilite storm system.

This project is funded through CIP #33043. The cost is not-to-exceed \$75,000.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/28/2019 - 3:20 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 11:50 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 11:53 AM

City of Davenport

Agenda Group:

Department: Public Works - Admin

Contact Info: Nicole Gleason 563-327-5150/Cory Smith 563-888-2162

Wards:

Action / Date

6/5/2019

Subject:

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]

Recommendation:

Pass the Motion.

Background:

An Invitation to Bid was issued on April 15, 2019 and sent to vendors. On May 21, 2019, the Purchasing Division opened and read three (3) responsive and responsible proposals. See attached tabulation.

The City currently has 59 intersections connected to a high-speed fiber network via a dedicated accessible network. The City of Davenport requires a system that can expand. The City is going to add another 20 intersections over the next two years.

The evaluation committee consisted of staff from the IT Department and Public Works-Traffic Engineering Division. The criteria used for selection was: 1) Proposed pricing - 25%, 2) Hardware and application features - 25%, 3) Compatibility to existing environment - 20%, 4) Ease of use - 15%, and 5) Life expectancy and reliability - 15%. MAS scored the highest.

Funding for this project is from the CIP account #10153 Traffic Operations Center.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	5/30/2019 - 10:43 AM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 10:43 AM
City Clerk	Admin, Default	Approved	5/30/2019 - 12:12 PM

CITY OF DAVENPORT, IOWA
TABULATION OF PROPOSALS

DESCRIPTION: INTELLIGENT TRANSPORTATION MANAGEMENT SYSTEM

BID NUMBER: 19-100

ACCOUNT NUMBER: 72001675 530350 10153 TRAFFIC OPERATIONS CENTER

OPENING DATE: MAY 21, 2019

RECOMMENDATION: AWARD THE CONTRACT TO MID AMERICAN SIGNAL
OF KANSAS CITY KS

<u>VENDOR NAME</u>	<u>LOCATION</u>
Mid American Signal (MAS)	Kansas City KS
Peek Traffic Corp.	Houston TX
Traffic Control Corporation	Ankeny IA

Approved By *Christa Keller* 5-30-19
Purchasing Date

Approved By *[Signature]* 5/29/19
IT Director Public Work Director Date

Approved By *Brandi Coyne* 5-30-19
Budget/CIP Date

Approved By *[Signature]* 5-30-2019
Finance Director Date

City of Davenport

Agenda Group:
Department: Public Works - Engineering
Contact Info: Eric Longlett 563-327-5153
Wards:

Action / Date
6/19/2019

Subject:
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]

Recommendation:
Pass the Motion.

Background:
The City of Davenport is expanding the Transload Rail System and part of the project is the relocation of the existing water infrastructure that serves part of the Eastern Iowa Industrial Center. The relocation effort will move infrastructure away from the upcoming rail and spur line project ensuring that future maintenance does not disrupt both rail service and production at the Sterilite facility.

The funding for this reimbursement agreement is out of the Transload Rail Expansion Project, CIP #60009.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/30/2019 - 5:18 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 5:24 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 5:33 PM

City of Davenport

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

Action / Date
6/5/2019

Subject:

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]

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: Finance
Contact Info: Brandon Wright 563-326-7750
Wards:

Action / Date
6/5/2019

Subject:

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]

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: Public Works - Engineering
Contact Info: Mike Atchley 563-327-5149
Wards:

Action / Date
6/5/2019

Subject:
Resolution 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. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
Parcel G0049-40, 1125 W 7th St abuts property owned by The 180 Zone. They are asking to purchase this vacant parcel for \$300 and anticipate using this as a community garden.

The One Eighty Zone, Inc is a non-profit organization providing community outreach to those in need.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Cover Memo	1125 West 7th Street Aerial

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	5/30/2019 - 2:22 PM
Public Works Committee	Lechvar, Gina	Approved	5/30/2019 - 2:22 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 3:56 PM

Resolution No. _____

Resolution offered by Alderman Matson.

RESOLUTION authorizing the Mayor and City Clerk to execute the necessary documents to convey city owned parcel G0049-40, 1125 W. 7th Street, to The 180 Zone, Inc.

RESOLVED by the City Council of the City of Davenport.

WHEREAS, the City of Davenport owns parcel G0049-40 described as follows:

The East 23 feet of the North 84 feet and the East half of the South 76 feet of Lot 12 in Block 12 of GCR Mitchell's Second Addition to the City of Davenport, Iowa, together with an easement for walkway purposes over the East 3 feet of the West 41 feet of the North 84 feet of said Lot 12, granting also an easement for walkway purposes to the property just west of and adjoining the property heretofore described, a tract of land described as follows: the West 4 feet of the South 48 feet of the East half of said Lot 12 and the part of the North 28 feet of the South 76 feet of the East half of said Lot 12, more particularly described as follows: beginning at the Southwest corner of the North 28 feet of the South 76 feet of said Lot 12; thence North along the West line of the East half of said Lot 12, 28 feet; thence East along the North line of the North 28 feet of the South 76 feet of the East half of said Lot 12, 8 feet; thence in a southerly direction to a point 4 feet East to the point of beginning; thence West 4 feet to the point of beginning.

WHEREAS, Community and Economic Development, Natural Resources Parks and the Davenport Fire Department have no need for these parcels.

WHEREAS, removing this parcel from the mowing snow removal contracts will reduce operating costs.

WHEREAS, the The 180 Zone, Inc., is willing pay \$300.00 for the parcel and pay for the recording costs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor and City Clerk are authorized to execute all documents necessary to convey the above city owned parcel of land to the adjacent property.

Passed and approved this 12th day of June, 2019.

Approved:

Attest:

Frank Klipsch, Mayor

Brian J. Krup, Deputy City Clerk



City of Davenport

Agenda Group:
Department: Finance
Contact Info: Amy Groskopf 563-328-6850
Wards:

Action / Date
6/5/2019

Subject:

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]

Recommendation:

Adopt the Resolution.

Background:

In January 2019, the Davenport Public Library completed a Revised Master Plan for the renovations of the Main Library Building. They are ready to move forward with the next phase of the project, by contracting with Legat Architects to design the plans and specifications for the construction phase.

The Library Board of Trustees approved the contract for an amount not to exceed \$150,000 pending legal review and approval of the City Council. The City of Davenport Legal Department has reviewed the proposed contract and approved.

Funding for this project is from CIP 77052699 530350 23028, with a current balance of \$247,114. These funds are from the sale of General Obligation Bonds.

ATTACHMENTS:

Type	Description
▣ Cover Memo	FIN_RES_Design and Preparation of docs Main Library

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	5/30/2019 - 2:25 PM
Finance Committee	Wright, Brandon	Approved	5/30/2019 - 2:25 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 5:02 PM

Resolution No. _____

Resolution offered by Alderman Matson.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Design and Preparation of bid documents for the Renovations to the Main Library Building to Legat Architects of Moline IL, in an amount not-to-exceed \$150,000, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the Design and Preparation of bid documents for the Renovations to the Main Library Building; and

WHEREAS, Legat Architects of Moline IL has worked with the Library staff and board to create a Master Plan for the Renovations to the Main Library Building;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the Design and Preparation of bid documents for the Renovations to the Main Library Building to Legat Architects of Moline IL, in an amount not-to-exceed \$150,000; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

Brian Krup
Deputy City Clerk

Frank Klipsch
Mayor

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Jon Meeks 563-326-7922
Wards:

Action / Date
6/5/2019

Subject:
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]

Recommendation:
Pass the Motion.

Background:
An invitation to bid was issued on April 17, 2019 and was sent to 48 vendors. On May 8, 2019, the Purchasing Division received three responses. See attached bid tab.

Courtesy Ford was the lowest responsive and responsible bidder.

This truck is for the Solid Waste Division, and the old truck will go to auction on Public Surplus.

Funding for this purchase is from account 76700697 530350 10503, the Solid Waste Equipment Replacement Program.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Bid Tabulation_One Ton Flatbed Dump Truck

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	5/30/2019 - 2:21 PM
Finance Committee	Wright, Brandon	Approved	5/30/2019 - 2:21 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 3:52 PM

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: ONE TON FLATBED DUMP TRUCK

BID NUMBER: 19-103

OPENING DATE: APRIL 17, 2019

GL ACCOUNT NUMBER: 76700697 530350 10503

RECOMMENDATION: AWARD THE BID TO COURTESY FORD OF
DAVENPORT, IA

<u>VENDOR NAME</u>	<u>PRICE</u>
Courtesy Ford of Davenport, IA	\$50,178.00
Pat McGrath Dodge of Cedar Rapids, IA	\$51,918.84
Deery Brothers CDJR of Iowa City, IA	\$53,204.00

Approved By: Caithlyn Warner 5/21/19
Purchasing Date

Approved By: Nicole Cleason 5/20/19
PW Director Date

Approved By: Bradi Coy 5-21-19
Budget/CIP Date

Approved By: Br 5-24-2019
Chief Financial Officer Date

City of Davenport

Agenda Group:
Department: Finance
Contact Info: Jon Meeks 563- 326-7922
Wards:

Action / Date
6/5/2019

Subject:
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]

Recommendation:
Pass the Motion.

Background:
An invitation to bid was issued on April 17, 2019 and was sent to 56 vendors. On May 8, 2019, the Purchasing Division received five responses. See attached bid tab.

Stivers Ford was the lowest responsive and responsible bidder.

Both trucks are for Facilities Maintenance, and two old pickup trucks will be sold by online auction.

Funding for this purchase is from account 54911820 530302, the Facilities Maintenance motor vehicle equipment, local option sales tax fund.

ATTACHMENTS:

Type	Description
 Cover Memo	FIN_MOT_Two 9300 GVW Pickup Trucks

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	5/30/2019 - 2:21 PM
Finance Committee	Wright, Brandon	Approved	5/30/2019 - 2:22 PM
City Clerk	Admin, Default	Approved	5/30/2019 - 3:54 PM

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: TWO (2) 9,300 GVW STANDARD CAB PICKUP TRUCKS

BID NUMBER: 19-104

OPENING DATE: APRIL 17, 2019

GL ACCOUNT NUMBER: 54911820 530302

RECOMMENDATION: AWARD THE BID TO STIVERS FORD OF
WAUKEE, IA

<u>VENDOR NAME</u>	<u>PRICE</u>
Stivers Ford of Waukee, IA	\$76,216.00
Courtesy Ford of Davenport, IA	\$77,266.50
Pat McGrath Dodge of Cedar Rapids, IA	\$81,279.56
Zimmerman Enterprises Inc. of Des Plaines, IL	\$88,368.00

Approved By Caithlyn Warner 5/23/19
Purchasing Date

Approved By Nicole Gleason 5-23-19
PW Director Date

Approved By Michael Murray 5-24-19
Budget/CIP Date

Approved By [Signature] 5-24-2019
Chief Financial Officer Date

City of Davenport

Agenda Group:

Department: City Clerk

Contact Info: Kris Keller 563-888-2077

Wards:

Action / Date

6/5/2019

Subject:

1. Brown Traffic Products Inc - Vehicle detection for Locust St - Amount: \$13,044
2. Superior Seawalls Inc - Boat dock replacement and kayak landings - Amount: \$16,000
3. Elliott Equipment - 6 rolls of sewer jetting hose - Amount: \$17,640
4. Altorfer - E426 replacement engine - Amount: \$21,673.01

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	5/20/2019 - 1:05 PM