COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, June 2, 2021; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

REVISED JUNE 1, 2021

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public Hearing for Case REZ21-03 being the request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units. [Ward 6]

2. Public Hearing on the corrections for Year 47 (July 1, 2021 – June 30, 2022) Community Development Block Grant (CDBG) funds. [All Wards]

B. Public Works

1. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the CDBG Replenishment - Group 2: East 7th Street and LeClaire Street Reconstruction projects, #BG250. [Ward 3]

VII. Petitions and Communications from Council Members and the Mayor

VIII. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chair; Judith Lee, Vice Chair

I. COMMUNITY DEVELOPMENT

1. Third Consideration: Ordinance for Case ORD21-01 amending various sections of Chapter 17 of the Municipal Code of Davenport, Iowa entitled "Zoning." [All Wards]

2. Second Consideration: Ordinance for Case REZ21-02 being the request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road, containing 5.37 acres more or less, from C-2 Corridor Commercial to C-3 General Commercial District to allow heavy retail of commercial electronic

components. [Ward 7]

3. First Consideration: Ordinance for Case REZ21-03 being the request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units. [Ward 6]
4. Resolution approving Case P21-01 being the request of Dan Dolan Homes on behalf of Sophie Foster Revocable Trust for a preliminary plat of Birchwood Grove for a 73-lot subdivision on 20 acres located at 4607 East 53rd Street. [Ward 6]
5. Resolution approving Case P21-02 being the request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust for a preliminary plat of Birchwood South First Addition for an 11-lot subdivision on 17.92 acres located at 4607 East 53rd Street. [Ward 6]
6. Motion approving the corrections for Year 47 (July 1, 2021– June 30, 2022) Community Development Block Grant (CDBG) funds. [All Wards]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Ben Jobgen, Chair; Maria Dickmann, Vice Chair

III. PUBLIC SAFETY

1. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

   Humility Homes & Services; Open House and Community Block Party; 519 Fillmore Street; Saturday, June 26, 2021 9:00 a.m. - 4:00 p.m.; **Closure:** Fillmore Street from West 6th Street south to just north of the alley. [Ward 3]

   Cornbelt Running Club; Bix 7 Events; **Brady Street Sprints** Thursday, July 22, 2021 6:00 p.m. - 9:00 p.m.; **Closure:** Brady Street from 5th Street to 11th Street; **Jr Bix 7** Friday, July 23, 2021 2:00 p.m. - 9:00 p.m.; **Closures:** East 4th and East 3rd Streets from Pershing Avenue to River Drive; Iowa and LeClaire Streets from East 3rd to East 4th Streets. [Ward 3]

   Village of East Davenport Business Association; Wine Walk; Village of East Davenport; Saturday, August 21, 2021 1:00 p.m. - 8:00 p.m.; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley; Jersey Ridge Road from East 11th Street north to the alley. [Wards 5 & 6]

   Davenport Community School District; State Marching Band Competition; Brady Street Stadium | 3603 Brady Street; Saturday, October 16, 2021 8:00 a.m. - 5:00 p.m.; **Closure:** East 36th Street between Brady Street and Davenport Avenue. [Ward 7]

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

Ed Hildebrand; Neighborhood Party; 834 North Pine Street; Saturday, June 12, 2021 12:00 p.m. - 3:00 p.m.; Outdoor band/music, over 50 dBA. [Ward 3]

Village of East Davenport Business Association; Wine Walk; Village of East Davenport; Saturday, August 14, 2021 2:00 p.m. - 6:00 p.m.; Outdoor music, over 50 dBA. [Wards 5 & 6]

3. Motion approving beer and liquor license applications.

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

Ward 3

Front Street Brewery (Front Street Brewery, Inc) - Quinlan Court - "Mercado en el Rio" June 12, July 10, August 14, September 11, and October 9, 2021 - Outdoor Area - License Type: Special Class C Liquor

Zeke's Island Café (Lumpy's) - 131 W 2nd St - License Type: Class C Liquor

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

Ward 1

Emeis Golf Course (City of Davenport) - 4500 W Central Park Ave - Outdoor Area - License Type: Class C Liquor

Smokin' Joe's Tobacco and Liquor Outlet # 1 (The Outlet, Inc) - 3120 Rockingham Rd - License Type: Class E Liquor

Ward 2

Hickory Garden Restaurant (Fazliu, Inc) - 3311 Hickory Grove Rd - Outdoor Area - License Type: Beer/Wine

Ward 3

Duck City Delicatessen & Bistro (Moskowitz Llewellyn Restaurant Systems, Inc) - 115 E 3rd St - Outdoor Area - License Type: Class C Liquor

Half Nelson (Bucktown Restaurant Company, LLC) - 321 E 2nd St - Outdoor Area - License Type: Class C Liquor

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

Ruby’s (Infamous, LLC) - 429 E 3rd St - Outdoor Area - License Type: Class C Liquor

Ward 4

Smokin' Joe's Tobacco and Liquor Outlet # 2 (The Outlet, Inc) - 1606 W Locust St - License Type: Class E Liquor

Ward 5

McClellan Stockade (Koellner Enterprises 6, LLC) - 2124 E 11th St - Outdoor Area - License Type: Class C Liquor

Ward 6

Applebee's Neighborhood Grill & Bar (Apple Corps, LP) - 3838 Elmore Ave - License Type: Class C Liquor

Biaggi's Ristorante Italiano LLC (Biaggi's Ristorante Italiano, LLC) - 5195 Utica Ridge Rd - License Type: Class C Liquor

Duck Creek Golf Course (City of Davenport) - 3000 E Locust St - Outdoor Area - License Type: Class C Liquor

QC Marts (Bethany Enterprises, Inc) - 2845 E 53rd St - License Type: Class C Beer

Rave Davenport 53 & IMAX (Cinemark USA, Inc) - 3601 E 53rd St - License Type: Beer/Wine

Red Robin America's Gourmet Burgers & Spirits (Red Robin International, Inc) - 3903 E 53rd St - Outdoor Area - License Type: Class C Liquor

Rhythm City Casino (Rhythm City Casino, LLC) - 7077 Elmore Ave - Outdoor Area - License Type: Class B Liquor

Sam's Club #8238 (Sam's West, Inc) - 3887 Elmore Ave - License Type: Class E Liquor

Ward 7

Costa Del Mar Mexican Grill and Seafood (Costa Del Mar, Inc) - 3852 N Brady St - License Type: Class C Liquor

Kwik Star #294 (Kwik Trip, Inc) - 1650 W Kimberly Rd - License Type: Class C Beer

Mo Brady’s (DRC Ventures, Inc) - 4830 N Brady St - License Type: Class C Liquor

Van's Pizza Pub and Grill (Reedcan, LLC) - 3333 N Harrison St - Outdoor Area - License Type: Class C Liquor

Ward 8

Red Hawk Golf Course (City of Davenport) - 6364 Northwest Blvd - Outdoor Area -

License Type: Class B Beer

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Rick Dunn, Chair; Matthew Dohrmann, Vice Chair

V. PUBLIC WORKS

1. Resolution approving the Public Transportation Agency Safety Plan (PTASP) for Davenport CitiBus as required by the Federal Transit Administration (FTA). [All Wards]
2. Resolution approving the plans, specifications, form of contract, and estimate of cost for the CDBG Replenishment - Group 2: East 7th Street and LeClaire Street project, #BG250. [Ward 3]
3. Resolution awarding the contract for the Emerald Drive Reconstruction project to Langman Construction of Rock Island, Illinois in the amount of $499,302.75, CIP #35046. [Ward 1]
4. Resolution awarding the contract for the 2021 Alley Resurfacing Program (West 15th Street and Iowa Street alleys) to Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of $132,655, CIP #35038. [Wards 4 & 5]
5. Resolution awarding a blanket contract for the purchase of road salt for the 2021-2022 winter season to Compass Minerals America, Inc of Overland Park, Kansas in the amount of $571,372.50 for the base purchase and $199,100 for the supplemental order. [All Wards]
6. Resolution awarding the contract for traffic signalization at Hickory Grove Road and Central Park Avenue to Davenport Electric Contract Company of Davenport, Iowa in the amount of $254,300, CIP #35046. [Wards 2 & 4]
7. Resolution awarding the contract for the Hickory Grove Road Resurfacing project to Hawkeye Paving Corporation of Bettendorf, Iowa in the amount of $452,430, CIP #35053. [Ward 2]
8. Motion accepting work completed by Americore LLC of Blue Grass, Iowa for the Kelling Subdrain Installation in the amount of $57,536.20. [Ward 8]
9. Motion considering a waiver (temporary deferral) of sidewalk installation for the MidAmerican Energy Davenport Service Center located at 9005 Hillandale Road. [Ward 8]
10. Motion awarding the contract for construction-related services for the Marquette Street (12th Street to 5th Street) Reconstruction project to Veenstra & Kimm, Inc of Rock Island, Illinois in an amount not-to-exceed $90,396.00, CIP #35046. [Ward 3]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

JJ Condon, Chair; Patrick Peacock, Vice Chair

VII. FINANCE

1. Resolution authorizing adoption of amended and restated policies and procedures regarding municipal securities disclosure. [All Wards]

VIII. Motion recommending discussion or consent for Finance items

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

1. DJ Gongol & Associates Inc - trash pump - Amount: $10,579.50
2. Radarsign LLC - four changeable speed limit signs - Amount: $11,868
3. Lion - six complete sets of turn-out gear for Fire - Amount: $15,318
4. John Deere Company - two Gators for Parks - Amount: $16,884.62
5. McGrath Automotive Group - new truck for Police - Amount: $38,500

X. Other Ordinances, Resolutions and Motions

XI. Public with Business

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

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

XII. Reports of City Officials

XIII. Adjourn

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **6/2/2021**

Subject:
Public Hearing for Case REZ21-03 being the request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units. [Ward 6]

Recommendation:
Hold the Hearing.

Background:
In 2015 the south half of this site was developed with outdoor storage units, at which time the property was zoned Planned Development District, which allowed for the use. In January of 2019 the zoning code was completely re-written and the property was zoned C-E Elmore Corridors which rendered the property nonconforming with respect to the use of the property.

The C-E District does not allow for outdoor self-storage units. A zoning map amendment is required to allow for the proposed use, (outdoor self-storage units) which is a continuation of the existing use on the lot.

In addition to the rezoning, the site will also require a Special Use approval from the Zoning Board of Adjustment which is required for the proposed use in the C-3 District.

Planning staff recommends the Plan and Zoning Commission forward Case REZ21-03 to the City Council with a recommendation for approval without conditions.

Technical Review:

Existing infrastructure is in place, accordingly technical review comments have been received stating that there ae no concerns for the buildout of the remaining half of this site.

Public Input:

Property owners within 200 feet of the property have been notified and a sign has been placed on the property. A neighborhood meeting was not held for this case. The Notice of a Public Hearing was published in the Quad City Times and a Public Hearing was held on May 4, 2021 and a Regular P&Z Meeting on May 18th, 2021.

With regards to the Plan's stance on the subject property, the attached "Concept Plan" clearly states that the plan establishes the vision for Elmore Corners' existing land uses. The plan shows the entire site as "Existing Warehouse Storage" but does not call out any future modifications or changes to the site, nor illustrate that the site shall meet the design standards of the Elmore Corners Plan. This nonconforming property per the concept plan has no future development planned through the Elmore Corners vision document.

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, (Regional Commercial – RC) which allows for the proposed use and other such similar uses.

2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification.

3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.

4. Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties.

ATTACHMENTS:

	Type	Description
	Ordinance	Ordinance
	Backup Material	Plan & Zoning Background Exhibits
	Exhibit	QC Times Notice
	Exhibit	Notice Letter

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	5/26/2021 - 12:46 PM

ORDINANCE NO. _____

ORDINANCE for Case REZ21-03 being the request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue from C-E Elmore Corners Zoning District to C-3 General Commercial Zoning District to allow for the expansion of the existing outdoor storage units.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "C-3 General Commercial Zoning District".

LOT 4 OF THE FINAL PLAT OF JERSEY FARMS COMMERCIAL PARK 2ND ADDITION BEING A REPLAT OF LOT 1-5 IN JERSEY FARMS COMMERCIAL PARK FIRST ADDITION (OTHERWISE KNOWN AS 6403 ELMORE AVE; PIN Y0551A04) TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan (Regional Commercial – RC) which allows for the proposed use and other such similar uses.
2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.
4. Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties.

Conditions: NONE

Section 3. At its May 18, 2021 meeting, the City Plan and Zoning Commission voted to forward the case to the City Council with a recommendation for approval subject to the listed findings and conditions.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
5/18/2021

Subject:
Case REZ21-03: Request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue (PIN Y0551A04) from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units. [Ward 6]

Recommendation:
Planning staff recommends the Plan and Zoning Commission forward Case REZ21-03 to the City Council with a recommendation for approval without conditions.

Background:
See the attached Vicinity Map, Zoning Map, and Davenport 2035+ Land Use Map.
In addition there are three Exhibits from the Elmore Corners Plan which are also attached. The Elmore Corners Plan/Design Guidelines were adopted 1-9-19.

Comprehensive Plan:
Within Existing Urban Service Area: Yes
Within Urban Service Area 2035: Yes

Regional Commercial (RC) - The most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street.

Zoning:
Existing: C-E Elmore Corners Zoning District
Proposed: C-3 General Commercial District

17.05.010.H. C-E Elmore Corners Purpose Statement
The C-E Elmore Corners Zoning District is intended to implement the vision contained in the Elmore Corners Area Plan through the application of site and building design standards that ensure quality, compatible, and coordinated development within the area.

17.05.010.D. C-3 General Commercial Zoning District
The C-3 General Commercial Zoning District is intended to accommodate higher-intensity commercial development within the City of Davenport that serves both local and regional markets. The C-3 District addresses medium- and largescale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

Technical Review:
Existing infrastructure is in place, accordingly technical review comments have been received stating that there ae no concerns for the buildout of the remaining half of this site.

Public Input:
Property owners within 200 feet of the property have been notified and a sign has been placed on the property. A neighborhood meeting was not held for this case. The Notice of a Public Hearing was published in the Quad City Times and a Public hearing was held on May 4, 2021.

Discussion:
In 2015 the south half of this site was developed with outdoor storage units, at which time the property was zoned Planned Development District, which allowed for the use. In January of 2019 the zoning code was completely re-written and the property was zoned C-E Elmore Corridors which rendered the property nonconforming with respect to the use of the property.

The C-E District does not allow for outdoor self-storage units. A zoning map amendment is required to allow for the proposed use, (outdoor self-storage units) which is a continuation of the existing use on the lot.

In addition to the rezoning, the site will also require a Special Use approval from the Zoning Board of Adjustment which is required for the proposed use in the C-3 District.

Staff has reviewed the C-E Elmore Corners Plan. The Concept Plan on page 3 of the document states "*the Concept Plan establishes the planning and development vision for Elmore Corners in the context of adjacent neighborhoods and existing land uses. The map highlights proposed future land uses and public infrastructure*."
With regards to the Plan's stance on the subject property, the attached "Concept Plan" clearly states that the plan establishes the vision for Elmore Corners' existing land uses. The plan shows the entire site as "Existing Warehouse Storage" but does not call out any future modifications or changes to the site, nor illustrate that the site shall meet the design standards of the Elmore Corners Plan. This nonconforming property per the concept plan has no future development planned through the Elmore Corners vision document.

Likewise, the "Site Layout Plan" also does not show any plans or visions for the subject property. The same holds true for the "Circulation Plan", which also shows the lot/site but contains no plans for the site.

Finally, the "Landscape Concept" map shows the subject property separated from planned areas of Elmore Corners with a wide buffer to separate the warehouse storage site from the areas of actively being planned (see attached exhibit).

Approval Standards for Map Amendments (Chapter 17.14.040)
Zoning text or map amendment are a matter of legislative discretion which 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 balancing of the following:

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

Regional Commercial (RC) areas are located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes. The proposed use is compatible with the Davenport 2035+ Land Use Plan.

b. The compatibility with the zoning of nearby property.

One lot to the south beyond the adjacent apartments is a large commercial retail center zoned C-3, which allows for the same uses as the proposed outdoor storage units. Given the close proximity of the C-3 District to the south, the proposed map amendment is compatible with adjacent zoning districts.

c. The compatibility with established neighborhood character.

The subject property was developed as a commercial development along a commercial corridor in 2015 and was compatible with adjacent use and district requirement at that time. Today the site is in a mixed use area and is compatible with the mixed uses in the vicinity.

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

Staff does not foresee any situation where the public health or welfare will be negatively impacted by the proposed rezoning and the proposed use. The site is currently not in conflict with public health and safety, nor should the site be once the remaining half is developed with the same use that is on the south half of the lot.

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.

This site can be developed a wide range of uses, including the proposed outdoor storage units. The district uses of the C-3 District are sustainable given the adjacent uses and zoning districts. It is unlikely that the site will be demolished any time soon and a different use constructed on the site.

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

All existing structures on this site meet the C-3 setback requirements. There shall not be any nonconformities created due to the proposed rezoning, on the contrary, a nonconforming use will cease with the rezoning to a compatible zoning district.

Findings & Recommendation:

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, (Regional Commercial – RC) which allows for the proposed use and other such similar uses.
2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification.

3 . Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.
4 . Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties.

Recommendation:

Planning staff recommends the Plan and Zoning Commission forward Case REZ21-03 to the City Council with a recommendation for approval without conditions.

ATTACHMENTS:

	Type	Description
🗋	Exhibit	Elmore Corners - Concept Plan
🗋	Exhibit	Elmore Corners - Site Layout
🗋	Exhibit	Elmore Corners - Landscape Plan
🗋	Exhibit	Vicinity Map
🗋	Exhibit	Zoning Map
🗋	Exhibit	Davenport 2035+ Land Use Map
🗋	Exhibit	Notice Letter & Map
🗋	Exhibit	Application

Staff Workflow Reviewers

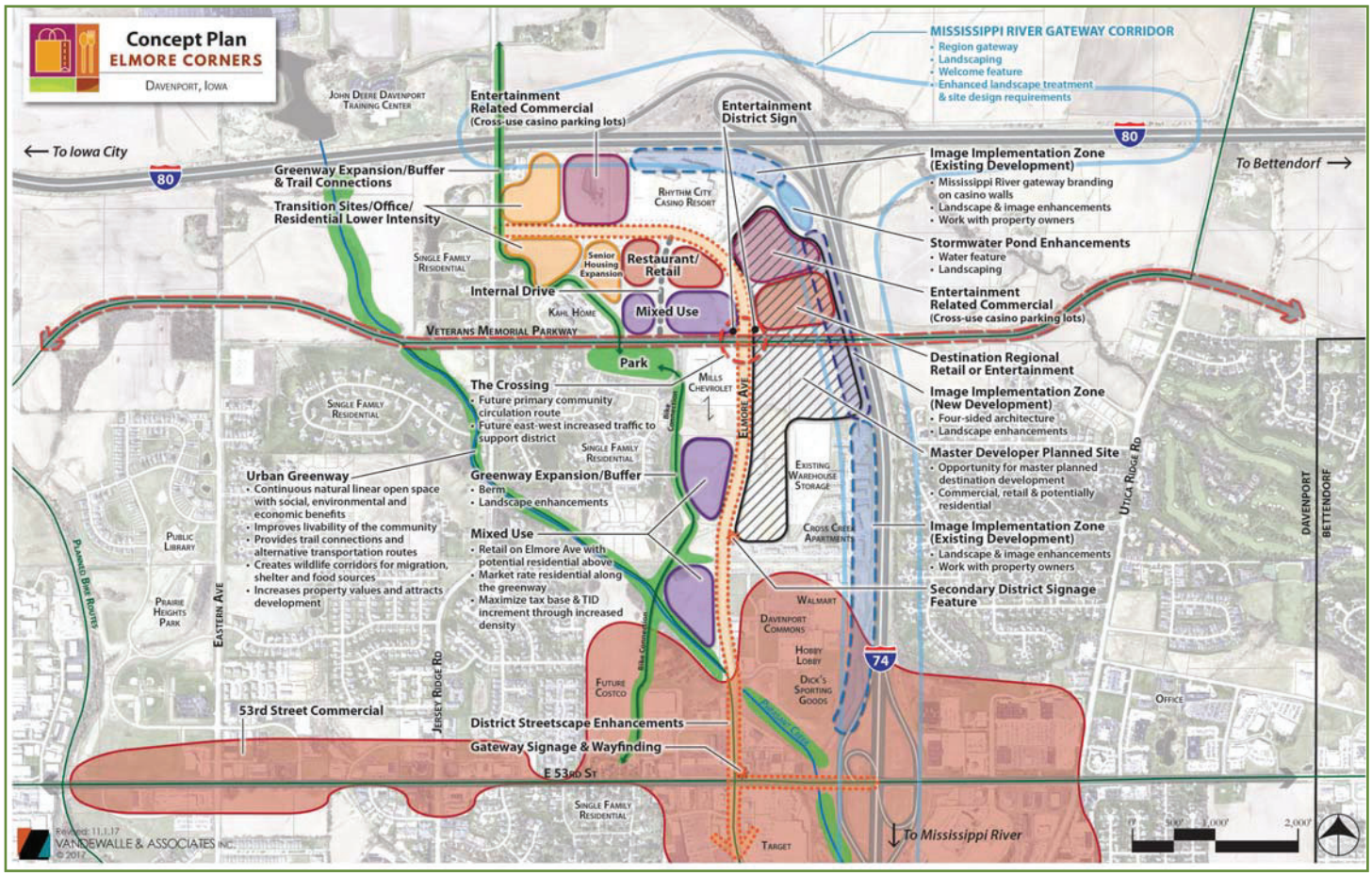
REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/13/2021 - 8:24 AM

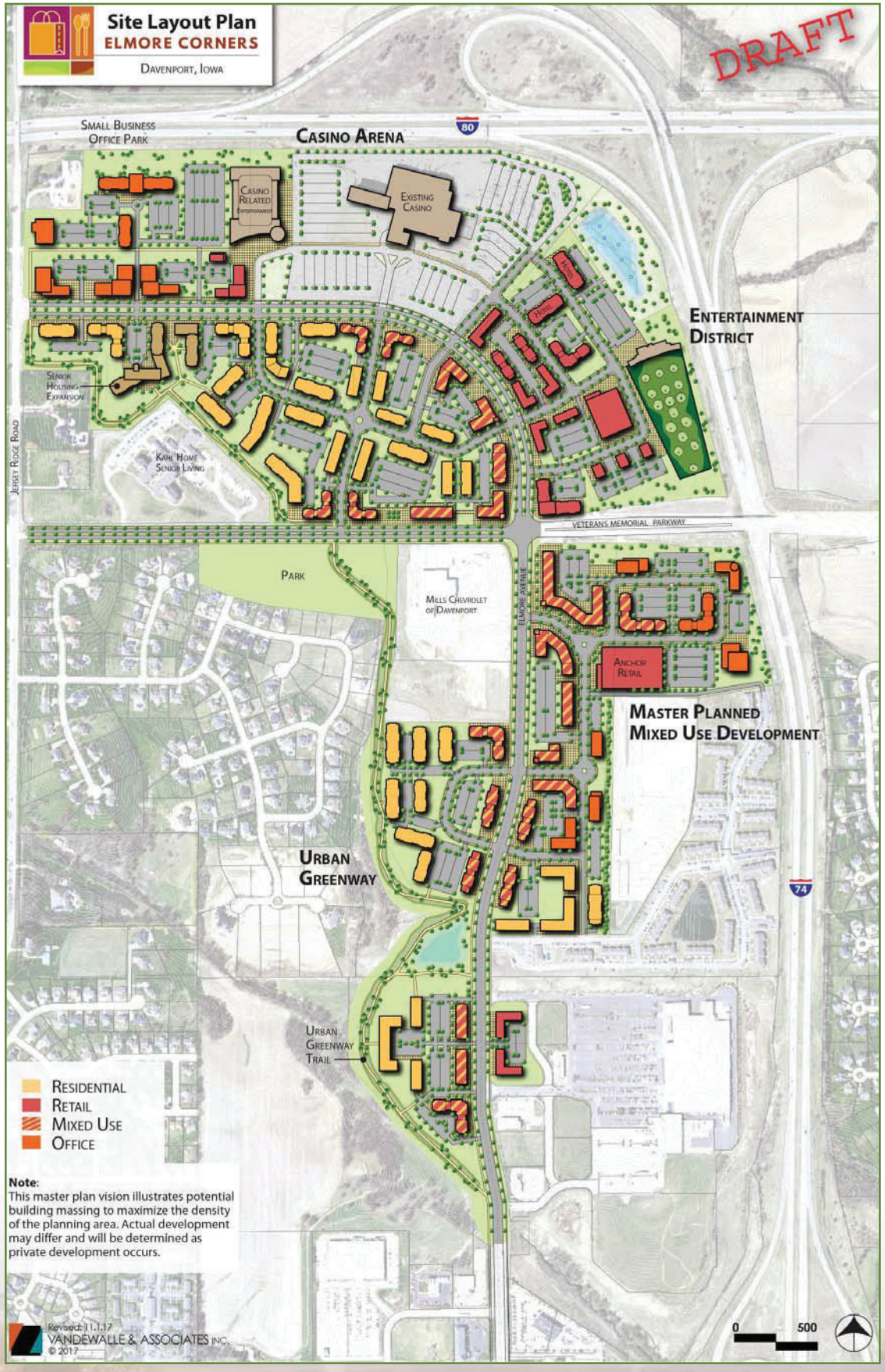
II. Concept Plan

As seen in Map 2, the Concept Plan establishes the planning and development vision for Elmore Corners in the context of adjacent neighborhoods and existing land uses. The map highlights proposed future land uses and public infrastructure. The illustration also identifies important design issues to be considered for a successful development. These are explained further below and in the Design Development Standards section.

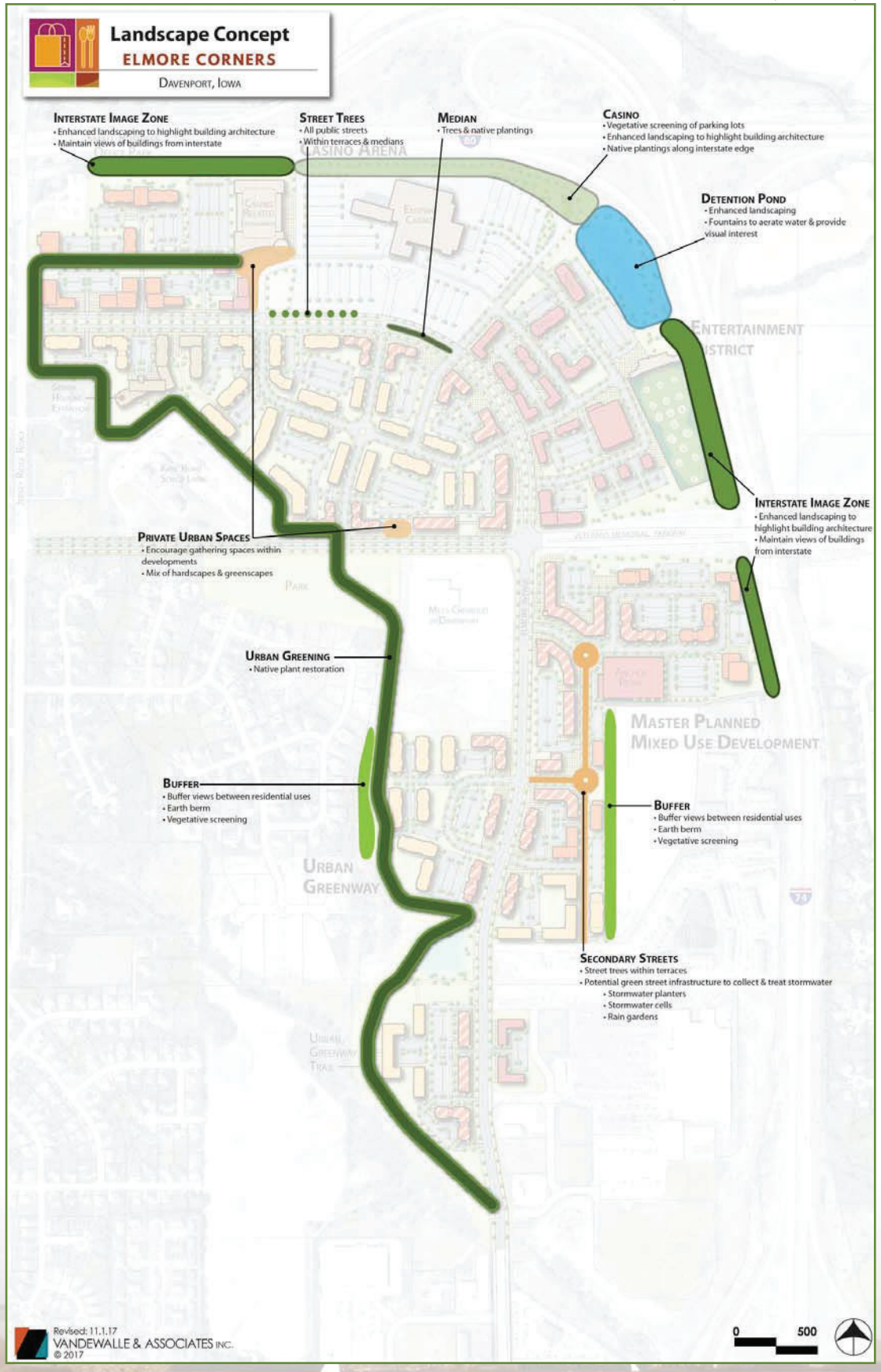
Map 2. Concept Plan



Map 3. Site Layout Plan



Map 7. Landscape Concept



Vicinity Map
Case REZ21-03
6403 Elmore Avenue



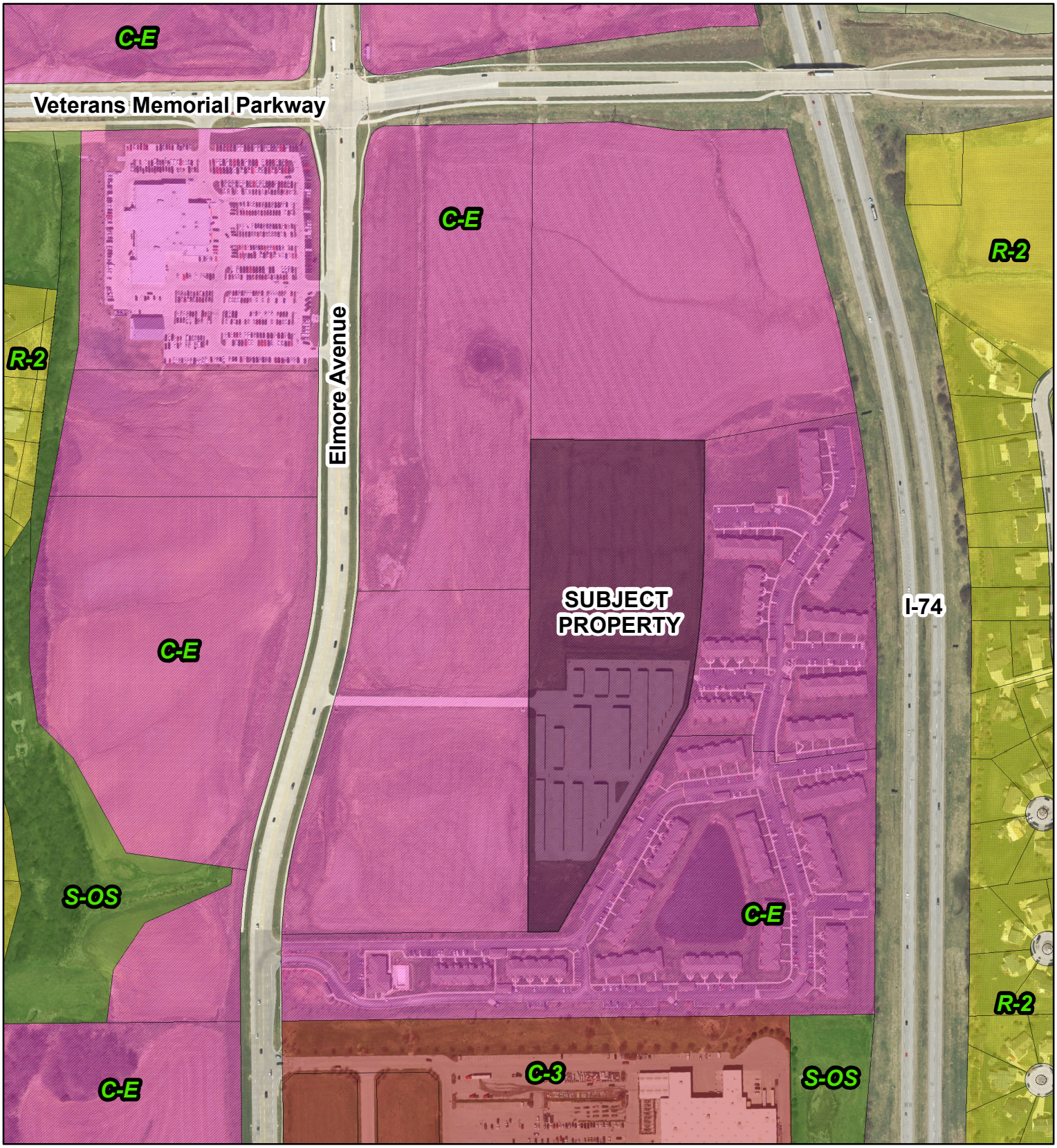
Rezone from C-E Elmore Corners District to C-3 General Commercial District

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

0 250 500 1,000 Feet

N

Zoning Map Amendment (Rezoning) Request
Case REZ21-03
6403 Elmore Avenue



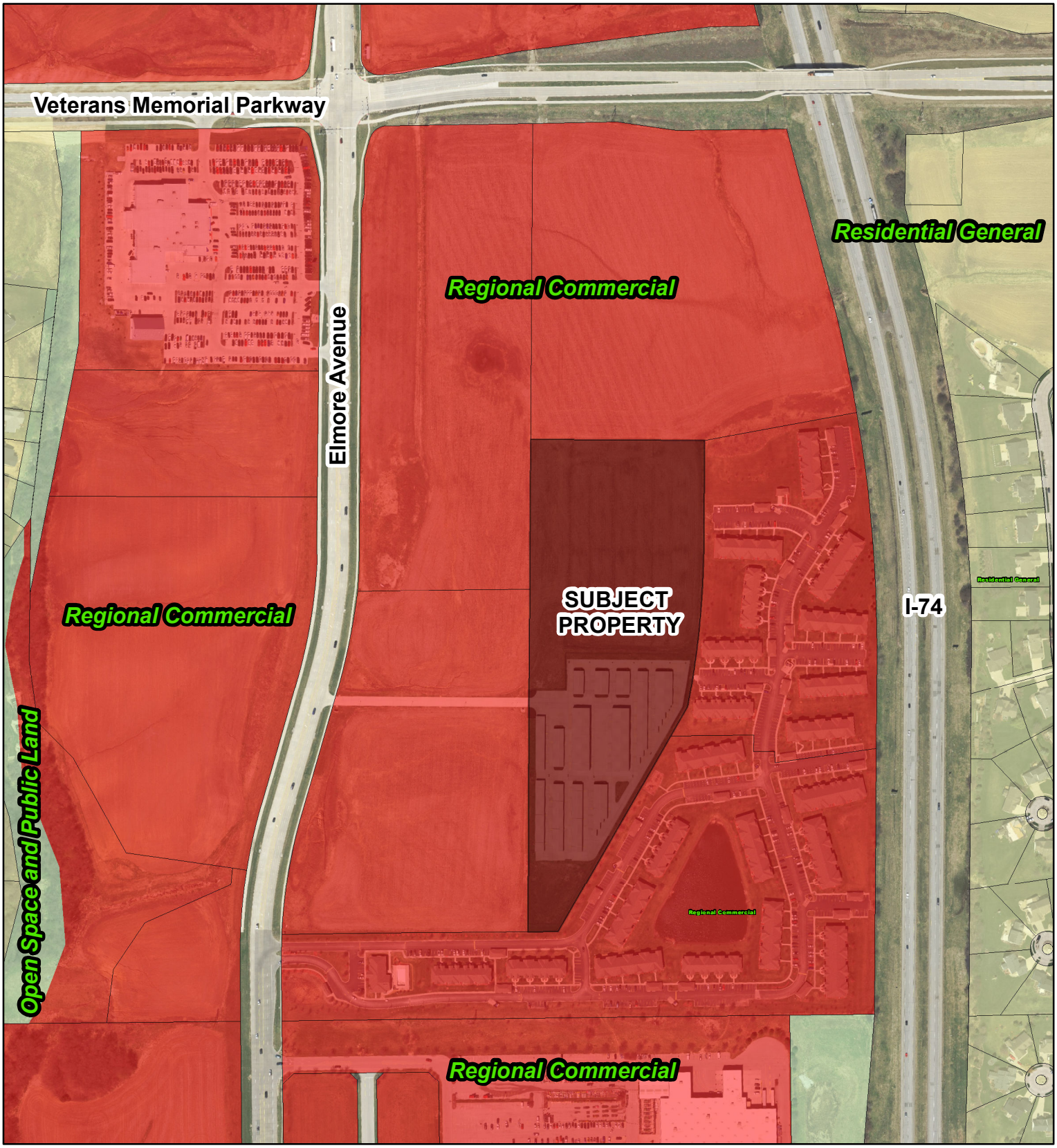
Rezone from C-E Elmore Corners District to C-3 General Commercial District

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0 250 500 1,000 Feet

N

Future Land Use Map-Davenport +2035
Case REZ21-03
6403 Elmore Avenue



Rezone from C-E Elmore Corners District to C-3 General Commercial District
Property to remain Regional Commercial

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

0 250 500 1,000 Feet

N

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 5/4/2021
Time: 5 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Rezoning Request Before the Plan and Zoning Commission

[Address Block]

To: All property owners within 200 feet of the subject property located at **6403 Elmore Avenue**

What is this 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 permit the expansion of the existing outdoor storage facility.

Request/Case Description
Case REZ21-03: Request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue (PIN Y0551A04) from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units. [Ward 6]

What are the Next Steps after the Public Hearing?
The Plan and Zoning Commission will hold a formal public hearing at their meeting on May 4, 2021. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on May 18, 2021. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

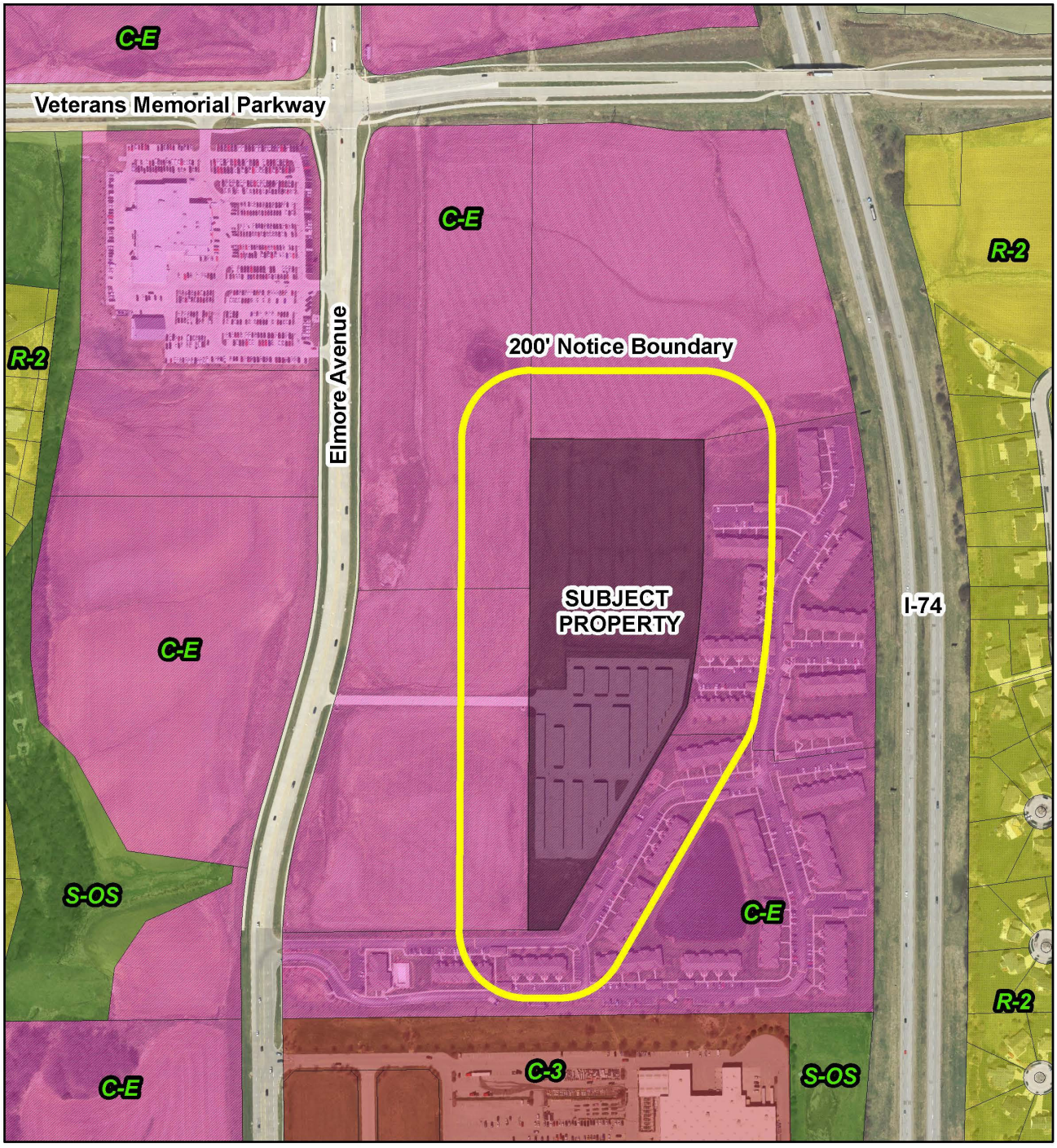
Would You Like to Submit an Official Comment?
As a neighboring property owner you may have an interest in commenting on the proposed request via email or in person at the public hearing. Send written comments to planning@davenportiowa.com (no later than 12:00 PM one day before the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

On-line/Telephone Participation:
Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/planzoning & at 1-866-899-4679 with access code: 492-653-453. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": http://www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

Adjacent Property Owner Notice Area
Zoning Map Amendment (Rezoning) Request
Case REZ21-03: 6403 Elmore Avenue



Rezone from C-E Elmore Corners District to C-3 General Commercial District

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

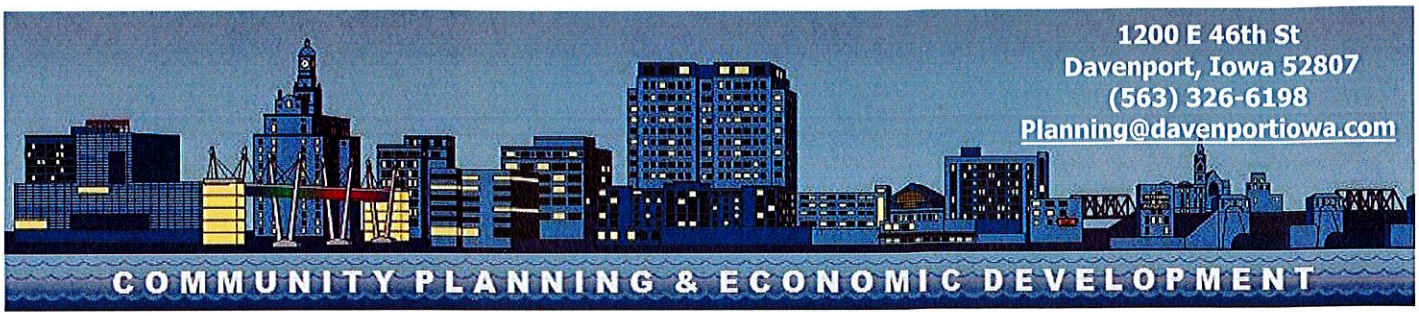
0 250 500 1,000 Feet

N

Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807

T | 563.326.6198
E | contactus@davenportiowa.com

davenportiowa.com/DNS



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

Property Address* 6403 Elmore Avenue, Davenport, IA 52807
***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:	Kevin Koellner
Company:	Build to Suit
Address:	1805 State Street, Suite 101
City/State/Zip:	Bettendorf, IA 52722
Phone:	563-355-2022
Email:	kevink@buildtosuitinc.com

Owner (if different from Applicant)

Name:	Thad DenHartog
Company:	Mel Foster Co.
Address:	3245 East 35th Street Court
City/State/Zip	Davenport, IA 52807
Phone:	563-823-5276
Email:	tdenhartog@melfosterco.com

Engineer (if applicable)

Name:	Zachary Eggleston
Company:	IMEG Corp
Address:	1717 State Street, Suite 201
City/State/Zip	Bettendorf, IA 52722
Phone:	309-430-6562
Email:	Zachary.S.Eggleston@imegcorp.com

Architect (if applicable)

Name:	
Company	Joseph Architectural Group
Address:	4510 42nd Ave
City/State/Zip:	Rock Island, IL 61201
Phone:	309-786-9920
Email:	

Attorney (if applicable)

Name:	Joseph Judge
Company:	Lane & Waterman LLP
Address:	220 North Main St, Suite 600
City/State/Zip:	Davenport, IA 52801
Phone:	563-333-6660
Email:	jjudge@L-WLaw.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 ☐

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 ☐

Historic Preservation Commission
- Certificate of Appropriateness ☐
- Landmark Nomination ☐
- Demolition Request ☐

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

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

Request:

Existing Zoning: C-E

Proposed Zoning Map Amendment: C-3

Purpose of the Request:

To accommodate storage buildings

Total Land Area: 13.00 Acres

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

Submittal Requirements:

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

Formal Procedure:

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

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

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

Formal Procedure (continued):

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

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

Applicant: Kevin Koellner Date: 04/05/2021

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.

Authorization to Act as Applicant

I, Thad Denhartog

authorize Kevin Koellner

to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

Signature(s)

State of Iowa,

County of Scott.

Sworn and subscribed to before me

This 6th day of April 2021

IA Drivers License

Form of Identification

Notary Public

My Commission Expires:

TERESSA SCHICK
Commission Number 144096
My Commission Expires
Sept 14, 2023

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Wednesday, May 19, 2021

Please publish the following public notice in the next available edition of the Quad City Times per your legal notice submission schedule.

The PO number for this notice is: 2111171

Please provide proof of publication for our records. If you have any questions, please contact us at planning@davenportiowa.com, the email which submitted the request, or at 563-326-6198. Thank you!

NOTICE
PUBLIC HEARING
WEDNESDAY, June 2, 2021 5:30 P.M.
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
CITY HALL COUNCIL CHAMBERS
226 W 4th ST – DAVENPORT, IA

The City Plan and Zoning Commission has on file the following request which has been forwarded to City Council's Committee of the Whole (COW):
Case REZ21-03: Request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue (PIN Y0551A04) from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units [Ward 6]. Legal description of the property proposed to be rezoned is as follows: Lot 4 of Jersey Farms Commercial Park 2nd Addition to the City of Davenport, Iowa. At its May 18, 2021 meeting, the Plan and Zoning Commission recommended case REZ21-03 be forwarded to City Council with a recommendation for approval subject to the listed findings:
Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, (Regional Commercial – RC) which allows for the proposed use and other such similar uses.
2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification.

3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.
4. Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties.

City Council's Committee of the Whole public hearing on the above case is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, May 19, 2021 in Davenport City Hall Council Chambers, 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 signed written comments to be reported at the public hearing should be received in Development and Neighborhood Services at the below address, no later than 12:00 noon on the day before the public hearing. Development and Neighborhood Services Department
E-MAIL: planning@davenportiowa.com PHONE: 563-326-6198 PO# 2111171

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | City Council - Committee of the Whole

Date: 6/2/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:30 PM Subject: Public Hearing for rezoning request before the City Council – C.O.W.

EXAMPLE
NOTICE
LETTER

To: All property owners within 200 feet of the subject property located at **6403 Elmore Avenue.**

What is this 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/Case Description
Case REZ21-03: Request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue (PIN Y0551A04) from C-E Elmore Corners Zoning District to C-3 General Commercial Zoning District to allow for the expansion of the existing outdoor storage units [Ward 6].

What are the Next Steps after the Public Hearing?
The Plan and Zoning Commission recommended case REZ21-03 be forwarded to City Council with a recommendation for approval subject to the following findings and conditions: Findings: 1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, (Regional Commercial – RC) which allows for the proposed use and other such similar uses. 2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification. 3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use. 4. Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties. Conditions: None.

Would You Like to Submit an Official Comment?
As a neighboring property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Laura Berkley) at Laura.Berkley@davenportiowa.com or 563-888-3553. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

City of Davenport

Department: Community Development Committee
Contact Info: Bruce Berger | 563-326-7769

Action / Date
6/2/2021

Subject:
Public Hearing on the corrections for Year 47 (July 1, 2021 – June 30, 2022) Community Development Block Grant (CDBG) funds. [All Wards]

Recommendation:
Hold the Hearing.

Background:
On May 13, 2021 the City was notified of an allocation error calculated by HUD. The City's Community Development Block Grant (CDBG) funds increased by $24,139 to a total of $1,638,026; there was no change to HOME allocation. The approval of the Year 47 allocations at CAC on March 1 included language authorizing staff to make across the board increases or decreases without going back to CAC if the grant changes by +/-15%. The increase in funding is 1.5%.

The City's Citizen Participation Plan defines a substantial amendment as funding an activity not already in the plan or changing the funding of an activity by $100,000 or more. The increase in additional funding does not rise to the level of a substantial amendment.

Funding will be allocated across the board or to the maximum requested for Public Service subrecipients and then the remaining funds will be distributed into the CDBG Housing Rehab/Neighborhood Revitalization fund. The attached update of the CDBG application process provides a summary of how the additional funding will impact the upcoming fiscal year allocation.

ATTACHMENTS:

	Type	Description
	Backup Material	Funding Summary - Corrected Grant Award FY21

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berger, Bruce	Approved	5/27/2021 - 4:15 PM

CDBG YR 46 APPLICATION SUMMARY
July 1, 2020 to June 30, 2021

	YEAR 46 AGENCY REQUESTED Adjusted	YEAR 47 COUNCIL APPROVED 03/24/21	YEAR 47 DRAFT HUD CORRECTION
ADMINISTRATION			
CDBG Administration/Planning	$299,756	$305,592	$305,592
EN SUBTOTAL	**$299,756**	**$305,592**	**$305,592**
ECONOMIC DEVELOPMENT			
CDBG Economic Development Fund	$0	$0	$0
SUBTOTAL	**$0**	**$0**	**$0**
HOUSING			
CDBG Housing Progs. Staff & Operations	$319,708	$308,053	$308,053
CDBG Housing Rehab/Neighborhood Revitalization	$650,000	$744,381	$764,920
EN SUBTOTAL	**$969,708**	**$1,052,434**	**$1,072,973**
PUBLIC SERVICES			
Big Brothers/Big Sisters of Q.C.	$40,040	$40,040	$40,040
Boys & Girls Club	$40,000	$40,000	$40,000
Family Resources DV Services	$39,580	$5,000	$6,800
Friendly House Year-Round Youth Program	$35,000	$35,000	$35,000
Humility of Mary Shelter & Housing	$35,692	$35,000	$35,000
Project Renewal	$36,000	$47,520	$47,520
Salvation Army Homelessness Prevention	$36,000	$32,440	$34,240
Vera French Community Mental Health	$36,540	$45,000	$45,000
SUBTOTAL	**$298,852**	**$280,000**	**$283,600**
ALL PROGRAMS TOTAL	**$1,568,316**	**$1,638,026**	**$1,662,165**

Projected Year 47 Entitlement Amount	**$ 1,638,026**	**$ 1,662,165**
Approximate Projected plng/admin cap	**$ 397,605**	**$ 402,433**
Approximate Projected public service cap	**$ 280,000**	**$ 283,600**

(cap calculations include program income)

Requested allocation of RLF Program Income:

CDBG Planning & Administration: $0
Economic Developemnt: $48,987
Housing Rehabilitation Staff and Operations: $0

determine the correct combination of entitlement and program income funds to be expended to comply with HUD regulations.

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Jen Walker | 563-326-6168 **6/2/2021**

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the CDBG Replenishment - Group 2: East 7th Street and LeClaire Street Reconstruction projects, #BG250. [Ward 3]

Recommendation:
Hold the Hearing.

Background:
This project is a full reconstruction of two local roadways downtown:

- East 7th Street from Iowa Street to LeClaire Street
- LeClaire Street from East 6th Street to East 8th Street

East 7th Street is a historically-protected brick street, and will be reconstructed using salvaged bricks and constructing new curbs and sidewalks. LeClaire Street will be reconstructed with a drain tile system, either in asphalt or concrete depending upon bid results. All sidewalks will be replaced/upgraded as part of this project.

Project costs will paid from the City's Community Development Block Grant (CDBG) funds.

The project estimate is $905,600, which includes a contract contingency.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	5/26/2021 - 11:24 AM
Public Works Committee	Moses, Trish	Approved	5/26/2021 - 11:24 AM
City Clerk	Admin, Default	Approved	5/27/2021 - 1:15 PM

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **6/9/2021**

Subject:
Third Consideration: Ordinance for Case ORD21-01 amending various sections of Chapter 17 of the Municipal Code of Davenport, Iowa entitled "Zoning." [All Wards]

Recommendation:
Adopt the Ordinance.

Background:
Following the adoption of the new code in January 2019, City staff committed to fine-tuning the Ordinance at regular intervals after adoption. A memo outlining the proposed changes with explanations is attached with strikethrough versions of the code sections.

A Public Hearing notice was published in the Quad City Times informing the community of the April 6, 2021 Plan & Zoning Commission Public Hearing. No comments were received during the Public Hearing. The Plan & Zoning Commission voted to recommend approval of the proposed text amendments at its April 20, 2021 meeting 8-0.

A notice was published in the Quad City Times for the May 5, 2021 Public Hearing. To date, staff has received one comment from the community supporting the removal of Two-Family Conversions from all R-3 and R-4 zoning districts. The correspondence has been included in the background info.

Staff finds that the proposed Zoning text amendments meet the approval standards for text amendments in Section 17.14.040 of the City Code.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Proposed Zoning Text Amendments Summary
🗋	Backup Material	Proposed Change 17.04.020
🗋	Backup Material	Proposed Change 17.05.040
🗋	Backup Material	Proposed Change Table 17.08-1: Use Matrix
🗋	Backup Material	Proposed Change 17.08.030
🗋	Backup Material	Proposed Change 17.08.050 - Bar - Neighborhood
🗋	Backup Material	Proposed Change 17.08.050 - Retail Alcohol Sales
🗋	Backup Material	Proposed Change 17.17.010
🗋	Backup Material	Public Comment
🗋	Backup Material	P&Z Public Hearing Notice
🗋	Backup Material	COW Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date

City Clerk	Berkley, Laura	Approved	4/29/2021 - 11:55 AM

ORDINANCE NO.

AN ORDINANCE FOR CASE ORD21-01 AMENDING VARIOUS SECTIONS OF CHAPTER 17 OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, ENTITLED "ZONING", BY AMENDING VARIOUS SUBSECTIONS THERETO.

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

Section 1. That subsection 17.04.020(B)(2) of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

Conversion of a structure from a single-family dwelling into a two-dwelling is ~~a special use~~ prohibited.

Section 2. That the unnumbered opening paragraphs of section 17.05.040 of the Municipal Code of Davenport, Iowa, be and the same are hereby amended to read as follows:

The following design standards apply to new construction, substantial repair or rehabilitation of the exterior façade of an existing structure meant to remedy damage or deterioration, and additions to an existing structure in the commercial districts, with the exception of the C-D, C-V, and C-E Districts. Design standards for development in the C-D, C-V, and C-E Districts are found in Sections 17.05.050, 17.05.060, and 17.05.070 respectively, below. Only those standards that relate to the specific repair, rehabilitation action, or addition apply. These standards do not apply to interior remodeling.

New construction of any new dwelling shall meet either the Design Standards in Table 17.05-2 or the Use Standards for the applicable dwelling type in Section 17.080.030.

(Note: Lettered subsections A and B remain unchanged.)

Section 3. That section 17.08.020 Table 17.08-01 entitled Use Matrix of the Municipal Code of Davenport, Iowa, be the same is hereby amended as follows.

Remove "Bar" as a Special Use in C-1
Add "Bar – Neighborhood" as Permitted in C-1 with a Use Standard reference to Sec. 17.08.030
Remove "Drive-Through Facility: as a Special Use in C-1 and I-MU
Remove "Dwelling – Two-Family (Conversion)" as a Special Use in R-3 and R-4
Add "Live Performance Venue" as Permitted in I-1
Add "Outdoor Dining" as Permitted in S-IC
Add "Place of Worship" as Permitted in I-1 and I-MU
Add "Private Recreation Facility" as Permitted in C-OP and I-MU
Add "Vehicle Repair/Service – Major" as Special Use in C-3
Remove "Vehicle Repair/Service – Minor" as Special Use in C-1

Section 4. That section 17.08.030 of the Municipal Code of Davenport, Iowa, be the same as amended to add a new subsection (C) to be read as follows:

C. Bar - Neighborhood

1. The property must be within one of the following geographic locations.
    a. Harrison Street from 14th Street to Locust Street.
    b. Washington Street from 14th Street to Locust Street.
    c. West Locust from Fillmore Street to Division Street.

2. A Class C license, as defined under Chapter 5.10 of the Davenport City Code, shall have been issued ten years prior to July 1, 2021.

3. Eligible neighborhood bars shall not be reestablished after July 1, 2031.

(the current subsection (C) and all subsequent lettered subsections of this section shall be relettered alphabetically as appropriate, and the relettered alphabetical changes shall be reflected as amened in the Use Standard column of Table 17.08-1 of Section 17.08.020)

Section 5. That section 17.08.050 of the Municipal Code of Davenport, Iowa, shall be the same and amended to add where alphabetically appropriate or to read as follows:

Bar – Neighborhood – A bar that is eligible for reestablishment.

Retail Alcohol Sales. A retail establishment that sells ~~primarily~~ beer, wine, or liquor.

Section 6. That section 17.17.010 of the Municipal Code of Davenport, Iowa, add a new subsection shall be the same and amended to read as follows:

B. Ordinance 2002-177

1. Condition 1. That the uses be limited to apartments (with a maximum density of 192 units) and 8 condominiums in 4 buildings buffering the adjacent single family homes. All structures shall be limited to 2 ½ stories in height.

2. Condition 9. That parking lot lighting be limited to downcast luminaries.

3. Condition 14. That the developer shall construct the eight condominium units in four two-family structures on the eastern end of the of the subject property.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions

shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Mike Matson
Mayor

Attest: _____
Brian Krup
Deputy City Clerk

Published in the *Quad City Times* on _____

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

DATE: April 6, 2021

TO: File

FROM: Laura Berkley, Development & Planning Administrator

RE: Case ORD21-01 – Summary of Proposed Zoning Text Amendments

Section 17.04.020 Uses

Replace with B2 "Conversion of a structure from a single-family dwelling into a two-family dwelling is prohibited.
Explanation: Need to update language to reflect removal of two-family conversion in R-3, R-3C, R-4 and R-4C.

Section 17.05.040 Design Standards

In cases of conflict between commercial design standards and dwelling use standards, the developer can choose between commercial design standards or the applicable dwelling use standards.
Explanation: Certain commercial design standards are in direct conflict with dwelling unit new construction. Transparency is of largest concern where up to 50% transparency on street facing facades is required. This will provide some flexibility depending on the character of the proposed development.

Table 17.08-01 Use Matrix Proposed Changes

1. **Remove Bars as a Special Use in C-1 and add a Note to reference Section 17.15.020G**
   Explanation: The intensity of a Bar as a use has been determined to be incompatible with the Neighborhood Commercial Zoning District which serve the nearby residential neighborhoods. Certain areas may be reestablished as outlined in referenced section.

2. **Remove Drive-Through Facility as a Special Use in C-1 and I-MU**
   Explanation: The intensity of a Drive-Through as a use has been determined to be incompatible with Neighborhood Commercial Zoning District which are to serve the nearby residential neighborhoods. The dimensional standards and typical lot size (no minimum lot size required) of both districts are in direct conflict with the use standards meaning a Hardship Variance is required for the use to locate within the districts.

3. **Remove Dwelling – Two-Family (Conversion) as a Special Use in all R-3 and R-4 Districts**
   Explanation: The code emphasizes preservation of neighborhood character as well as promotion of infill development. The code still allows new construction two-family homes within these districts.

4. **Add Live Performance Venue as Permitted in I-1**
   Explanation: As a use that has the potential of producing more noise, I-1 would be an appropriate district to located live performance. This use also encourages adaptive reuse of buildings that are functionally obsolete.

5. **Add Outdoor Dining as Permitted in S-IC**
   Explanation: This addition would allow schools, hospitals, colleges and universities the ability to develop areas for users to dine outdoors.

6. **Add Place of Worship as Permitted in I-1 and I-MU**
   Explanation: This use would be a good adaptive reuse of buildings that are functionally obsolete. Access and parking are often more prevalent in these districts than others that currently allow this use. Existing building stock is potentially large enough to accommodate use.

7. **Add Private Recreation Facility as Permitted in C-OP and I-1**
   Explanation: This use would be a good adaptive reuse of buildings that are functionally obsolete. Traditionally, indoor tennis, basketball and volleyball facilities have been located in industrial districts. C-OP would offer a complimentary use to office complexes where employees may wish to utilize the facilities before or after work or on lunch breaks. Buildings would need to meet design standards.

8. **Add Vehicle Repair/Service-Major as Special Use in C-3**
   Explanation: Activities may be deemed appropriate in C-3 with careful review and oversight. This would be done on a case by case basis by reviewing proposed location, site plan, surrounding uses, analysis for the neighborhood, review of business model and practice, and with certain conditions in place to minimize any impacts. Allowing RV dealerships in C-3 without allowing work on them is counter intuitive. C-3 can support higher intensity uses but also provide more appropriate access to patrons. Minimum lot size is double what is required in I-1 which allows ability to accommodate buffer yards and impacts to adjacent property.
9. **Remove Vehicle Repair/Service-Minor as Special Use in C-1**
   Explanation: This use has been determined as not compatible with Neighborhood Commercial Zoning District which are to serve the nearby residential neighborhoods.

Section 17.08.030 Principal Use Standard for Bar - Neighborhood

- Add this section in response to removing Bars as a Special Use in C-1.
- Establishes a sunset rule for establishments within certain areas of the city that can reestablish as a bar within 10-years of the adoption of the ordinance.
- The areas are Harrison between 14th and Locust; Washington between 14th and Locust, West Locust between Fillmore and Division.

Explanation: This allows certain areas of C-1 to reestablish as bars. This is to address certain locations that have traditionally been bars to remain to support the neighborhood and its character.

Section 17.08.050 Use Definitions

- Add a definition for new use “Bar – Neighborhood.”
- Remove the word “primarily” from Retail Alcohol Sales

Explanation: The intent of this definition and the zoning code is to regulate all alcohol sales. Removing the word primarily removes ambiguity in in its use and how primarily is determined.

Section 17.17.010 Reservation of Previously Approved Conditions

Add conditions of Ordinance 2002-177 for 5601 Eastern Avenue.

Explanation: The City has been alerted to a recorded covenant that restricts the use of part of this property. Staff has been instructed to add the conditions of the rezoning back into this section to align with the original intent to the rezoning and covenant.

Section 17.04.020 Uses

A. Chapter 17.08 lists permitted, special, and temporary uses for the residential districts.

B. In the R-3, R-3C, R-4, and R-4C Districts, two-family dwellings are allowed as follows:

1. New construction of a two-family dwelling is a permitted use.

2. Conversion of a structure from a single-family dwelling into a two-family dwelling is ~~a special use~~ prohibited.

Section 17.04.030 Dimensional Standards

A. Table 17.04-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. See Section 17.02.040 for measurement methodologies.

B. A house court design for single-family and/or two-family dwellings must comply with the dimensional standards of Section 17.08.030.N.

C. R-MHP District standards are found in Section 17.04.040.

Table 17.04-1: Residential Districts Dimensional Standards
SF = Single-Family // SF-SD = Single-Family Semi-Detached // 2F = Two-Family // TH = Townhouse // MF = Multi-Family

	R-1	R-2	R-3	R-3C
Bulk				
Minimum Lot Area	20,000sf	SF: 10,000sf SF-SD: 10,000sf/du	SF: 7,500sf SF-SD: 4,000sf/du 2F: 8,500sf Non-Residential: 10,000sf	SF: 7,500sf SF-SD: 4,000sf/du 2F: 8,500sf Non-Residential: 10,000sf
Minimum Lot Width	100’	SF: 60’ SF-SD: 60’/du	SF & 2F: 60’ SF-SD: 30’/du Non-Residential: 75’	SF & 2F: 50’ SF-SD: 25’/du Non-Residential: 75’
Maximum Building Height	35’	35’	35’	35’
Maximum Building Coverage	25%	35%	35%	35%
Maximum Impervious Surface	40%	50%	60% Non-Residential: 70%	60% Non-Residential: 70%
Setbacks				
Minimum Front Setback	30’ or average of front setbacks, whichever is less	30’ or average of front setbacks, whichever is less	25’ or average of front setbacks, whichever is less	25’ or average of front setbacks, whichever is less
Minimum Interior Side Setback	7’	7’	7’	5’
Minimum Corner Side Setback	25’	20’	15’	15’
Minimum Reverse Corner Side Setback	30’	30’	25’	25’
Minimum Rear Setback	30’ or 20% of lot depth, whichever is less	30’ or 20% of lot depth, whichever is less	25’ or 20% of lot depth, whichever is less	25’ or 20% of lot depth, whichever is less

Section 17.05.040 Design Standards

The following design standards apply to new construction, substantial repair or rehabilitation of the exterior façade of an existing structure meant to remedy damage or deterioration, and additions to an existing structure in the commercial districts, with the exception of the C-D, C-V, and C-E Districts. Design standards for development in the C-D, C-V, and C-E Districts are found in Sections 17.05.050, 17.05.060, and 17.05.070 respectively, below. Only those standards that relate to the specific repair, rehabilitation action, or addition apply. These standards do not apply to interior remodeling.

New construction of any new dwelling shall meet either the Design Standards in Table 17.05-2 or the Use Standards for the applicable dwelling type in Section 17.080.030.

A. Commercial Districts Design Standards

Table 17.05-2: Commercial Districts Design Standards establishes the design standards for the commercial districts. In the table, a "•" indicates that the standard is applicable in the district indicated. The absence of a "•" indicates that the standard does not apply to the district.

Table 17.05-2: Commercial Districts Design Standards

	C-T	C-1	C-2	C-3	C-OP
Façade Design					
Building façades that face a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 40 linear feet, measured parallel to the street.	•	•	•	•	
Building façades in excess of 100 linear feet that face a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, building material change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 linear feet.	•	•	•	•	
Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.					•
All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade.	•	•	•	•	
Building materials and visual elements used on the façade of the primary building frontage must continue on all building façades that face a public right-of-way (excluding alleys) and/or the lot line of a residential district.	•	•	•	•	
Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.	•	•	•	•	•
Fenestration Design					
The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade.		•	•		
The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 35%, measured between two and ten feet in height.				•	
Upper floors of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 15% of the wall area of the story.	•	•	•		
Roof Design					
Rooflines over 100 linear feet in building length must contain variation, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.	•	•	•	•	
Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.	•	•	•	•	
Any roof that is visible from a public right-of-way must be shingle or colored standing seam metal roofing.	•	•	•	•	
Green roof, blue roof, and white roof designs are encouraged.	•	•	•	•	•
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	•	•	•	•	•
Entrance Design					
Public entrances and primary building elevations must be oriented toward a public street. Main entrances to the buildings must be well defined.					•
Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.					•

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
Adult Use															S	S					Sec. 17.08.030.A
Agriculture																		P			
Amusement Facility - Indoor									P	P		P	P	P	P		P				
Amusement Facility - Outdoor										S				S	P		S				
Animal Care Facility – Large Animal																		P			
Animal Care Facility – Small Animal							S	S	P	P		S	S	P	P		P	P			Sec. 17.08.030.B
Animal Breeder																		P			Sec. 17.08.030.B
Art Gallery							P	P	P	P		P	P	P			P				
Arts and Fitness Studio							P	P	P	P		P	P	P			P				
Bar								~~S~~	P	P		P	P	P			P				
Bar – Neighborhood								P													Sec. 17.080.030
Bed and Breakfast	P	P	S	S	S													P			Sec. 17.08.030.C
Billboard									P	P					P	P					Sec. 17.08.030.D
Body Modification Establishment								P	P	P		P		P			P				
Broadcasting Facility TV/Radio								P	P	P	P	P	P	P	P	P	P			P	
Campground																		S	P		Sec. 17.08.030.E
Car Wash									P	P				S			P				Sec. 17.08.030.F
Casino														P							
Cemetery																			P		
Children's Home					P				P	P				P			S			P	Sec. 17.08.030.G
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
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. 17.08.030.H
Conservation Area																		P	P		
Country Club																			P		
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. 17.08.030.I
Day Care Home	P	P	P	P	P													P			Sec. 17.08.030.I
Drive-Through Facility								~~S~~	P	P		S		P	P	P	~~P~~				Sec. 17.08.030.J
Drug/Alcohol Treatment Facility, Residential									S	S				S			S			S	Sec. 17.08.030.K
Drug Treatment Clinic									S	S				S			S			S	Sec. 17.08.030.K
Domestic Violence Shelter					P			P	P	P				P			P			P	Sec. 17.08.030.G
Dwelling – Accessory Dwelling Unit	P	P	P	P																	Sec. 17.08.030.L

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

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

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

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

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

1. Animal care facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet and a maximum of seven feet in height is required for all exterior exercise areas.

2. Animal care facilities must locate all overnight boarding facilities indoors. Outdoor boarding facilities for animal breeders are permitted but must be designed to provide shelter against sun/heat and weather.

3. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

C. Bar - Neighborhood

1. The property must be within one of the following geographic locations.
    a. Harrison Street from 14th Street to Locust Street.
    b. Washington Street from 14th Street to Locust Street.
    c. West Locust from Fillmore Street to Division Street.

2. A Class C license, as defined under Chapter 5.10 of the Davenport City Code, shall have been issued ten years prior to July 1, 2021.

3. Eligible neighborhood bars shall not be reestablished after July 1, 2031.

(all subsequent headings and numbers of this section shall be renumbered as appropriate)

C. Bed and Breakfast

1. The exterior of a bed and breakfast must maintain its original appearance as a single-family dwelling. No parking may be located in front of the front building facade.

2. Cooking equipment is prohibited in individual guest rooms. However, a mini-refrigerator and/or a microwave is allowed.

3. No retail sales are permitted with the exception of ancillary retail of related items such as souvenirs, postcards, and snack items.

4. No bed and breakfast may operate a restaurant. Meals may only be served to registered guests and at private events.

5. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to six feet in height and must be a minimum of five feet from any lot line.

D. Billboard

1. Billboard locational restrictions are as follows:

a. Billboard structures are prohibited if visible from an interstate highway.

b. Billboard structures are prohibited on properties listed on the Davenport Register of Historic Places.

c. Billboards with a sign area of up to 300 square feet must be a minimum of 100 feet from any residential district. Billboards with a sign area of over 300 square feet must be a minimum of 150 feet from any residential district. This is measured in a straight line along either side of the right-of-way of the street.

2. The maximum sign area of a billboard is 672 square feet plus an extension area from the single continuous perimeter not to exceed 153 square feet.

3. The maximum height of a billboard is 45 feet.

4. Billboards must meet principal building setbacks.

5. All billboards must be separated by a minimum distance of 1,500 feet.

Agriculture. Land and associated structures used to grow crops and/or raise livestock for sale, personal food production, donation, and/or educational purposes. An agriculture use includes any associated single-family dwellings and any accessory dwellings that are ancillary to the principal activity of agriculture.

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

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

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

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

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

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

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

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

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

Bar – Neighborhood. A bar that is eligible for reestablishment.

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

Billboard. A permanent sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located.

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

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

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

protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. Residential care facility does not include a residential drug/alcohol treatment facility. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

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

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

Retail Alcohol Sales. A retail establishment that sells ~~primarily~~ beer, wine, or liquor.

Retail Sales of Fireworks. The sale of fireworks, which is the sale and storage of Iowa Department of Transportation Hazard Classes 1.3g and 1.4g fireworks, excluding any and all sparklers. The retail sales of fireworks includes both principal use of the property for such sales as well as temporary stands and accessory uses.

Salvage Yard. An establishment where damaged or junk vehicles or other machinery is broken up and the parts saved and processed for resale. A salvage yard also includes the storage of vehicles and trailers regardless if they are in the process of being dismantled. A salvage yard operation shall be completely screened from adjacent properties and rights of way by a solid fence, wall, or berm at least six feet in height and vehicle or part storage shall only occur upon a paved surface. A salvage yard cannot abut or adjoin a storage yard. A salvage yard use or property cannot be subdivided.

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

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

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

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

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

Storage Yard - Outdoor. The storage of material outdoors as a principal use for more than 24 hours. The storage of vehicles and trailers is not included in this definition (see Salvage Yard).

Temporary Cell on Wheels (COW). Cell on wheels (COW) is a portable, mobile cell site that provides temporary network and wireless coverage to locations where additional cellular coverage is required due to a temporary increase in user volume at such location or states of emergency.

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

3. In the event East 11th Street between Perry Street and Pershing Avenue is vacated and conveyed to Palmer College of Chiropractic, a pedestrian walkway be constructed from Perry Street to Pershing Avenue in the general location of East 11th Street utilizing existing bricks from the roadway surface and that historical markers be located at its intersection with Perry Street and Pershing Avenue. The cost of removing the roadway materials, curbs and sidewalks and the installation of the pedestrian walkway and historical markers shall be the expense of Palmer College of Chiropractic.

L. Ordinance 2018-364

1. Condition 2. That a 25 foot wide landscape buffer be maintained along the south property line. This landscape buffer has contain a 6 foot high fence along the northern portion of the landscape buffer.

2. Condition 3. That a 25 foot wide landscape buffer be maintained along the west property line.

3. Condition 4. That there be no vehicular access to Lorton Avenue.

4. Condition 5. That the following uses be prohibited because the potential for incompatibility with the surrounding residential properties: carryout sales of alcoholic beverages; gasoline stations and car washes.

5. Condition 6. That any dumpsters be located at least 60 feet from the south and west property line.

6. Condition 7. That parking lot lighting be shielded and directed away from the residential properties to the south and west.

7. Condition 8. That the west driveway access to East 53rd Street turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue.

M. Ordinance 2002-177

1. Condition 1. That the uses be limited to apartments (with a maximum density of 192 units) and 8 condominiums in 4 buildings buffering the adjacent single family homes. All structures shall be limited to 2 ½ stories in height.
2. Condition 9. That parking lot lighting be limited to downcast luminaries.
3. Condition 14. That the developer shall construct the eight condominium units in four two-family structures on the eastern end of the of the subject property.

Section 17.17.020 Reservation of Previously Approved Concept Plan, Land Use Plans and Narrative of Intent and Compatibility with Surrounding Area.

The Concept Plans, Land Use Plans and Narrative of Intent and Compatibility with Surround Area being reserved were approved in conjunction with the adopted Ordinances listed below. The listed Concept Plans, Land Use Plans and Narrative of Intent and Compatibility with Surround Area are available for viewing in the records of the Zoning Administrator.

A. Ordinance 2006-158.

1. Concept Plan.

B. Ordinance 2006-514.

1. Concept Plan.

C. Ordinance 2012-96

1. Land Use Plan and Narrative of Intent and Compatibility with Surround Area.

D. Ordinance 2016-569

Berkley, Laura

From: lamarbuckelew@yahoo.com
Sent: Tuesday, April 6, 2021 11:49 AM
To: Berkley, Laura
Cc: Meginnis, Marion
Subject: [EXT] Public hearing comments

Dear ladies and gentlemen of the Planning and Zoning Commission of Davenport:

I am writing in support of the zoning changes to eliminate the option for special use permits to convert single family homes to duplexes in R-3 and R-4 residential areas.

These homes are changed practically forever after the changes are made to make them duplexes and decreases the chances they would ever be owner-occupied. Many neighborhoods in Davenport's oldest areas are fragile and more conversions disrupts the stability that owner occupation brings.

I live in a historic district neighborhood and we have several homes in our neighborhood which could potentially be converted. This reverses the progress to preserve and restore the architecture and history of our neighborhood. Davenport is unique due to the character and history of its oldest neighborhoods, and approving new conversions works against maintaining stability and protecting the character in these neighborhoods.

I am asking you to please consider changing the zoning code to eliminate the option for special use permits to convert single family homes to duplexes in R-3 and R-4 residential areas.

Thank you for your time,
Juliana Buckelew, PhD

Sent from my iPhone

*** Proof of Publication ***

STATE OF IOWA
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE QUAD-CITY TIMES, on the dates listed below.

CITY OF DAVENPORT

226 W 4TH ST

DAVENPORT, IA 52801

ORDER NUMBER 90979

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Kelly Mason

NOTICE

NOTICE OF PUBLIC HEARING
Tuesday, April 6, 2021 – 5:00P.M.
City of Davenport Plan and Zoning Commission
Council Chambers – Davenport City Hall
226 W. 4th Street – Davenport, Iowa

There is on file in the Development & Neighborhood Services Department (DNS), on behalf of the Plan and Zoning Commission, the following request:

Case ORD21-01: Request of the City of Davenport to amend Title 17 of the Davenport City Code (hereto referred to as DMC), entitled "Zoning" amending the following sections [All wards]:

Section 17.04.020.B(2) by replacing "a special use" with "prohibited." Section 17.05.040 to allow new construction of dwellings to meeting either the Commercial Design Standards or Use Standards in section 17.08.030. Modifying Table 17.06-01 in Section 17.08.020 by removing Bars as a Special Use in C-1; adding a new use called "Neighborhood Bar"; removing Drive-Through Facility as a Special Use in C-1 and I-MU; removing Dwelling – Two-Family (Conversion) as a Special Use in all R-3 and R-4 Districts; adding Live Performance Venue as Permitted in I-1; adding Outdoor Dining as Permitted in S-IC; adding Place of Worship as Permitted in I-1 and I-MU; adding Private Recreation Facility as Permitted in C-OP and I-1; adding Vehicle Repair/Service-Major as Special Use in C-3; and removing Vehicle Repair /Service-Minor as Special Use in C-1. Section 17.08.030 by adding use standards for Neighborhood Bar. Section 17.08.050 by removing "primarily" from the definition of Retail Alcohol Sales and adding a definition for Neighborhood Bar. Section 17.17.010 by adding certain conditions of Ordinance 2002-177.

The public hearing on the above matters is scheduled for 5:00 p.m. on April 6, 2021, in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item or attend the public hearing to express your views, or both; only written comments will be used to calculate comment percentages. 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 Development & Neighborhood Services Department at the Public Works Building, 1200 E. 46th Street, Davenport, Iowa 52807, no later than 12:00 noon on the day of the public hearing. PO No. 2108881. Phone: 563-326-6196

Public Notices/Accounting

Re: Public Notice

Please publish the following Zoning Board of Adjustment public hearing notice in your next available edition of the Quad City Times per your schedule for Public Notices.

The Purchase Order Number for this notice is PO# 2110129

We would appreciate receiving the proof and the affidavit of publication for our records. If you have any questions, please contact me at the same email address this was sent with or at my phone number listed in my email.

NOTICE
PUBLIC HEARING
WEDNESDAY, MAY 5, 2021, 2021 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 Development and Neighborhood Services Department (DNSD), on behalf of the Plan and Zoning Commission, the following request:

Case ORD21-01: Request of the City of Davenport to amend Title 17 of the Davenport City Code (hereto referred to as DMC), entitled "Zoning" amending the following sections [All wards]:

Section 17.04.020.B(2) by replacing "a special use" with "prohibited." Section 17.05.040 to allow new construction of dwellings to meeting either the Commercial Design Standards or Use Standards in section 17.08.030. Modifying Table 17.08-01 in Section 17.08.020 by removing Bars as a Special Use in C-1; adding a new use called "Neighborhood Bar"; removing Drive-Through Facility as a Special Use in C-1 and I-MU; removing Dwelling – Two-Family (Conversion) as a Special Use in all R-3 and R-4 Districts; adding Live Performance Venue as Permitted in I-1; adding Outdoor Dining as Permitted in S-IC; adding Place of Worship as Permitted in I-1 and I-MU; adding Private Recreation Facility as Permitted in C-OP and I-1; adding Vehicle Repair/Service-Major as Special Use in C-3; and removing Vehicle Repair/Service-Minor as Special Use in C-1. Section 17.08.030 by adding use standards for Neighborhood Bar. Section 17.08.050 by removing "primarily" from the definition of Retail Alcohol Sales and adding a definition for Neighborhood Bar. Section 17.17.010 by adding certain conditions of Ordinance 2002-177.

The above item in Case ORD21-01 was reviewed by the Plan & Zoning Commission with a recommendation of approval.

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, May 5, 2021 in the Council Chambers of 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 Development & Neighborhood Services, 1200 E 46th Street, no later than 12:00 noon on the day of the public hearing(s). PO No. 2110129

Department of Development & Neighborhood Services
E-MAIL: planning@davenportiowa.com PHONE: 563-326-6198

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **6/9/2021**

Subject:
Second Consideration: Ordinance for Case REZ21-02 being the request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road, containing 5.37 acres more or less, from C-2 Corridor Commercial to C-3 General Commercial District to allow heavy retail of commercial electronic components. [Ward 7]

Recommendation:
Adopt the Ordinance.

Background:
The City Plan and Zoning Commission has forwarded Case REZ21-02 to the City Council with a recommendation for approval at its May 4, 2021 meeting, subject to the following conditions:

1) The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.

2) Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long as there are abutting residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

The Commission vote was 6 yes, 0 no, and 0 abstentions.

Purpose of the rezoning:

- Relocate an existing retail sales business (3E) of commercial electronic components.
- 3E sells/leases diesel generators which cannot legally be stored inside a commercial building per fire code.
- Generators and conduit will be stored outdoors within an 8-foot solid privacy fence enclosure measuring 50' x 50'.
- Heavy Retail allows for limited outdoor storage if approved with a Special Use from the ZBA in the C-3 district.
- Without outdoor storage, this use would be allowed by right in any C-2 District No rezoning would be needed.

Findings

1. The zoning map amendment is consistent with Davenport 2035+ which identifies the property as Residential General (RG) which allows for commercial uses along corridors and edges. The neighborhood is compatible with RG as is the proposed retail use with outdoor storage at the subject property which was built in 1987.
2. The proposed C-3 General Commercial District is compatible with the zoning of nearby

property along Marquette Street and Kimberly Road, as well as other C-3 zoning located in the vicinity.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities.
4. Required Special Use approval for some of the additional uses allowed in the C-3 District offers further levels of review for the protection of adjacent properties.

Public Input:

Type of Notice Date Sent

Public Hearing Notice Mailed 4-6-2021
Legal Notice Published in QCT 4-10-2021
Neighborhood Meeting 4-12-2021
P&Z Public Hearing 4-20-2021

ATTACHMENTS:

	Type	Description
	Exhibit	Ordinance
	Exhibit	Zoning Analysis Staff Report
	Exhibit	Vicinity Map
	Exhibit	Zoning Map
	Exhibit	Davenport 2035+ Land Use Map
	Exhibit	Application
	Exhibit	Concept Plan
	Exhibit	COW Neighborhood Notice Letter
	Exhibit	QC Times Notice
	Exhibit	P&Z Public Notices

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/11/2021 - 4:20 PM

ORDINANCE NO. 2021-

ORDINANCE for Case REZ21-01 being the request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [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 to "C-3 General Commercial Zoning District".

LOT 3 OF THE FINAL PLAT OF OLD KAY'S SUBDIVISION, IN PART BEING A REPLAT OF LOT 1 OF VICTORY ACRES, PART OF THE NE QUARTER OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M. TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, which identifies the property as Residential General (RG) which allows for commercial uses along corridors and edges. The vicinity was developed in the early to mid-70's and is compatible with RG as is the proposed retail use with outdoor storage at the subject property which was built in 1987.
2. The proposed C-3 General Commercial District is compatible with the zoning of nearby property along Marquette Street and Kimberly Road, as well as other C-3 zoning located in the Village Shopping Center, at the car dealerships, the mall, and the Lujack's properties along Welcome way. Industrial uses are located at Gaines and West Kimberly Road.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities.
4. Required Special Use approval for some of the additional uses allowed in the C-3 District offers further levels of review for the protection of adjacent properties.

Conditions:

1. The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.
2. Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long

as there are abutting residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

Section 3. At its May 4, 2021 meeting, the City Plan and Zoning Commission voted to forward the case to the City Council with a recommendation for approval subject to the listed findings and conditions.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Mike Matson, Mayor

Attest: _____
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on _____

COW Zoning Analysis | May 19, 2021
Development & Neighborhood Services

Subject:
Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

Recommendation:
P&Z forwarded Case REZ21-02 to City Council with a recommendation for approval subject to the listed findings and conditions.

Background:
The petitioner has requested the zoning map amendment to accommodate a retail use that will require an outdoor storage area. If the business did not need outdoor storage, this retail use would have been allowed by right with the existing C-2 zoning.

Additional background is provided in the following attachments: Vicinity Map, Zoning Map, and Davenport 2035+ Land Use Map.

The following information is provided for case history of the property only and is in no way related to a previously attempted rezoning (REZ13-02). This background to illustrate that this previously denied request was for a use unlike the one proposed by this applicant and would not become permitted if the request was approved.

In 2013 a rezoning request by Murray Warehousing to allow a warehousing/distribution center at this site failed at City Council. Under the former zoning code, the request was to rezone the property to Planned Development "PDD" which would have allowed for a distribution warehousing and trucking operation.

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. Staff is not proposing a Davenport 2035+ future land use change for this area at this time.

Zoning:
<u>Existing</u>
The property is currently zoned C-2 Corridor Commercial District. This district is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal

service, and office uses along arterial streets and collector streets. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport's commercial corridors.

Proposed
The applicant is petitioning to rezone the property to C-3 General Commercial District. This district is intended to accommodate higher-intensity commercial development within the City of Davenport that serves both local and regional markets. The C-3 District addresses medium- and largescale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

Technical Review:
The proposed rezoning is for a retail use in an existing building commercial/retail building. No new construction is require other than an enclosure on the existing parking lot. As such no comments where received through the technical review process.

Streets. The State of Iowa classification for Kimberly Road is principal arterial and Marquette Street is classified as a minor arterial. No changes to the existing streets are needed.

The site has two ingress/egress drives, one located on West Kimberly Road and one off of Marquette Street. Left turn movements from Marquette Street can be limited/lowed with the utilization of the Kimberly Road access drive, should such movements ever become an issue.

Storm Water. The site will remain as it is today, with no new impervious surfaces proposed or needed. There shall be no impact to the stormwater system.

Sanitary Sewer. Sewer is existing on this site and in the area; there shall be no impact to the sewer system.

Other Utilities. All utilities are available at this site and in the area; there will be no impact to these services.

Emergency Services. The subject property is located approximately one (1) mile west of Fire Station No. 3 (3506 Harrison Street).

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

Public Input:
Letters were sent to property owners within 200 feet of the proposed request notifying them of the April 12th, 2021 Neighborhood Meeting and the April 20th Plan and Zoning Commission Public Hearing.

A neighborhood meeting was held on Tuesday, April 12, 2021 at the site. Eight (8) residents/neighbors attended. Issues brought up at meeting were the following: the timing, number and size of trucks for used for deliveries, required fencing on west and north property line, and the storm drain.

Staff has not received any written comments (in favor or against) regarding the proposed rezoning.

Discussion:
The petitioner is requesting a rezoning to C-3 General Commercial to accommodate an electrical component retail sales business that has limited need (50' x 50') of an outdoor storage enclosure. The storage area proposed would be screened by an 8'-tall solid privacy fence with gates and be located near the north property line adjacent to the post office property. The present zoning (C-2) does not allow for any outdoor storage. The need for outdoor storage by the petitioner is the only part of the proposed operation that cannot be supported by the existing C-2 zoning.

Approval Standards for Map Amendments (Chapter 17.14.040)
The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

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

Residential General (RG) is the Davenport 2035+ classification for this site. The RG designation allows for a mix of uses along the edges and transition areas where higher intensity uses are allowed, such as the uses at the intersection of Marquette and West Kimberly Road, where there are medical offices, personal service businesses, restaurants, a post office and 'big box' retail (on the subject property). This area is an example of the type of development allowed in transition and edge areas allowed by the Residential General classification.

Staff's opinion is that the proposed rezoning of this property does not necessitate a comprehensive plan change.

b. The compatibility with the zoning of nearby property.

The subject property is a retail site with has been in existence since 1987. Other uses in the area date to 1970 for the post office, 1975 for the medial office, and 1977 for the building at the northwest corner of Marquette and Kimberly Road which is presently a pest control business.

Staff's opinion is that the proposed rezoning is compatible with the existing uses and the existing zoning near the site. The site is developed with a 'big-box' retail commercial building and it has various retail and personal service establishments inside the partitioned building. The C-2 Corridor Commercial District allows for generally the same uses. The C-2 Zoning District is geared toward an urban walkable environment which is not dominated by auto-oriented uses (but does accommodate them) and as such the lot sizes are generally much smaller than the lots which are typically found in the C-3 district. The size of this commercial building and this lot, the amount of parking provided, and the character of the neighborhood

all are generally more compatible with the proposed C-3 zoning than the existing pedestrian oriented C-2 District.

c. The compatibility with established neighborhood character.

The subject property was developed as a commercial development along a commercial corridor. The use is compatible with the commercial neighborhood character. The Zoning code does require a landscaped and fenced buffer where commercial abuts residential. The potential for expansion of the existing building where abutting residential districts is minimal due to stormwater and parking regulations and existing easements on the property. Several of the new uses associated with a C-3 Zoning District require a Special Use Permit through the Zoning Board of Adjustment. Those uses will be evaluated on a case by case basis to determine impacts to neighborhood character with the ability to add conditions to the Special Use Permit.

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

Staff does not foresee any situation where the public heath or welfare will be negatively impacted by the proposed rezoning or any of the uses which are allowed by the C-3 District provided the conditions of this request are approved and the ordinances of the city are upheld.

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.

This site can be and is developed with retail uses. The proposed use is also a retail use; however said use requires outdoor storage, which has necessitated the need for this request.

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

All existing structures on this site meet the C-2 and the C-3 setback requirements. Only single and two-family uses are allowed by the C-2 district but not the proposed C-3 district. The site has no single/two-family dwellings so there shall not be any nonconformities created due to the proposed rezoning.

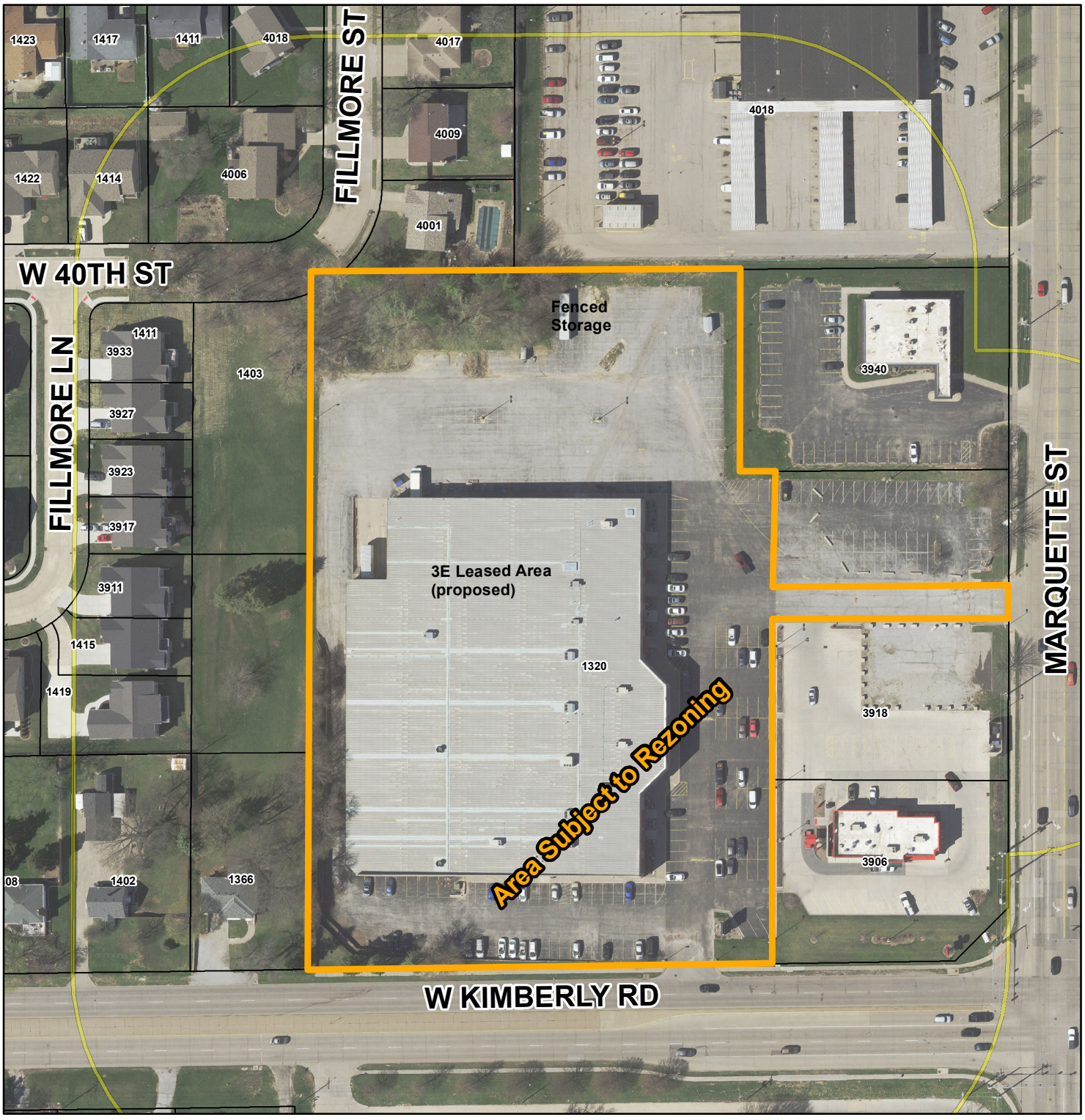
Recommendation and Conditions:

P&Z forwarded Case REZ21-02 to City Council with a recommendation for approval subject to the listed findings and conditions:

1. The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.
2. Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long as there are abutting

residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

Aerial Photography



Subject Property

200' Notice Boundary Line

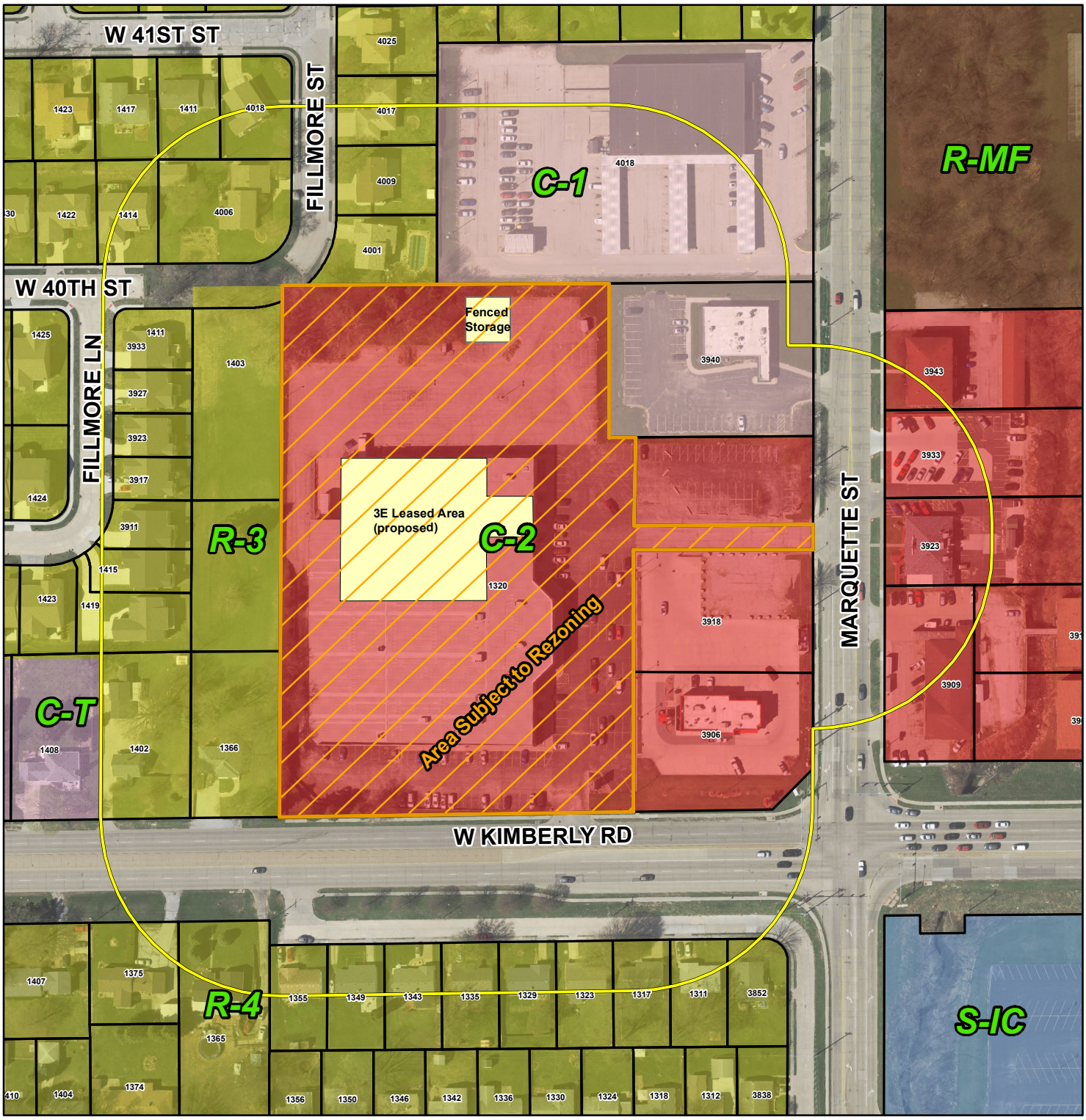
Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

0 50 100 200 Feet

N

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.

Zoning Map
REZ21-02 | 1320 W. Kimbelry RD



Subject Property

200' Notice Boundary Line

Zoning District

C-2 Corridor Commercial

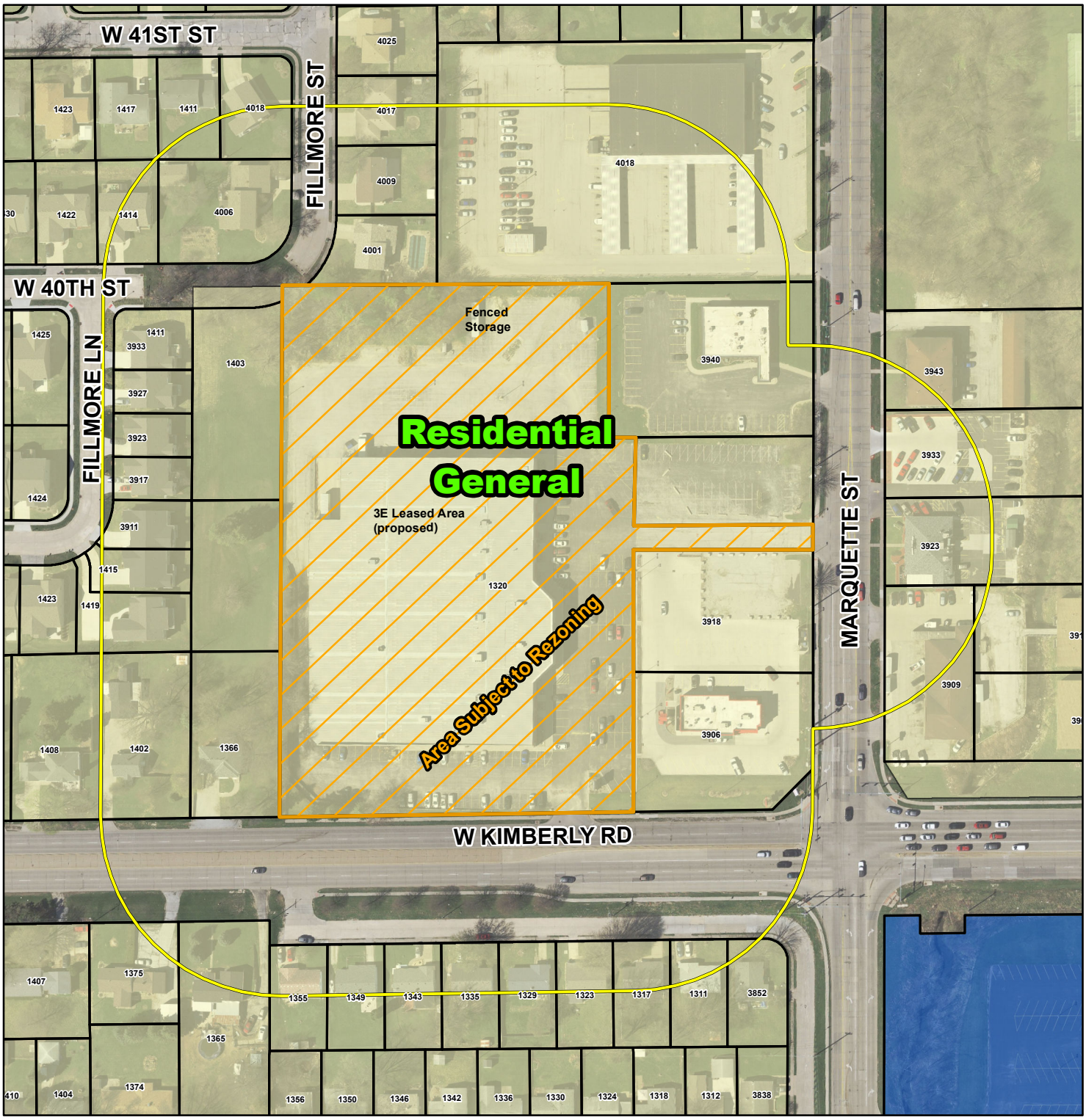
Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

N

0 50 100 200 Feet

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Davenport 2035 Land Use
REZ21-02 | 1320 W. Kimbelry RD



Subject Property

200' Notice Boundary Line

Land Use 2035

Residential General

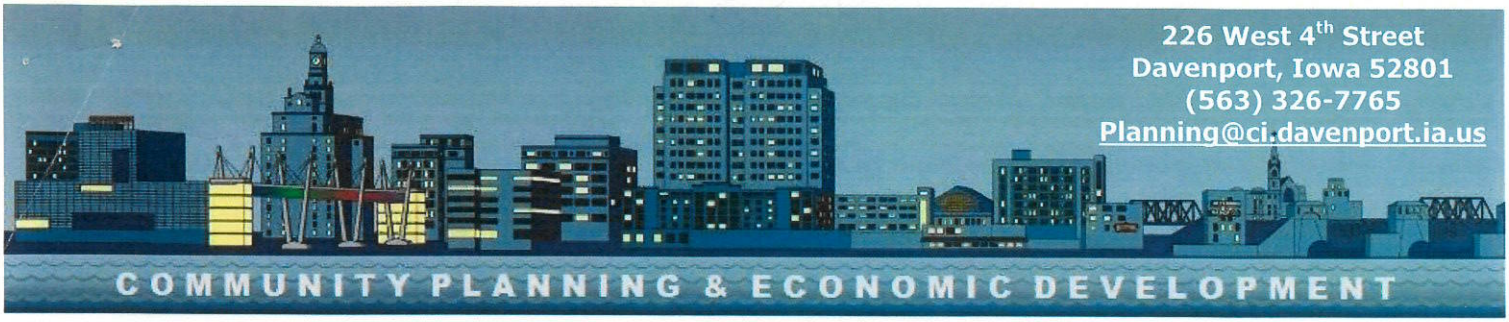
Civic and Institutional

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

N

0 50 100 200 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.



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

Property Address* 1320 W. Kimberly Road, Davenport, Iowa
***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:	Tom Pastrnak
Company:	Pastrnak Law Firm, PC
Address:	313 W. 3rd Street
City/State/Zip:	Davenport, IA 52801
Phone:	563-323-7737, ext 210
Email:	tpastrnak@pastrnak.com

Owner (if different from Applicant)

Name:	Chris Belser
Company:	Belser Ventures, LLC
Address:	3511 8th Street
City/State/Zip	Rock Island, IL 61201
Phone:	563-529-4951
Email:	chris@bsmqc.com

Engineer (if applicable)

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

Architect (if applicable)

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

Attorney (if applicable)

Name:	Tom Pastrnak
Company:	Pastrnak Law Firm, PC
Address:	313 W. 3rd Street
City/State/Zip:	Davenport, IA 52801
Phone:	563-323-7737, ext 210
Email:	tpastrnak@pastrnak.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 ☐

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 ☐

Historic Preservation Commission
- Certificate of Appropriateness ☐
- Landmark Nomination ☐
- Demolition Request ☐

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

Submitted 3-25-21
REZ21-02
Paid
Pub Hearing 4-20-21

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

PASTRNAK LAW FIRM, P.C.

Attorneys at Law
313 W. 3rd Street
Davenport IA 52801
Phone: (563) 323-7737, Ext. 210
Fax: (563) 323-7739
E-mail: tpastrnak@pastrnak.com

Thomas J. Pastrnak*
Candy K. Pastrnak*

Thomas R. Schulz – Of Counsel *
Gregory S. Jager – Of Counsel**
Dee A. Runnels – Of Counsel *

*Attorneys Admitted in Iowa and Illinois
**Attorney Admitted in Iowa Only

ILLINOIS OFFICE:
6300 75th Ave., Suite A
Milan, IL 61264

VIA HAND DELIVERY

March 25, 2021

MS LAURA BERKLEY
DEVELOPMENT AND PLANNING ADMINISTRATOR
CITY OF DAVENPORT
1200 E 46TH STREET
DAVENPORT IA 52807

RE: Rezoning Old K's Merchandise building to C-3 Heavy Retail

Dear Laura:

Pursuant to our discussions over the past week, enclosed please find the Petitioner's rezoning application regarding the above captioned matter, along with a draft in the sum of $920.00 for processing.

Please place on the Public Hearing agenda before Plan & Zoning Commission for April 20th, and I'll be in touch shortly to seek to schedule the neighborhood meeting.

I look forward to working with you in connection with this rezoning matter.

Very truly yours,

Thomas J. Pastrnak

THOMAS J. PASTRNAK
Attorney at Law

TJP/kkn
Enclosures

Request:

Existing Zoning: C-1 C-2

Proposed Zoning Map Amendment: C-3

Purpose of the Request:

To allow Tenant, Consolidated Electrical Distributors, Inc., a Delaware Corporation, to lease and occupy 24,443 sq. ft. of the building and enable Tenant to conduct its business thereon, which consists of wholesale and retail distribution of electrical supplies and deemed a Heavy Retail Use under City of Davenport's current Zoning Code.

Total Land Area: 254.739 Square Feet

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

Submittal Requirements:

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

Formal Procedure:

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

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

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

Formal Procedure (continued):

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

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

Applicant: Tom Pastrnak Date: 03/23/2021

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.

Authorization to Act as Applicant

I, Chris Belser of Belser Ventures, LLC
authorize Tom Pastrnak of Pastrnak Law Firm, PC
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

X _____

Signature(s)

State of Illinois,
County of Rock Island.
Sworn and subscribed to before me

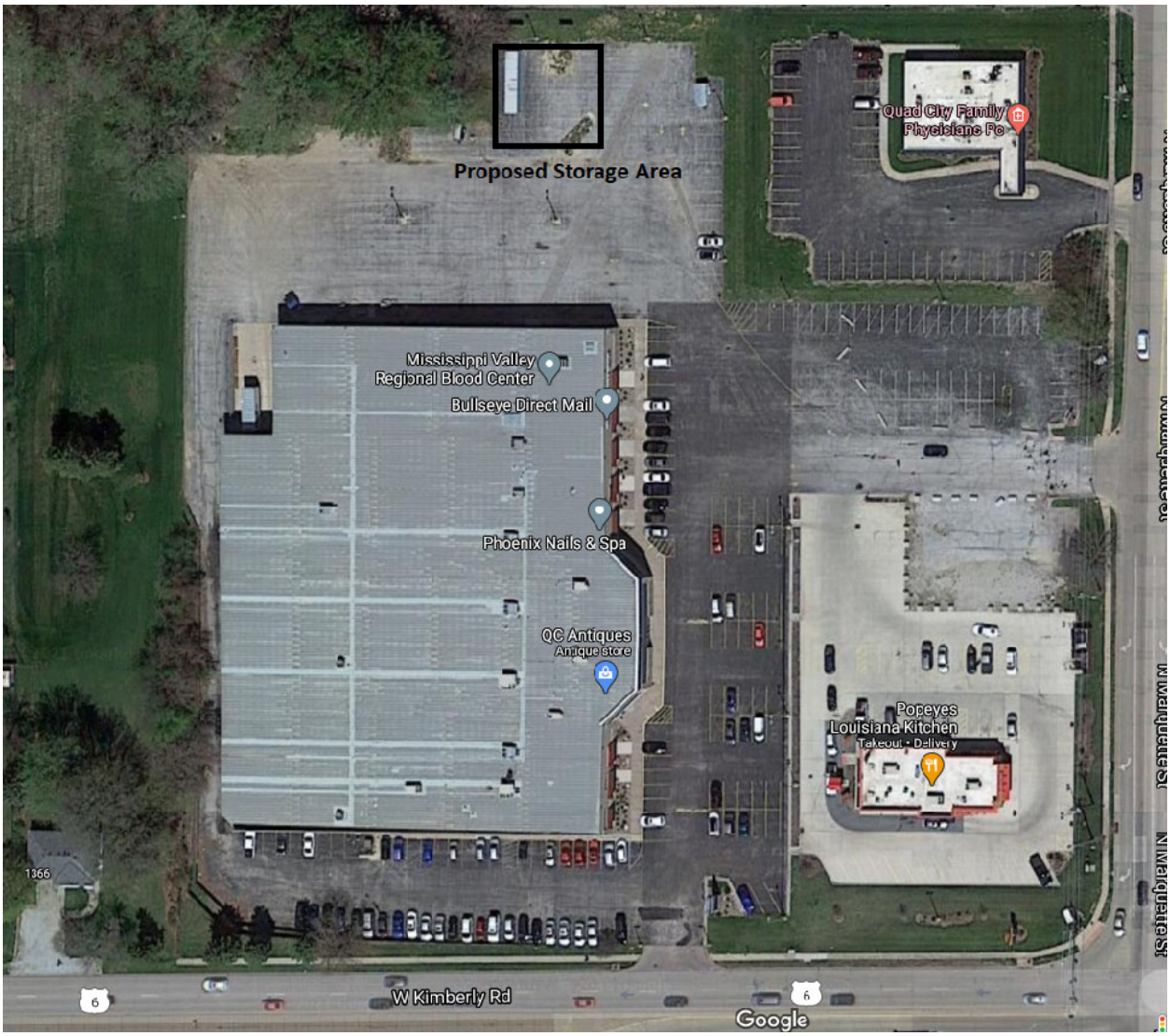
This 23rd day of March 2021 Drivers License.
Form of Identification

Julie K Adair
Notary Public

My Commission Expires: Oct 5, 2021

JULIE K ADAIR
Official Seal
Notary Public - State of Illinois
My Commission Expires Oct 5, 2021

Proposed Storage Area



Robin Creek Tenant Layout



Doc ID: 019845400002 Type: LAN
Recorded: 01/22/2014 at 03:08:14 PM
Fee Amt: $1,536.20 Page 1 of 2
Revenue Tax: $1,519.20
Scott County Iowa
Rita A. Vargas Recorder
File 2014-00001484

Preparer Information: William T. Phares, 4500 Kennedy Drive, East Moline, IL 61244
Address Tax Statement: Chris and Lisa Belser, 3511 – 8th Street, Rock Island, IL 61201
Return To: Skorepa Law Office, 3725 Blackhawk Road, #200, Rock Island, IL 61201

WARRANTY DEED

For the consideration of one dollar and other valuable consideration,

JJZ DEVELOPMENT, LLC, an Illinois limited liability company,

hereby conveys to

BELSER VENTURES, LLC, an Iowa limited liability company,

the real estate situated in Scott County, Iowa and described as follows:

Lot 3 of the Final Plat of Old K's Subdivision, in part being a replat of Lot 1 of Victory Acres, part of the NE Quarter of Section 15, Township 78 North, Range 3 East of the 5th P.M. to the City of Davenport, Scott County, Iowa.

Grantor does hereby covenant with grantee and successors in interest, that grantor holds the real estate by title in fee simple; that grantor has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; that grantor is a manager managed limited liability company and the undersigned in the ordinary course of the company's business are authorized signors to act on behalf of the Company; and grantor covenants to warrant and defend the real estate against the lawful claims of all persons except as may be above stated.

Subject to Declaration of Easements with Covenants and Restrictions Affecting Land (ECR"), recorded 1/22/2014, as Document No. 2014 - 1483, in the office of the Scott County Iowa Recorder.

Dated: January 21st, 2014.

Jayme B. Massa, Manager/Member

Zachary M. Sottos, Manager/Member

STATE OF IOWA)
) ss
COUNTY OF SCOTT)

I, the undersigned, a Notary Public, in and for the County, and State aforesaid, DO HEREBY CERTIFY THAT,

Jayme B. Massa, Manager/Member, and Zachary M. Sottos, Manager/Member

personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered said instrument as their free and voluntary act, and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 21st day of January, 2014.

KIM STEVENSON
Commission Number 761428
My Commission Expires

Notary Public

46724

2013 NOV 14 AM 11:40

$50.00 KATH 2 1/14/13

673460 CORG

CERTIFICATE OF ORGANIZATION

OF

BELSER VENTURES, LLC

TO THE SECRETARY OF STATE OF THE STATE OF IOWA:

Pursuant to Iowa Code Section 489.201 of the Iowa Revised Uniform Limited Liability Company Act, the undersigned adopt the following articles of organization for the company:

ARTICLE I
Name

The name of the limited liability company is **Belser Ventures, LLC** (the "Company").

ARTICLE II
Initial Registered Agent and Registered Office

The name and street address of the Company's initial registered agent and office in Iowa is **Nancy A. Patterson**, 3910 N. Lillie Avenue, Davenport, Iowa 52806.

ARTICLE III
Principal Office

The street address of the Company's principal office is 1320 West Kimberly Road, Davenport, Iowa 52806.

ARTICLE IV
Period of Duration

The Company's existence shall commence upon the filing of the Certificate of Organization with the Office of the Iowa Secretary of State and shall continue perpetually, unless dissolved sooner in accordance with the terms of the Company's operating agreement.

(3)

ARTICLE V
Managers

A. The business and affairs of the Company shall be governed by managers elected by the members in the manner described in the Company's operating agreement. No member's action nor any other person's action shall bind the Company except as authorized by the Company's operating agreement.

B. The managers shall have all of the duties, powers, and authority as set forth in the Company's operating agreement, including but not limited to the power and authority to purchase, accept, transfer, assign, mortgage, and encumber real estate in the name of the Company and on behalf of the Company.

ARTICLE VI
Non-Liability and Indemnification

A. No member or manager of this Company shall be personally responsible or liable for any of the acts, debts, liabilities, or losses of this Company.

B. No manager of this Company shall be personally responsible or liable to the Company or its members or anyone else for monetary damages for breach of fiduciary duty as a manager, except for liability (i) for any breach of the manager's duty of loyalty to the Company or its members, (ii) for acts or omissions not in good faith or which involve intentional misconduct or knowing violation of law, (iii) for a transaction from which the manager derived an improper personal benefit or a wrongful distribution in violation of Section 489.405 of the Iowa Code.

C. Each person who is or was a manager of the Company (and the heirs, executors, personal representatives, administrators, or successors of such person) who was or is made a party to, or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that such person is or was a manager of the Company or is or was serving at the request of the Company as a manager, director, officer, partner, trustee, employee or agent of another limited liability company, corporation, partnership, joint venture, trust, employee benefit plan or other enterprise ("Indemnitee"), shall be indemnified and held harmless by the Company to the fullest extent permitted by applicable law, as the same exists or may hereafter be amended. In addition to the indemnification conferred in this Article, the Indemnitee shall also be entitled to have paid directly by the Company the expenses reasonably incurred in defending any such proceeding against such Indemnitee in advance of its final disposition, to the fullest extent authorized by applicable law, as the same exists or may hereafter be amended. The right to indemnification conferred in this Article shall be a contract right.

D. The Company may, by action of the managers, provide indemnification to such of the officers, employees and agents of the Company to such extent and to such effect as the managers shall determine to be appropriate and authorized by applicable law.

E. The rights and authority conferred in this Article shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, provision of the articles of organization or operating agreement of the Company, agreement, vote of members or disinterested managers, or otherwise.

F. Any repeal or amendment of this Article by the members of the Company shall not adversely affect any right or protection of a manager or officer existing at the time of such repeal or amendment.

The existence of this Company shall commence upon the filing of the Certificate of Organization with the Office of the Iowa Secretary of State.

Dated this 12 day of November, 2013.

Christopher J. Belser

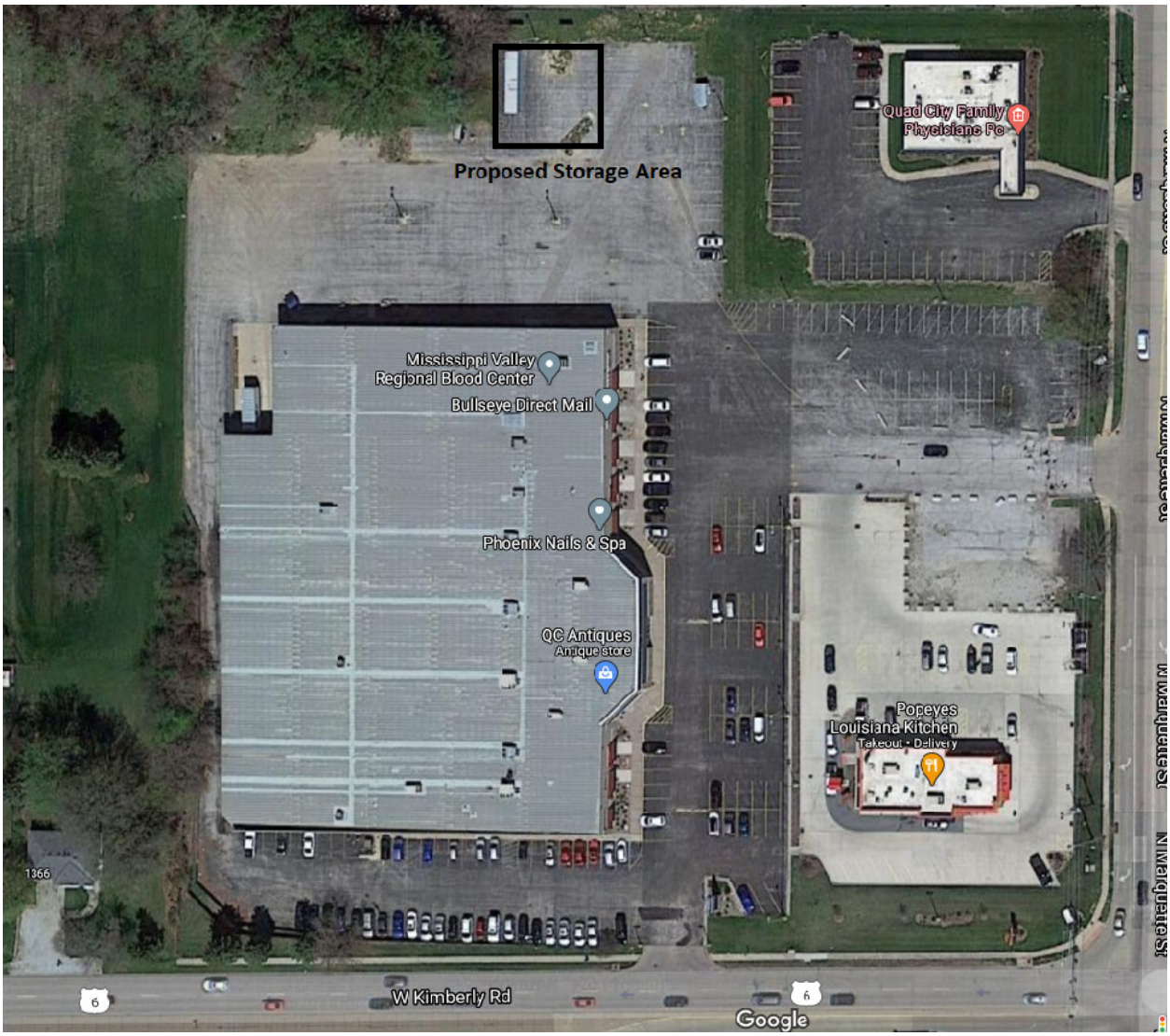
Prepared by:

Law Offices of Thomas A. Skorepa, P.C.
3725 Blackhawk Road, Suite 200
Rock Island, IL 61201
Phone: 309-788-7481
Fax: 309-788-8779
E-mail: skorepalaw2@sbcglobal.net

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SECRETARY OF STATE
11.14.13 11:10 A
W883011



Proposed Storage Area



Robin Creek Tenant Layout



DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | City Council - Committee of the Whole

Date: 5/19/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:30 PM Subject: Public Hearing rezoning request before the City Council - COW

[ADDRESS BLOCK]

To: All property owners within 200 feet of the subject property located at **1320 W. Kimberly RD.**

What is this 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/Case Description
Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

What are the Next Steps after the Public Hearing?
The City Plan and Zoning Commission forwarded case REZ21-02 to the City Council with a recommendation for approval at its May 4, 2021 meeting, subject to the following conditions:
1) The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.
2) Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long as there are abutting residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

Would You Like to Submit an Official Comment?
As a neighboring property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Wednesday, May 5, 2021

Please publish the following public notice in the next available edition of the Quad City Times per your legal notice submission schedule.

The PO number for this notice is: 2110662

Please provide proof of publication for our records. If you have any questions, please contact us at planning@davenportiowa.com, the email which submitted the request, or at 563-326-6198. Thank you!

NOTICE
PUBLIC HEARING
WEDNESDAY, MAY 19, 2021 5:30 P.M.
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
CITY HALL COUNCIL CHAMBERS
226 W 4th ST – DAVENPORT, IA

There is on file in Development and Neighborhood Services (DNS), on behalf of the Plan and Zoning Commission, the following request:

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow heavy retail of commercial electronic components; containing 5.37 acres more or less [Ward 7]. Legal description of the property proposed to be rezoned is as follows: Lot 3 of the Final Plat of Old K's Subdivision. At its May 4, 2021 meeting, the Plan and Zoning Commission recommended case REZ21-02 be forwarded to City Council with a recommendation for approval subject to the listed findings and conditions:

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, which identifies the property as Residential General (RG) which allows for commercial uses along corridors and edges. The vicinity was developed in the early to mid-70's and is compatible with RG as is the proposed retail use with outdoor storage at the subject property which was built in 1987.
2. The proposed C-3 General Commercial District is compatible with the zoning of nearby property along Marquette Street and Kimberly Road, as well as other C-3 zoning located in the Village Shopping Center, car dealerships cross from the shopping center, the mall, and the dealerships along Welcome way. Industrial uses are located at Gaines and West Kimberly Road.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities.
4. Required Special Use approval for some of the additional uses allowed in the C-3 District offers further levels of review for the protection of adjacent properties.

Conditions:

1) The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.
2) Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long as there are abutting residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

The public hearing on the above case is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, May 19, 2021 in Davenport City Hall Council Chambers, 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 Development and Neighborhood Services at the below address, no later than 12:00 noon on the day of the public hearing(s).
PO No. 2110662

Development and Neighborhood Services Department
E-MAIL: planning@davenportiowa.com PHONE: 563-326-6198

DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

Neighborhood Meeting Invitation | Proposed Rezoning (map amendment)

Date: 4/12/2021 Location: **1320 W. Kimberly Rd. (former Bullseye Direct Mail office)**
Time: 5:30 PM Subject: informal neighborhood meeting regarding a Rezoning (map amendment)

[Address Block]

You are invited to a neighborhood meeting regarding the following Rezoning (map amendment) request which will come before the Davenport City Plan and Zoning Commission later on 4/20/2021 for a public hearing and is described as:

Description of Rezoning (map amendment) Request:
Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail permitting sale of commercial electronic components from/on the premises, containing 5.37 acres more or less. [Ward 7]

The purpose of this meeting is to provide an informal setting to allow the developer to describe the proposed development, to interact with adjacent owners, and to answer any questions and concerns about the proposed action.

The purpose of the proposed request is to change the property's allowed uses by changing the zoning classification.

What are the Next Steps after the neighborhood meeting?
The next meeting will be a public hearing on 4/20/2021 at 5:00 PM in City Hall Council Chambers, at which time the City Plan and Zoning Commission will hear public comments regarding this proposal. Planning staff will send additional notices with the dates and times of additional public hearings regarding this request.

Questions Regarding this Notice or the Process?
If you have any questions or if accommodates are needed for any reason, please contact the planner assigned to this case (Scott Koops, AICP) at scott.koops@davenportiowa.com or at (563) 328-6701 . Interpretive services are available at no charge. Servicos interpretativos libres estan disponibles. TTY: (563) 326-6145

Online Access?
None at this time.

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | Plan and Zoning Commission

Date: 4/20/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:00 PM Subject: Public Hearing for rezoning request before the Plan and Zoning Commission

[ADDRESS BLOCK]

To: All property owners within 200 feet of the subject property located at **1320 W. Kimberly RD:**

What is this 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/Case Description
Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

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 regarding this request 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.

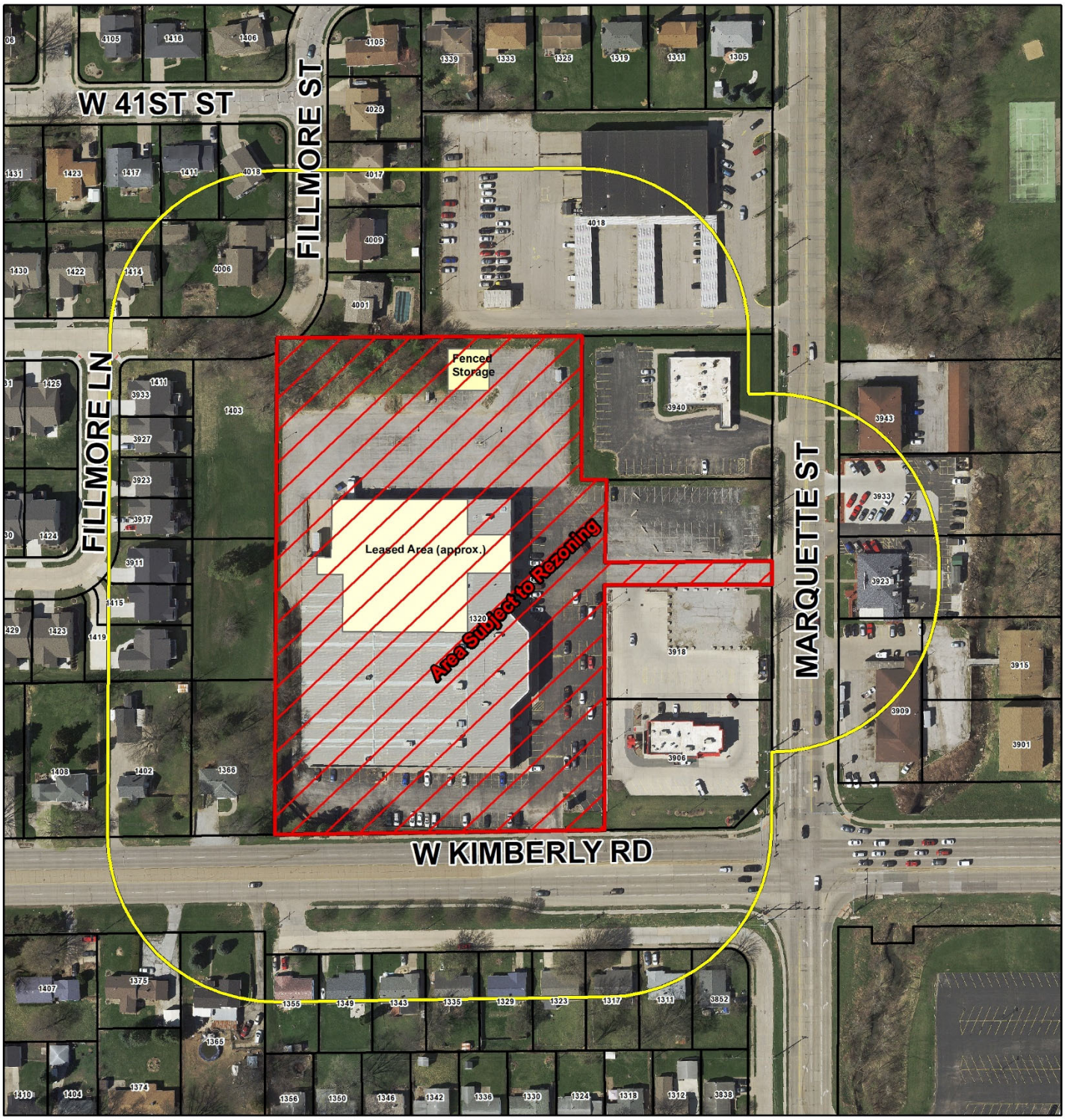
Would You Like to Submit an Official Comment?
As a neighboring property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

On-line/Telephone Participation:
Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/planzoning & at 1-866-899-4679 with access code: 492-653-453. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

Adjacent Property Owner Notice Area
REZ21-02 | 1320 W. Kimbelry RD



Subject Property

200' Notice Boundary Line

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

N

0 50 100 200 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.

*** Proof of Publication ***

STATE OF IOWA
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE QUAD-CITY TIMES, on the dates listed below.

CITY OF DAVENPORT

226 W 4TH ST
DAVENPORT, IA 52801

ORDER NUMBER 91623

NOTICE
NOTICE OF PUBLIC HEARING
Tuesday, April 20, 2021 – 5:00P.M.
City of Davenport
Plan and Zoning Commission
Council Chambers – Davenport City Hall
226 W. 4th Street – Davenport, Iowa

There is on file in the Development & Neighborhood Services Department (DNS), on behalf of the Plan and Zoning Commission, the following request: Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail permitting sale of commercial electronic components from/on the premises, containing 5.37 acres more or less. [Ward 7]

The public hearing on the above matter is scheduled for 5:00 p.m. on April 20, 2021, in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item or attend the public hearing to express your views, or both; only written comments will be used to calculate comment percentages. 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 Development & Neighborhood Services Department at the Public Works Building, 1200 E. 46th Street, Davenport, Iowa 52807, no later than 12:00 noon on the day of the public hearing. PO No. 2109357. Phone: 563-326-6198

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Kelly Mora

Section: Notices & Legals
Category: 2633 Zoning Notices
PUBLISHED ON: 04/12/2021

TOTAL AD COST: 27.36
FILED ON: 4/12/2021

Subscribed and sworn to before me by said affiant this 12 day of April 2021.

Danine Glascock

Notary Public in and for Scott County, Iowa

NOTARIAL SEAL IOWA
DANINE GLASCOCK
Commission Number 810108
My Commission Expires
4-17-22

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **6/9/2021**

Subject:
First Consideration: Ordinance for Case REZ21-03 being the request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units. [Ward 6]

Recommendation:
Adopt the Ordinance.

Background:
In 2015 the south half of this site was developed with outdoor storage units, at which time the property was zoned Planned Development District, which allowed for the use. In January of 2019 the zoning code was completely re-written and the property was zoned C-E Elmore Corridors which rendered the property nonconforming with respect to the use of the property.

The C-E District does not allow for outdoor self-storage units. A zoning map amendment is required to allow for the proposed use, (outdoor self-storage units) which is a continuation of the existing use on the lot.

In addition to the rezoning, the site will also require a Special Use approval from the Zoning Board of Adjustment which is required for the proposed use in the C-3 District.

Technical Review:

Existing infrastructure is in place, accordingly technical review comments have been received stating that there ae no concerns for the buildout of the remaining half of this site.

Public Input:

Property owners within 200 feet of the property have been notified and a sign has been placed on the property. A neighborhood meeting was not held for this case. The notice of a Public Hearing was published in the Quad City Times and a Public hearing was held on May 4, 2021 and a regular P&Z Meeting on May 18th, 2021.

With regards to the Plan's stance on the subject property, the attached "Concept Plan" clearly states that the plan establishes the vision for Elmore Corners' existing land uses. The plan shows the entire site as "Existing Warehouse Storage" but does not call out any future modifications or changes to the site, nor illustrate that the site shall meet the design standards of the Elmore Corners Plan. This nonconforming property per the concept plan has no future development planned through the Elmore Corners vision document.

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, (Regional Commercial – RC) which allows for the proposed use and other such similar uses.

2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification.

3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.

4. Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties.

ATTACHMENTS:

Type	Description
Ordinance	Ordinance
Backup Material	P&Z Exhibits & Background
Backup Material	QC Times Notice
Backup Material	Notice Letter

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	5/26/2021 - 12:48 PM

ORDINANCE NO. _____

ORDINANCE for Case REZ21-03 being the request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue from C-E Elmore Corners Zoning District to C-3 General Commercial Zoning District to allow for the expansion of the existing outdoor storage units.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "C-3 General Commercial Zoning District".

LOT 4 OF THE FINAL PLAT OF JERSEY FARMS COMMERCIAL PARK 2ND ADDITION BEING A REPLAT OF LOT 1-5 IN JERSEY FARMS COMMERCIAL PARK FIRST ADDITION (OTHERWISE KNOWN AS 6403 ELMORE AVE; PIN Y0551A04) TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan (Regional Commercial – RC) which allows for the proposed use and other such similar uses.
2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.
4. Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties.

Conditions: NONE

Section 3. At its May 18, 2021 meeting, the City Plan and Zoning Commission voted to forward the case to the City Council with a recommendation for approval subject to the listed findings and conditions.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
5/18/2021

Subject:
Case REZ21-03: Request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue (PIN Y0551A04) from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units. [Ward 6]

Recommendation:
Planning staff recommends the Plan and Zoning Commission forward Case REZ21-03 to the City Council with a recommendation for approval without conditions.

Background:
See the attached Vicinity Map, Zoning Map, and Davenport 2035+ Land Use Map.
In addition there are three Exhibits from the Elmore Corners Plan which are also attached. The Elmore Corners Plan/Design Guidelines were adopted 1-9-19.

Comprehensive Plan:
Within Existing Urban Service Area: Yes
Within Urban Service Area 2035: Yes

Regional Commercial (RC) - The most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street.

Zoning:
Existing: C-E Elmore Corners Zoning District
Proposed: C-3 General Commercial District

17.05.010.H. C-E Elmore Corners Purpose Statement
The C-E Elmore Corners Zoning District is intended to implement the vision contained in the Elmore Corners Area Plan through the application of site and building design standards that ensure quality, compatible, and coordinated development within the area.

17.05.010.D. C-3 General Commercial Zoning District
The C-3 General Commercial Zoning District is intended to accommodate higher-intensity commercial development within the City of Davenport that serves both local and regional markets. The C-3 District addresses medium- and largescale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

Technical Review:
Existing infrastructure is in place, accordingly technical review comments have been received stating that there ae no concerns for the buildout of the remaining half of this site.

Public Input:
Property owners within 200 feet of the property have been notified and a sign has been placed on the property. A neighborhood meeting was not held for this case. The Notice of a Public Hearing was published in the Quad City Times and a Public hearing was held on May 4, 2021.

Discussion:
In 2015 the south half of this site was developed with outdoor storage units, at which time the property was zoned Planned Development District, which allowed for the use. In January of 2019 the zoning code was completely re-written and the property was zoned C-E Elmore Corridors which rendered the property nonconforming with respect to the use of the property.

The C-E District does not allow for outdoor self-storage units. A zoning map amendment is required to allow for the proposed use, (outdoor self-storage units) which is a continuation of the existing use on the lot.

In addition to the rezoning, the site will also require a Special Use approval from the Zoning Board of Adjustment which is required for the proposed use in the C-3 District.

Staff has reviewed the C-E Elmore Corners Plan. The Concept Plan on page 3 of the document states "*the Concept Plan establishes the planning and development vision for Elmore Corners in the context of adjacent neighborhoods and existing land uses. The map highlights proposed future land uses and public infrastructure*."
With regards to the Plan's stance on the subject property, the attached "Concept Plan" clearly states that the plan establishes the vision for Elmore Corners' existing land uses. The plan shows the entire site as "Existing Warehouse Storage" but does not call out any future modifications or changes to the site, nor illustrate that the site shall meet the design standards of the Elmore Corners Plan. This nonconforming property per the concept plan has no future development planned through the Elmore Corners vision document.

Likewise, the "Site Layout Plan" also does not show any plans or visions for the subject property. The same holds true for the "Circulation Plan", which also shows the lot/site but contains no plans for the site.

Finally, the "Landscape Concept" map shows the subject property separated from planned areas of Elmore Corners with a wide buffer to separate the warehouse storage site from the areas of actively being planned (see attached exhibit).

Approval Standards for Map Amendments (Chapter 17.14.040)
Zoning text or map amendment are a matter of legislative discretion which 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 balancing of the following:

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

Regional Commercial (RC) areas are located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes. The proposed use is compatible with the Davenport 2035+ Land Use Plan.

b. The compatibility with the zoning of nearby property.

One lot to the south beyond the adjacent apartments is a large commercial retail center zoned C-3, which allows for the same uses as the proposed outdoor storage units. Given the close proximity of the C-3 District to the south, the proposed map amendment is compatible with adjacent zoning districts.

c. The compatibility with established neighborhood character.

The subject property was developed as a commercial development along a commercial corridor in 2015 and was compatible with adjacent use and district requirement at that time. Today the site is in a mixed use area and is compatible with the mixed uses in the vicinity.

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

Staff does not foresee any situation where the public health or welfare will be negatively impacted by the proposed rezoning and the proposed use. The site is currently not in conflict with public health and safety, nor should the site be once the remaining half is developed with the same use that is on the south half of the lot.

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.

This site can be developed a wide range of uses, including the proposed outdoor storage units. The district uses of the C-3 District are sustainable given the adjacent uses and zoning districts. It is unlikely that the site will be demolished any time soon and a different use constructed on the site.

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

All existing structures on this site meet the C-3 setback requirements. There shall not be any nonconformities created due to the proposed rezoning, on the contrary, a nonconforming use will cease with the rezoning to a compatible zoning district.

Findings & Recommendation:

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, (Regional Commercial – RC) which allows for the proposed use and other such similar uses.
2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification.

3 . Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.
4 . Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties.

Recommendation:

Planning staff recommends the Plan and Zoning Commission forward Case REZ21-03 to the City Council with a recommendation for approval without conditions.

ATTACHMENTS:

	Type	Description
🗋	Exhibit	Elmore Corners - Concept Plan
🗋	Exhibit	Elmore Corners - Site Layout
🗋	Exhibit	Elmore Corners - Landscape Plan
🗋	Exhibit	Vicinity Map
🗋	Exhibit	Zoning Map
🗋	Exhibit	Davenport 2035+ Land Use Map
🗋	Exhibit	Notice Letter & Map
🗋	Exhibit	Application

Staff Workflow Reviewers

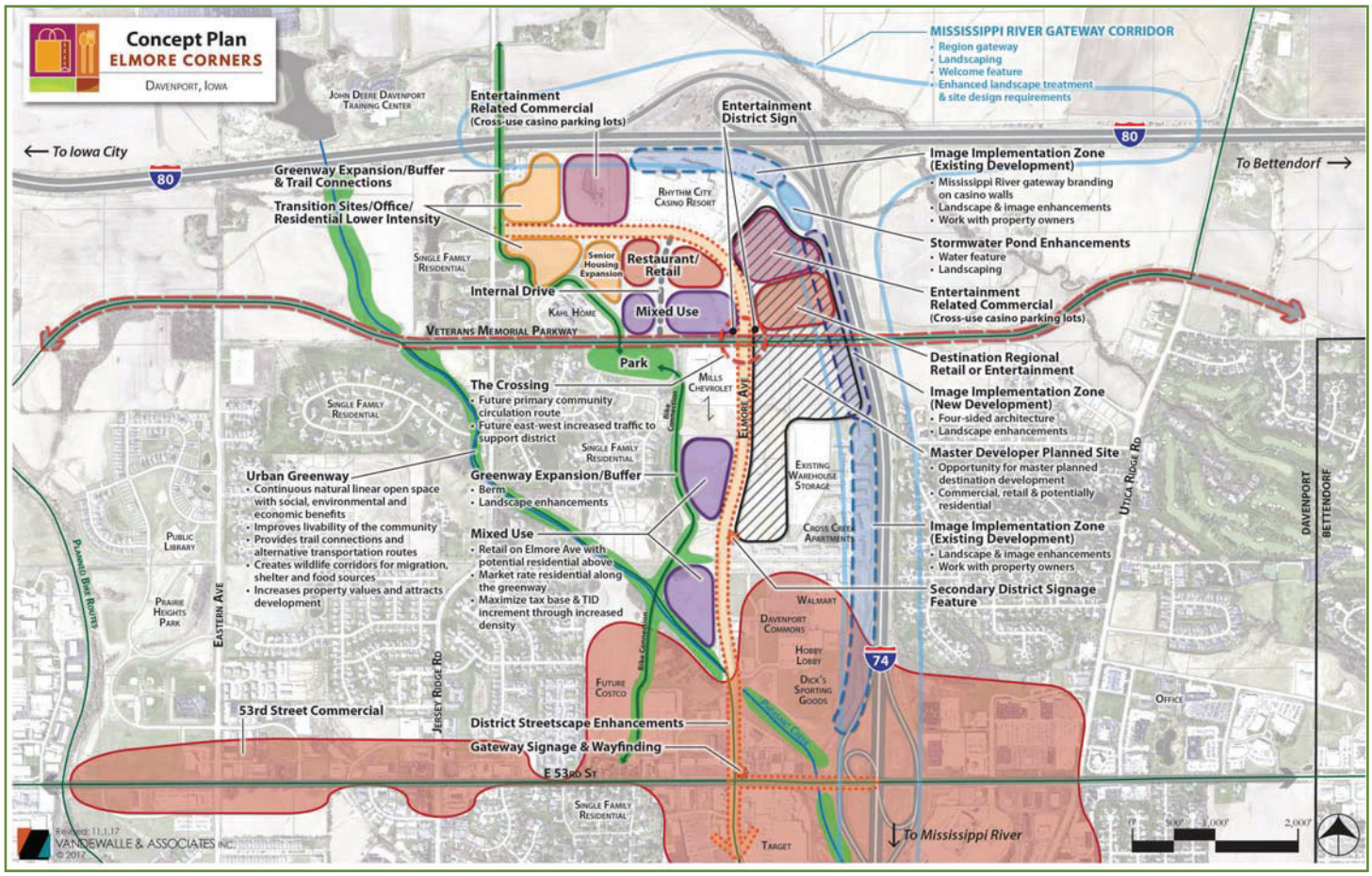
REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/13/2021 - 8:24 AM

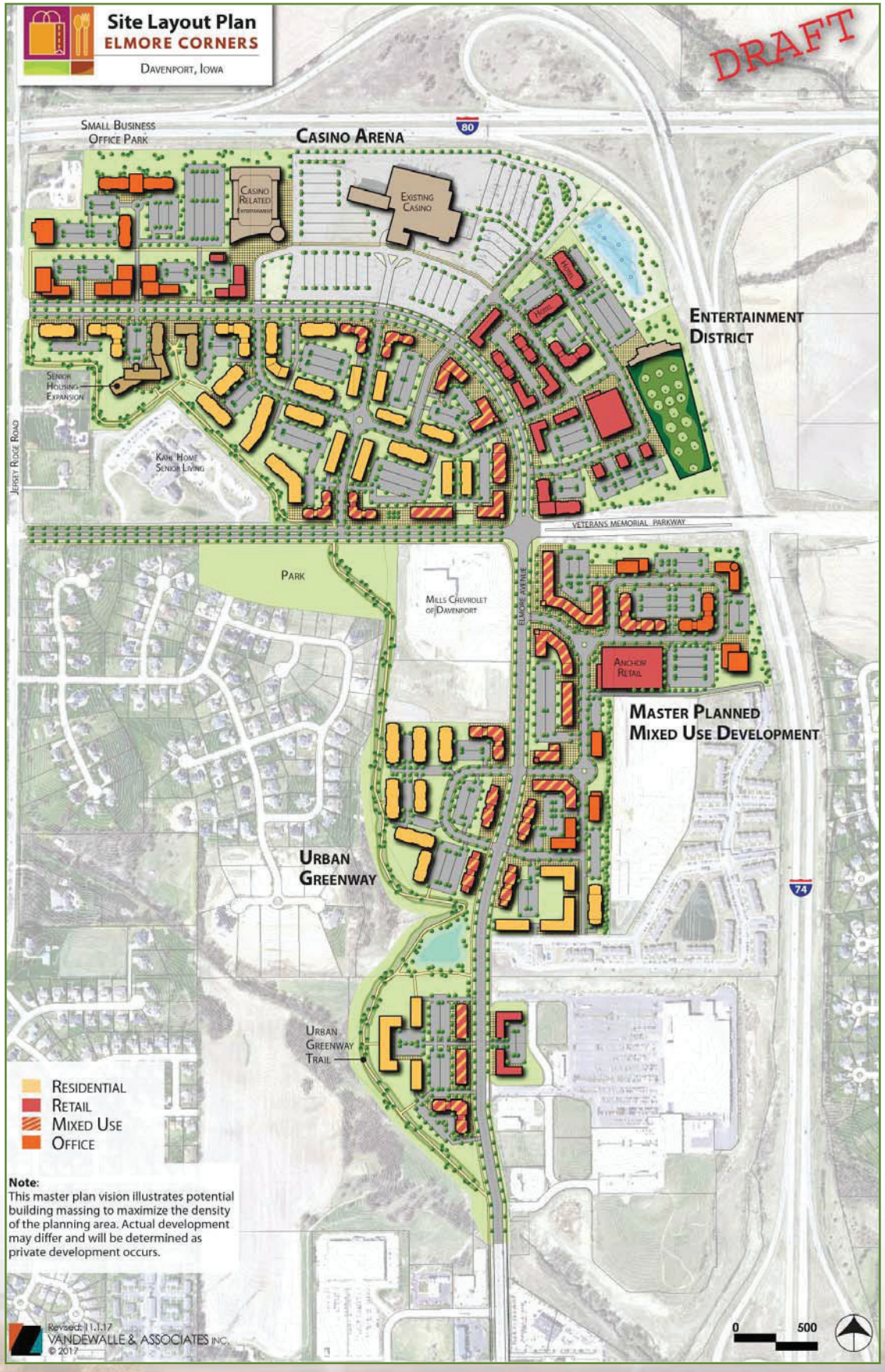
II. Concept Plan

As seen in Map 2, the Concept Plan establishes the planning and development vision for Elmore Corners in the context of adjacent neighborhoods and existing land uses. The map highlights proposed future land uses and public infrastructure. The illustration also identifies important design issues to be considered for a successful development. These are explained further below and in the Design Development Standards section.

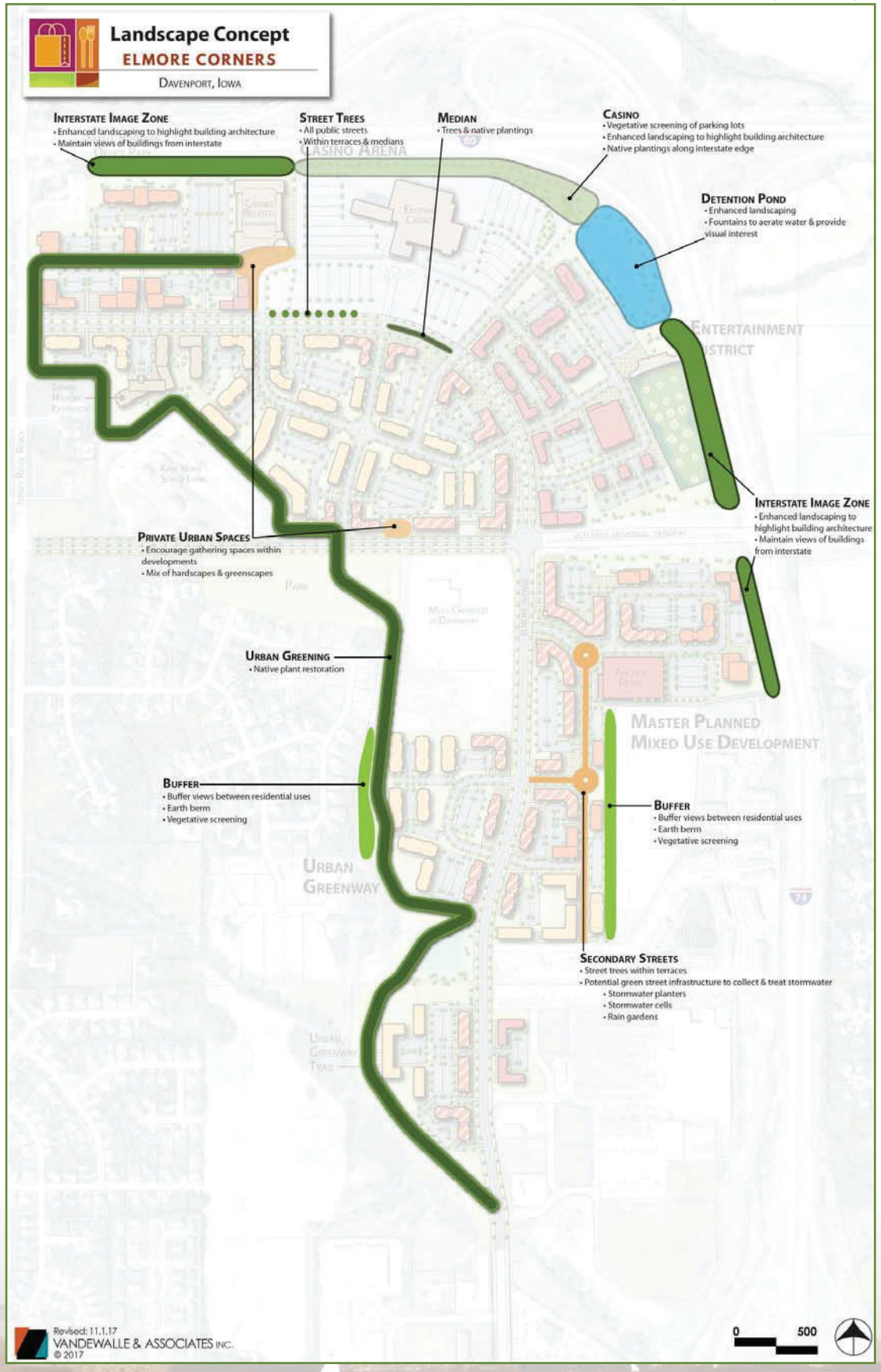
Map 2. Concept Plan



Map 3. Site Layout Plan



Map 7. Landscape Concept



Vicinity Map
Case REZ21-03
6403 Elmore Avenue



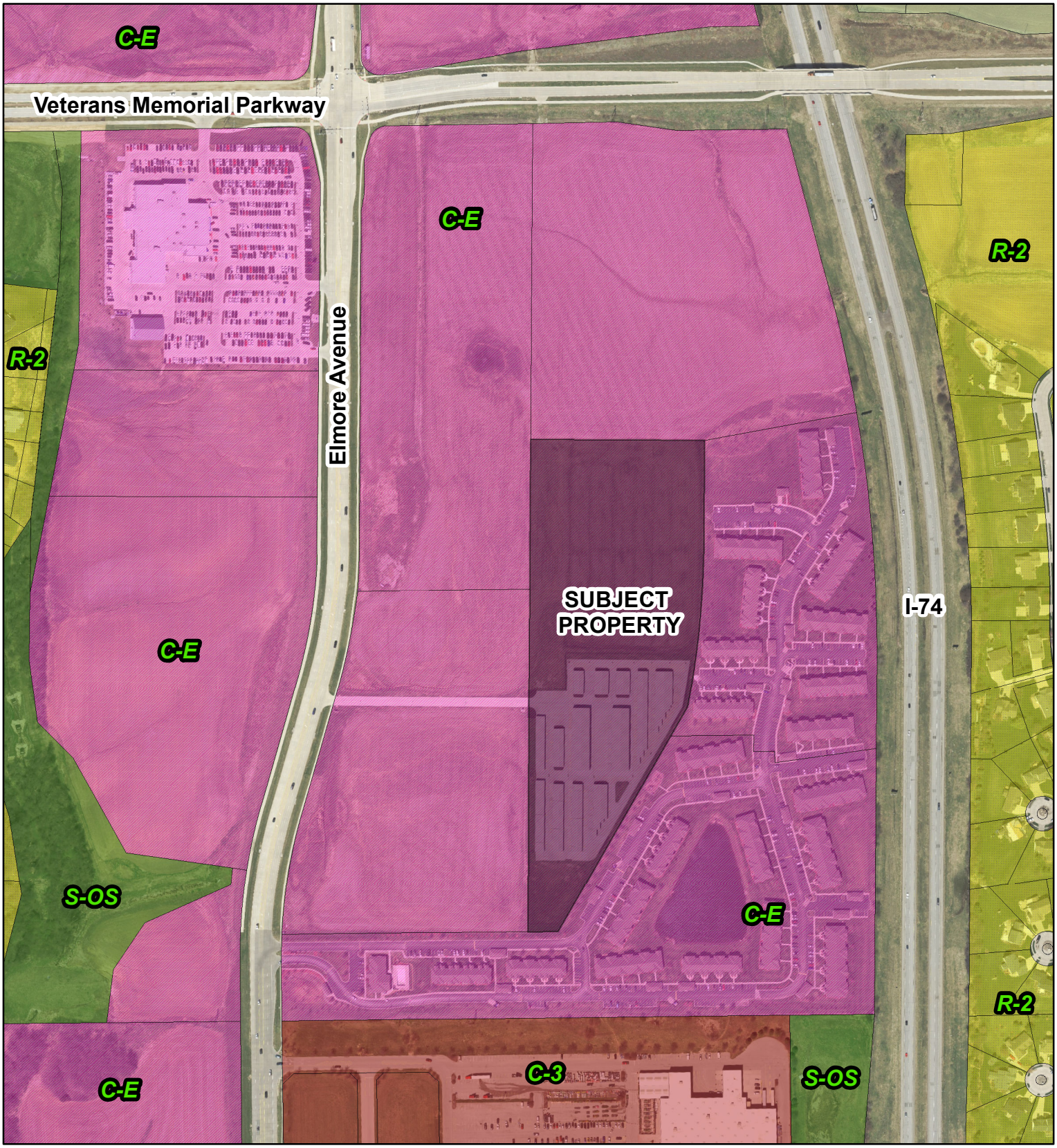
Rezone from C-E Elmore Corners District to C-3 General Commercial District

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

0 250 500 1,000 Feet

N

Zoning Map Amendment (Rezoning) Request
Case REZ21-03
6403 Elmore Avenue



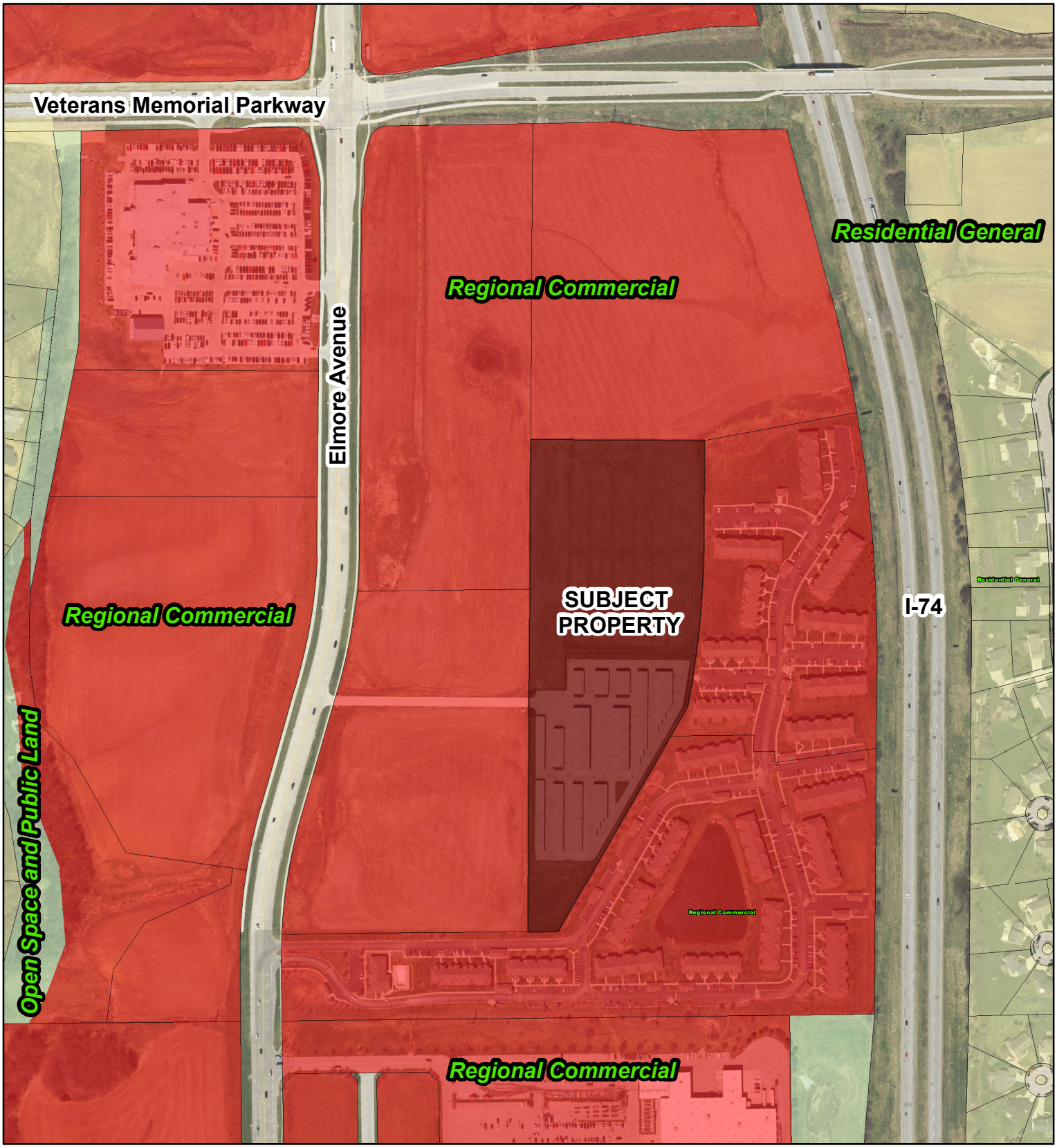
Rezone from C-E Elmore Corners District to C-3 General Commercial District

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0 250 500 1,000 Feet

N

Future Land Use Map-Davenport +2035
Case REZ21-03
6403 Elmore Avenue



Rezone from C-E Elmore Corners District to C-3 General Commercial District
Property to remain Regional Commercial

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

0 250 500 1,000 Feet

N

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 5/4/2021
Time: 5 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Rezoning Request Before the Plan and Zoning Commission

[Address Block]

To: All property owners within 200 feet of the subject property located at **6403 Elmore Avenue**

What is this 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 permit the expansion of the existing outdoor storage facility.

Request/Case Description
Case REZ21-03: Request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue (PIN Y0551A04) from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units. [Ward 6]

What are the Next Steps after the Public Hearing?
The Plan and Zoning Commission will hold a formal public hearing at their meeting on May 4, 2021. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on May 18, 2021. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

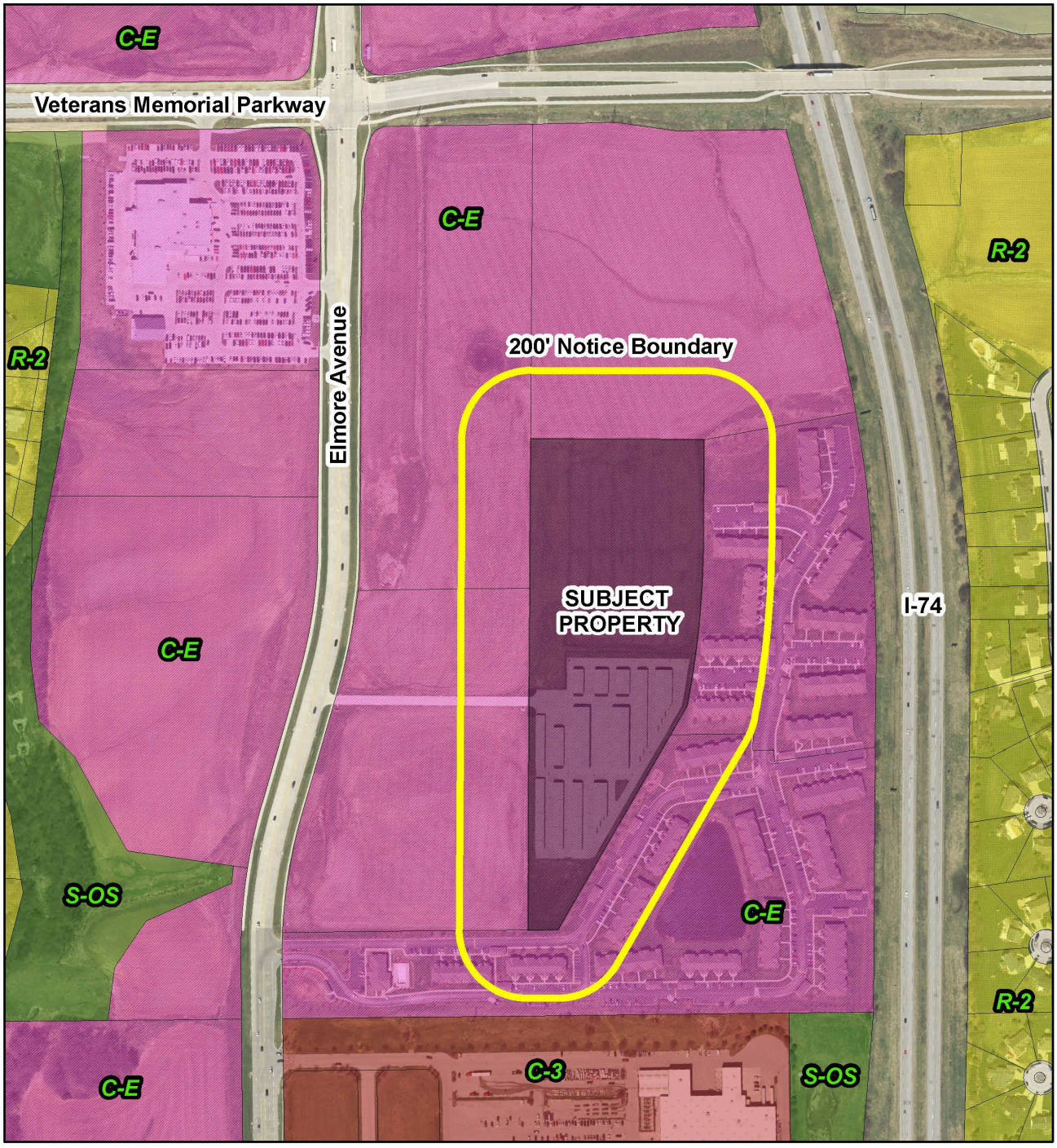
Would You Like to Submit an Official Comment?
As a neighboring property owner you may have an interest in commenting on the proposed request via email or in person at the public hearing. Send written comments to planning@davenportiowa.com (no later than 12:00 PM one day before the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

On-line/Telephone Participation:
Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/planzoning & at 1-866-899-4679 with access code: 492-653-453. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": http://www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

Adjacent Property Owner Notice Area
Zoning Map Amendment (Rezoning) Request
Case REZ21-03: 6403 Elmore Avenue



Rezone from C-E Elmore Corners District to C-3 General Commercial District

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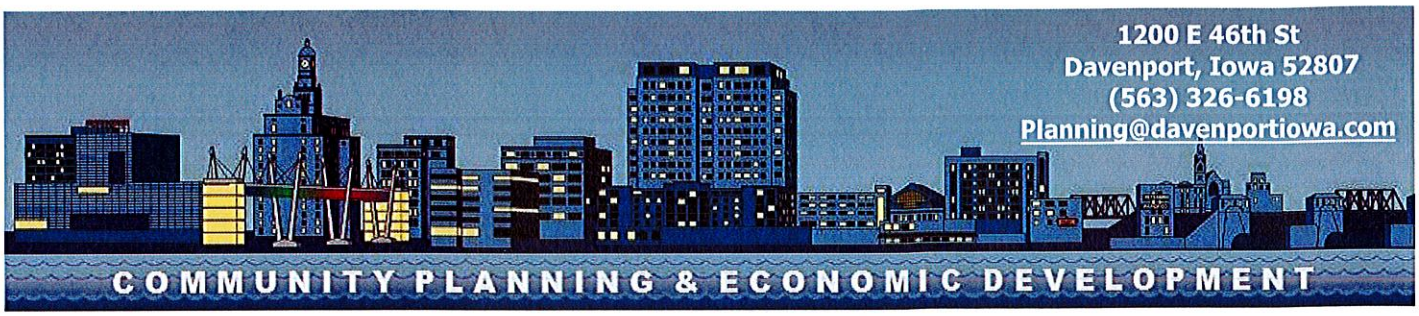
0 250 500 1,000 Feet

N

Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807

T | 563.326.6198
E | contactus@davenportiowa.com

davenportiowa.com/DNS



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

Property Address* 6403 Elmore Avenue, Davenport, IA 52807
***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:	Kevin Koellner
Company:	Build to Suit
Address:	1805 State Street, Suite 101
City/State/Zip:	Bettendorf, IA 52722
Phone:	563-355-2022
Email:	kevink@buildtosuitinc.com

Owner (if different from Applicant)

Name:	Thad DenHartog
Company:	Mel Foster Co.
Address:	3245 East 35th Street Court
City/State/Zip	Davenport, IA 52807
Phone:	563-823-5276
Email:	tdenhartog@melfosterco.com

Engineer (if applicable)

Name:	Zachary Eggleston
Company:	IMEG Corp
Address:	1717 State Street, Suite 201
City/State/Zip	Bettendorf, IA 52722
Phone:	309-430-6562
Email:	Zachary.S.Eggleston@imegcorp.com

Architect (if applicable)

Name:	
Company	Joseph Architectural Group
Address:	4510 42nd Ave
City/State/Zip:	Rock Island, IL 61201
Phone:	309-786-9920
Email:	

Attorney (if applicable)

Name:	Joseph Judge
Company:	Lane & Waterman LLP
Address:	220 North Main St, Suite 600
City/State/Zip:	Davenport, IA 52801
Phone:	563-333-6660
Email:	jjudge@L-WLaw.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 ☐

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 ☐

Historic Preservation Commission
- Certificate of Appropriateness ☐
- Landmark Nomination ☐
- Demolition Request ☐

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

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

Request:

Existing Zoning: C-E

Proposed Zoning Map Amendment: C-3

Purpose of the Request:

To accommodate storage buildings

Total Land Area: 13.00 Acres

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

Submittal Requirements:

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

Formal Procedure:

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

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

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

Formal Procedure (continued):

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

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

Applicant: Kevin Koellner Date: 04/05/2021

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.

Authorization to Act as Applicant

I, Thad Denhartog

authorize Kevin Koellner

to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

Signature(s)

State of Iowa,

County of Scott.

Sworn and subscribed to before me

This 6th day of April 2021

IA Drivers License

Form of Identification

Notary Public

My Commission Expires:

TERESSA SCHICK
Commission Number 144096
My Commission Expires
Sept 14, 2023

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Wednesday, May 19, 2021

Please publish the following public notice in the next available edition of the Quad City Times per your legal notice submission schedule.

The PO number for this notice is: 2111171

Please provide proof of publication for our records. If you have any questions, please contact us at planning@davenportiowa.com, the email which submitted the request, or at 563-326-6198. Thank you!

NOTICE
PUBLIC HEARING
WEDNESDAY, June 2, 2021 5:30 P.M.
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
CITY HALL COUNCIL CHAMBERS
226 W 4th ST – DAVENPORT, IA

The City Plan and Zoning Commission has on file the following request which has been forwarded to City Council's Committee of the Whole (COW):
Case REZ21-03: Request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue (PIN Y0551A04) from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units [Ward 6]. Legal description of the property proposed to be rezoned is as follows: Lot 4 of Jersey Farms Commercial Park 2nd Addition to the City of Davenport, Iowa. At its May 18, 2021 meeting, the Plan and Zoning Commission recommended case REZ21-03 be forwarded to City Council with a recommendation for approval subject to the listed findings:
Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, (Regional Commercial – RC) which allows for the proposed use and other such similar uses.
2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification.

3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.
4. Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties.

City Council's Committee of the Whole public hearing on the above case is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, May 19, 2021 in Davenport City Hall Council Chambers, 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 signed written comments to be reported at the public hearing should be received in Development and Neighborhood Services at the below address, no later than 12:00 noon on the day before the public hearing. Development and Neighborhood Services Department
E-MAIL: planning@davenportiowa.com PHONE: 563-326-6198 PO# 2111171

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | City Council - Committee of the Whole

Date: 6/2/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:30 PM Subject: Public Hearing for rezoning request before the City Council – C.O.W.

EXAMPLE
NOTICE
LETTER

To: All property owners within 200 feet of the subject property located at **6403 Elmore Avenue.**

What is this 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/Case Description
Case REZ21-03: Request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue (PIN Y0551A04) from C-E Elmore Corners Zoning District to C-3 General Commercial Zoning District to allow for the expansion of the existing outdoor storage units [Ward 6].

What are the Next Steps after the Public Hearing?
The Plan and Zoning Commission recommended case REZ21-03 be forwarded to City Council with a recommendation for approval subject to the following findings and conditions: Findings: 1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, (Regional Commercial – RC) which allows for the proposed use and other such similar uses. 2. The proposed C-3 District and storage use is compatible with the adjacent zoning, area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification. 3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use. 4. Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties. Conditions: None.

Would You Like to Submit an Official Comment?
As a neighboring property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Laura Berkley) at Laura.Berkley@davenportiowa.com or 563-888-3553. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **6/2/2021**

Subject:
Resolution approving Case P21-01 being the request of Dan Dolan Homes on behalf of Sophie Foster Revocable Trust for a preliminary plat of Birchwood Grove for a 73-lot subdivision on 20 acres located at 4607 East 53rd Street. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
The request is for a Preliminary Plat for a 73 lot subdivision on 20 acres of property to facilitate a residential development. The lot number will be reduced as townhouses must be located within one lot with an established condominium regime.

Dan Dolan Homes has provided a concept plan showing owner occupied single-family semi-detached structures on the periphery lots abutting neighboring single-family homes, townhomes north of Lakeview Court, and townhouse style rental units along the northern portion of the R-MF District. All roads will be dedicated as public right-of-way.

A stormwater detention pond is located on the southwest corner, adjacent to Stafford Creek. A second stormwater detention facility is along the eastern property line between the rental townhouse style units and the City of Bettendorf.

Recommendation:

The Plan and Zoning Commission reviewed the preliminary plat at their May 18, 2021 meeting. The Plan and Zoning Commission accepted the listed findings and forward Case P21-01 to the City Council with a recommendation for approval subject to the 14 listed conditions:

Findings:

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

Conditions:

1. A note shall be added to the plat stating all streets will be dedicated to the city upon recording of the plat.
2. All rezoning conditions shall be listed as a note on the plan
3. Birchwood Lane and Lakeview Court shall be renamed.
4. All sidewalks shall be shown on the preliminary plat and a note shall be added stating that the sidewalks shall be installed as development occurs or as so ordered by the city.
5. All building footprints shall be added to the preliminary plat.
6. Add all setbacks to the plat.

7. Drainage easements shall be separated from landscaped buffers.
8. Pedestrian access to existing sidewalks shall on E. 51st Street, Eastbury Estates and Hawk Drive shall be depicted as pedestrian easement with a note stating that the landowner must maintain 5 ft. wide pedestrian sidewalk for the appropriate lot numbers.
9. Lots containing townhouses shall be combined to contain at least one building to meet interior side setback requirements.
10. Infrastructure is labeled as private or public as appropriate.
11. Adequate access easement shall be provided to Lot B for maintenance of the detention basin.
12. Sewer easements shall be shown for lots 21 and 68.
13. A note shall be added that all drainage easements shall be maintained by landowner as stormwater passageways as a lawn and be free of structures, pools, fences, fill, bushes, trees, shrubs, or other landscaping that impede the flow of water.
14. A 50' drainage easement shall be established along Stafford Creek.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Preliminary Plat
🗋	Backup Material	Concept Plan
🗋	Backup Material	Staff Report
🗋	Backup Material	Zoning and Future Land Use Map
🗋	Backup Material	Application
🗋	Backup Material	Ordinance No. 2021-105

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	5/26/2021 - 12:33 PM

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case P21-01 being the request of Dan Dolan Homes on behalf of Sophie Foster Revocable Trust for a preliminary plat of Birchwood Grove for a 73-lot subdivision on 20 acres located at 4607 East 53rd Street.

WHEREAS, at the March 24, 2021 City Council meeting, an Ordinance was adopted rezoning the southern 20 acres located at 4607 East 53rd Street to R-MF Multi-Family Residential District with 15 conditions.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the preliminary plat of Birchwood Grove to the City of Davenport, Iowa be the same and is hereby approved and accepted subject to the fourteen conditions as stated in the May 18, 2021 Plan and Zoning Commission's recommendation for approval.

Passed and approved this 9th day of June, 2021.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

PRELIMINARY PLAT OF
BIRCHWOOD GROVE

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PM, DAVENPORT, IN SCOTT COUNTY, IOWA

PROJECT ENGINEER
MICHAEL W. JANECEK, P.E.
MARTIN & WHITACRE, INC
1508 BIDWELL ROAD
MUSCATINE, IOWA 52761
563-263-7691

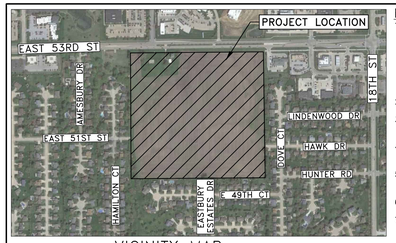
OWNER / DEVELOPER
DAN DOLAN HOMES, LC
2660 E 53RD STREET
DAVENPORT, IOWA 52807
563-381-4088

SURVEYOR
MATTHEW W. KRAUSE, P.L.S.
MARTIN & WHITACRE, INC
1508 BIDWELL ROAD
MUSCATINE, IOWA 52761
563-263-7691

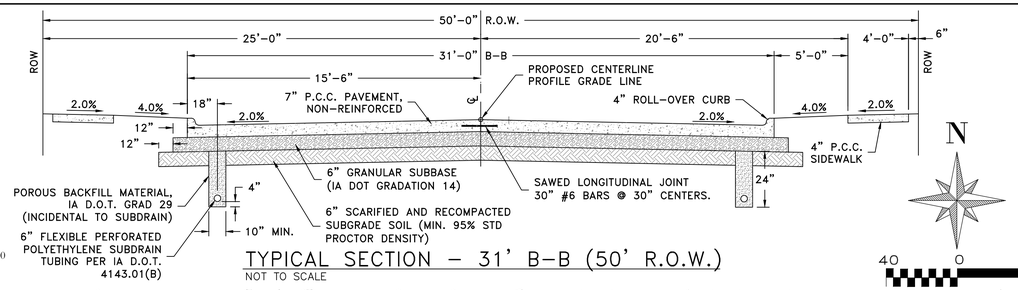
ATTORNEY
LANE & WATERMAN, L.L.P.
DOUGLAS R. LINDSTROM, JR.
220 NORTH MAIN STREET, STE 600
DAVENPORT, IOWA 52801
563-333-6629

NOTES:

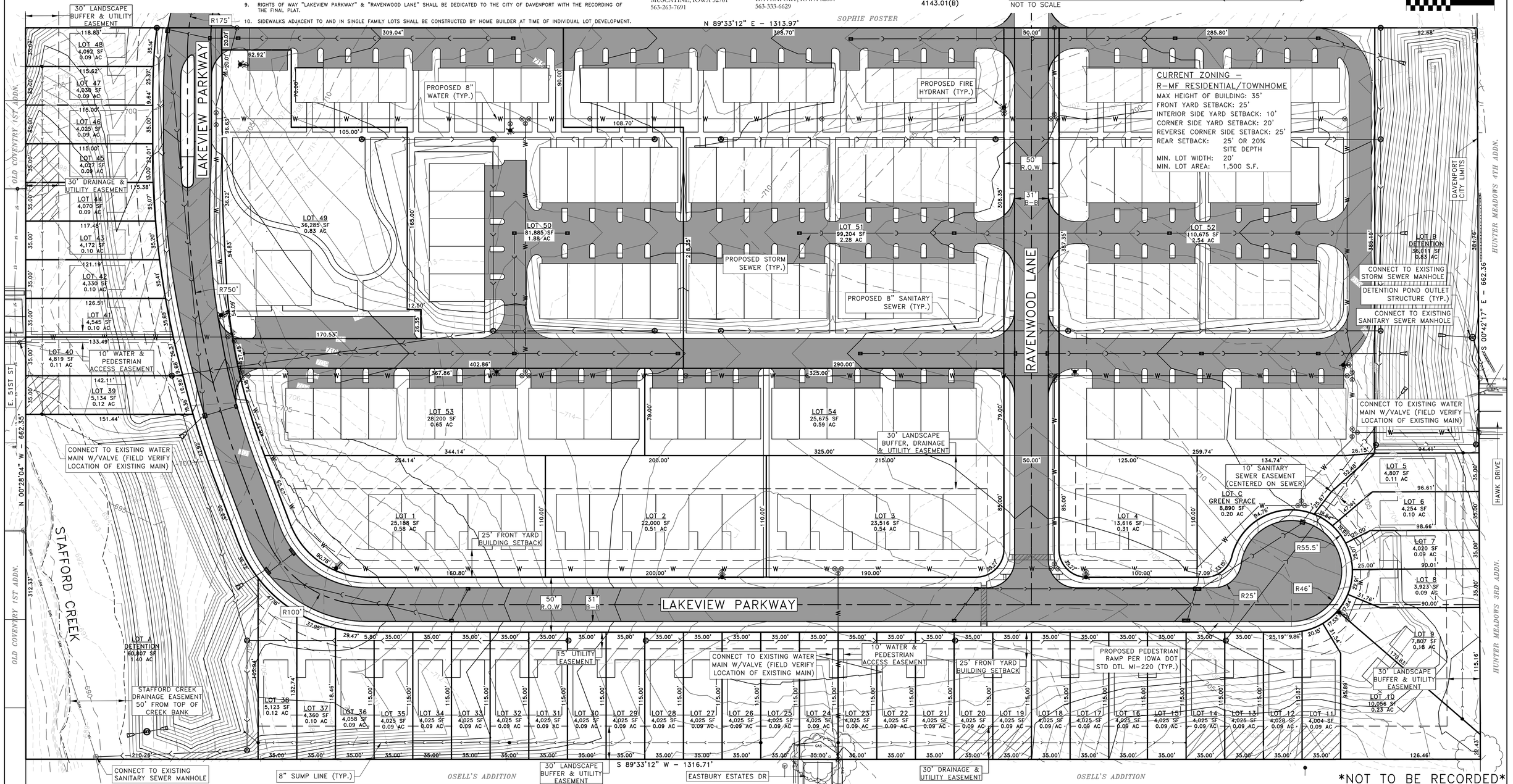
1. LOTS A, B AND C SHALL HAVE BLANKET ACCESS, UTILITY, STORM SEWER, DRAINAGE, SANITARY SEWER, AND WATER EASEMENTS & BE OWNED & MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. LOTS 49-54 SHALL HAVE BLANKET ACCESS, UTILITY, STORM SEWER, DRAINAGE, SANITARY SEWER, AND WATER EASEMENTS, EXCLUDING BUILDING FOOTPRINTS, TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. LOTS 1-10, 15-18, 21-38, 40-43, & 46-48 SHALL HAVE A 30' REAR YARD LANDSCAPE BUFFER & UTILITY EASEMENT. LOTS 11-14, 19, 20, 22, 39, 44, & 45, SHALL HAVE A REAR YARD 30' DRAINAGE & UTILITY EASEMENT. OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED SHALL MAINTAIN THE EASEMENT AS A LAWN, PLANTED IN GRASS AND FREE OF ANY STRUCTURE, LANDSCAPING OR GRADING THAT WOULD IMPEDE THE FLOW OF STORM WATER.
2. MAXIMUM BUILDING HEIGHT SHALL BE 35' FOR SINGLE FAMILY LOTS. MAXIMUM BUILDING HEIGHT FOR MULTI-FAMILY SHALL BE 70'.
3. NO OCCUPIED LOTS SHALL HAVE DRIVEWAY ACCESS OFF OF HAWK DRIVE, EASTBURY ESTATES DRIVE, OR E. 51ST ST. LOTS A, B & C SHALL HAVE MAINTENANCE ACCESS FROM ANY ADJACENT RIGHT OF WAY OR ACCESS EASEMENT.
4. ALL LANDSCAPING WILL BE COMPLIANT WITH CITY OF DAVENPORT LANDSCAPE ORDINANCE, AND SHALL BE INSTALLED PRIOR TO CITY COUNCIL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS.
5. THIS PLATTED AREA SHALL DRAIN INTO THE STORM WATER WET DETENTION PONDS. (LOTS A & B). DETENTION OVERFLOWS MUST BE DIRECTED ONTO HAWK DRIVE & STAFFORD CREEK.
6. ALL PROPOSED SANITARY SEWER AND WATER MAINS SHALL BE 8"ø.
7. STORM & SANITARY SEWER SHALL BE OWNED AND MAINTAINED BY CITY OF DAVENPORT, IOWA ALONG LAKEVIEW PARKWAY & RAVENWOOD LANE. STORM & SANITARY ON LOTS 49-54 SHALL BE PRIVATELY OWNED & MAINTAINED BY HOMEOWNER'S ASSOCIATION. ALL WATER MAINS AND APPURTENANCES SHALL BE OWNED & MAINTAINED BY IOWA-AMERICAN WATER CO.
8. ALL EASEMENTS CONGRUENT WITH RIGHT OF WAY SHALL BE 15' STORM, SANITARY, WATER & UTILITY EASEMENTS.
9. RIGHTS OF WAY "LAKEVIEW PARKWAY" & "RAVENWOOD LANE" SHALL BE DEDICATED TO THE CITY OF DAVENPORT WITH THE RECORDING OF THE FINAL PLAT.
10. SIDEWALKS ADJACENT TO AND IN SINGLE FAMILY LOTS SHALL BE CONSTRUCTED BY HOME BUILDER AT TIME OF INDIVIDUAL LOT DEVELOPMENT.



VICINITY MAP
NOT TO SCALE AERIAL BY GOOGLE



TYPICAL SECTION – 31' B-B (50' R.O.W.)
NOT TO SCALE



CURRENT ZONING –
R-MF RESIDENTIAL/TOWNHOME
MAX HEIGHT OF BUILDING: 35'
FRONT YARD SETBACK: 25'
INTERIOR SIDE YARD SETBACK: 10'
CORNER SIDE YARD SETBACK: 20'
REVERSE CORNER SIDE SETBACK: 25'
REAR SETBACK: 25' OR 20% SITE DEPTH
MIN. LOT WIDTH: 20'
MIN. LOT AREA: 1,500 S.F.

NOT TO BE RECORDED

#	DATE	DESCRIPTION	BY

DESIGNED BY: CAM
DRAWN BY: CAM
PROJECT ENGR: MW

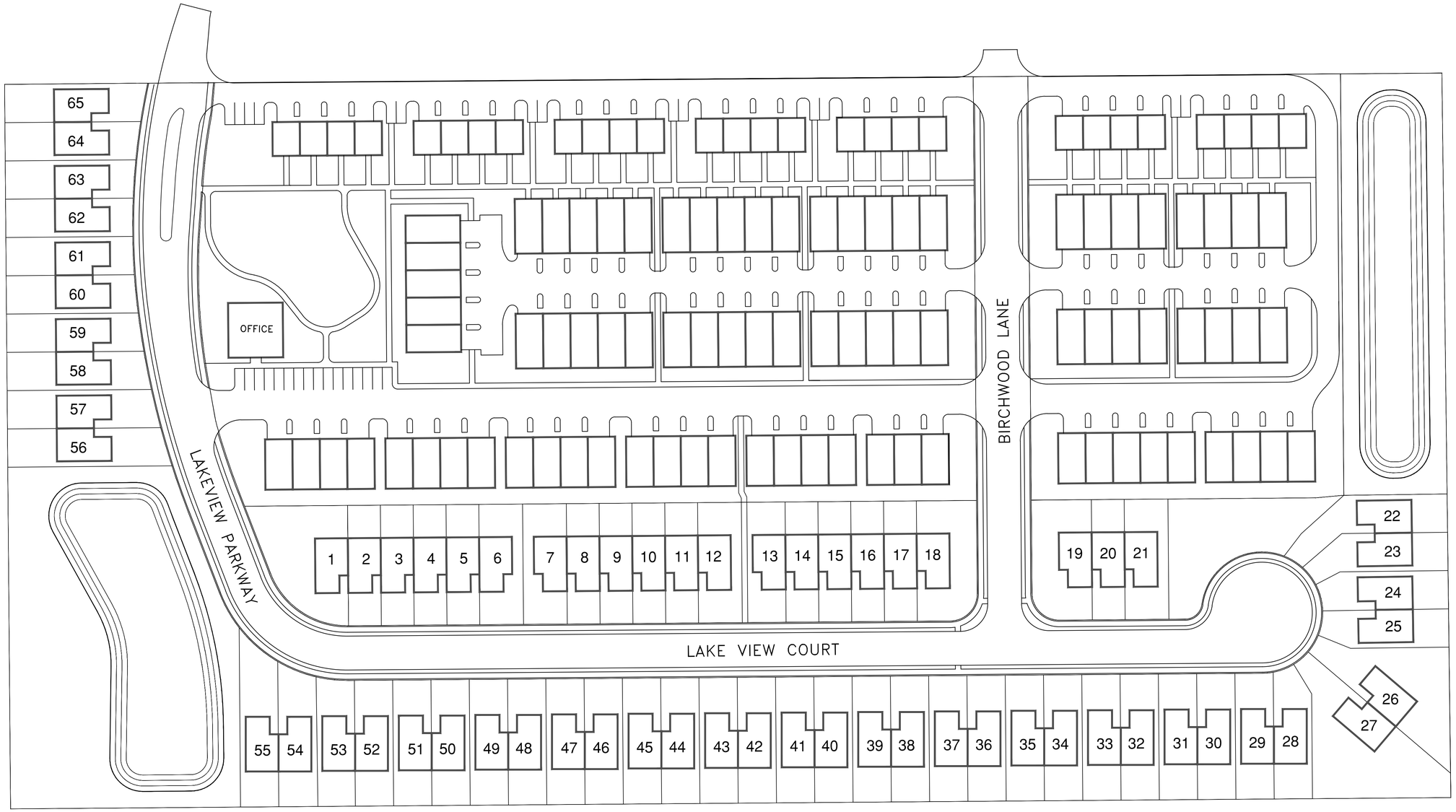
Martin & Whitacre Surveyors & Engineers, Inc.
1508 BIDWELL ROAD MUSCATINE, IOWA
PHONE (563) 263-7691 EMAIL info@martin-whitacre.com

BIRCHWOOD GROVE
DAN DOLAN HOMES, LLC
DAVENPORT, IA

PRELIMINARY PLAT

PROJ NO: 8630
CONST PROJ: 000
SCALE: AS NOTED
DATE: 2021-04-16
DRAWING NO: PP1
SHEET NO: 1 OF 1

F:\CIVIL3D PROJECTS\8630 DOLAN 20 ACRES DAVENPORT\15 SURVEY DRAWINGS\8630 PRELIMINARY PLAT.DWG PLOTTED: 5/18/2021



N

50 0 50

#	DATE	DESCRIPTION	BY

DESIGNED BY: MWJ
DRAWN BY: RAM
PROJECT ENGR: MWJ

Martin & Whitacre Surveyors & Engineers, Inc.
1508 BIDWELL ROAD MUSCATINE, IOWA
PHONE (563) 263-7691 EMAIL info@martin-whitacre.com

BIRCHWOOD GROVE
DAN DOLAN HOMES, LLC
DAVENPORT,IOWA

SITE CONCEPT PLAN

PROJ NO: 8630.21----
CONST PROJ: 000
SCALE: AS NOTED
DATE: 4/29/21

DRAWING NO: EX-1
SHEET NO: 1 OF 1

\\MWS-FS-MUS0080\USERS\RMEYER.MWS\DESKTOP\DOLAN RENDERINGS\DOLAN RENDERINGS.DWG PLOTTED: 4/29/2021

Staff Report

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.

The proposed final plat complies with the Davenport +2035 proposed land use section.

Zoning:

The City Council adopted Ordinance No. 2021-105 rezoning the northern 17.92 acres abutting 53rd Street to C-2 Corridor Commercial District and the southern 20 acres to R-MF Multi-Family Residential District. The following conditions have been placed on the property:

1. The City Council is requested to pass a resolution amending the Regional Commercial (RC)and Residential General (RG) land use boundaries on the Davenport + 2035 Future Land Use Map.
2. A traffic study is required and additional traffic safety measures may be required as development occurs.
3. A traffic signal shall to be required at the intersection of Lakeview Parkway and East 53rdStreet.
4. A second ingress/ egress point to East 53rd Street shall be required.
5. Street connections to East 51st Street, Eastbury Estates Drive, and Hawk Drive shall be prohibited.
6. The multi- purpose trail shall be extended to the west property line.
7. A 20 -foot setback on the eastern and western -most property lines in the C- 2 zoning district shall be required where abutting commercial zoning districts.
8. A 30 -foot landscaped setback shall be required on the eastern, western and southern-most property lines of the subject property where abutting residential districts.
9. The height of structures in the R -MF zoning district shall be no greater than 35 feet.
10. Upon vacation by the City of a portion of Eastbury Estates just to the south of the subject property, Petitioners, jointly and severally, shall be responsible for paying for or executing the work specified by the City of Davenport for reconfiguring/ redesigning/ reconstructing the northern terminus of Eastbury Estates in the area abutting the southern boundary of the

subject property. The City is to provide plans, including a site plan and landscaping plan to Petitioners.

11. Townhouses and Multi -Family units shall be prohibited where the property abuts existing single-family residential.
12. The requirement under Section 16. 24. 040C of the City Code stating no cul-de-sac shall exceed 600 feet in length as measured from the center line of the intersecting street to the termination of the right-of-way shall be waived, if the Petitioner provides secondary access via private ingress/ egress easement to 53rd Street.
13. Carwashes and gas stations shall be prohibited west of Lakeview Parkway.
14. The fence associated with the required buffer between residential and commercial shall be installed after final grading has been completed.
15. Buildings within 100 feet of the west property, abutting existing residential line shall be limited to 35 feet in height.

Technical Review:

Streets: The plat proposes adding 2,000 linear feet if streets. Lakeview Parkway will extend south. A new street to the east will also extend south. This is shown as Birchwood Lane on the plat; however there is a Birchwood Avenue in west Davenport which would result in emergency dispatching confusion and is a life-safety concern. Birchleaf Road will connect to Lakeview Parkway by the proposed Lakeview Court. Lakeview Court is already within Davenport city limits west of Utica Ridge Road and south of 61st Street. Staff also recommends renaming Lakeview Court to East 50th Street or Court to also assist with existing street naming convention.

Sidewalks are required along all City right-of-way. During the rezoning process, it was indicated that the sidewalks within the subdivision would connect to existing sidewalks along East 51st Street, Eastbury Estates Drive, and Hawk Drive.

Storm Water: Storm water infrastructure associated with this development will connect into the City of Bettendorf storm sewer on the east and drain into Stafford Creek on the west. This subdivision is over 5 acres with over 10,000 square feet of hard surface so it will require detention and water quality. Storm detention is planned in Lots A and B. Access must be provided for maintenance of detention areas and any drainage ways must be maintained to provide for the proper flow of water.

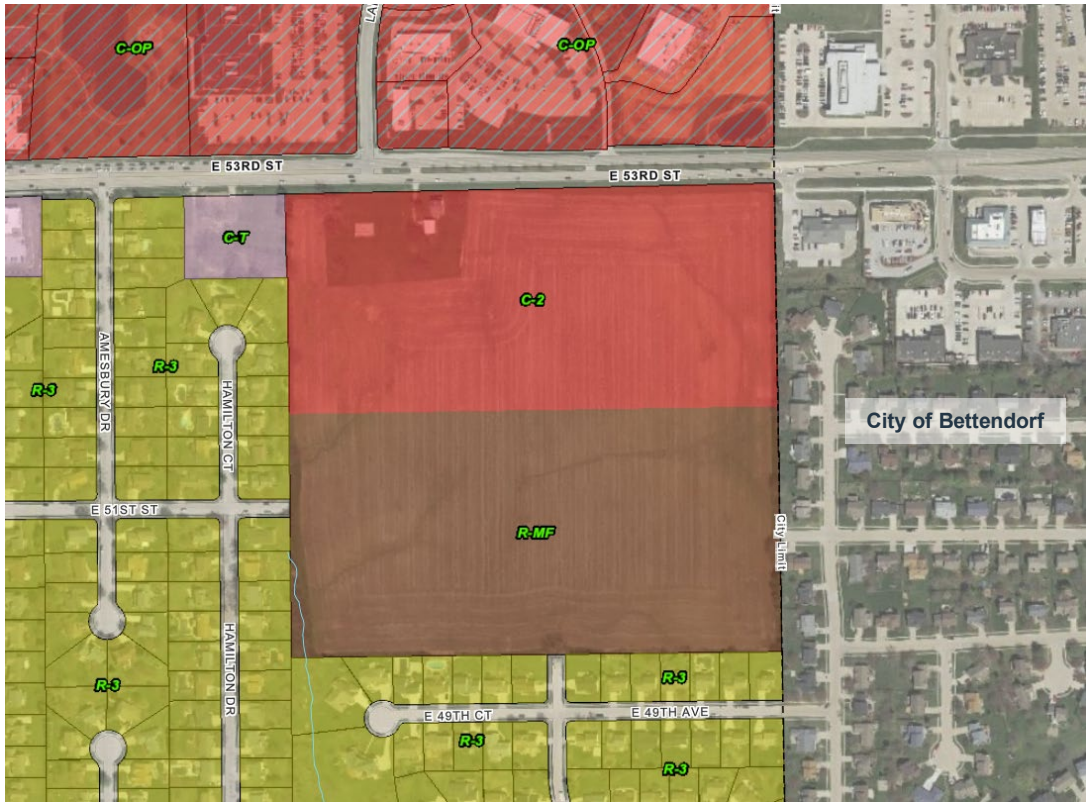
Sanitary Sewer: Sanitary sewer service is located in the southwest corner of the proposed subdivision. Sanitary sewer will be extended along the proposed public streets.

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

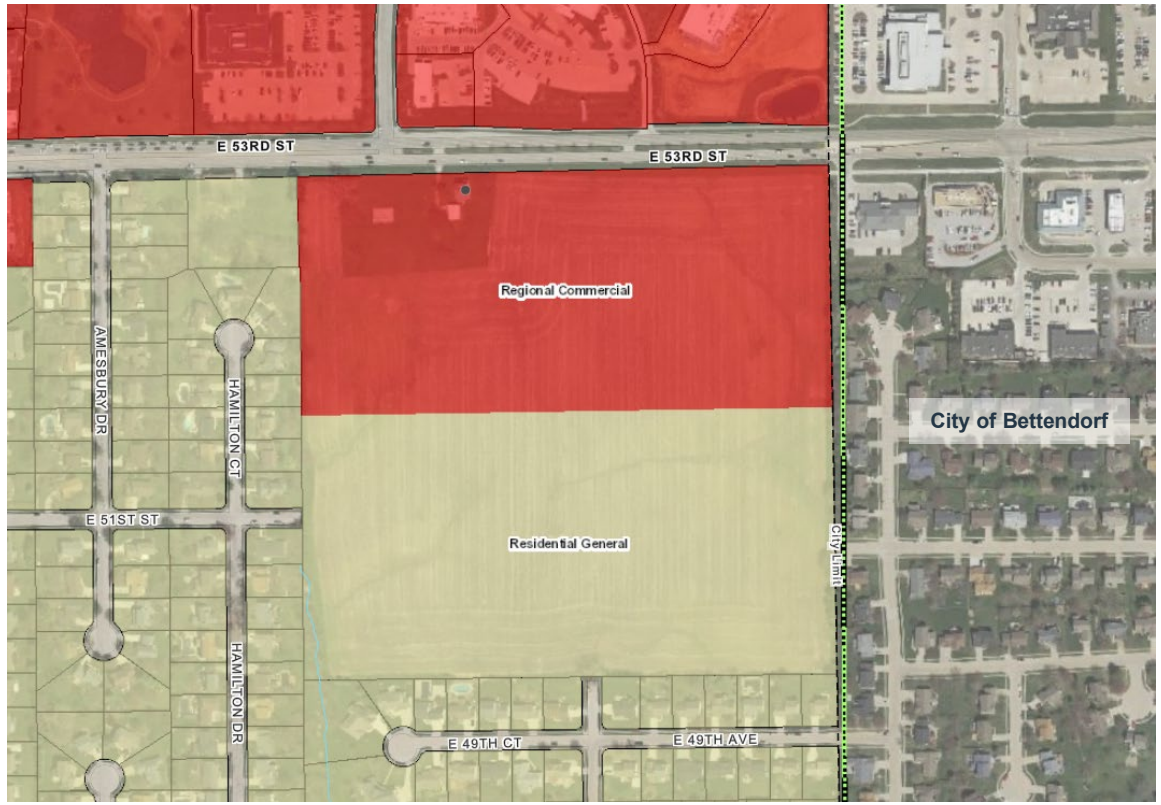
Parks/Open Space: The proposed plat does not impact any existing or planned parks or public open space. Lot C of the preliminary plat shows 0.20 acres of private greenspace.

Public Input: No public hearing is required for a preliminary plat. The City of Bettendorf has been notified.

Maps



Zoning Map



Future Land Use Map



1200 E 46th Street
Davenport, Iowa 52807
(563) 326-6198
Planning@davenportiowa.com

Complete application can be emailed to planning@davenportiowa.com

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

Applicant (Primary Contact)
Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Owner (if different from Applicant)
Name:
Company:
Address:
City/State/Zip
Phone:
Email:

Engineer (if applicable)
Name:
Company:
Address:
City/State/Zip
Phone:
Email:

Architect (if applicable)
Name:
Company
Address:
City/State/Zip:
Phone:
Email:

Attorney (if applicable)
Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Application Form Type:

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

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request

Administrative
Administrative Exception
Health Services and Congregate Living Permit

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

Property Location:

Total Land Area:
Total Number of Lots:
Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: Yes No

Submittal Requirements:

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

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

Property Location:

Total Land Area:
Total Number of Lots:
Linear Feet of Streets Added:
Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: Yes No

Submittal Requirements:

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

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

(1) Application:
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Plan and Zoning Commission's consideration of the proposed preliminary plat:
- Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(3) City Council's consideration of the proposed preliminary plat:
- The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.

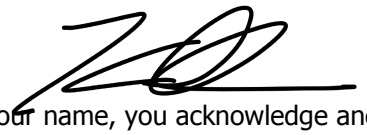
The petitioner hereby acknowledges and agrees to the following procedure and requirements for submission and approval of a Final Plat:

(1) Application:
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Plan and Zoning Commission's consideration of the proposed final plat:
- Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(3) City Council's consideration of the final plat:
- Prior to forwarding the petition to the City Council, the following must be provided to the Community Planning and Economic Development Department:
  - One full size copy of the corrected final plat and one reduced copy of the corrected final plat signed/stamped by the utility companies.
  - Executed platting certificate.
- The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.

(4) Recordation:
- After the Mayor signs the approved final plats and Acceptance by the City of Davenport, the final will be released to the Surveyor to obtain and return 21 full size copies to the Community Planning and Economic Development Department.
- After the 21 copies are returned, two copies of the final plat and platting certificates will be released to the petitioner.
- It is the petitioner's responsibility to record the final plat with the Scott County Recorder's Office.

Petitioner:  Date:

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

Received by: Date:

Planning staff

Date of Plan and Zoning Commission Public Hearing:

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

ORDINANCE NO. 2021-105

ORDINANCE for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "C-2 Corridor Commercial District" and "R-MF Multi-Family Residential District."

Legal Description of the C-2 Corridor Commercial District Portion of Property:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST, OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH 00°09'16" WEST 50.00 FEET ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9 TO THE SOUTHERLY RIGHTOF-WAY LINE OF 53RD STREET AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°09'16" WEST 599.44 FEET ALONG THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 4TH ADDITION TO A LINE PARALLEL TO THE NORTHERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9;

THENCE NORTH 90°00'00" WEST 1314.08 FEET ALONG THE SAID LINE PARALLEL TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 TO THE WESTERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION;

THENCE NORTH 00°23'41" EAST 590.30 FEET ALONG THE SAID WESTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET;

THENCE NORTH 90°00'00" EAST 1311.59 FEET ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET TO THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 17.928 ACRES MORE OR LESS.

(FOR PURPOSES OF THIS DESCRIPTION, THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 IS ASSUMED TO BEAR NORTH 90°00'00" EAST).

Legal Description of the R-MF Multi-Family Residential Portion of Property:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST, OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH 00°09'16" WEST 50.00 FEET ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET; THENCE CONTINUING SOUTH 00°09'16" WEST 599.44 FEET ALONG THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 4TH ADDITION TO A LINE PARALLEL TO THE NORTHERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°09'16" WEST 662.27 FEET ALONG THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 3RD AND 4TH ADDITIONS TO THE NORTHERLY LINE OF O'SELL'S ADDITION;

THENCE NORTH 89°36'03" WEST 1316.85 FEET ALONG THE SAID NORTHERLY LINE OF O'SELL'S ADDITION TO THE WESTERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION;

THENCE NORTH 00°23'41" EAST 662.26 FEET ALONG THE SAID WESTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION TO A LINE PARALLEL TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET;

THENCE NORTH 90°00'00" EAST 1314.08 FEET ALONG THE SAID LINE PARALLEL TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET TO THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 4TH ADDITION AND THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 20.000 ACRES MORE OR LESS.

(FOR PURPOSES OF THIS DESCRIPTION, THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 IS ASSUMED TO BEAR NORTH 90°00'00" EAST).

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Regional Commercial (RC) along the 53rd Street corridor and Residential General (RG) on the southern portion of the site.
2. The proposed C-2 Corridor Commercial District is compatible with the zoning of nearby property on 53rd Street. However, the proposed R-MF Multi-Family Residential District creates a higher density than the surrounding neighborhoods, which are zoned R-3 Single-Family and Two-Family Residential District. Therefore, conditions requiring enhanced landscaping buffers and a reduction in the maximum building height are needed to mitigate potential impacts between land uses.
3. Special consideration must be given to the increased density the proposed rezoning petition. A traffic study is required to address increased traffic demand on the major arterial roadway and local streets. Requiring a traffic signal on 53rd Street and a public north-south road through the development site will aid in mitigating traffic and emergency response concerns.
4. Rezoning the property to C-2 Corridor Commercial District and R-MF Multi-Family Residential District does not create any nonconformities.

Conditions:

1. The City Council is requested to pass a resolution amending the Regional Commercial (RC) and Residential General (RG) land use boundaries on the Davenport +2035 Future Land Use Map.
2. A traffic study is required and additional traffic safety measures may be required as development occurs.
3. A traffic signal shall to be required at the intersection of Lakeview Parkway and East 53rd Street.
4. A second ingress/egress point to East 53rd Street shall be required.
5. Street connections to East 51st Street, Eastbury Estates Drive, and Hawk Drive shall be prohibited.
6. The multi-purpose trail shall be extended to the west property line.
7. A 20-foot setback on the eastern and western-most property lines in the C-2 zoning district shall be required where abutting commercial zoning districts.
8. A 30-foot landscaped setback shall be required on the eastern, western and southern-most property lines of the subject property where abutting residential districts.
9. The height of structures in the R-MF zoning district shall be no greater than 35 feet.
10. Upon vacation by the City of a portion of Eastbury Estates just to the south of the subject property, Petitioners, jointly and severally, shall be responsible for paying for or executing the work specified by the City of Davenport for reconfiguring/redesigning/reconstructing the northern terminus of Eastbury Estates in the area abutting the southern boundary of the subject property. The City is to provide plans, including a site plan and landscaping plan to Petitioners.
11. Townhouses and Multi-Family units shall be prohibited where the property abuts existing single-family residential.

12. The requirement under Section 16.24.040C of the City Code stating no cul-de-sac shall exceed 600 feet in length as measured from the center line of the intersecting street to the termination of the right-of-way shall be waived, if the Petitioner provides secondary access via private ingress/egress easement to 53rd Street.
13. Carwashes and gas stations shall be prohibited west of Lakeview Parkway.
14. The fence associated with the required buffer between residential and commercial shall be installed after final grading has been completed.
15. Buildings within 100 feet of the west property, abutting existing residential line shall be limited to 35 feet in height.

Section 3. At its February 2, 2021 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation for approval subject to the listed findings and conditions.

Section 4. The approval of this ordinance amends and replaces the prior conditions on the real estate as set forth in Sections 17.17.010G and 17.17.010H from the City Code; per the repealer clause.

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 February 24, 2021

Second Consideration March 10, 2021

Approved March 24, 2021

Published in the *Quad City Times* on April 1, 2021

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **6/2/2021**

Subject:
Resolution approving Case P21-02 being the request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust for a preliminary plat of Birchwood South First Addition for an 11-lot subdivision on 17.92 acres located at 4607 East 53rd Street. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
The request is for a preliminary plat for an 11-lot subdivision on 17.92 acres of property to facilitate commercial development.

Russell Construction is proposing nine developable commercial lots. There are two outlots at the southwest and southeast corners of the site for stormwater management. A concept plan for proposed development has not been provided at this time.

All roads will be dedicated as public right-of-way. There will be two forms of ingress/egress to the development, with a traffic signal installed at the intersection of Lakeview Parkway and 53rd Street.

Recommendation

The Plan and Zoning Commission reviewed the preliminary plat at their May 18, 2021 meeting. The Plan and Zoning Commission accepted the listed findings and forwards Case P21-02 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

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

Conditions:

1. Dedicate the multi-use trail along E. 53rd Street as public right-of-way.
2. A note shall be added stating all streets and areas labeled as ROW will be dedicated to the city upon the recording of the plat.
3. All rezoning conditions shall be listed as a note on the plat.
4. Birchwood Lane and Birchleaf Road shall be renamed.
5. All sidewalks shall be shown on the preliminary plat and a note shall be added stating that sidewalks shall be installed as development occurs or so ordered by the city.
6. The 30' access and utility easement east of Birchwood Lane (to be renamed) shall also include "sewer" and shall be extended across Lots 6 and/or 9 to Lot B.
7. Access easements for the detention areas shall be congruent with the ROW and include

"access" in the 15' utility easement to Lot A.

8. Lots A and B shall include a stormwater detention easement.
9. A note shall be added identifying ownership and maintenance responsibilities for the detention areas.
10. A note shall be added that all drainage easements shall be maintained as stormwater passageways as a lawn and be free of structures, pools, fences, fill, bushes, trees, shrubs, or other landscaping that impede the flow of water.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution
Backup Material	Preliminary Plat
Backup Material	Staff Report
Backup Material	Zoning and Future Land Use Map
Backup Material	Application
Backup Material	Ordinance No. 2021-105

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	5/26/2021 - 12:46 PM

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case P21-02 being the request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust for a preliminary plat of Birchwood South First Addition for an 11-lot subdivision on 17.92 acres located at 4607 East 53rd Street.

WHEREAS, at the March 24, 2021 City Council meeting, an Ordinance was adopted rezoning the northern 17.92 acres abutting 53rd Street located at 4607 East 53rd Street to C-2 Corridor Commercial District with a list of 15 conditions for the property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the preliminary plat of Birchwood South First Addition to the City of Davenport, Iowa be the same and is hereby approved and accepted subject to the nine conditions as stated in the May 18, 2021 Plan and Zoning Commission's recommendation for approval.

Passed and approved this 9th day of June, 2021.

Approved:

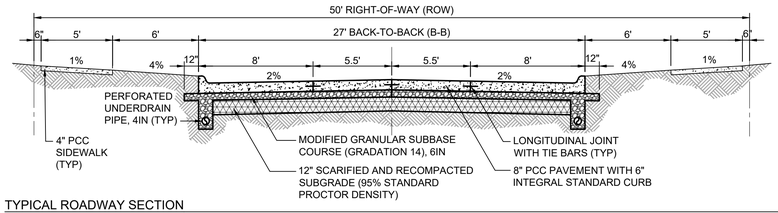
_____
Mike Matson
Mayor

Attest:

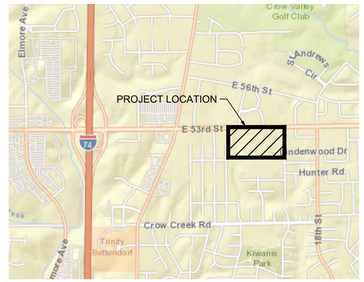
_____
Brian Krup
Deputy City Clerk

NOTES:

1. LOTS A & B SHALL HAVE BLANKET ACCESS, UTILITY, STORM SEWER, DRAINAGE, SANITARY SEWER, AND WATER EASEMENTS AND BE OWNED AND MAINTAINED BY THE OWNER'S ASSOCIATION.
2. NO LOTS SHALL HAVE DIRECT ACCESS TO 53RD STREET.
3. A TRAFFIC SIGNAL WILL BE REQUIRED AT THE INTERSECTION OF LAKEVIEW PARKWAY AND EAST 53RD STREET.



TYPICAL ROADWAY SECTION



PROJECT LOCATION MAP

OWNER
SOPHIE FOSTER REVOCABLE TRUST
6590 GOLF COURSE RD
BETTENDORF, IA 52722

APPLICANT
S.J. RUSSELL, L.C.
4700 E 53RD ST
DAVENPORT, IA 52807

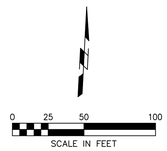
ENGINEER
MARK HARPOLE, PE
SHIVE-HATTERY, INC.
1701 RIVER DR STE 200
MOLINE, IL 61265

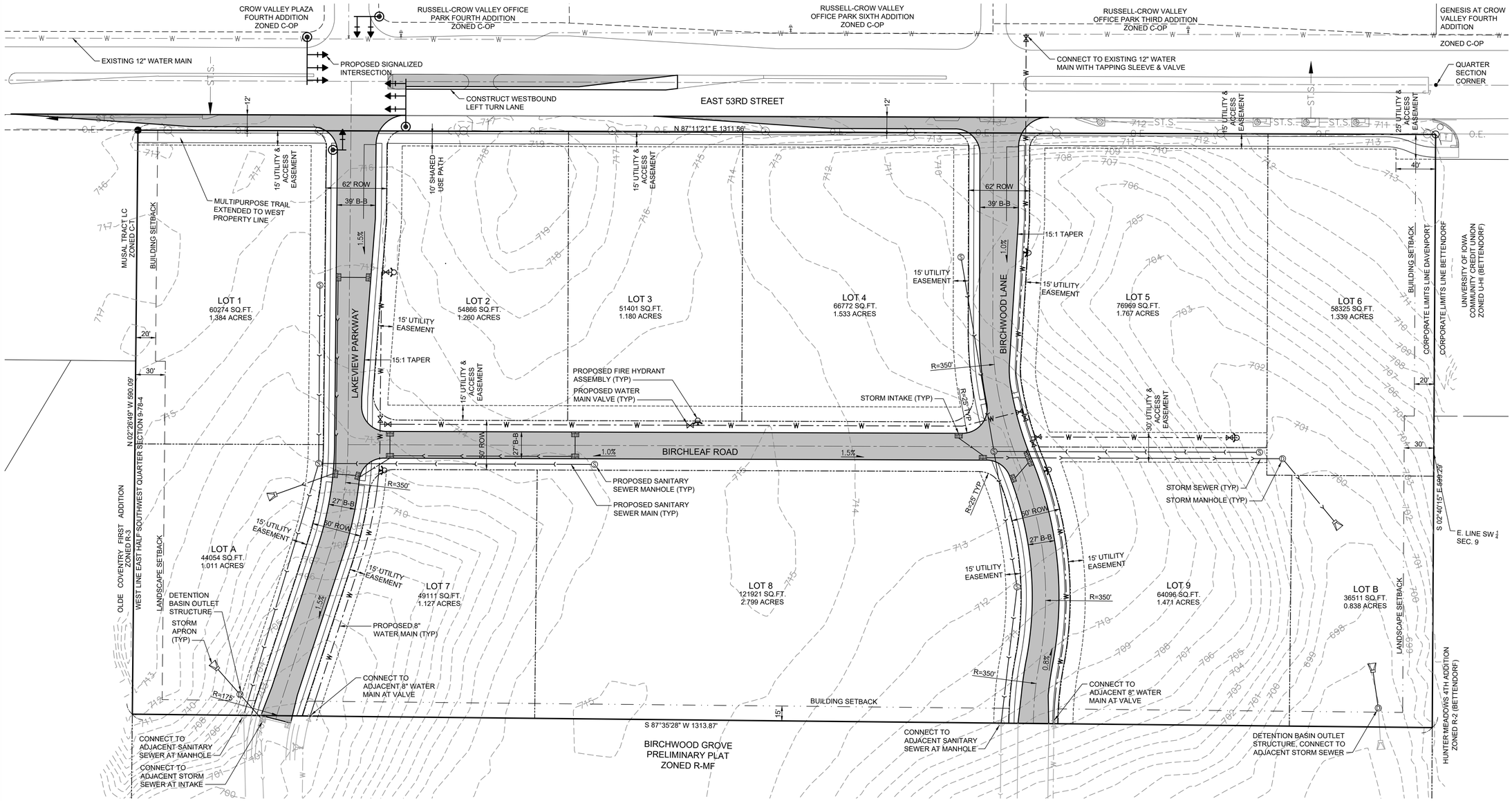
ZONING
C-2 CORRIDOR COMMERCIAL DISTRICT

PARCEL SIZE
17.92 ACRES

PRELIMINARY PLAT
FOR
BIRCHWOOD SOUTH FIRST ADDITION
TO THE CITY OF DAVENPORT, IOWA

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5th P.M., IN SCOTT COUNTY, IOWA





SHIVEHATTERY
ARCHITECTURE + ENGINEERING
1701 River Drive. Suite 200 | Moline, Illinois 61265
309.764.7650 | www.shive-hattery.com
Iowa | Illinois | Indiana | Nebraska

BIRCHWOOD SOUTH FIRST ADDITION
DAVENPORT, IOWA

PRELIMINARY PLAT

DRAWN: GJS
APPROVED: PMH
ISSUED FOR: REVIEW
DATE: 04/22/2021
PROJECT NO: 3204340
FIELD BOOK: ---
CLIENT NO: ---

B101

P:\Projects\3200\3204340\Drawings\Civil\01 Preliminary Plat.dwg
Plotted: 4/22/2021 12:37:24 PM

Staff Report

Comprehensive Plan:

Within Existing Urban Service Area: Yes
Within Urban Service Area 2035: Yes

Future Land Use Designation: Regional Commercial (RC) – Are the most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; although some residential, service and institutional uses may also be located within RC. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street, through parking lots and between individual uses. Connectivity to nearby neighborhoods is desirable but less important.

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

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

Zoning:

The City Council adopted Ordinance No. 2021-105 rezoning the northern 17.92 acres abutting 53rd Street to C-2 Corridor Commercial District and the southern 20 acres to R-MF Multi-Family Residential District. The following conditions have been placed on the property:

1. The City Council is requested to pass a resolution amending the Regional Commercial (RC)and Residential General (RG) land use boundaries on the Davenport + 2035 Future Land Use Map.
2. A traffic study is required and additional traffic safety measures may be required as development occurs.
3. A traffic signal shall to be required at the intersection of Lakeview Parkway and East 53rdStreet.
4. A second ingress/ egress point to East 53rd Street shall be required.
5. Street connections to East 51st Street, Eastbury Estates Drive, and Hawk Drive shall be prohibited.
6. The multi- purpose trail shall be extended to the west property line.
7. A 20 -foot setback on the eastern and western -most property lines in the C- 2 zoning district shall be required where abutting commercial zoning districts.
8. A 30 -foot landscaped setback shall be required on the eastern, western and southern-most property lines of the subject property where abutting residential districts.
9. The height of structures in the R -MF zoning district shall be no greater than 35 feet.
10. Upon vacation by the City of a portion of Eastbury Estates just to the south of the subject property, Petitioners, jointly and severally, shall be responsible for paying for or executing the work specified by the City of Davenport for reconfiguring/ redesigning/ reconstructing the northern terminus of Eastbury Estates in the area abutting the southern boundary of the subject property. The City is to provide plans, including a site plan and landscaping plan to Petitioners.

11. Townhouses and Multi -Family units shall be prohibited where the property abuts existing single-family residential.
12. The requirement under Section 16. 24. 040C of the City Code stating no cul-de-sac shall exceed 600 feet in length as measured from the center line of the intersecting street to the termination of the right-of-way shall be waived, if the Petitioner provides secondary access via private ingress/ egress easement to 53rd Street.
13. Carwashes and gas stations shall be prohibited west of Lakeview Parkway.
14. The fence associated with the required buffer between residential and commercial shall be installed after final grading has been completed.
15. Buildings within 100 feet of the west property, abutting existing residential line shall be limited to 35 feet in height.

Technical Review:

Streets: The plat proposes adding 1,241 linear feet if streets. Lakeview Parkway will extend south. A new street to the east will also extend south. This is shown as Birchwood Lane on the plat; however there is a Birchwood Avenue in west Davenport which would result in emergency dispatching confusion and is a life-safety concern. Birchleaf Road will connect Lakeview Parkway to the proposed Birchwood Lane. Staff also recommends renaming Birchleaf Road to East 52nd Street to also assist with existing street naming convention. Sidewalks are required along all City right-of-way.

There is a multi-use trail that will extend to the west along East 53rd Street. The be consistent with the additional sections of the trail, staff recommends a condition that the multi-use trail be dedicated as public right-of-way.

An intersection will be created at with the proposed Birchwood Lane at 53rd Street with a private drive to the north. No signal is recommended at this time; however a left turn lane for westbound 53rd Street will be required at the proposed Birchwood Lane.

Storm Water: Storm water infrastructure associated with this development will connect into the City of Bettendorf storm sewer on the east and drain into Stafford Creek on the west. This subdivision is over 5 acres with over 10,000 square feet of hard surface so it will require detention and water quality. Storm detention is planned in Lots A and B. Access must be provided for maintenance of detention areas and any drainage ways must be maintained to provide for the proper flow of water.

Sanitary Sewer: Sanitary sewer service is located to the south in the proposed Birchwood Grove subdivision. Sanitary sewer will be extended along the proposed public streets.

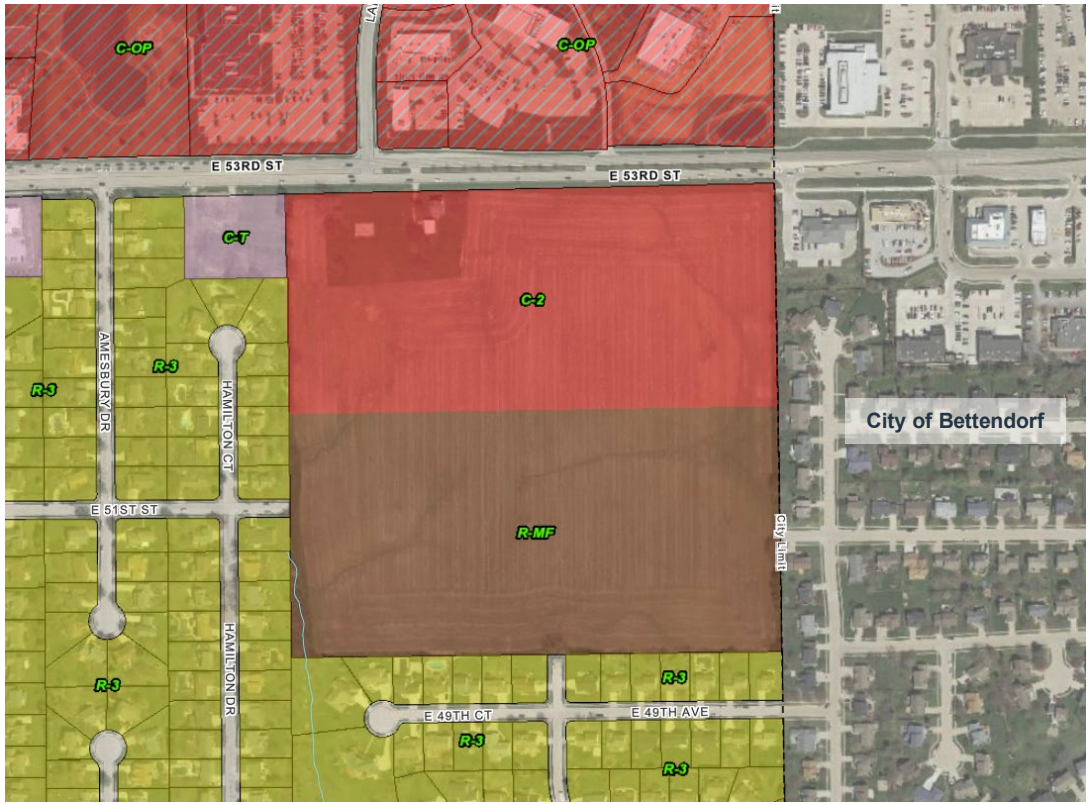
Other Utilities: This is an urban area and normal utility services are available.

Parks/Open Space: The proposed plat does not impact any existing or planned parks or public open space.

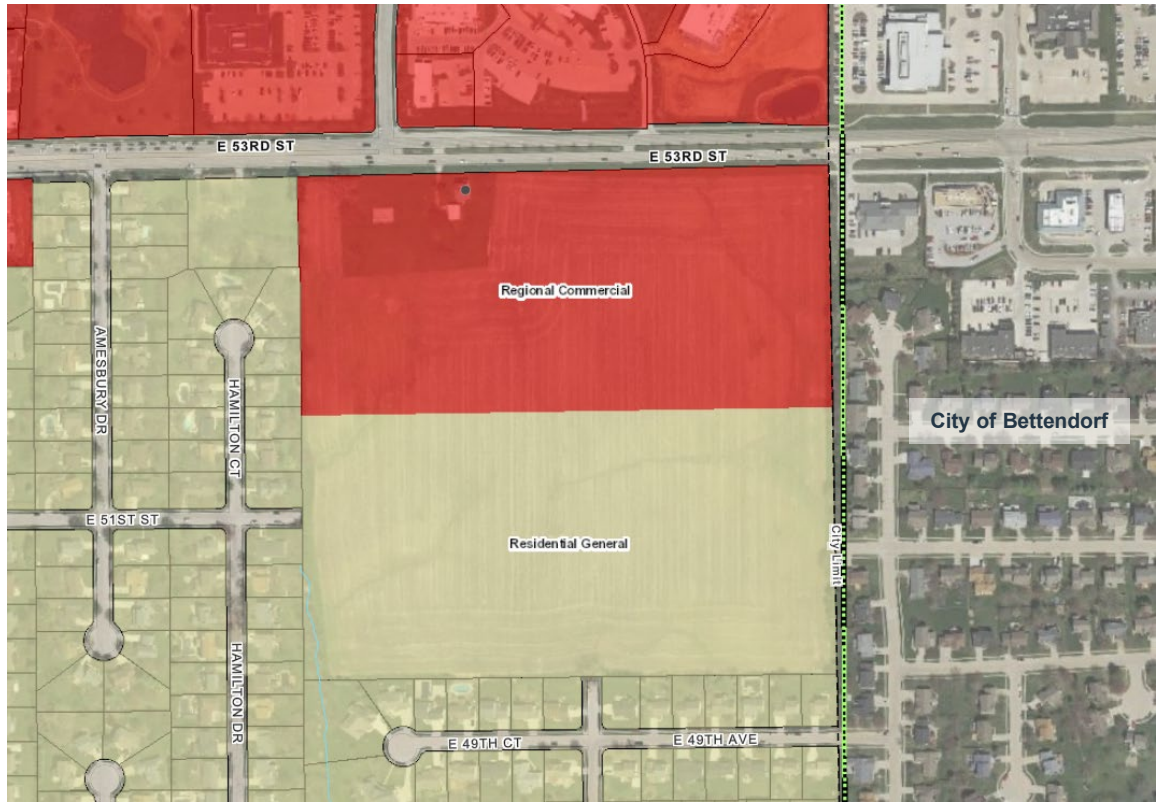
Public Input

No Public Hearing is required for a Preliminary Plat. The City of Bettendorf has been notified and included in the technical review.

Maps



Zoning Map



Future Land Use Map



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

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

Property Address* 4607 E 53rd St
***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)

Name:	Caitlin Russell
Company:	S.J. Russell, L.C.
Address:	4700 E. 53rd Street
City/State/Zip:	Davenport, IA 52807
Phone:	
Email:	

Owner (if different from Applicant)

Name:	Sophie Foster Revocable Trust
Company:	
Address:	6590 Golf Course Rd.
City/State/Zip	Bettendorf, IA 52722
Phone:	563-355-3046
Email:	

Engineer (if applicable)

Name:	Mark Harpole
Company:	Shive-Hattery, Inc.
Address:	1701 River Dr., Suite 200
City/State/Zip	Moline, IL 61265
Phone:	309-764-7650
Email:	mharpole@shive-hattery.com

Architect (if applicable)

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

Attorney (if applicable)

Name:	Jennifer Smith
Company:	S.J. Russell, L.C.
Address:	4700 E. 53rd Street
City/State/Zip:	Davenport, IA 52807
Phone:	563-209-3982
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 ☐

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 ☐

Historic Preservation Commission
- Certificate of Appropriateness ☐
- Landmark Nomination ☐
- Demolition Request ☐

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

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

Property Location:

A parcel of land in the southwest 1/4 of Section 9, Twp. 78 N, Rng. 4 E;
The north 17.92 acres of Parcel N0910-01 as recorded in the Scott County, Iowa Recorders Office.

Total Land Area: 17.92 Acres

Total Number of Lots: 11

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

Submittal Requirements:

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

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

Property Location:

A parcel of land in the southwest 1/4 of Section 9, Twp. 78 N, Rng. 4 E;
The north 17.92 acres of Parcel N0910-01 as recorded in the Scott County, Iowa Recorders Office.

Total Land Area: 17.92 Acres
Total Number of Lots: 11
Linear Feet of Streets Added: 1241
Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☑ No

Submittal Requirements:

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

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

(1) Application:
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Plan and Zoning Commission's consideration of the proposed preliminary plat:
- Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(3) City Council's consideration of the proposed preliminary plat:
- The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.

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

(1) Application:
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Plan and Zoning Commission's consideration of the proposed final plat:
- Planning staff will perform a technical review of the petition and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(3) City Council's consideration of the final plat:
- Prior to forwarding the petition to the City Council, the following must be provided to the Community Planning and Economic Development Department:
  - One full size copy of the corrected final plat and one reduced copy of the corrected final plat signed/stamped by the utility companies.
  - Executed platting certificate.
- The Committee of the Whole (COW) will consider the petition. Subsequently, the City Council will vote on the petition.

(4) Recordation:
- After the Mayor signs the approved final plats and Acceptance by the City of Davenport, the final will be released to the Surveyor to obtain and return 21 full size copies to the Community Planning and Economic Development Department.
- After the 21 copies are returned, two copies of the final plat and platting certificates will be released to the petitioner.
- It is the petitioner's responsibility to record the final plat with the Scott County Recorder's Office.

Petitioner: Caitlin Russell Date: 04/22/2021

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

Received by: _____ Date: _____

Planning staff

Date of Plan and Zoning Commission Public Hearing: _____

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

Authorization to Act as Applicant

Previously Submitted

I, _____ authorize _____ _____

to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

A parcel of land in the southwest 1/4 of Section 9, Twp. 78 N, Rng. 4 E;

_____

_____

Signature(s)

State of _____ ,

County of _____ .

Sworn and subscribed to before me

This _____ day of _____ 20 _____

Form of Identification

_____

Notary Public

My Commission Expires:

2020 DEVELOPOMENT CALENDAR

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

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

ORDINANCE NO. 2021-105

ORDINANCE for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "C-2 Corridor Commercial District" and "R-MF Multi-Family Residential District."

Legal Description of the C-2 Corridor Commercial District Portion of Property:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST, OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH 00°09'16" WEST 50.00 FEET ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9 TO THE SOUTHERLY RIGHTOF-WAY LINE OF 53RD STREET AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°09'16" WEST 599.44 FEET ALONG THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 4TH ADDITION TO A LINE PARALLEL TO THE NORTHERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9;

THENCE NORTH 90°00'00" WEST 1314.08 FEET ALONG THE SAID LINE PARALLEL TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 TO THE WESTERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION;

THENCE NORTH 00°23'41" EAST 590.30 FEET ALONG THE SAID WESTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET;

THENCE NORTH 90°00'00" EAST 1311.59 FEET ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET TO THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 17.928 ACRES MORE OR LESS.

(FOR PURPOSES OF THIS DESCRIPTION, THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 IS ASSUMED TO BEAR NORTH 90°00'00" EAST).

Legal Description of the R-MF Multi-Family Residential Portion of Property:

PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST, OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH 00°09'16" WEST 50.00 FEET ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET; THENCE CONTINUING SOUTH 00°09'16" WEST 599.44 FEET ALONG THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 4TH ADDITION TO A LINE PARALLEL TO THE NORTHERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°09'16" WEST 662.27 FEET ALONG THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 3RD AND 4TH ADDITIONS TO THE NORTHERLY LINE OF O'SELL'S ADDITION;

THENCE NORTH 89°36'03" WEST 1316.85 FEET ALONG THE SAID NORTHERLY LINE OF O'SELL'S ADDITION TO THE WESTERLY LINE OF THE SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION;

THENCE NORTH 00°23'41" EAST 662.26 FEET ALONG THE SAID WESTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE EASTERLY LINE OF OLD COVENTRY 1ST ADDITION TO A LINE PARALLEL TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET;

THENCE NORTH 90°00'00" EAST 1314.08 FEET ALONG THE SAID LINE PARALLEL TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF 53RD STREET TO THE EASTERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 AND THE WESTERLY LINE OF HUNTER MEADOW 4TH ADDITION AND THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 20.000 ACRES MORE OR LESS.

(FOR PURPOSES OF THIS DESCRIPTION, THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 IS ASSUMED TO BEAR NORTH 90°00'00" EAST).

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Regional Commercial (RC) along the 53rd Street corridor and Residential General (RG) on the southern portion of the site.
2. The proposed C-2 Corridor Commercial District is compatible with the zoning of nearby property on 53rd Street. However, the proposed R-MF Multi-Family Residential District creates a higher density than the surrounding neighborhoods, which are zoned R-3 Single-Family and Two-Family Residential District. Therefore, conditions requiring enhanced landscaping buffers and a reduction in the maximum building height are needed to mitigate potential impacts between land uses.
3. Special consideration must be given to the increased density the proposed rezoning petition. A traffic study is required to address increased traffic demand on the major arterial roadway and local streets. Requiring a traffic signal on 53rd Street and a public north-south road through the development site will aid in mitigating traffic and emergency response concerns.
4. Rezoning the property to C-2 Corridor Commercial District and R-MF Multi-Family Residential District does not create any nonconformities.

Conditions:

1. The City Council is requested to pass a resolution amending the Regional Commercial (RC) and Residential General (RG) land use boundaries on the Davenport +2035 Future Land Use Map.
2. A traffic study is required and additional traffic safety measures may be required as development occurs.
3. A traffic signal shall to be required at the intersection of Lakeview Parkway and East 53rd Street.
4. A second ingress/egress point to East 53rd Street shall be required.
5. Street connections to East 51st Street, Eastbury Estates Drive, and Hawk Drive shall be prohibited.
6. The multi-purpose trail shall be extended to the west property line.
7. A 20-foot setback on the eastern and western-most property lines in the C-2 zoning district shall be required where abutting commercial zoning districts.
8. A 30-foot landscaped setback shall be required on the eastern, western and southern-most property lines of the subject property where abutting residential districts.
9. The height of structures in the R-MF zoning district shall be no greater than 35 feet.
10. Upon vacation by the City of a portion of Eastbury Estates just to the south of the subject property, Petitioners, jointly and severally, shall be responsible for paying for or executing the work specified by the City of Davenport for reconfiguring/redesigning/reconstructing the northern terminus of Eastbury Estates in the area abutting the southern boundary of the subject property. The City is to provide plans, including a site plan and landscaping plan to Petitioners.
11. Townhouses and Multi-Family units shall be prohibited where the property abuts existing single-family residential.

12. The requirement under Section 16.24.040C of the City Code stating no cul-de-sac shall exceed 600 feet in length as measured from the center line of the intersecting street to the termination of the right-of-way shall be waived, if the Petitioner provides secondary access via private ingress/egress easement to 53rd Street.
13. Carwashes and gas stations shall be prohibited west of Lakeview Parkway.
14. The fence associated with the required buffer between residential and commercial shall be installed after final grading has been completed.
15. Buildings within 100 feet of the west property, abutting existing residential line shall be limited to 35 feet in height.

Section 3. At its February 2, 2021 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation for approval subject to the listed findings and conditions.

Section 4. The approval of this ordinance amends and replaces the prior conditions on the real estate as set forth in Sections 17.17.010G and 17.17.010H from the City Code; per the repealer clause.

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 February 24, 2021

Second Consideration March 10, 2021

Approved March 24, 2021

Published in the *Quad City Times* on April 1, 2021

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Community Development Committee
Contact Info: Bruce Berger | 563-326-7769

Action / Date
6/9/2021

Subject:
Motion approving the corrections for Year 47 (July 1, 2021– June 30, 2022) Community Development Block Grant (CDBG) funds. [All Wards]

Recommendation:
Approve the motion.

Background:
On May 13, 2021 the City was notified of an allocation error calculated by HUD. The City's Community Development Block Grant (CDBG) funds increased by $24,139 to $1,638,026; there was no change to HOME allocation. The approval of the YR47 allocations at CAC on March 1 included language authorizing staff to make across the board increases or decreases without going back to CAC if the grant changes by +/-15%. The increase in funding is 1.5%.

The City's Citizen Participation Plan defines a substantial amendment as funding an activity not already in the plan or changing the funding of an activity by $100,000 or more. The increase in additional funding does not rise to the level of a substantial amendment.

A public hearing on these recommendations was held June 2, 2021. Approval of this motion will approve the correction for the Year 47 Annual Action Plan, subject to completion of the required 3-day comment period. Approval also authorizes the City Administrator or her designees to submit the amendment to HUD and to sign necessary documents and agreements.

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berger, Bruce	Approved	5/27/2021 - 4:16 PM

City of Davenport

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

Action / Date
6/9/2021

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

Humility Homes & Services; Open House and Community Block Party; 519 Fillmore Street; Saturday, June 26, 2021 9:00 a.m. - 4:00 p.m.; **Closure:** Fillmore Street from West 6th Street south to just north of the alley. [Ward 3]

Cornbelt Running Club; Bix 7 Events; **Brady Street Sprints** Thursday, July 22, 2021 6:00 p.m. - 9:00 p.m.; **Closure:** Brady Street from 5th Street to 11th Street; **Jr Bix 7** Friday, July 23, 2021 2:00 p.m. - 9:00 p.m.; **Closures:** East 4th and East 3rd Streets from Pershing Avenue to River Drive; Iowa and LeClaire Streets from East 3rd to East 4th Streets. [Ward 3]

Village of East Davenport Business Association; Wine Walk; Village of East Davenport; Saturday, August 21, 2021 1:00 p.m. - 8:00 p.m.; **Closures:** East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley; Jersey Ridge Road from East 11th Street north to the alley. [Wards 5 & 6]

Davenport Community School District; State Marching Band Competition; Brady Street Stadium | 3603 Brady Street; Saturday, October 16, 2021 8:00 a.m. - 5:00 p.m.; **Closure:** East 36th Street between Brady Street and Davenport Avenue. [Ward 7]

Recommendation:
Adopt the Resolution.

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

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Humility Homes Open House/Block Party Flyer
🗋	Backup Material	Humility Homes Open House/Block Petition and Map
🗋	Backup Material	Brady Street Sprints Description
🗋	Backup Material	Jr Bix Description
🗋	Backup Material	Jr Bix Map
🗋	Backup Material	Wine Walk Map
🗋	Backup Material	Wine Walk Street Closure Petition
🗋	Backup Material	State Marching Band Competition Map

REVIEWERS:

Department	Reviewer	Action	Date

City Clerk	Admin, Default	Approved	5/26/2021 - 12:36 PM

Resolution No. _____

Resolution offered by Alderman Jobgen.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

WHEREAS, the City, through its Special Events Policy, has accepted the following applications to hold outdoor events on the following dates; and

WHEREAS, upon review of the applications it has been determined that the streets, lanes, or public grounds on the dates and times listed below will need to be closed.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and directs staff to proceed with the temporary closure of the following streets, lanes, or public grounds on the following dates and times:

Humility Homes & Services; Open House and Community Block Party; 519 Fillmore Street; Saturday, June 26, 2021 9:00 a.m. - 4:00 p.m.; ***Closure:*** *Fillmore Street from West 6th Street south to just north of the alley. [Ward 3]*

Cornbelt Running Club; Bix 7 Events; ***Brady Street Sprints*** *Thursday, July 22, 2021 6:00 p.m. - 9:00 p.m.;* ***Closure:*** *Brady Street from 5th Street to 11th Street;* ***Jr Bix 7*** *Friday, July 23, 2021 2:00 p.m. - 9:00 p.m.;* ***Closures:*** *East 4th and East 3rd Streets from Pershing Avenue to River Drive; Iowa and LeClaire Streets from East 3rd to East 4th Streets. [Ward 3]*

Village of East Davenport Business Association; Wine Walk; Village of East Davenport; Saturday, August 14, 2021 1:00 p.m. - 8:00 p.m.; ***Closures:*** *East 11th Street from Mound Street to Jersey Ridge Road; Christie Street from East 11th Street north to the alley; Jersey Ridge Road from East 11th Street north to the alley. [Wards 5 & 6]*

Davenport Community School District; State Marching Band Competition; Brady Street Stadium | 3603 Brady Street; Saturday, October 16, 2021 8:00 a.m. - 5:00 p.m.; ***Closure:*** *East 36th Street between Brady Street and Davenport Avenue. [Ward 7]*

Passed and approved this 9th day of June, 2021.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

YOU'RE INVITED TO

OPEN HOUSE &
COMMUNITY BLOCK PARTY

SATURDAY
JUNE 26
11am - 2pm

FOOD TRUCKS
GIVEAWAYS
BOUNCY HOUSE
RESOURCES
LIVE ENTERTAINMENT
FUN AND MUCH MORE!



Fillmore & W 6th St.
Davenport

humility
HOMES & SERVICES

FREE LUNCH TICKETS

CITY OF DAVENPORT

STREET CLOSING AND NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 26TH day of JUNE, 20 21 during the hours of 9:30AM - 2:00 PM there is proposed a street closing with outdoor music/band/performance, requested by HUMILITY HOMES & SERVICES, INC. which will require the closing of FILLMORE ST. between W 6TH ST. and ALLEY.

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

NAME AND ADDRESS	IN FAVOR	OPPOSED	NOT CONCERNED
TOMMY MIZER	X		
(ROEDER TRANSFER &			
STORAGE)			

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

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

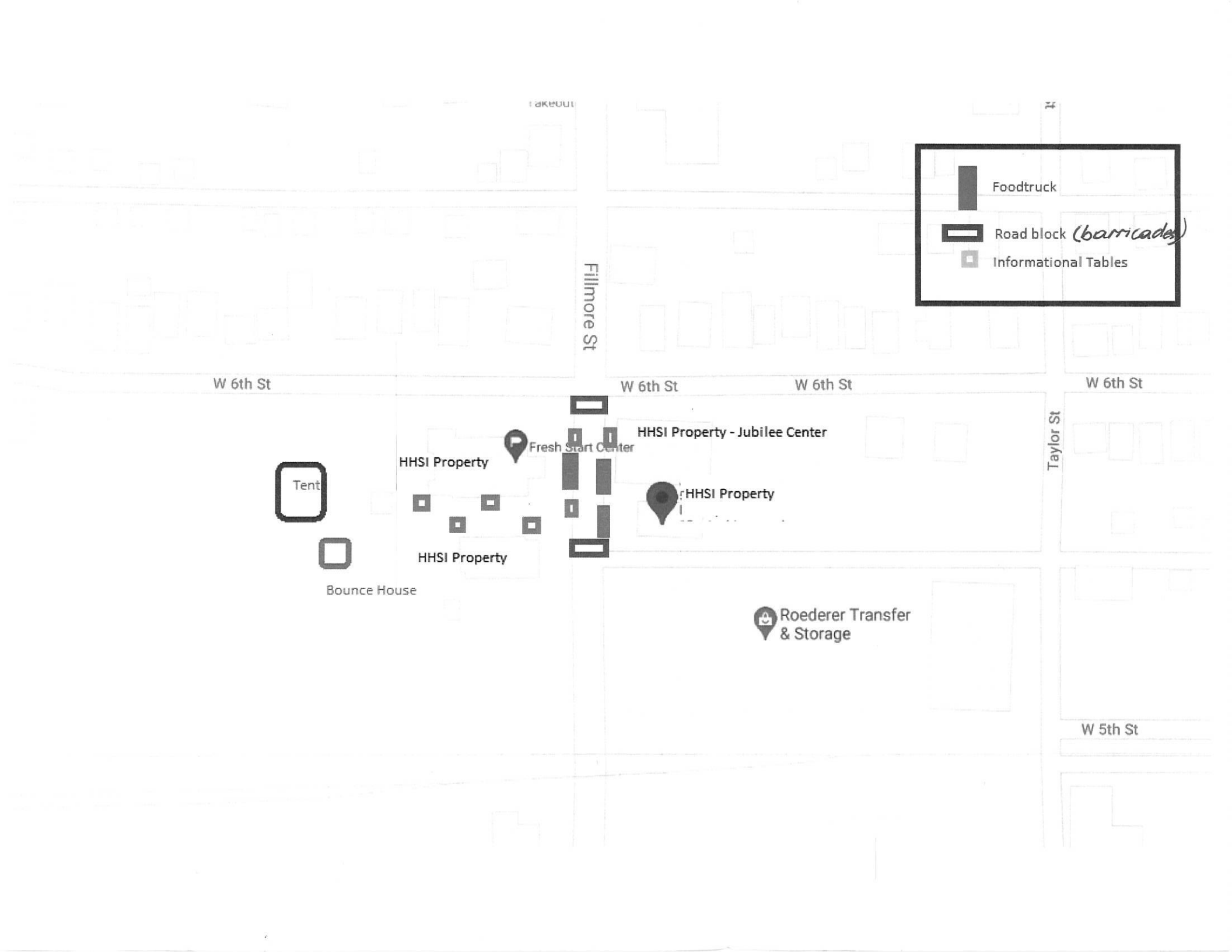
CLOEY QUINTEIRO 05/17/2021

Signature of Applicant Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com


Foodtruck
Road block (barricades)
Informational Tables
Fillmore St
Taylor St
W 6th St
W 6th St
W 6th St
W 6th St
W 5th St
HHSI Property - Jubilee Center
Fresh Start Center
HHSI Property
HHSI Property
HHSI Property
Tent
Bounce House
Roederer Transfer & Storage

2021 Quad-City Times Bix 7

“Brady Street Sprints”

The Brady Street Sprints, a quarter mile sprint up Brady Street hill will take place on Thursday, July 22nd. There will be 4 divisions, men’s and woman’s divisions, consisting of 5 to 6 participants in each division.

Also, there will be a High School relay teams division for both boys and girls. All area high schools will be invited. This will be a 4 X 100 relay for both boys and girls.

There will also be a corporate division where all Bix sponsors will compete against each other in the relays.

This event will be televised “live” for one hour and then rebroadcast on the Bix 7 television network, hosted by KWQC TV. We request no parking posted 24 hours in advance, as parked vehicles along the race course inhibit the telecast and participant safety, as all lanes of traffic are needed.

The Brady Street Sprints will run from 7:00pm to 8:30pm on July 22nd, 2021.

Also, joining the Brady Street Sprints will be our own Bix 7 favorites, Bill Rodgers, Joan Benoit Samuelson, and Meb Keflezighi.

We are requesting proper police support to maintain a safe environment.

2021 "The Jr. Bix 7"

Children's fun run for kids 12 & under:

The Cornbelt Running Club is requesting to have 4th Street closed to traffic from River Dr. to Pershing St. The hours of the closing would be from 2:00 pm until 9:00 pm. The date is Friday, July 23, 2021. Also, we request to have 3rd St. from Iowa St. to River Dr. closed for the same period.

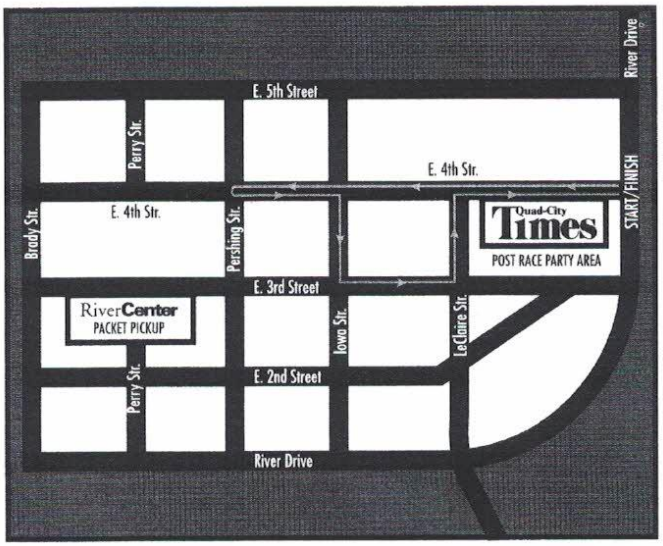
We would also need to have no parking on 4th St. from River Dr. to Pershing St. and on 3rd St., Iowa St to River Dr. on that day (7/23/21).

The event is a children's fun run. The ages would be from 12 yrs. and under. The distances would range from 7/10 of a mile to 70 yards.

Each age would have a separate race, so there will be several races going on.

We are requesting the proper police support to maintain a safe environment.

7/10 MILE



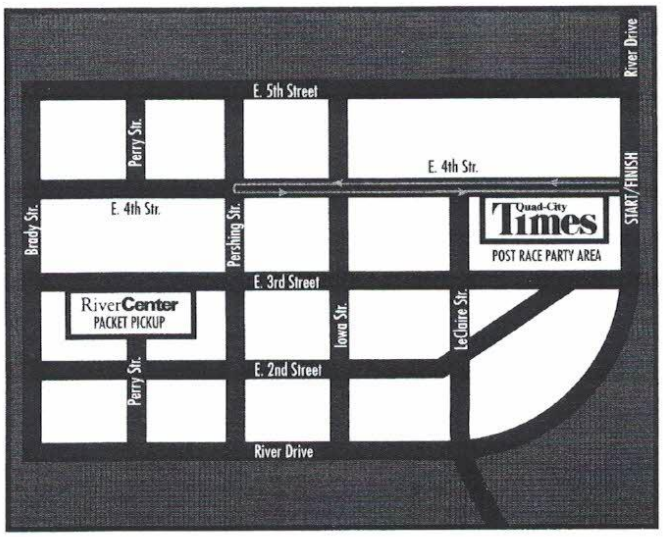
CHILDREN AGES 8-12 - 7/10 MILE COURSE

8, 9, 10, 11 & 12 year olds - **6:00 PM**

Age groups will start approximately 10 minutes apart. Please be ready by 6 PM.

ALCOA'S Jr. BIX 7 2012

1/2 MILE



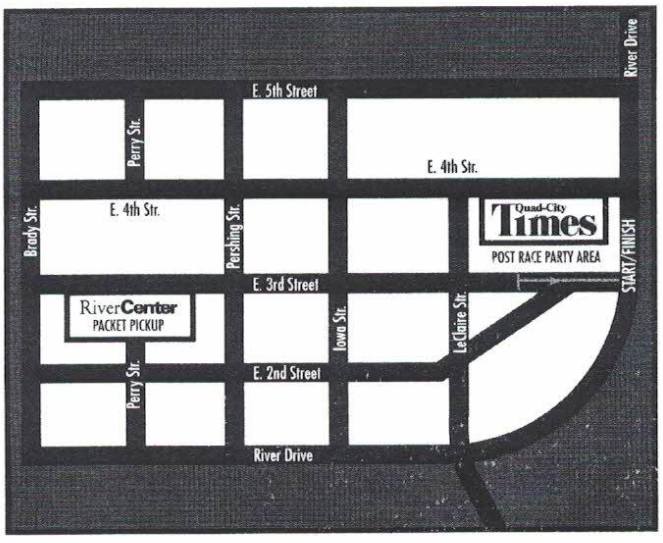
CHILDREN AGES 6-7 - 1/2 MILE COURSE

6 & 7 year olds - **6:00 PM**

Age groups will start approximately 10 minutes apart. Please be ready by 6 PM.

ALCOA'S Jr. BIX 7 2012

70 YARDS



CHILDREN 5 & UNDER - 70 YARDS

Diaper Dash (at the Finish Line) - **6:00 PM**

2, 3, 4 & 5 YEAR OLD age groups will start approximately 10 minutes apart. There will be multiple heats for each age division. Please be ready by 6 PM.

ALCOA'S Jr. BIX 7 2012


Barricade placement
E 12th St
and Jewelry
Jewelry store
E 12th St
E 12th St
Fulton
Mound St
Christie St
Jersey Ridge Rd
Eleven17
Betty's Wig Boutique
Wig shop
Baked Beer &
Bread Company
Takeout • Delivery
Lagomarcino's
Confectionery
Takeout • Delivery
Bayside Bistro
Takeout • Delivery
Royal T's Beauty Parlor
Freddy's Fritter
Bakery & Groo
Pet supply store
TapOnIt
Rudy's Tacos
Takeout • Delivery
Brew
Takeout
Mc Clellan Stockade
Camp McClellan Cellar
Delivery
E 11th St
E 11th St
E 11th St
Village of East Davenport
Shopping mall

Ave
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ming
rs

CITY OF DAVENPORT—VILLAGE OF EAST DAVENPORT BUSINESS ASSOCIATION

STREET CLOSING PETITION FOR SPECIAL EVENTS

Master Business & Address List

** 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 & ADDRESS

#1 11th Street Precinct, 1107 Mound Street

#2 Pink's Uniques, 2114 East 11th Street

#3 Grumpy's Village Saloon, 2120 East 11th Street

#4 McClellan Stockade, 2124 East 11th Street

#5 Lagomarcino's, 2132 East 11th Street

#6 Tap On It , 1105 Christie Street

#7 Bayside Bistro, 1105 Christie Street

#8 Mint Green, 2208 East 11th Street

#9 Rudy's Cantina, 2214 East 11th Street

#10 VACANT , 2218 East 11th Street

#11 Boots, 2228 East 11th Street

#12 Brew, 1104 Jersey Ridge Road

#13 Edward Jones, 2107 East 11th Street

#14 Camp McClellan Cellars, 2302 East 11th Street

#15 Blevins Brothers Bird Shop, 1108 Jersey Ridge Road

#16 Royal T's, 1114 Jersey Ridge Road

#17 Giraffe Photography, 2302 East 11th Street,

#18 Freddy's Fritters, 1111 Jersey Ridge Road

CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS—WINE WALK

On the 21st day of AUGUST, **2021**, there is proposed a street closing, requested by **The Village of East Davenport Business Association** , which will require the closing of **East 11th Street** between **Mound Street and Jersey Ridge Road and Jersey Ridge Road** between **East 11th Street** and **the alley**, during the hours of **2:00 p.m. to 6:00 p.m.**

** 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).

SIGNATURE	FAVOR	OPPOSED	NOT CONCERNED
#1 JOHN WILSON PER EMAIL	X		
#2 No Response To Emails			
#3 Sara M. Stiles	X		
#4 No Response To Emails			
#5 Tom Lazzarini	X		
#6 No Response To Emails			
#7 LaTisha Howlett - Per Email	X		
#8 Amber Vanderlinden	X		
#9 BRUCE QUEZADA - PER EMAIL	X		
#10 Un Occupied Space			
#11 No Response To Emails			
#12 Tracy Cameron	X		
#13 PAUL BEHNEN - PER EMAIL	X		
#14 Julie Keeb	X		
#15 Brian L. Blevins	X		
#16 Taylor Jane Robeson - Per Email	X		
#17 Stephen Folker - Per Email	X		
#18 Jami O'Grady	X		


E 38th St
E 38th St
E 38th St
Concord Mortgage
LPI Loans
Durham School Services
Davenport Ave
N Brady St
National Guard
Chuck E. Che
Takeout • Deliver
E 36th St
E 36th St
E 36th St
Adam Roethler American Family Insurance
Barricades

City of Davenport

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

Action / Date
6/9/2021

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

Ed Hildebrand; Neighborhood Party; 834 North Pine Street; Saturday, June 12, 2021 12:00 p.m. - 3:00 p.m.; Outdoor band/music, over 50 dBA. [Ward 3]

Village of East Davenport Business Association; Wine Walk; Village of East Davenport; Saturday, August 14, 2021 2:00 p.m. - 6:00 p.m.; Outdoor music, over 50 dBA. [Wards 5 & 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	Ed Hildebrand Party Noise Variance Petition

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	5/27/2021 - 3:35 PM

834 N Pine St.

CITY OF DAVENPORT

NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the ~~Saturday~~ day of June 12th, 2021, there is proposed an event which will include outdoor music or band, requested by Edwin L. Hildebrand during the hours of ~~Sept~~ June 12th - 12:00 ~~P.M.~~ P.M to ~~3:00~~ P.M. 3:00

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

NAME AND ADDRESS	IN FAVOR	OPPOSED	NOT CONCERNED
Lynn M. Meyers 830 N Pine	✓		
Anne Gores 818 N Pine St	✓		
Caitlin + Alex Liendo 817 N Pine	✓		
Kyle Wittmer 821 N Pine	✓		
Pat Wood 915 N Pine	✓		
Justin Hill 922 N. Pine	✓		
John Nielsen 921 Pine	✓		
Adam Paull 909 N. Pine	✓		
Danielle Hollembeak 914 N. Pine	✓		
Josh Young 927 N. Pine	✓		
Terry Young 951 N. Pine	✓		
Hank Sutton 906 N Pine	✓		

823 N Pine and 903 N Pine – could not make contact

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

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

Edwin L. Hildebrand 5/18/21

Signature of Applicant Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com

City of Davenport

Department: Public Safety **Action / Date**
Contact Info: Jamie Swanson | 563-326-7795 **6/9/2021**

Subject:
Motion approving beer and liquor license applications.

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

Ward 3

Front Street Brewery (Front Street Brewery, Inc) - Quinlan Court - "Mercado en el Rio" June 12, July 10, August 14, September 11, and October 9, 2021 - Outdoor Area - License Type: Special Class C Liquor

Zeke's Island Café (Lumpy's) - 131 W 2nd St - License Type: Class C Liquor

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

Ward 1

Emeis Golf Course (City of Davenport) - 4500 W Central Park Ave - Outdoor Area - License Type: Class C Liquor

Smokin' Joe's Tobacco and Liquor Outlet # 1 (The Outlet, Inc) - 3120 Rockingham Rd - License Type: Class E Liquor

Ward 2

Hickory Garden Restaurant (Fazliu, Inc) - 3311 Hickory Grove Rd - Outdoor Area - License Type: Beer/Wine

Ward 3

Duck City Delicatessen & Bistro (Moskowitz Llewellyn Restaurant Systems, Inc) - 115 E 3rd St - Outdoor Area - License Type: Class C Liquor

Half Nelson (Bucktown Restaurant Company, LLC) - 321 E 2nd St - Outdoor Area - License Type: Class C Liquor

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

Ruby’s (Infamous, LLC) - 429 E 3rd St - Outdoor Area - License Type: Class C Liquor

Ward 4

Smokin' Joe's Tobacco and Liquor Outlet # 2 (The Outlet, Inc) - 1606 W Locust St - License Type: Class E Liquor

Ward 5

McClellan Stockade (Koellner Enterprises 6, LLC) - 2124 E 11th St - Outdoor Area - License Type: Class C Liquor

Ward 6

Applebee's Neighborhood Grill & Bar (Apple Corps, LP) - 3838 Elmore Ave - License Type: Class C Liquor

Biaggi's Ristorante Italiano LLC (Biaggi's Ristorante Italiano, LLC) - 5195 Utica Ridge Rd - License Type: Class C Liquor

Duck Creek Golf Course (City of Davenport) - 3000 E Locust St - Outdoor Area - License Type: Class C Liquor

QC Marts (Bethany Enterprises, Inc) - 2845 E 53rd St - License Type: Class C Beer

Rave Davenport 53 & IMAX (Cinemark USA, Inc) - 3601 E 53rd St - License Type: Beer/Wine

Red Robin America's Gourmet Burgers & Spirits (Red Robin International, Inc) - 3903 E 53rd St - Outdoor Area - License Type: Class C Liquor

Rhythm City Casino (Rhythm City Casino, LLC) - 7077 Elmore Ave - Outdoor Area - License Type: Class B Liquor

Sam's Club #8238 (Sam's West, Inc) - 3887 Elmore Ave - License Type: Class E Liquor

Ward 7

Costa Del Mar Mexican Grill and Seafood (Costa Del Mar, Inc) - 3852 N Brady St - License Type: Class C Liquor

Kwik Star #294 (Kwik Trip, Inc) - 1650 W Kimberly Rd - License Type: Class C Beer

Mo Brady’s (DRC Ventures, Inc) - 4830 N Brady St - License Type: Class C Liquor

Van's Pizza Pub and Grill (Reedcan, LLC) - 3333 N Harrison St - Outdoor Area - License Type: Class C Liquor

Ward 8

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

Recommendation:
Pass the Motion.

Background:
These applications have been reviewed by the Police, Fire, and Zoning Departments.

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Admin, Default	Approved	5/27/2021 - 3:35 PM

City of Davenport

Department: Public Works Committee
Contact Info: Marla Miller | 563-888-2099

Action / Date
6/9/2021

Subject:
Resolution approving the Public Transportation Agency Safety Plan (PTASP) for Davenport CitiBus as required by the Federal Transit Administration (FTA). [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The Public Transportation Agency Safety Plan is a Federal Transit Administration (FTA) requirement to ensure that Davenport Transit is in compliance. Davenport Transit has adopted this Safety Plan to continue compliance with FTA regulations 49 C.F.R. Part 673.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Public Transportation Agency Safety Plan

REVIEWERS:

Department	Reviewer	Action	Date
Public Works Committee	Miller, Marla	Approved	5/19/2021 - 11:41 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the Public Transportation Agency Safety Plan (PTASP) for Davenport CitiBus as required by the Federal Transit Administration (FTA).

WHEREAS, the rule applies to all operators of public transportation systems that are recipients and sub-recipients of federal financial assistance under the Urbanized Area Formula Program (49 U.S.C. Section 5307), which includes Davenport CitiBus; and

WHEREAS, the plan must include safety performance targets; and

WHEREAS, all transit operators must certify they have a safety plan in place meeting the requirements of the rule by July 20, 2021. The plan must be updated and certified by the transit agency annually.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Public Transportation Agency Safety Plan for Davenport CitiBus is hereby approved.

Passed and approved this 9th day of June, 2021.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

Public Transportation

Agency Safety Plan

City of Davenport, Iowa

CitiBus

May 18, 2021

Overview

On July 19, 2018, FTA published the Public Transportation Agency Safety Plan (PTASP) Final Rule (49 U.S.C. § 673) which requires certain operators of public transportation systems that receive federal funds under FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS).

- The PTASP rule became effective on July 19, 2019;
- FTA published a Dear Colleague letter on July 19, 2019, to alert the transit industry of the July 20, 2020, safety compliance deadline; and
- In light of the extraordinary operational challenges presented by the COVID-19 public health emergency, FTA issued a Notice of Enforcement Discretion effectively extending the PTASP compliance deadline from July 20, 2020 to December 31, 2020.

The plan must include safety performance targets. Find additional guidance on planning and target setting on FTA's Performance-Based Planning pages. Transit operators also must certify they have a safety plan in place meeting the requirements of the rule by July 20, 2021. The plan must be updated and certified by the transit agency annually.

The rule applies to all operators of public transportation systems that are recipients and sub recipients of federal financial assistance under the Urbanized Area Formula Program (49 U.S.C. Section 5307). This includes the City of Davenport/CitiBus.

The following is the Public Transportation Agency Safety Plan for the City of Davenport/CitiBus.

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10. Commonly Used Acronyms	19

1. Transit Agency Information

Transit Agency Name	City of Davenport / CitiBus
Transit Agency Address	1200 East 46th Street, Davenport, IA 52807
Name and Title of Accountable Executive/Transit Operations Manager	Marla Miller, Accountable Executive/Transit Operations Manager
Name and Title of Chief Safety Officer/First Transit General Manager or SMS Executive	Luann DeVol, Chief Safety Officer/First Transit General Manager
Mode of Service Covered by this Plan	Fixed Route Paratransit (through contract)
List ALL FTA Funding Types	5307, 5310, 5337, 5339
Modes of Service Provided by the Transit Agency	Fixed Route
Does the Agency Provide Transit Services on behalf of another transit agency or entity?	No
Description of Arrangement(s)	Not Applicable
Names and Address of Transit Agency(ies) or Entity(ies) for Which Service is Provided	Not Applicable

2. Plan Development, Approval, and Updates

Name of Person Who Drafted This Plan	**Marla Miller Accountable Executive/Transit Operations Manager**	
Signature by the Accountable Executive/Transit Operations Manager	**Signature of Accountable Executive/ Transit Operations Manager**	**Date of Signature**
	Accountable Executive/Transit Operations Manager	
Approval by the City of Davenport City Council	**City Council Resolution**	**Date of Approval**
	Relevant Documentation (title and location)	
	A copy of the City of Davenport Council Resolution #_____ (TBD at June 9, 2021 Council meeting) approving the Agency Safety Plan (ASP), is maintained on file by the Accountable Executive/Transit Operations Manager and the Chief Safety Officer/First Transit General Manager.	

Version Number and Updates			
Version Number	**Section/Pages Affected**	**Reason for Change**	**Date Issued**
1	Entire Document	New Document	01/15/2021
2	Entire Document	Modified	05/18/2021

Annual Review and Update of the Public Transportation Agency Safety Plan

The Agency Safety Plan (ASP) for the City of Davenport / CitiBus will be jointly reviewed and updated by the Chief Safety Officer/First Transit General Manager and the Accountable Executive/Transit Operations Manager prior to the end of the City's fiscal year (June 30th). Any changes will be approved by the Accountable Executive/Transit Operations Manager. The updated Agency Safety Plan will then be sent to the City of Davenport City Council for approval. The updated Plan will also be sent to the Iowa Department of Transportation (Iowa DOT) and the Bi-State Regional Commission (MPO).

Prior to review/approval by the Accountable Executive/Transit Operations Manager, the Agency Safety Plan will be reviewed by the Agency Safety Plan Committee (ASP Committee) that is comprised of the following: Chief Safety Officer/First Transit General Manager, Safety & Training Officer, Risk Manager, Risk Claims Analyst, Bus Services Supervisor (Fleet), Union President and a Transit Operator who is also serves as the on-the-road trainer. It is recommended that the ASP Committee review the Plan once a year and meeting if necessary.

As required by § 673.15 the City of Davenport/CitiBus will communicate any changes to the plan, specifically, to the safety performance targets, to the Bi-State Regional Planning Commission to aid in the planning process and, to the maximum extent practicable, coordinate with the Bi-State Regional Planning Commission in the selection of MPO safety performance targets.

Necessary updates outside the annual update window will be handled as ASP addendums which will be incorporated in the body of the ASP. Reviews of the ASP by the local agency, any subsequent updates and addendums, adoption, and distribution activities will be documented in the ASP Document Activity Log included at the beginning of this document.

3. Safety Performance Targets

Safety Performance Targets							
Targets Below are based on review of previous 3-years of CitiBus Safety Data							
Mode of Transit Service	**Fatalities (total)**	**Fatalities (per 100,000 VRM)**	**Injuries (total)**	**Injuries (per 100,000 VRM)**	**Safety Events (total)**	**Safety Events (per 100,000 VM)**	**System Reliability (VRM/failures)**
Fixed-Route Bus	0	0	5	0.2	7	0.28	9,500
ADA/ Paratransit	0	0	1	.01	1	.01	68,456

Safety Performance Target Coordination		
Targets Transmitted to State Department of Transportation	**State Entity Name**	**Date Targets Transmitted**
	Iowa Department of Transportation	
Targets Transmitted to the Metropolitan Planning Organization	**Metropolitan Planning Organization Name**	**Date Targets Transmitted**
	Bi-State Regional Commission	

The Accountable Executive/Transit Operations Manager, through the Chief Safety Officer/First Transit General Manager, has shared the CitiBus Agency Safety Plan, including the safety performance targets, with the Iowa Department of Transportation (Iowa DOT) and the Bi-State Regional Commission (MPO) as required by the Federal Transit Administration (§ 673.15(a) and (§ 673.15(b) respectively. CitiBus personnel are available to coordinate with the Iowa DOT and/or the MPO in the selection of Iowa and MPO safety performance targets upon request.

4. Safety Management Policy

Safety Management Policy Statement

The City of Davenport/CitiBus is committed to Safety Management as a systematic and comprehensive approach to identifying safety hazards and risks associated with transit system operations and related maintenance activities. CitiBus has adopted a Safety Management Systems (SMS) framework as an explicit element of the agency's responsibility by establishing a safety policy; identifying hazards and controlling risks; setting goals, and planning and measuring performance. Furthermore, CitiBus has adopted SMS as means by which to foster agency-wide support for transit safety by establishing a culture where management is held accountable for safety and everyone in the organization takes an active role in securing transit safety.

All levels of management will be responsible for establishing safe and quality transit services that represent CitiBus' performance of its SMS. Managers will take an active role in the Safety Risk Management process and ensure that Safety Assurance functions are supported. Managers are responsible for ensuring that Safety Risk Management is being performed in their operational areas of control to assure that the safety risk associated with safety hazards is assessed and mitigated. Safety performance will be an important part of performance evaluations for CitiBus managers and employees.

Safety is a core value of the City of Davenport and at CitiBus, and managing safety is a core business function. CitiBus is committed to developing, implementing, maintaining, and continuously improving processes to ensure the safety of its customers, employees, and the public. CitiBus will use safety management processes to direct the prioritization of safety and allocate its organizational resources—people, processes, and technology—in balance with its other core business functions, to promote and achieve a safety culture.

CitiBus is committed to the following safety objectives:

- ***Leading the development of a commitment to safety:*** Executive Management will lead the development of an organizational culture that promotes safe operations and provides appropriate resources to supporting this core management function through fostering and ensuring safe practices, improving safety when needed, and encouraging effective employee safety reporting and communication. CitiBus management will hold all employees accountable for safety performance.
- ***Communicating the purpose and benefits of the Safety Management System (SMS) to all employees:*** Communication systems will be put in place to enable greater awareness of CitiBus' safety objectives and safety performance targets as well as to provide on-going safety communication up, down, and across the organization. All levels of management must proactively engage employees and work to keep the lines of safety communication honest and open. All employees will be trained in safety reporting procedures.
- ***Providing a culture of open reporting of all safety concerns, ensuring that no action will be taken against any employee who discloses a safety concern through the CitiBus***

Employee Safety Reporting Program unless such disclosure indicates the following: an illegal act, gross misconduct or negligence, or a deliberate or willful disregard of City of Davenport and/or CitiBus rules, policies, and procedures. All CitiBus employees will be responsible for utilizing this program as part of the Safety Management System. The hazard report forms will be available at easily accessible locations in the CitiBus office as well as at the operator's room at the Ground Transportation Center.

- ***Identifying hazardous and unsafe work conditions and analyzing date from the Employee Safety Reporting Program.*** After thoroughly analyzing provided data, CitiBus, in coordination with the Agency Safety Committee, will develop process and procedures to mitigate safety risks to an acceptable level.
- ***Establishing safety performance targets that are realistic, measurable and data driven.*** CitiBus will establish realistic measures of safety performance and establish safety performance targets based on key safety performance indicators, inspections, investigations, and corrective action reports to revise or develop safety objectives, safety performance targets, and plans with the goal of continuous safety improvement.

Fundamental safety beliefs guiding our approach include:

1. Safety is a core business value;
2. Safety excellence is a key component of our mission;
3. Safety is a source of our competitive advantage; our business will be strengthened by making safety excellence an integral part of all our public transportation activities;
4. Accidents and serious incidents are most accidents are preventable; they are preceded by precursors (events, behaviors, and conditions) that can be identified, assessed and mitigated through physical, administrative and behavioral defense strategies.

Basic elements of our safety approach include:

- Top Management Commitment to Safe Operations
- Responsibility and Accountability of all Employees
- Clearly Communicated Safety Goals
- Safety Assurance and Performance Measurements for Improvement

To ensure transit safety and in order to comply with Federal Transit Administration (FTA) requirements, CitiBus has developed and adopted this Safety Management Policy Statement to comply with FTA regulations 49 C.F.R. Part 673.

Marla Miller

Marla Miller
Transit Operations Manager
City of Davenport/CitiBus
May 18, 2021

Safety Management Policy Communication

The Agency Safety Plan, along with the Safety Management Policy, will be provided in full to each and every employee who works at CitiBus. This will include the maintenance employees who report to the Bus Services Supervisor (Fleet). The Agency Safety Plan will also be reviewed with all new employees as part of the "Trainee Release Agreement."

The Agency Safety Plan will be added to the City of Davenport/CitiBus website.

The Agency Safety Plan will be reviewed, in its entirety, at the annual Safety Meeting following a new fiscal year, a mandated meeting for all the drivers.

A general review of the Agency Safety Plan will be included at all Safety Meetings.

Safety reminders will be posted on the employees' bulletin board and, when appropriate, in the employee newsletter.

Authorities, Accountabilities, and Responsibilities

Accountable Executive/Transit Operations Manager

As defined by the Federal Transit Administration (§ 673.23(d)(1)) the Accountable Executive/Transit Operations Manager is a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan (ASP) and the Transit Asset Management Plan.

The Accountable Executive for CitiBus is the Transit Operations Manager with the following authorities, accountabilites and responsibilites under this plan:

- Review and approval of the ASP.
- Monitor progress related to the targets
- Control or direction over the human and capital resources needed to develop and maintain the ASP and the SMS
- Designates an adequately trained Chief Safety Officer/First Transit General Manager who is a direct report
- Ensures that the CitiBus SMS is effectively implemented.
- Ensures action is taken to address substandard performance in the CitiBus SMS.
- Assumes ultimate responsibility for the CitiBus ASP and SMS.
- Maintains responsibility for the CitiBus Transit Asset Management Plan.

Chief Safety Officer/First Transit General Manager

As defined by the Federal Transit Administration (§ 673.23(d)(2)) the Chief Safety Officer/First Transit General Manager is an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer/First Transit General Manager may not serve in other operational or maintenance capacities, unless the Chief Safety Officer/First Transit General Manager is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

The Chief Safety Officer is the First Transit General Manager for CitiBus with the following authorities, accountabilites and responsibilites under this plan:

- Develops the CitiBus ASP and SMS policies and procedures.
- Ensures that safety documentation is current and accessible to all employees.
- Communicates changes in safety documents to all personnel.
- Ensures and oversees day-to-day implementation and operation of the CitiBus SMS.
- Manages the CitiBus Employee Safety Reporting Program (ESRP).
- Chairs the CitiBus ASP Committee and;
  - Coordinates the activities of the committee;
  - Establishes and maintains the CitBus Safety Risk Register and Safety Event Log to monitor and analyze trends in hazards, occurances, incidents, and accidents; and
  - Maintains and distribues minutes of committee meetings.
- Advises the Accountable Executive/Transit Operations Manager on SMS progress and status.
- Identifies substandard performance in the CitiBus SMS and develops action plans for approval by the Accountable Executive/Transit Operations Manager.
- Ensures the CitiBus policies are consistent with the CitiBus safety objectives.
- Provides Safety Risk Management (SRM) expertise and support for other CitiBus personnel who conduct and oversee Safety Assurance activities.
- Monitors the effectiveness of corrective actions.

Agency Leadership and Executive Management

As defined by the Federal Transit Administration (§ 673.23(d)(3)) those members of its leadership or executive management other than an Accountable Executive/Transit Operations Manager, Chief Safety Officer/First Transit General Manager, or SMS Executive who have authorities or responsibilities for day-to-day implementation of the agency's SMS must be identified. For CitiBus this includes:

- Safety & Training Officer;
- Risk Manager
- Risk Claims Analyst; and
- Bus Services Supervisor (Fleet)

The Agency Leadership for CitiBus CitiBus with the following authorities, accountabilites and responsibilites under this plan:

- Participate on the ASP Committee.
- Complete training on SMS and the CitiBus ASP elements.
- Oversee day-to-day operations on the SMS as appropriate.
- Ensure that drivers make safety a primary concern.
- Listening and acting upon any safety concerns raised by the drivers and/or mechanics.
- Immediately reporting safety concerns to the Safety Officer.
- Provide leadership and direction to employees during safety events
- Provide subject matter expertise to support implementation of the SMS as required by the Accountable Executive/Transit Operations Manager or the Chief Safety Officer/First Transit General Manager, including SRM activities, investigation of safety events, development of safety risk mitigations, and monitoring of mitigation effectiveness.

Key Staff and Activities

As defined by the Federal Transit Administration (§ 673.23(d)(4)) CitiBus uses a Safety Committee, as well as the quarterly Drivers' Safety Meeting, to support its SMS and safety programs:

- The CitiBus ASP Committee will be responsible for assisting in the development of the ASP, reviewing the progress of the Plan, and ensuring that the communication process is effective. The committee will also evaluate any safety hazards reported. The Committee is comprised of the following: Chief Safety Officer/First Transit General Manager, Safety & Training Officer, Risk Manager, Risk Claims Analyst, Bus Services Supervisor (Fleet), Union President and a Transit Operator who is also serves as the on-the-road trainer.

- Quarterly Driver's Safety Meeting: Hazard reports and mitigations will be shared, safety topics will be brought up for open discussion, further feedback solicited, and hazard self-reporting further encourage. Information discussed in these meetings will be documented.

Employee Safety Reporting Program

CitiBus is committed to the safest transit operating standards possible. To achieve this, it is imperative that CitiBus has established the Employee Safety Reporting Program (ESRP) which permits the uninhibited reporting of all incidents and occurrences which may compromise the safe conduct of our operations. To this end, every employee is responsible for the communication of any information that may affect the integrity of transit safety.

Communication of incidents and occurrences, as long as such incidents and occurrences are not as a result of a violation of City of Davenport and/or CitiBus rules and regulations, will be completely free of any form of reprisal.

As part of the ASP, CitiBus has developed a "Hazard Report Form" that will be provided to every CitiBus and Department of Public Works transit fleet employee. In addition, the form will be placed in an easily accessible location in the driver's room.

The primary responsibility for transit safety rests with the Transit Operators, however transit safety is everyone's concern.

The CitiBus method of collection, recording and disseminating information obtained from transit safety reports has been developed to protect, to the extent permissible by law, the identity of any employee who provides transit safety information.

CitiBus urges all staff to practice the SMS transit safety procedures outlined in the ASP to help CitiBus become a leader in providing transit riders and employees with the highest level of transit safety.

5. Safety Risk Management

Safety Risk Management Process

CitiBus uses the Safety Risk Management (SRM) process as a primary method to ensure the safety of our operations, passengers, employees, vehicles, and facilities. It is a process whereby hazards and their consequences are identified, assessed for potential safety risk, and resolved in a manner acceptable to CitiBus leadership. CitiBus' SRM process allows us to carefully examine what could cause harm and determine whether we have taken sufficient precautions to minimize the harm, or if further mitigations are necessary.

CitiBus' Chief Safety Officer/First Transit General Manager leads the CitiBus SRM process, working with the Risk Manager for the City of Davenport and, when appropriate, the ASP Committee, to identify

hazards and consequences, assess safety risk of potential consequences, and mitigate safety risk. The results of CitiBus' SRM process are documented in our Safety Risk Register.

The CitiBus SRM process applies to all elements of the transit system including operations and maintenance; facilities and vehicles; and personnel recruitment, training, and supervision.

In carrying out the SRM process, CitiBus uses the following terms:

- **Event** – Any accident, incident, or occurrence.
- **Hazard** – Any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure belonging to CitiBus; or damage to the environment.
- **Risk** – Composite of predicted severity and likelihood of the potential effect of a hazard.
- **Risk Mitigation** – Method(s) to eliminate or reduce the effects of hazards.
- **Consequence** – An effect of a hazard involving injury, illness, death, or damage to CitiBus property or the environment.

Safety Hazard Identification

The safety hazard identification process offers CitiBus the ability to identify hazards and potential consequences in the operation and maintenance of our system. Hazards can be identified through a variety of sources, including:

- Employee Safety Reporting Program (ESRP);
- Daily operations log
- Review of vehicle camera footage;
- Review of monthly performance data and safety performance targets;
- Observations from supervisors;
- Maintenance reports;
- Comments from customers, passengers, and third parties, including the Department of Risk for the City of Davenport;
- Safety Committee, drivers', and Safety Meetings;
- Results of audits and inspections of vehicles and facilities;
- Results of training assessments;
- Investigations into safety events, incidents, and occurrences; and
- Federal Transit Administration (FTA) and other oversight authorities (mandatory information source).

When a safety concern is observed by CitiBus management or supervisory personnel, whatever the source, it is reported to CitiBus' Chief Safety Officer/First Transit General Manager. Procedures for reporting hazards to CitiBus' Chief Safety Officer/First Transit General Manager are reviewed during all safety committee meetings and driver safety meetings.

CitiBus' Chief Safety Officer/First Transit General Manager also receives employee reports from the ESRP, customer comments related to safety, and the dispatch daily Operations Log. CitiBus' Chief Safety Officer/First Transit General Manager reviews these sources for hazards and documents them in the CitiBus Safety Risk Register.

CitiBus' Chief Safety Officer/First Transit General Manager also may enter hazards into the Safety Risk Register based on their review of CitiBus' operations and maintenance, the results of audits and observations, and information received from FTA and other oversight authorities, as well as the National Transportation Safety Board.

CitiBus' Chief Safety Officer/First Transit General Manager may conduct further analyses of hazards and consequences entered into the Safety Risk Register to collect information and identify additional consequences and to inform which hazards should be prioritized for safety risk assessment. In following up on identified hazards, CT's Chief Safety Officer/First Transit General Manager may:

- Reach out to the reporting party, if available, to gather all known information about the reported hazard;
- Conduct a walkthrough of the affected area, assessing the possible hazardous condition, generating visual documentation (photographs and/or video), and taking any measurements deemed necessary;
- Conduct interviews with employees in the area to gather potentially relevant information on the reported hazard;
- Review any documentation associated with the hazard (records, reports, procedures, inspections, technical documents, etc.);
- Contact other departments that may have association with or technical knowledge relevant to the reported hazard;
- Review any past reported hazards of a similar nature; and
- Evaluate tasks and/or processes associated with the reported hazard.

CitiBus' Chief Safety Officer/First Transit General Manager will then prepare an agenda to discuss identified hazards and consequences with the ASP Committee. This agenda may include additional background on the hazards and consequences, such as the results of trend analyses, vehicle camera footage, vendor documentation, reports and observations, or information supplied by FTA or other oversight authorities.

Any identified hazard that poses a real and immediate threat to life, property, or the environment must immediately be brought to the attention of the Accountable Executive/Transit Operations Manager and addressed through the SRM process (with or without the full Safety Committee) for safety risk assessment and mitigation. This means that the Chief Safety Officer/First Transit General Manager believes immediate intervention is necessary to preserve life, prevent major property destruction, or avoid harm to the environment that would constitute a violation of Environmental Protection Agency or Iowa environmental protection standards. Otherwise, the ASP Committee will prioritize hazards for further SRM activity.

Safety Risk Assessment

CitiBus assesses safety risk associated with identified safety hazards using its safety risk assessment process. This includes an assessment of the likelihood and severity of the consequences of hazards, including existing mitigations, and prioritizing hazards based on safety risk.

The Chief Safety Officer/First Transit General Manager and Safety Committee assess prioritized hazards using CitiBus' Safety Risk Matrix. This matrix expresses assessed risk as a combination of one severity category and one likelihood level, also referred to as a *hazard rating*. For example, a risk may be assessed as "1A" or the combination of a Catastrophic (1) severity category and a Frequent (A) probability level.

This matrix also categorizes combined risks into levels, High, Medium, or Low, based on the likelihood of occurrence and severity of the outcome. For purposes of accepting risk:

- "High" hazard ratings will be considered unacceptable and require action from CT to mitigate the safety risk,
- "Medium" hazard ratings will be considered undesirable and require CT's Safety Committee to make a decision regarding their acceptability, and

- "Low" hazard ratings may be accepted by the Chief Safety Officer/First Transit General Manager without additional review.

Using a categorization of High, Medium, or Low allows for hazards to be prioritized for mitigation based on their associated safety risk.

Safety Risk Mitigation

The Chief Safety Officer/First Transit General Manager schedules safety risk assessment activities on the ASP Committee agenda and prepares a Safety Risk Assessment Package. This package is distributed at least one week in advance of the ASP Committee meeting. During the meeting, the Chief Safety Officer/First Transit General Manager reviews the hazard and its consequence(s) and reviews available information distributed in the Safety Risk Assessment Package on severity and likelihood. The Chief Safety Officer/First Transit General Manager may request support from members of the ASP Committee in obtaining additional information to support the safety risk assessment.

Once sufficient information has been obtained, the Chief Safety Officer/First Transit General Manager will facilitate completion of relevant sections of the Safety Risk Register, using the CitiBus Safety Risk Assessment Matrix, with the ASP Committee. The Chief Safety Officer/First Transit General Manager will document the ASP Committee's safety risk assessment, including hazard rating and mitigation options for each assessed safety hazard in the Safety Risk Register.

The Chief Safety Officer/First Transit General Manager will maintain on file ASP Committee agendas, Safety Risk Assessment Packages, additional information collection, and completed Safety Risk Register sections for a period of three years from the date of generation.

CitiBus' Accountable Executive/Transit Operations Manager and Chief Safety Officer/First Transit General Manager will review current methods of safety risk mitigation and establish methods or procedures to mitigate or eliminate safety risk associated with specific hazards based on recommendations from the ASP Committee. CitiBus can reduce safety risk by reducing the likelihood and/or severity of potential consequences of hazards.

Prioritization of safety risk mitigations is based on the results of safety risk assessments. CitiBus' Chief Safety Officer/First Transit General Manager tracks and updates safety risk mitigation information in the Safety Risk Register and makes the Register available to the ASP Committee during bimonthly meetings and to CitiBus staff upon request.

In the Safety Risk Register, CitiBus' Chief Safety Officer/First Transit General Manager will also document any specific measures or activities, such as reviews, observations, or audits, that will be conducted to monitor the effectiveness of mitigations once implemented.

6. Safety Assurance

Safety Performance Monitoring and Measurement

CitiBus has many processes in place to monitor its entire transit system for compliance with operations and maintenance procedures, including:

- Safety audits,
- Informal inspections,
- Regular review of onboard camera footage to assess drivers and specific incidents,

- Safety surveys,
- ESRP,
- Investigation of safety occurrences,
- Safety review prior to the launch or modification of any facet of service,
- Daily data gathering and monitoring of data related to the delivery of service, and
- Regular vehicle inspections and preventative maintenance.

Results from the above processes are compared against recent performance trends quarterly and annually by the Chief Safety Officer/First Transit General Manager to determine where action needs to be taken. The Chief Safety Officer/First Transit General Manager enters any identified non-compliant or ineffective activities, including mitigations, back into the SRM process for reevaluation by the Safety Committee.

Monitoring for Ineffective, Inappropriate, or Poorly Implemented Risk Mitigations

CitiBus monitors safety risk mitigations to determine if they have been implemented and are effective, appropriate, and working as intended. The Chief Safety Officer/First Transit General Manager maintains a list of safety risk mitigations in the Safety Risk Register. The mechanism for monitoring safety risk mitigations varies depending on the mitigation.

The Chief Safety Officer/First Transit General Manager establishes one or more mechanisms for monitoring safety risk mitigations as part of the mitigation implementation process and assigns monitoring activities to the appropriate director, manager, or supervisor. These monitoring mechanisms may include tracking a specific metric on daily, weekly, or monthly logs or reports; conducting job performance observations; or other activities. The Chief Safety Officer/First Transit General Manager will endeavor to make use of existing CitiBus processes and activities before assigning new information collection activities.

CitiBus' Chief Safety Officer/First Transit General Manager and ASP Committee review the performance of individual safety risk mitigations during semiannual ASP Committee meetings, based on the reporting schedule determined for each mitigation, and determine if a specific safety risk mitigation is not implemented or performing as intended. If the mitigation is not implemented or performing as intended, the ASP Committee will propose a course of action to modify the mitigation or take other action to manage the safety risk. The Chief Safety Officer/First Transit General Manager will approve or modify this proposed course of action and oversee its execution.

CitiBus' Chief Safety Officer/First Transit General Manager and ASP Committee will also monitor the CitiBus operations on a large scale to identify mitigations that may be ineffective, inappropriate, or not implemented as intended by:

- Reviewing results from accident, incident, and occurrence investigations;
- Monitoring employee safety reporting;
- Reviewing results of internal safety audits and inspections; and
- Analyzing operational and safety data to identify emerging safety concerns.

The Chief Safety Officer/First Transit General Manager works with the ASP Committee and Accountable Executive/Transit Operations Manager to carry out and document all monitoring activities.

Investigations of Safety Events to Identify Casual Factors

CitiBus maintains procedures for conducting safety investigations of events (accidents, incidents, and occurrences, as defined by FTA) to find causal and contributing factors and review the existing mitigations in place at the time of the event. These procedures also reflect all traffic safety reporting and investigation requirements established by Iowa's Department of Motor Vehicles.

The Chief Safety Officer/First Transit General Manager maintains all documentation of CitiBus' investigation policies, processes, forms, checklists, activities, and results. As detailed in CitiBus' procedures, an investigation report is prepared and sent to the Risk Division for the City of Davenport for integration into their analysis of the event. The City of Davenport is in the process of creating a safety committee (citywide) that will have the following responsibilities:

- Determine if an accident was preventable or non-preventable;
- Recommend discipline or retraining;
- Identify the factor(s) that contributed to or was/were present during the event; and
- Determine if the accident appears to involve underlying organizational causal factors beyond just individual employee behavior.

Monitoring of Information Report Through Internal Safety Reporting Program

The Chief Safety Officer/First Transit General Manager and Safety Committee routinely review safety data captured in employee safety reports, safety meeting minutes, customer complaints, and other safety communication channels. When necessary, the Chief Safety Officer/First Transit General Manager and ASP Committee ensure that the concerns are investigated or analyzed through CitiBus' SRM process.

7. Safety Promotion

Competencies and Training

CT's comprehensive safety training program applies to all CT employees directly responsible for safety, including:

- Bus vehicle operators,
- Dispatchers,
- Maintenance technicians,
- Managers and supervisors,
- Agency Leadership and Executive Management,
- Chief Safety Officer/First Transit General Manager, and
- Accountable Executive/Transit Operations Manager.

CitiBus dedicates resources to conduct a comprehensive safety training program, as well as training on SMS roles and responsibilities. The scope of the safety training, including annual refresher training, is appropriate to each employee's individual safety-related job responsibilities and their role in the SMS.

Basic training requirements for CitiBus employees, including frequencies and refresher training, are documented in the Accountability, Control and Environment (ACE) defensive driving program.

Operations safety-related skill training includes the following:

- New-hire bus vehicle operator classroom and hands-on skill training,
- Bus vehicle operator refresher training,
- Bus vehicle operator retraining (recertification or return to work),
- Classroom and on-the-job training for dispatchers,
- Classroom and on-the-job training for operations supervisors and managers, and
- Accident investigation training for operations supervisors and managers.

Vehicle maintenance safety-related skill training includes the following:

- Ongoing vehicle maintenance technician skill training,
- Ongoing skill training for vehicle maintenance supervisors,
- Accident investigation training for vehicle maintenance supervisors,
- Ongoing hazardous material training for vehicle maintenance technicians and supervisors, and
- Training provided by vendors.

CitiBus' Accountable Executive/Transit Operations Manager and Agency Leadership and the Executive Management team must complete FTA's SMS Awareness online training. CitiBus regularly coordinates with the Risk Division to educate and mitigate safety challenges.

Safety Communication

CitiBus' Chief Safety Officer/First Transit General Manager and Director of Human Resources and Training for the City of Davenport coordinate CitiBus' safety communication activities for the SMS. CitiBus' activities focus on the three categories of communication activity established in 49 CFR Part 673 (Part 673):

- **Communicating safety and safety performance information throughout the agency:** CitiBus communicates information on safety and safety performance during quarterly Safety Meetings. Information typically conveyed during these meetings includes safety performance statistics, lessons learned from recent occurrences, upcoming events that may impact CitiBus' service or safety performance, and updates regarding SMS implementation. CitiBus also requests information from drivers during these meetings, which is recorded in meeting minutes. Finally, the Manager of Risk is currently developing a program that will include the regular posting of safety bulletins and flyers on the bulletin boards located in all bus operator and maintenance technician break rooms, advertising safety messages and promoting awareness of safety issues.
- **Communicating information on hazards and safety risks relevant to employees' roles and responsibilities throughout the agency:** As part of new-hire, CitiBus provides training on safety policies and procedures and discusses them during safety talks between supervisors and bus operators and vehicle technicians. A number of safety requirements are included in the City of Davenport/Department of Public Works "Standard Operating Procedures" manual that are review with new employees prior to release for duty. For newly emerging issues or safety events at the agency, CitiBus' Chief Safety Officer/First Transit General Manager issues bulletins or messages to employees that are reinforced by supervisors in one-on-one or group discussions with employees.
- **Informing employees of safety actions taken in response to reports submitted through the ESRP:** CitiBus provides targeted communications to inform employees of safety actions taken in response to reports submitted through the ESRP, including handouts and flyers, safety talks, updates to bulletin boards, and one-on-one discussions between employees and supervisors.

8. Additional Information

Supporting Documentation

CitiBus will maintain documentation related to the implementation of its SMS; the programs, policies, and procedures used to carry out this ASP; and the results from its SMS processes and activities for three years after creation. They will be available to the FTA or other Federal or oversight entity upon request.

9. Definition of Terms Used in the Safety Plan

Definitions

CitiBus incorporates all of FTA's definitions that are in 49 CFR § 673.5 of the Public Transportation Agency Safety Plan regulation.

- **Accident** means an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.
- **Accountable Executive/Transit Operations Manager** means a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan, in accordance with 49 U.S.C. 5326.
- **Equivalent Authority** means an entity that carries out duties similar to that of a Board of Directors for a recipient or sub recipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or sub recipient's Public Transportation Agency Safety Plan.
- **Event** means any Accident, Incident, or Occurrence.
- **Hazard** means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.
- **Incident** means an event that involves any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.
- **Investigation** means the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.
- **National Public Transportation Safety Plan** means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.
- **Occurrence** means an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.
- **Operator** of a public transportation system means a provider of public transportation as defined under 49 U.S.C. 5302.
- **Performance measure** means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.
- **Performance target** means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA.

- **Public Transportation Agency Safety Plan (or Agency Safety Plan)** means the documented comprehensive Agency Safety Plan for a transit agency that is required by 49 U.S.C. 5329 and Part 673.
- **Risk** means the composite of predicted severity and likelihood of the potential effect of a hazard.
- **Risk mitigation** means a method or methods to eliminate or reduce the effects of hazards.
- **Safety Assurance** means processes within a transit agency's Safety Management System that function to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.
- **Safety Management Policy** means a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.
- **Safety Management System** means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.
- **Safety performance target** means a performance target related to safety management activities.
- **Safety Promotion** means a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.
- **Safety risk assessment** means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.
- **Safety Risk Management** means a process within a transit agency's Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating risks.
- **Serious injury** means any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date when the injury was received; (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or noses); (3) Causes severe hemorrhages, nerve, muscle, or tendon damage; (4) Involves any internal organ; or (5) Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.
- **Transit agency** means an operator of a public transportation system.
- **Transit Asset Management Plan** means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR Part 625.

10. Commonly Used Acronyms

Acronyms	
Acronym	**Word or Phase**
ADA	American's with Disabilities Act of 1990
ASP	Agency Safety Plan (also referred to as a PTASP in Part 673)
CFR	Code of Federal Regulations
CitiBus	Transit System – City of Davenport – Department of Public Works
ESRP	Employee Safety Reporting Program
FTA	Federal Transit Administration
MPO	Metropolitan Planning Organization (Bi-State Regional Commission)
Part 673	49 CFR Part 673 (Public Transportation Agency Safety Plan)
SMS	Safety Management System
SRM	Safety Risk Management
U.S.C.	United States Code
VRM	Vehicle Revenue Miles

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Jen Walker | 563-326-6168 **6/9/2021**

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the CDBG Replenishment - Group 2: East 7th Street and LeClaire Street project, #BG250. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
This project is a full reconstruction of two local roadways downtown:

- East 7th St from Iowa Street to LeClaire Street
- LeClaire Street from East 6th Street to East 8th Street

East 7th Street is a historically-protected brick street, and will be reconstructed using salvaged bricks and constructing new curbs and sidewalks. LeClaire Street will be reconstructed with a drain tile system, either in asphalt or concrete depending upon bid results. All sidewalks will be replaced/upgraded as part of this project.

Project costs will paid from the City's Community Development Block Grant (CDBG) funds.

The project estimate is $905,600, which includes a contract contingency.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Exhibit	location map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	5/26/2021 - 11:24 AM
Public Works Committee	Moses, Trish	Approved	5/26/2021 - 11:25 AM
City Clerk	Admin, Default	Approved	5/26/2021 - 1:46 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the CDBG Replenishment - Group 2: East 7th Street and LeClaire Street Reconstruction project, #BG250.

WHEREAS, plans, specifications, form of contract, and an estimate of cost were filed with the City Clerk of Davenport, Iowa for the CDBG Replenishment - Group 2: East 7th Street and LeClaire Street Reconstruction project; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract, and estimate of cost are hereby approved for said CDBG Replenishment - Group 2: East 7th Street and LeClaire Street Reconstruction project.

Passed and approved this 9th day of June, 2021.

Approved:

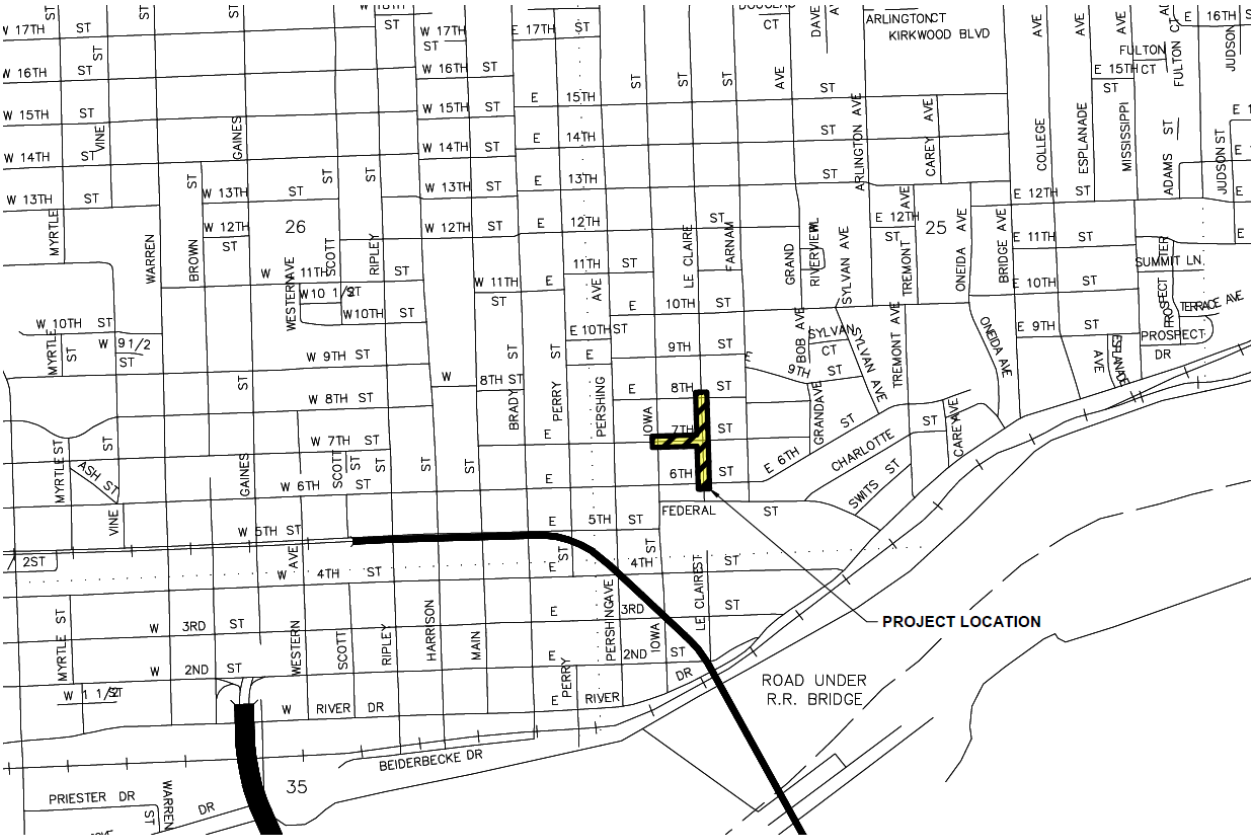
_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CDBG Replenishment Group 2

E. 7th Street and LeClaire Street



City of Davenport

Department: Public Works - Admin
Contact Info: Brian Schadt | 563-326-7786

Action / Date
6/9/2021

Subject:
Resolution awarding the contract for the Emerald Drive Reconstruction project to Langman Construction of Rock Island, Illinois in the amount of $499,302.75, CIP #35046. [Ward 1]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on April 30, 2021 and was sent to 109 vendors. On May 20, 2021, the Purchasing Division received and opened seven responsive and responsible bids.

The base bid consists of the reconstruction of Emerald Drive from West Rusholme Street to West Central Park Avenue. The alternate bid covers the reconstruction of Emerald Drive from West Lombard Street to West Rusholme Street.

Funding for this project is established within CIP #35046.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	5/26/2021 - 11:25 AM
Public Works Committee	Moses, Trish	Approved	5/26/2021 - 11:26 AM
City Clerk	Admin, Default	Approved	5/26/2021 - 1:57 PM

Resolution No. _____

Resolution offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport.

RESOLUTION awarding the contract for the Emerald Drive Reconstruction project to Langman Construction of Rock Island, Illinois in the amount of $499,302.75, CIP #35046.

WHEREAS, the City needs to contract for this project to maintain sound infrastructure.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the contract for the Emerald Drive Reconstruction project to Langman Construction of Rock Island, Illinois is hereby approved.

Passed and approved this 9th day of June, 2021.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: EMERALD DRIVE RECONSTRUCTION

BID NUMBER: 21-109

OPENING DATE: MAY 20, 2021

GL ACCOUNT NUMBER: 70071675 530350 35046

RECOMMENDATION: AWARD THE CONTRACT TO LANGMAN CONSTRUCTION OF ROCK ISLAND, IL

VENDOR NAME	PRICE
Langman Construction of Rock Island, IL	**$499,302.75**
Valley Construction Company of Rock Island, IL	$597,687.50
Brandt Construction Co. of Milan, IL	$600,257.75
Five Cities Construction Company of Coal Valley, IL	$602,548.75
Hawkeye Paving Corporation of Davenport, IA	$603,310.00
CDMI Concrete Contractors of Port Byron, IL	$619,021.50
McCarthy Improvement Company of Davenport, IA	$648,623.75

Approved By Caitlyn Warner 5-25-2021
Purchasing Agent Date

Approved By Mark Wilson 5-25-2021
Public Works Director Date

Approved By Brandi Cougen 5/25/2021
Budget/CIP Date

Approved By
Asst ~~Chief~~ Financial ~~Officer~~ Director Date

City of Davenport

Department: Public Works - Admin
Contact Info: Brian Schadt | 563-326-7786

Action / Date
6/9/2021

Subject:
Resolution awarding the contract for the 2021 Alley Resurfacing Program (West 15th Street and Iowa Street alleys) to Manatts Inc - Eastern Iowa Division of Camanche, Iowa in the amount of $132,655, CIP #35038. [Wards 4 & 5]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on May 7, 2021 and sent to contractors. On May 25, 2021, the Purchasing Division opened and read four (4) responsive and responsible bids. See bid tab attached.

Manatts Inc - Eastern Iowa Division of Camanche, Iowa was the lowest responsive and responsible bidder.

The project includes all labor, materials, equipment, and services necessary for HMA alley resurfacing including but not limited to survey, subgrade patching, HMA pavement, driveway approaches, and seeding. The alleys where the work shall be performed are West 15th Street (the alley T between West 15th Street to West 16th Street and Myrtle Street west to its end) and Iowa Street (north-south alley between East Columbia Avenue and East Garfield Street and LeClaire and Iowa Streets).

Funding for this project is from CIP #35038 Alley Repair Program, with a current balance of $191,950.61. These funds are available from the sale of General Obligation Bonds.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution
Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	5/26/2021 - 1:56 PM
Public Works Committee	Moses, Trish	Approved	5/26/2021 - 1:57 PM
City Clerk	Admin, Default	Approved	5/27/2021 - 4:35 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION awarding the contract for the 2021 Alley Resurfacing Program to Manatt's Inc - Eastern Iowa Division of Camanche, Iowa in the amount of $132,655, CIP #35038, and authorizing Mayor Mike Matson or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the 2021 Alley Resurfacing Program; and

WHEREAS, Manatt's Inc – Eastern Iowa Division of Camanche, Iowa 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. the contract for the 2021 Alley Resurfacing Program is awarded to Manatt's Inc – Eastern Iowa Division of Camanche, Iowa; and

2. Mayor Mike Matson or designee is authorized to sign and manage any related agreements.

Passed and approved this 9th day of June, 2021.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: 2021 ALLEY RESURFACING PROGRAM

BID NUMBER: 21-116

OPENING DATE: MAY 25, 2021

FUNDING: 70061681 530350 35038 ALLEY REPAIR PROGRAM

RECOMMENDATION: AWARD THE CONTRACT TO MANATT'S INC - EASTERN IOWA DIVISION OF CAMANCHE IA

VENDOR NAME	BID AMOUNT
Manatts Inc. – Eastern Iowa Division of Camanche IA	**$132,655**
Brandt Construction Co. of Milan IL	$135,890
Langman Construction Inc of Rock Island IL	$166,430
Hawkeye Paving Corporation of Davenport IA	$180,680

Approved By Kristi Kelley 5-26-2021
Purchasing Date

Approved By Nicole Gleason 5-25-2021
Dept. Director Date

Approved By Brandi Cox 5-25-21
Budget/CIP Date

Approved By _____ 5/26/21
Assistant Finance Director Date

City of Davenport

Department: Public Works - Admin
Contact Info: Nicole Gleason | 563-327-5150

Action / Date
6/9/2021

Subject:
Resolution awarding a blanket contract for the purchase of road salt for the 2021-2022 winter season to Compass Minerals America, Inc of Overland Park, Kansas in the amount of $571,372.50 for the base purchase and $199,100 for the supplemental order. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The City of Davenport coordinated this multi-jurisdiction purchase of road salt with the cities of Clinton, Iowa; Buffalo, Iowa; Princeton, Iowa; Muscatine, Iowa; and Walcott, Iowa as well as the Davenport Community School District; Andalusia Township, Illinois; and the Village of Andalusia, Illinois. The salt being purchased is distributed among these organizations. The City of Davenport will invoice the other participating entities for their salt orders at cost plus an administrative fee when delivery is made.

An Invitation to Bid was issued on April 23, 2021 and sent to vendors. On May 14, 2021, the Purchasing Division opened and read three responsible and responsive bids. See bid tab attached.

Compass Minerals America, Inc was the lowest bidder for both the base order and the supplemental order and they are being recommended for the contract. The base order for Davenport is 9,250 tons at $61.77 per ton delivered via barge on the Mississippi River at a cost of $571,372.50.

The vendor has been guaranteed 25% of the supplemental order to be ordered by February 28, 2022. The City of Davenport's share is an additional 2,500 tons at $79.64 per ton delivered via semi truck for an additional cost of $199,100.

Funding for this purchase is from the FY 2022 Operating Budget, account 54702031 520201 SALT. Source of funding is the Road Use Tax Fund.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	5/26/2021 - 1:56 PM
Public Works Committee	Moses, Trish	Approved	5/26/2021 - 1:56 PM
City Clerk	Admin, Default	Approved	5/26/2021 - 1:57 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION awarding a blanket contract for the purchase of road salt for the 2021-2022 winter season to Compass Minerals America, Inc of Overland Park, Kansas in the amount of $571,372.50 for the base purchase and $199,100 for the supplemental order, and authorizing Mayor Mike Matson or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the purchase of road salt for the 2021-2022 winter season; and

WHEREAS, Compass Minerals America, Inc of Overland Park, Kansas was the lowest responsive and responsible bidder for both the base order and the supplemental order.

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

1. the contract for the purchase of road salt for the 2021-2022 winter season is awarded to Compass Minerals America, Inc of Overland Park, Kansas; and

2. Mayor Mike Matson or designee is authorized to sign and manage any related agreements.

Passed and approved this 9th day of June, 2021.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: ROAD SALT 2021-2022 WINTER SEASON

BID NUMBER: 21-107

OPENING DATE: MAY 14, 2021

GL ACCOUNT NUMBER: 54702031 520201 SALT

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

VENDOR NAME	BASE SALT ORDER	SUPPLEMENTAL
Compass Minerals America Inc of Overland Park	**$61.77/TON**	**$79.64/TON**
Morton Salt Inc. of Chicago, IL	$68.21/TON	$85.96/TON
US Salt (Salt Source LLC) of Bloomington MN	$81.00/TON	$105.57/TON

Approved By Kristi Keller 5-26-2021
Purchasing

Approved By Nicole Wiesen May 25, 2021
Department Director

Approved By 05/26/2021
Budget/CIP

Approved By 5/24/21
Assistant Finance Director

City of Davenport

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

Action / Date
6/9/2021

Subject:
Resolution awarding the contract for traffic signalization at Hickory Grove Road and Central Park Avenue to Davenport Electric Contract Company of Davenport, Iowa in the amount of $254,300, CIP #35046. [Wards 2 & 4]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on May 5, 2021 and was sent to 170 vendors. On May 27, 2021, the Purchasing Division received and opened two (2) responsive and responsible bids.

This project involves the installation of new traffic signals at the intersection of Hickory Grove Road at Central Park Avenue. Estimated completion date is November 2021.

Funding for this project will be from General Obligation Bonds, CIP #35046.

ATTACHMENTS:

	Type	Description
	Resolution Letter	Resolution
	Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	5/28/2021 - 10:55 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION awarding the contract for the Hickory Grove Signalization project to Davenport Electric Contract Company of Davenport, Iowa in the amount of $254,300.

WHEREAS, the City needs to contract for this project to maintain traffic signal systems for public safety.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the contract for the Hickory Grove Signalization project is hereby awarded to Davenport Electric Contract Company of Davenport, Iowa.

Passed and approved this 9th day of June, 2021.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: HICKORY GROVE SIGNALIZATION

BID NUMBER: 21-112

OPENING DATE: MAY 27, 2021

GL ACCOUNT NUMBER: 70071681 530350 35046

RECOMMENDATION: AWARD THE CONTRACT TO DAVENPORT ELECTRIC CONTRACT COMPANY OF DAVENPORT, IA

VENDOR NAME	PRICE
Davenport Electric Contract Company of Davenport, IA	**$254,300.00**
Tri-City Electric Company of Davenport, IA	$451,850.00

Approved By Caitlyn L Barnes 5-27-2021
Purchasing Agent Date

Approved By Nicole Gleason 5-27-2021
Public Works Director Date

Approved By Brandi Cox 5-27-2021
Budget/CIP Date

Approved By 5/27/21
Assistant Finance Director Date

City of Davenport

Department: Public Works - Admin **Action / Date**
Contact Info: Nicole Gleason | 563-327-5150 **6/9/2021**

Subject:
Resolution awarding the contract for the Hickory Grove Road Resurfacing project to Hawkeye Paving Corporation of Bettendorf, Iowa in the amount of $452,430, CIP #35053. [Ward 2]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on May 6, 2021, and sent to contractors. On May 27, 2021, the Purchasing Division opened and read six bids. See bid tab attached.

Hawkeye Paving Corporation of Bettendorf, Iowa was the lowest responsive and responsible bid.

This work involves hot mix asphalt (HMA) resurfacing on Hickory Grove Road from North Pine Steet north to the end of HMA overlay.

Funding for this project is from FY 2022 funds CIP #35053 - High Volume Streets. Work will begin after July 1, 2021. These funds are from the sale of General Obligation Bonds.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Admin, Default	Approved	6/1/2021 - 11:25 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION awarding the contract for the Hickory Grove Road Resurfacing project to Hawkeye Paving Corporation of Bettendorf, Iowa in the amount of $452,430, CIP #35053, and authorizing Mayor Mike Matson or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the Hickory Grove Road Resurfacing project; and

WHEREAS, Hawkeye Paving Corporation of Bettendorf 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. the contract for the Hickory Grove Road Resurfacing is awarded to Haweye Paving Corporation of Bettendorf, Iowa; and

2. Mayor Mike Matson or designee is authorized to sign and manage any related agreements.

Passed and approved this 9th day of June, 2021.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: HICKORY GROVE RD RESURFACING, N PINE ST TO END OF HMA OVERLAY

BID NUMBER: 21-105

OPENING DATE: MARCH 27,2021

GL ACCOUNT NUMBER: 35053 HIGH VOLUME STREET REPAIR

RECOMMENDATION: AWARD THE BID TO HAWKEYE PAVING CORPORATION OF BETTENDORF IA

VENDOR NAME	PRICE
Hawkeye Paving Corporation of Bettendorf IA	**$452,430.00**
CDMI Concrete Contractors Inc of Port Byron IL	$474,311.75
Manatts Inc –Eastern Iowa Division of Camanche IA	$484,557.80
Valley Construction Company of Rock Island IL	$529,887.00
Brandt Construction Co of Milan IL	$541,440.50
Langman Constsruction Inc. of Rock Island IL	$596,088.75

Approved By Kristi Keller 6-1-2021
Purchasing Date

Approved By Nicole Gleason June 1, 2021
Department Director Date

Approved By Krista Gerlach 6/1/21
Budget/CIP Date

Approved By Anthony L. Heinitt 6/1/2021
Assistant City Administrator/CFO Date

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Jen Walker | 563-326-6168 **6/2/2021**

Subject:
Motion accepting work completed by Americore LLC of Blue Grass, Iowa for the Kelling Subdrain Installation in the amount of $57,536.20. [Ward 8]

Recommendation:
Pass the Motion.

Background:
This sump pump abatement project installed a new private storm sewer and cleanouts for residents to connect their sump pumps. The area has a high water table and water over pavement had resulted in a slime and icing problem, not to mention premature pavement failure. The total project cost was $57,536.20 which was funded by Capital Improvements Program funds for sump pump abatement.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	5/26/2021 - 11:23 AM
Public Works Committee	Moses, Trish	Approved	5/26/2021 - 11:23 AM
City Clerk	Admin, Default	Approved	5/26/2021 - 2:42 PM

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Nick Schmuecker | 563-327-5162 **6/9/2021**

Subject:
Motion considering a waiver (temporary deferral) of sidewalk installation for the MidAmerican Energy Davenport Service Center located at 9005 Hillandale Road. [Ward 8]

Recommendation:
Pass the Motion.

Background:
Section 12.12.030 of the Davenport Municipal Code requires that sidewalks be constructed along the right-of-way of each public street prior to building occupancy unless a waiver is granted by City Council.

The owner of the subject property has requested a waiver. Historically no other properties in the vicinity of the subject property have been required to construct sidewalk. An area map is provided along with a request letter on behalf of MidAmerican Energy.

If the waiver request is denied, the property owner will be required to construct the sidewalk at the present time, prior to the occupancy permit.

If the waiver is granted, the property owner will be allowed to postpone sidewalk construction until such time as construction is ordered by Council. The property owner would remain financially obligated for the cost of installation when it takes place.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Request Letter
🗋	Exhibit	Area Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	5/26/2021 - 11:23 AM
Public Works Committee	Moses, Trish	Approved	5/26/2021 - 11:24 AM
City Clerk	Admin, Default	Approved	5/26/2021 - 2:43 PM

Bishop Engineering
"Planning Your Successful Development"
3501 104th Street
Des Moines, Iowa 50322
(515)276-0467
(515)276-0217 FAX

May 24th, 2021

City of Davenport
Public Works Department
1200 East 46th Street
Davenport, Iowa

Sidewalk Waiver Application

To Whom it May Concern,

On behalf of MidAmerican Energy, this letter is being submitted as an application to request the waiver for the installation of the Enterprise Way and Granite Way public sidewalk along the frontage of the MEC Davenport Service Center property located at 9005 Hillandale Ave Davenport, Iowa until such time as when an adjacent public sidewalk connection is available.

Thank you.

Sincerely,

Seth V. Sunderman, P.E.



SUBJECT PROPERTY

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Eric Longlett | 563-327-5153 **6/2/2021**

Subject:
Motion awarding the contract for construction-related services for the Marquette Street (12th Street to 5th Street) Reconstruction project to Veenstra & Kimm, Inc of Rock Island, Illinois in an amount not-to-exceed $90,396.00, CIP #35046. [Ward 3]

Recommendation:
Pass the Motion.

Background:
Marquette Street between West 12th Street and West 5th Street is a high priority replacement need do its poor condition and relatively high traffic level. West 12th Street from Marquette Street to west of Myrtle Street will be replaced as well. Marquette Street will utilize a hot mix asphalt (HMA) inlay which utilizes existing concrete curb and gutter with new HMA placed as the roadway pavement. West 12th Street will remove and replace the concrete pavement.

The late start date of this project has found all of the City's field inspection department occupied. Veenstra & Kimm, Inc was selected to provide field inspections for the construction project.

This project has been bid and construction is anticipated to begin mid- to late-June. Marquette is to be completed by November 12, 2021. 12th Street construction will be completed next year.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	5/26/2021 - 11:23 AM
Public Works Committee	Moses, Trish	Approved	5/26/2021 - 11:23 AM
City Clerk	Admin, Default	Approved	5/26/2021 - 2:34 PM

City of Davenport

Department: Finance
Contact Info: Mallory Merritt | 563-326-7792

Action / Date
6/9/2021

Subject:
Resolution authorizing adoption of amended and restated policies and procedures regarding municipal securities disclosure. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
As the City of Davenport routinely and publicly issues bonds, it is necessary to adopt certain policies and procedures regarding municipal securities disclosures. These should be followed in connection with the issuance of on-going administration of publicly offered bonds and represent best practices prepared by the City's bond counsel.

Under these procedures, the City of Davenport will ensure that official statements are properly prepared and reviewed, ensure systems for compliance with continuing disclosure requirements, and create the framework for providing systematic training of staff and governing body members. Through this policy, the Chief Financial Officer shall be named the Disclosure Officer and is responsible for oversight and compliance of these policies and procedures.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Disclosure Policies Resolution
🗋	Exhibit	Disclosure Policies

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	5/18/2021 - 10:06 AM
Finance Committee	Merritt, Mallory	Approved	5/18/2021 - 10:06 AM
City Clerk	Admin, Default	Approved	5/26/2021 - 2:44 PM

MINUTES AUTHORIZING ADOPTION OF AMENDED AND RESTATED POLICIES AND PROCEDURES REGEARDING MUNICIPAL SECURITIES DISCLOSURE

629872

Davenport, Iowa

June 9, 2021

The City Council of the City of Davenport, Iowa, met pursuant to law and the rules of the City Council on June 9, 2021, at 5:30 o'clock p.m. at the Council Chambers, City Hall, Davenport, Iowa. The meeting was called to order and upon the roll being called there were present Mayor, presiding, and the following named Aldermen:

Present: _____

Absent: _____.

Alderman _____ introduced the resolution hereinafter next set out and moved its adoption, seconded by Alderman _____; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of the said resolution and the roll being called, the following named Alderman voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the resolution duly adopted as hereinafter set out.

• • • • •

At the conclusion of the meeting, and upon motion and vote, the City Council adjourned.

_____
Mayor

Attest:

_____
Deputy City Clerk

RESOLUTION NO. _____

Resolution Authorizing Adoption of Amended and Restated Policies and Procedures Regarding Municipal Securities Disclosure

WHEREAS, pursuant to the laws of the State of Iowa, the City of Davenport, Iowa (the "City") has publicly offered, and likely will issue and publicly offer in the future, its notes, bonds or other obligations (the "Bonds"); and

WHEREAS, in November of 2014, the City adopted certain Policies and Procedures Regarding Municipal Securities Disclosure (the "Original Disclosure Policy") to be followed in connection with the issuance and on-going administration of publicly offered Bonds; and

WHEREAS, as a result of certain changes in federal law, the City deems it necessary and desirable to amend and restate the Original Disclosure Policy; and

WHEREAS, the proposed Amended and Restated Policies and Procedures Regarding Municipal Securities Disclosure are attached hereto as Exhibit A (the "Disclosure Policies and Procedures"); and

NOW, THEREFORE, Be It Resolved by the City Council of the City of Davenport, Iowa, as follows:

Section 1. The Disclosure Policies and Procedures attached hereto as Exhibit A are hereby adopted and shall be dated as of the date hereof.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved June 9, 2021.

_____
Mayor

Attest:

_____
Deputy City Clerk

STATE OF IOWA
COUNTY OF SCOTT SS:
CITY OF DAVENPORT

I, the undersigned, Deputy City Clerk of the City of Davenport, Iowa, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council relating to the City's adoption of the Policies and Procedures Regarding Municipal Securities Disclosure.

WITNESS MY HAND this _____ day of _____, 2021.

_____
Deputy City Clerk

Exhibit A

POLICIES AND PROCEDURES RE: MUNICIPAL SECURITIES DISCLOSURE

[see attached]

City of Davenport, Iowa

POLICIES AND PROCEDURES RE: MUNICIPAL SECURITIES DISCLOSURE

As an issuer of municipal securities (bonds and/or notes, referred to herein as "Bonds"), the City of Davenport (the "Issuer") has adopted the policies and procedures set forth herein (collectively, the "Disclosure Policy") to guide the Issuer's actions with respect to complying with (1) the disclosure document (often referred to as the "official statement") for publicly-offered bond transactions and (2) ongoing continuing disclosures associated with outstanding contractual obligations resulting from bond issues (also known as "continuing disclosure"). This Disclosure Policy is designed to provide the necessary policy framework and accompanying procedures for compliance by the Issuer with its disclosure responsibilities. It should be noted, however, issuers of municipal securities are primarily responsible for the content of their disclosure documents including on-going compliance with respect to continuing disclosure.

This Disclosure Policy includes the following elements: (1) disclosure training for officials responsible for producing, reviewing and approving disclosure; (2) establishment of procedures for review of relevant disclosure, and (3) ensuring that any procedures established are followed.

Background

The anti-fraud provisions of federal securities laws apply to municipal securities such as the Issuer's Bonds. The U.S. Securities and Exchange Commission (the "SEC") can bring enforcement actions against the Issuer, members of its governing body, government employees and elected officials, and professionals working on the bond transaction. ***Government employees and elected officials can be, and have been, held personally liable with respect to securities laws violations related to the issuance of Bonds.*** Issuer's and members of the governing body can mitigate risks related to SEC enforcement by relying on professionals such as disclosure counsel. Issuer's may also seek affirmative assurances of compliance with the receipt of a legal opinion from disclosure counsel.

When bonds are issued and publicly offered, an official statement will be prepared on behalf of the Issuer. The official statement is the disclosure document that sets forth the terms associated with the bond issue. The official statement will be used to market and sell the Issuer's bonds.[1] In addition, for transactions larger than $1 million in size that include an official statement, the Issuer enters into a continuing disclosure certificate, agreement or undertaking (the "CDC"). The CDC is a contractual obligation of the Issuer, pursuant to which the Issuer agrees to provide certain financial information filings (at least annually) and material event notices to the public. The CDC is necessary to allow the bond underwriters to comply with SEC Rule 15c2-12, as amended (the "Rule"). As noted below, filings under the CDC must be made electronically at the Electronic Municipal Market Access (EMMA) portal (www.emma.msrb.org).

Accordingly, this Disclosure Policy addresses the following three aspects of disclosure: (1) preparation and approval of official statements in connection with new ("primary") bond issues; (2) on-going continuing disclosure requirements under a CDC; and (3) education of staff and elected officials with respect to disclosure matters.

[1] Under federal law issuers of municipal securities are primarily responsible for the content of their disclosure documents (the official statement), regardless of who prepared the document. An issuer does not discharge its disclosure obligations by hiring professionals to prepare the official statement. An issuer has "an affirmative obligation" to know the contents of its official statement, including the financial statements. Finally, executing an official statement without first reading the document to ascertain whether it is accurate may be reckless (the basis for certain anti-fraud causes of action by the SEC).

1. Primary (New) Offerings of Bonds – Official Statements of the Issuer

In connection with the issuance of its publicly-offered Bonds (Bonds sold via the public market, through a broker-dealer known as an "underwriter"), the Issuer will cause its hired professionals to prepare a disclosure document commonly known as an "official statement." The official statement is the document that describes the issuance of the Bonds to the marketplace and as such, *under federal law**, the official statement cannot contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading***.

To ensure the Issuer's official statements are properly prepared and reviewed, the Issuer adopts the procedures set forth in Appendix I hereto.

2. Continuing Disclosure Compliance (CDC Compliance)

The Issuer has entered into, or may in the future enter into, CDCs in connection with its bond issues. Under these contractual agreements, the Issuer has agreed to provide to the marketplace certain financial information and notices of material events. The Issuer will file, or cause to be filed, necessary items under the CDCs in a searchable electronic format at the Electronic Municipal Market Access (EMMA) portal (www.emma.msrb.org). The determination of whether a material event has occurred will be made pursuant to the Rule and SEC Release No. 34-83885, in conjunction with disclosure counsel and other members of the Issuer's external bond finance working group.

To ensure compliance with its contractual continuing disclosure obligations, the Issuer adopts the procedures set forth in Appendix II hereto.

3. Systematic Training of Staff and Governing Body Members

In addition to the specific procedures adopted under this Disclosure Policy, the Issuer understands that on-going training of both staff and members of the governing body is essential to successful compliance with the Issuer's disclosure obligations. The training noted below may be accomplished by various methods, including in-person webinars or other electronic means, or through review of written materials. Accordingly, the Issuer has implemented the following training procedures:

A. *Annual Training*. The Chief Financial Officer is responsible for scheduling annual training of Issuer employees regarding disclosure and financial reporting requirements of the federal securities laws. Such training shall include a complete review of this Disclosure Policy, Rule 15c2-12 and the material events required to be reported pursuant to such Rule, and a complete overview of the Issuer's obligations under the federal securities laws.

B. *Specific Training*. When appropriate, the Chief Financial Officer shall conduct (or cause to be conducted) training with individuals on those persons' specific roles and responsibilities in the disclosure and financial reporting process.

C. *Governing Body Training*. Not less than once every two years, the Chief Financial Officer shall schedule a training session for the Issuer's governing body on this Disclosure Policy and the disclosure and financial reporting requirements of the federal securities laws.

Appendix I

Written Procedures for Preparing Official Statements

1. At the commencement of a financing, Chief Financial Officer shall develop or cause the City's Finance Team to develop a plan for preparation of the official statement and a schedule that allows sufficient time for all required work, including appropriate review and participation by members of the Finance Team.

2. The Chief Financial Officer shall be responsible for managing the preparation process for the official statement, and shall obtain the assistance of other participants within the Issuer and engage legal and financial professionals, as necessary and appropriate.

3. The Chief Financial Officer shall be responsible for developing a program for coordinating staff review of the disclosure information, as necessary, and obtaining formal sign-off from staff on the disclosure documents.

4. The Chief Financial Officer shall ensure that any previous failure to fully comply with continuing disclosure obligations during the prior five-year period is disclosed in the official statement by reviewing compliance with all outstanding continuing disclosure agreements, reviewing continuing disclosure review documentation prepared by independent parties and contacting disclosure counsel to discuss any questions or concerns.

5. The Issuer's governing body shall be given not less than 7 days to review an official statement prior to being asked to vote on its approval, absent extenuating circumstances. Elected representatives on the governing body shall be directed to contact Chief Financial Officer during the review period to discuss potential issues, concerns or comments on the official statement.

Appendix II

Written Procedures Re: Continuing Disclosure

1. The Chief Financial Officer shall be responsible for compliance with the Issuer's obligations under continuing disclosure agreements, undertakings or certificates (the "CDC"), including without limitation annual filings, material event notice filings, voluntary filings and other filings required by the CDC.

2. Prior to execution of a CDC in connection with a bond issue, the CDC shall be discussed with disclosure counsel, the underwriter and municipal advisor, if any, to ensure a full understanding of issuer obligations.

3. The Chief Financial Officer shall have the primary responsibility to confer with the finance team and City staff bi-weekly to monitor compliance with respect to "material events" as defined in the Rule.

Chief Financial Officer shall be responsible for (i) determining whether any of the following "material events" has taken place (questions regarding their interpretation shall be directed to disclosure counsel), (ii) gathering information material to making that determination from other departments, and (iii) if a material event has occurred, discussing the same with disclosure counsel to determine the form of notice of material event and causing the filing of notice to be made on EMMA within ten (10) business days of the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
7. Modifications to rights of security holders, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the securities, if material;
11. Rating changes, including rating upgrades and downgrades;
12. Bankruptcy, insolvency, receivership or similar event of the obligated person;
13. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation[2] of the obligated person, any of which affect security holders, if material; and

[2] "Financial obligation" is to mean a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) a guarantee of (i) or (ii).

16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

The determination of whether a material event has occurred will be made pursuant to the Rule and SEC Release No. 34-83885, in conjunction with disclosure counsel.

4. The Chief Financial Officer shall have primary responsibility for ensuring that statements or releases of information relating to the Issuer's finances to the public that are reasonably expected to reach investors and the financial markets, including website updates, press releases and market notices, are accurate and not misleading in any material respect. The Chief Financial Officer shall work together to ensure that all public statements and information released by the Issuer are accurate and not misleading in all material respects.

5. The Chief Financial Officer shall be responsible for compiling and maintaining a list of all outstanding bond issues subject to continuing disclosure, noting the applicable filing dates (see attached table format, for an example to be used by staff in tracking this information (the "Disclosure Table")).

6. The Chief Financial Officer shall be responsible for assembling and maintaining copies of the final CDC and final Official Statements for each applicable bond issue, together with any third-party Dissemination Agent Agreements, if applicable.

7. The Chief Financial Officer shall document and track the required information to be filed, including dates such information is filed (see attached Disclosure Table, for a form of table to be used by staff).

8. The Chief Financial Officer shall be responsible for registering for continuing disclosure filing email reminders from the "EMMA" website, or for ensuring the City's dissemination agent will remind the City of applicable deadlines (http://emma.msrb.org).

9. At least 60 days prior to the earliest filing deadline listed on the Disclosure Table, the Chief Financial Officer shall begin the process of compiling necessary information required by the CDCs (and coordinate with outside professionals hired to compile this information, if applicable).

10. At least 30 days prior to each filing deadline, Chief Financial Officer shall determine whether all necessary items have been compiled for filing pursuant to the CDC requirements, (including review with disclosure counsel or the City's dissemination agent).

11. Prior to each filing deadline, Chief Financial Officer shall file (or cause any Dissemination Agent to file) the necessary items on the EMMA website in a word-searchable PDF configured to be saved, printed, and retransmitted by electronic means. After filing, the Chief Financial Officer shall confirm that all items have, in fact, been filed on EMMA as required, and shall note the filing date on the Disclosure Table.

12. The Chief Financial Officer shall be responsible for coordinating and filing any voluntary information with EMMA, after consultation with the Issuer's legal and financial professionals.

13. The Chief Financial Officer may contact the Issuer's disclosure counsel with any disclosure-related questions or concerns.

Davenport

	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.	12 mos.
	$23.125	$10.950	$17.715	$42.40	$6.08	$7.14	$20.83	$7.35	$13.69	$31.62	$8.28	$21.59	$40.29	$21.675	$8.175
General Obligation Debt (CUSIPs 238379 & 238388)	March	March	March	March	March	March	March	March	March	April	April	March	May	Dec	Jan
Bond Issues	**2014A**	**2014B**	**2015**	**2016A**	**2016B**	**2016C**	**2017A**	**2017B**	**2017C**	**2018A**	**2018B**	**2019**	**2020**	**2020B**	**2021A**
Final Maturity	2029	2023	2030	2031	2028	2024	2032	2029	2025	2033	2033	2034	2035	2036	2032
Date Debt Paid Off															
Draft Audit if Audit not available	√	√	√	√	√	√	√	√	√	√	√	√		√	√
Debt Limit Computations	√	√	√	√	√	√	√	√	√	√	√	√		√	√
Overlapping Debt to the City	√	√	√	√	√	√	√	√	√	√	√	√		√	√
GO Debt Outstanding by Issue	√	√	√	√	√	√	√	√	√	√	√	√		√	√
GO Long-Term Bonded Debt	√	√	√	√	√	√	√	√	√	√	√	√		√	√
Other Indebtedness/Other Debt	√	√	√	√	√	√	√	√	√	√	√	√		√	√
TIF Rebate Agreements	√	√	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	n/a
Statement of Rev, Exp & Chg in Fund Bal Gen Fund	√	√	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	n/a
Statement of Rev, Exp & Chg in Fund Bal Spec Rev Fund	√	√	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	n/a
Statement of Rev, Exp & Chg in Fund Bal Debt Srvc Fund	√	√	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a		n/a	n/a
Assessment of Valuations of Taxable Property	√	√	√	√	√	√	√	√	√	√	√	√		√	√
Property Values by Category	√	√	√	√	√	√	√	√	√	√	√	√		√	√
Property Tax Rates-All Overlapping Governments	√	√	√	√	√	√	√	√	√	√	√	√		√	√
Principal Taxpayers	√	√	√	√	√	√	√	√	√	√	√	√		√	√

Private placement requires CAFR within 270 days of FYE