

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, March 3, 2021; 5:30 PM

City Hall | 226 W 4th St | Council Chambers

A partially electronic meeting is being held because a fully “in-person” meeting is impractical due to concerns for the health and safety of Council members, staff, and the public presented by COVID-19, and to follow the Governor’s proclamation and the Mayor’s executive order directing social distancing and placing restrictions on gatherings. In-person attendance by the general public at any City of Davenport public meeting within its facilities shall be limited to 20 persons.

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 ROW20-02 being the request of Palmer College of Chiropractic to vacate a portion of an alley in Block 96 of LeClaire's 8th Addition. [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 REZ20-08 being the request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables. [Ward 7]
2. Second Consideration: Ordinance for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of the 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. [Ward 6]

THE PROTEST RATE IS OVER 20%. 8 VOTES REQUIRED FOR PASSAGE.

3. Second Consideration: Ordinance for Case ORD20-02 being the request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing. [Ward 3]
4. Second Consideration: Ordinance for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of the public right-of-way known as East 11th Street between Perry Street and Pershing Avenue and a portion of an alley in Block 89 of LeClaire's 8th Addition. [Ward 3]
5. First Consideration: Ordinance for Case ROW20-02 being the request of Palmer College of Chiropractic to vacate a portion of an alley in Block 96 of LeClaire's 8th Addition. [Ward 3]
6. Resolution approving Case F21-01 being the request of Shewry Limited Partnership for a final plat of West Lake Business Park 4th Addition on 3.2 acres, being a replat of Lot 2 in West Lake Business Park 3rd Addition located at 7630 Louis Rich Court containing 2 industrial lots. [Ward 1]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Ray Ambrose, Chair; Ben Jobgen, Vice Chair

III. PUBLIC SAFETY

1. Third Consideration: Ordinance amending Chapter 12.72 entitled "Conduct in Parks" to add a new Section 12.72.095 that prohibits the use of tobacco and nicotine products in the parks and park facilities. [All Wards]
2. Third Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding Sturdevant Street along the west side from the alley north of 12th Street to 13th Street. [Ward 4]
3. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events.

The Office; St. Patrick's Day Celebration; 116 West 3rd Street; 10:00 a.m. Saturday, March 13, 2021 - 2:00 a.m. Sunday, March 14, 2021; **Closure:** sidewalk in front of 116 West 3rd Street. [Ward 3]

St. Paul Lutheran Church; Palm Sunday Outdoor Worship Service; 2136 Brady Street; Sunday, March 28, 2021 8:00 a.m. – 11:00 a.m.; **Closure:** Lombard Street between Main Street and Brady Street. [Ward 5]

St. Paul Lutheran Church; Easter Outdoor Worship Service; 2136 Brady Street; Sunday, April 4, 2021 5:30 a.m. – 12:30 p.m.; **Closures:** High Street between Main Street and Brady Street and the north-south alley from Pleasant Street to High Street between Brady Street and Main Street. [Ward 5]

Stickman Racing Group; Easter Egg Scramble 5k; Saturday, April 3, 2021 7:00 a.m. -

11:30 a.m.; **Closures:** E 11th St from Mound St to Hillcrest Ave/E River St; Jersey Ridge Rd from E 11th St to Middle Rd; Middle Rd from Jersey Ridge Rd to Eastmere Dr; Eastmere Dr from Middle Rd to City Limits; Wood Ln from City Limits to Forest Rd; Forest Rd from Wood Ln to Nichols Ln; Wood Ln from Forest Rd to McClellan Blvd; McClellan Blvd from Wood Ln to Edgehill Ter; Edgehill Ter from McClellan Blvd to E River St; E River St from E River Dr to Hillcrest Ave. [Wards 5 & 6]

Top Notch Production Inc/Marc Hayes; Quad City Symphony Orchestra Presents: An Evening with Renée Elise Goldsberry; 6:00 p.m. Friday, May 14, 2021 - 6:00 a.m. Sunday, May 16, 2021; **Closures:** Harrison Street and Ripley Street south of River Drive. [Ward 3]

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

The Office; St. Patrick's Day Celebration; 128 West 3rd Street; Saturday, March 13, 2021 10:00 a.m. - 9:00 p.m.; Outdoor music, over 50 dBA. [Ward 3]

Dam View Inn; St. Patrick's Day Celebration; 410 East 2nd Street; Saturday, March 13, 2021 8:00 a.m. - 11:00 p.m.; Outdoor music, over 50 dBA. [Ward 3]

Mississippi Valley Fair, Inc; 2815 West Locust Street; various dates and times April through October 2021 (see attached tentative list); Outdoor events/music, over 50 dBA. [Ward 4]

5. Motion approving beer and liquor license applications.

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

Ward 3

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc) - 300 W 3rd St - Outdoor area March 11, 2021-November 1, 2021 - License Type: C Liquor

The Office (Local 563 Cocktail Lounge, LLC) - 116 W 3rd St - Outdoor area "St. Patrick's Day Event" March 13-15, 2021 - License Type: C Liquor

Dam View Inn (VanDamQC LLC) – 410 E 2nd St – Outdoor area “St. Patrick’s Day Event” March 12-14, 2021 - License Type: C Liquor

Fandoms Bar (W3 LLC) – 1460 W 3rd St – License Type: C Liquor

Super Saver Tobacco and Liquor (Veera Brothers LLC) – 1610 Rockingham Rd – License Type: E Liquor

Ward 7

Jesse’s Mart (Guru Nanak Petro Mart) – 3721 N Division St – License Type E Liquor
- 200’ letters mailed 2/24/2021

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

Ward 1

Herb's Tap Inc (Herb's Tap, Inc) - 3701 Rockingham Rd - License Type: C Liquor

Ward 3

Iowa Mini Mart (Samreet LLC) - 234 W 3rd St - License Type: E Liquor

Redstone Room (River Music Experience) - 129 Main St - License Type: C Liquor

Tappa's Steak House (Big Tap Productions, Inc) - 1620 Rockingham Rd - License Type: C Liquor

Ward 4

The Gypsy Highway Bar and Grill (The Gypsy Highway Corporation) - 2606 W Locust St - Outdoor Area - License Type: C Liquor

Mississippi Valley Fairgrounds (Mississippi Valley Fair, Inc) - 2815 W Locust St - Outdoor Area - License Type: C Liquor

The Pour House (The Boss Lady, Inc) - 1502 W Locust St - Outdoor Area - License Type: C Liquor

Wise Guys Pizza & Pub (PB&B LLC) - 2824 W Locust St, Unit 3A - Outdoor Area - License Type: C Liquor

Ward 5

Bootleggers (Lola K, LLC) - 2228 E 11th St - Outdoor Area - License Type: C Liquor

Brew in the Village (3 Blessings Inc) - 1104 Jersey Ridge Rd - Outdoor Area - License Type: C Liquor

Grumpy's Saloon (2118-2120, In) - 2120 E 11th St - License Type: C Liquor

The Outing Club (The Outing Club, Inc) - 2109 Brady St - Outdoor Area - License Type: C Liquor

Ward 6

Camp McClellan Cellars (Julie Keehn) - 2302 E 11th St - License Type: C Beer

Mart Stop No 1 (Mart Stop No 1) - 3527 Spring St - License Type: E Liquor

QC Mart (Bethany Enterprises, Inc) - 2415 E 53rd St - License Type: C Beer

R Bar (KJT Holdings LLC) - 4907 Utica Ridge Rd - Outdoor Area - License Type: C Liquor

Ward 7

The Liquor Stop LLC (The Liquor Stop LLC) - 211 W 53rd St - License Type: E Liquor

R & C Brazilian Steakhouse LLC (R & C Brazilian Steakhouse LLC) - 320 W Kimberly Rd - License Type: C Liquor

Ward 8

Exotic Thai Restaurant (Exotic Thai Restaurant, Inc) - 2303 E 53rd St - Outdoor Area - License Type: C Liquor

Steeplegate Inn/One Hundred West (Frontier Management Corp) - 100 W 76th St - License Type: C Liquor

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 contract for the DOT Full Depth Patching Program to Hawkeye Paving Corporation of Bettendorf, Iowa in the amount of \$154,330, CIP #35045. [All Wards]
2. Motion approving the installation services of security cameras in the parking ramps to Davenport Electric Contract Company and Tri-City Electric in the amounts of \$20,908 and \$35,980 respectfully, CIP #10173. [Ward 3]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

JJ Condon, Chair; Patrick Peacock, Vice Chair

VII. FINANCE

1. Resolution approving the contract for the construction of the Davenport Fire Department Training Center at the Public Works Facility to Reed Construction LLC of DeWitt, Iowa in the amount of \$297,100, CIP #23048. [All Wards]
2. Resolution approving the three-year contract for Microsoft, purchased through the State of Iowa contract with Insight Public Sector of Des Moines, Iowa in the amount of \$568,217.25. [All Wards]

3. Motion approving the annual payment for our Pure Storage to Insight Public Sector of Des Moines, Iowa in the amount of \$69,187.44. [All Wards]

VIII. Motion recommending discussion or consent for Finance items

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

1. Total Water Treatment Systems Inc - lab equipment for WPCP - Amount: \$11,123
2. Ed Stivers Ford - F250 pickup truck for Fire - Amount: \$38,918

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
Contact Info: Laura Berkley | 563-888-3553

Action / Date
3/3/2021

Subject:

Public Hearing for Case ROW20-02 being the request of Palmer College of Chiropractic to vacate a portion of an alley in Block 96 of LeClaire's 8th Addition. [Ward 3]

Recommendation:

Hold the Hearing.

Background:

As part of Palmer College of Chiropractic's Campus Master Plan, East 11th Street between Perry Street and Pershing Avenue and the alleys on Blocks 89 and 96 of LeClaire's 8th Addition were planned for future right-of-way vacation. Palmer is formally requesting to vacate these sections of right-of-way to move forward with planned development.

At its February 2, 2021 Plan & Zoning Commission meeting, the Commission voted to table a decision on the alley in Block 96 of LeClaire's 8th Addition to allow the petitioner time to address concerns of the existing utilities located within the alley. Following the tabling, the utilities have agreed to the relocation of their infrastructure to a proposed 15 foot utility easement running from the remaining portion of the alley north to 12th Street. This will be captured in a future subdivision.

The legal description of the proposed vacation is attached. The land area to be vacated are is 4,091 square feet, more or less.

On February 16, 2021, the Plan & Zoning Commission voted to recommend approval of the vacation request subject to the listed findings and conditions:

Findings:

1. The proposed right of way vacation would not impact adjacent property owners with the proposed ingress/egress easement; and
2. A utility easement would preserve the rights for utility providers maintaining utilities.

Conditions:

1. A 15 foot utility easement shall be dedicated for the preservation and maintenance of public utilities.
2. An ingress/egress easement shall be provided from the alley to 12th Street.

The staff report has been attached with a full analysis.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	ROW vacation map
▣ Backup Material	Staff Report
▣ Backup Material	Alley Block 96 vacation legal description

▣ Backup Material

Property Owner Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/25/2021 - 8:34 PM

ORDINANCE NO.

ORDINANCE for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of a portion of alley in Block 96 of LeClaire's 8th Addition. [Ward 3]

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

Section 1. The following described units of Scott County, Iowa real estate are hereby vacated (abandoned). The property has the following legal description:

Part of a 20-foot alley located in Block 96 of LeClaire's 8th Addition in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the southeast corner of Lot 5 in said Block 96;

Thence South 01°53'25" East along the east line of said Block 96, a distance of 20.00 feet to the south line of said alley;

Thence South 88°25'19" West along said south line, a distance of 204.63 feet; Thence North 01°30'45" West, a distance of 20.00 feet to the north line of said alley;

Thence North 88°25'19" East along said north line, a distance of 204.50 feet to the Point of Beginning.

The above-described parcel contains 4,091 square feet, more or less.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

The vacation (abandonment) is subject to the following conditions:

1. A 15 foot utility easement be dedicated for the preservation and maintenance of public utilities.
2. An ingress/egress easement be provided from the alley to 12th Street.

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

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

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

First Consideration _____

Second Consideration _____

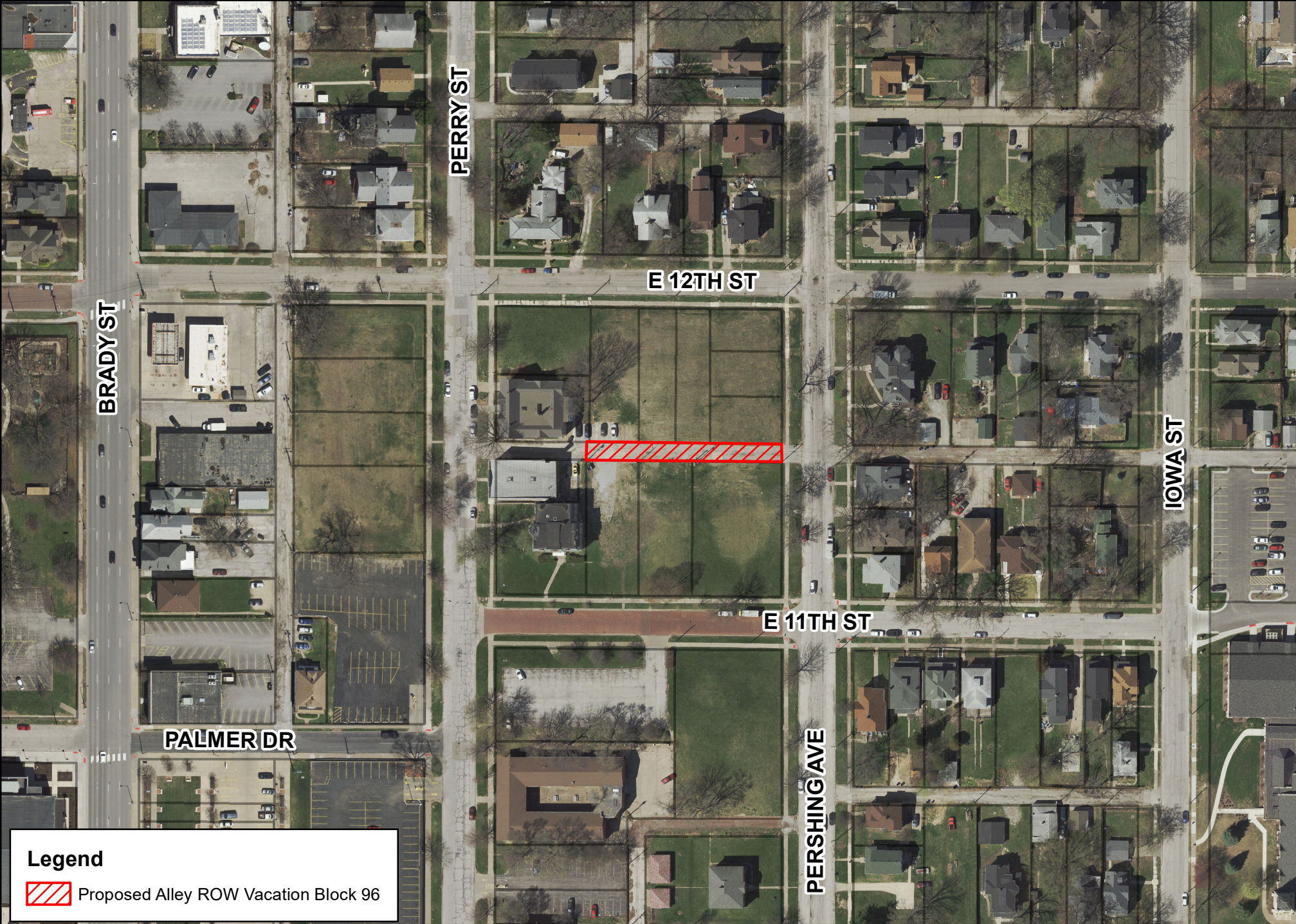
Approved _____

Mike Matson
Mayor

Attest: _____
Brian Krup
Deputy City Clerk

Published in the *Quad City Times* on _____

Right-of-Way Vacation Request
ROW20-02 - A Portion of Alley in Block 96 of LeClaire's 8th Addition



Legend

 Proposed Alley ROW Vacation Block 96

City of Davenport Plan & Zoning Commission

Case ROW20-02: Being the request of Palmer College of Chiropractic to vacate a portion of alley in Block 96 of LeClaire's 8th Addition. [Ward 3]

Introduction:

As part of Palmer College of Chiropractic's Campus Master Plan, East 11th Street between Perry Street and Pershing Avenue and the alleys on Blocks 89 and 96 of LeClaire's 8th Addition were planned for future right-of-way vacation. Palmer is formally requesting to vacate these sections of right-of-way to move forward with planned development.

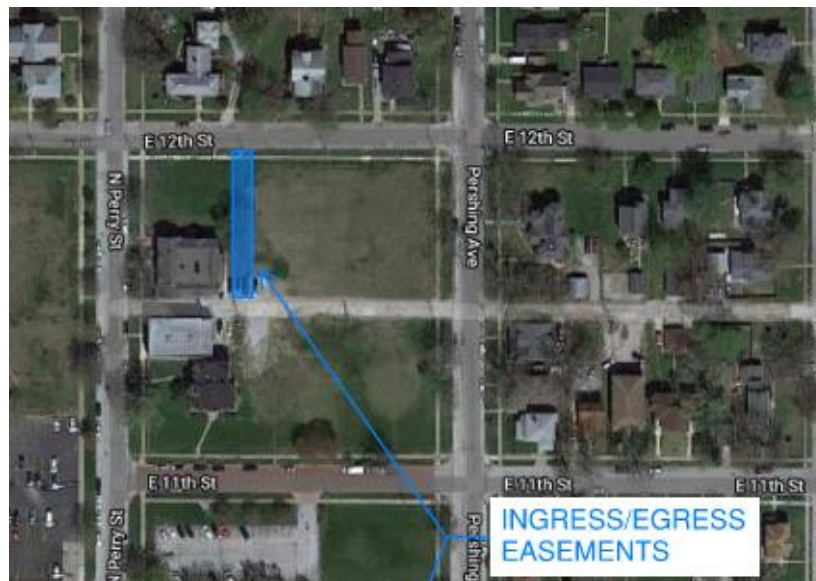
At the February 2, 2021 Plan & Zoning Commission meeting, the Commission voted to table a decision on the alley in Block 96 of LeClaire's 8th Addition to allow the petitioner time to address concerns of the existing utilities located within the alley. The utilities have agreed to the relocation of their infrastructure to a proposed 15 foot utility easement running from the remaining portion of the alley north to 12th Street. This will be captured in a future subdivision.

Palmer was rezoned in 2018 to Planned Institutional District (now called S-IC Institutional Campus), with Ordinance 2018-107. One condition was specific to the right-of-way:

Condition 3: That Palmer College of Chiropractic formally requests the vacation/abandonment of the public streets and alleys depicted on the Land Use Plan

The legal description of the proposed vacation is attached. The land area to be vacated is 4,091 square feet, more or less.

The Petitioner has proposed ingress/egress easement from the alleys to the street to ensure adjacent properties will be able to maintain two-points of access off of the existing street network. These would be formalized as part of a subdivision.



Analysis:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Zoning:

The adjacent properties are zoned S-IC Institutional Campus District and R-MF Residential Multi-Family District.

Technical Review:

Streets. The proposal calls for an ingress/egress easement that connects the remaining portion of the alley serving adjacent properties to 12th Street.

Storm Water. There is no existing stormwater infrastructure within the alleys or E 11th Street rights-of-way.

Sanitary Sewer. No sanitary sewer service is located within the rights-of-way.

Other Utilities. Electric and telecommunication utilities are located within the alley in Block 96. The infrastructure will be relocated within a provided 15 foot utility easement from the existing alley north to 12th Street.

Emergency Services. The proposed ingress/egress easement will serve as a fire access point if needed. Adjacent property owners have street frontage.

Parks/Open Space. This request does not impact any existing or planned parks or public open spaces.

Public Input:

Public Hearing notices were sent concurrently with Case ORD20-02, which is Palmer's request for a modification to the Campus Master Plan to allow for student housing. Property owners within 200 feet of the proposed right-of-way vacation in advance of the January 19, 2021 Plan and Zoning Commission Public Hearing. No one spoke other than the applicant at the public hearing. To date, staff has not received any written objections to the request.

Staff Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings for the alley in Block 96 of LeClaire's 8th Addition in Case ROW20-02 to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings:

1. The proposed right of way vacation would not impact adjacent property owners with the proposed ingress/egress easement; and
2. A utility easement would preserve the rights for utility providers maintaining utilities.

Conditions:

1. A 15 foot utility easement shall be dedicated for the preservation and maintenance of public utilities.
2. An ingress/egress easement shall be provided from the alley to 12th Street.

LEGAL DESCRIPTION

Part of a 20-foot alley located in Block 96 of LeClaire's 8th Addition in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the southeast corner of Lot 5 in said Block 96;

Thence South 01°53'25" East along the east line of said Block 96, a distance of 20.00 feet to the south line of said alley;

Thence South 88°25'19" West along said south line, a distance of 204.63 feet;

Thence North 01°30'45" West, a distance of 20.00 feet to the north line of said alley;

Thence North 88°25'19" East along said north line, a distance of 204.50 feet to the Point of Beginning.

The above-described parcel contains 4,091 square feet, more or less as shown by the attached Alley Vacation Plat.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).



Public Hearing Notice | Committee of the Whole

Date: 3/3/2021
Time: 5:30 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Right-Of-Way Vacation

PALMER COLLEGE FOUNDATION
1000 N BRADY ST
DAVENPORT IA 52803

To: All property owners within 200 feet of the subject right-of-way bounded by East 11th Street and East 12th Street, between Pershing Avenue and Perry Street.

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

Case ROW20-02 being the request of Palmer College of Chiropractic to vacate a portion of the alley in Block 96 of LeClaire's 8th Addition [Ward 3].

At its February 16, 2021 meeting, the Plan and Zoning Commission recommended approval of the aforementioned case with the following findings and conditions:

Findings:

1. The proposed right of way vacation would not impact adjacent property owners with the proposed ingress/egress easement.
2. A utility easement would preserve the rights for utility providers maintaining utilities.

Conditions:

1. A 15 foot utility easement shall be dedicated for the preservation and maintenance of public utilities.
2. An ingress/egress easement shall be provided from the alley to 12th Street.

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, March 3, 2021 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

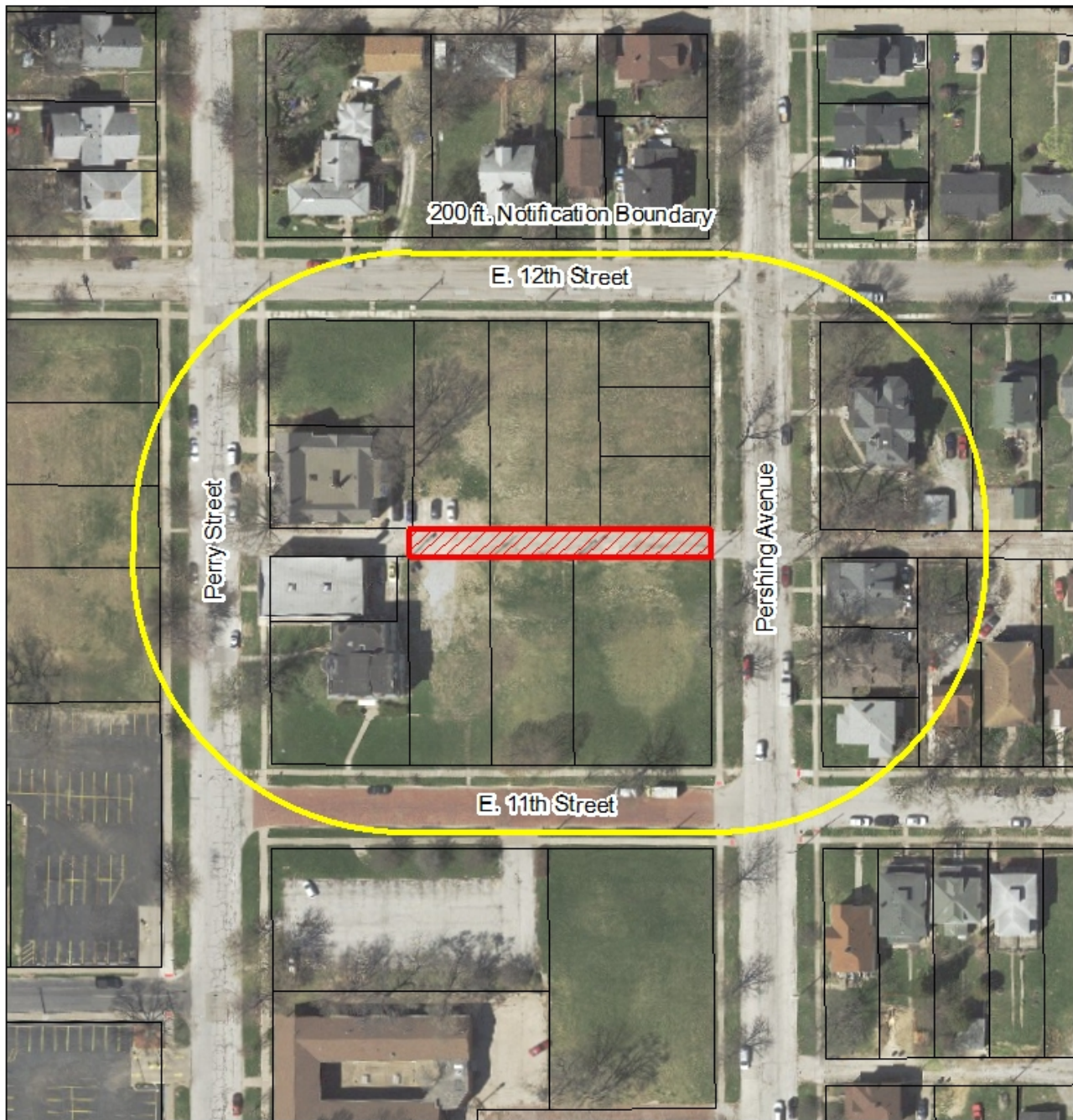
You may submit written comments on the above item or attend the public hearing to express your views, or both. Written comments may be sent via email to mayor.info@davenportiowa.com or mailed to the Development and Neighborhood Services Department, at the below address, no later than 12:00 noon on the day of the public hearing.

All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Right-of-Way Vacation Request

ROW20-02 - A Portion of Alley in Block 96 of LeClaire's 8th Addition



Proposed Alley ROW Vacation Block 96

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 50 100 200
Feet



City of Davenport

Department: Community Planning & Economic Development
Contact Info: Laura Berkley | 563-888-3553

Action / Date
3/10/2021

Subject:

Third Consideration: Ordinance for Case REZ20-08 being the request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables. [Ward 7]

Recommendation:

Adopt the Ordinance.

Background:

The Plan and Zoning Commission considered Case REZ20-08 at its January 19, 2021 meeting and voted to forward the request to City Council with a recommendation for approval.

The Commission vote was 10 yes, 0 no, and 0 abstention.

Findings:

1. The proposed I-1 Light Industrial District is compatible with the zoning of nearby property.
2. The established neighborhood character is primarily industrial to the north and east of the subject property. To the south, there is an apartment complex and several smaller scale multi-family residential developments. The proposed low intensity use of the site will serve as a transition between industrial and residential properties.
3. Rezoning the property to I-1 Light Industrial District does not create any nonconformities.

Consideration:

The City Council is requested to pass a resolution amending the Future Land Use Designation from Residential General (RG) to Industry (I).

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Zoning Analysis
▣ Backup Material	Zoning Map
▣ Backup Material	Land Use Map
▣ Backup Material	Site Photos
▣ Backup Material	Application
▣ Backup Material	Concept Plan
▣ Backup Material	Public Hearing Notice-Committee of the Whole
▣ Backup Material	Quad City Times Public Hearing Notice
▣ Backup Material	Public Hearing Notice-Plan and Zoning Commission

REVIEWERS:

Department	Reviewer	Action	Date
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ORDINANCE NO. _____

ORDINANCE for Case REZ20-08 being the request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables.

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

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

Lot 5 of Lyngholm Park 8th Addition to the City of Davenport, Iowa.

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

Findings:

1. The proposed I-1 Light Industrial District is compatible with the zoning of nearby property.
2. The established neighborhood character is primarily industrial to the north and east of the subject property. To the south, there is an apartment complex and several smaller scale multi-family residential developments. The proposed low intensity use of the site will serve as a transition between industrial and residential properties.
3. Rezoning the property to I-1 Light Industrial District does not create any nonconformities.

Condition:

The City Council is requested to pass a resolution amending the Future Land Use Designation from Residential General (RG) to Industry (I).

Section 3. At its January 19, 2021 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation for approval.

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

Zoning Analysis
Development and Neighborhood Services Department

Case REZ20-08: The request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables.
[Ward 7]

Comprehensive Plan:

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

Future Land Use Designations:

The property is designated Residential General (RG) in the Davenport +2035 Land Use Plan. The Future Land Use Designation would need to be amended to Industry (I) through the adoption of a resolution by City Council.

1. **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.
2. **Industry (I)** – Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

Zoning:

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

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

Technical Review:

City Departments have reviewed the proposed Zoning Map Amendment Application. The applicant is required to install stormwater detention and water quality treatment if impervious area is over 5,000 square feet.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the January 5, 2021 Plan and Zoning Commission Public Hearing.

To date, staff has not received any responses from adjacent property owners. No individuals from the public spoke at the Plan and Zoning Commission public hearing on January 5, 2021.

Notices of Public Hearings were published in the Quad City Times for both the January 5th and February 2nd public hearings.

Discussion:

The petitioner is requesting a rezoning to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables. The 1.09 acre lot is currently vacant. The property is located between multi-family development to the south and light industrial/service development to the north and east.

City Council approved Ordinance No. 2019-102 on March 27, 2019 to rezone the property from I-1 Light Industrial District to R-MF Multi-Family Residential District for the purpose of constructing apartment units. Development has not occurred on the property. The proposed rezoning to I-1 will reverse the 2019 City Council decision.

Why is a Zoning Map Amendment Required?

The Zoning Ordinance does not permit a communications facility in the R-MF district. The I-1 Light Industrial District identifies a communications building as a permitted light industrial use.

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.

Staff Response: The property is designated Residential General (RG) in the Davenport +2035 Land Use Plan. The proposed communications building is incompatible with the future land use category description, which is intended for neighborhoods that are mostly residential. Instead, the proposed low intensity industrial development fits the criteria for Industry (I).

It is staff's opinion that a condition shall be placed on the Zoning Map Amendment requesting City Council to adopt a resolution amending the Future Land Use Designation from Residential General (RG) to Industry (I).

b. The compatibility with the zoning of nearby property.

Staff Response: The subject property is located on the boundary between R-MF Multi-Family Residential District and I-1 Light Industrial District. The abutting properties to the north, east, and west are zoned I-1 Light Industrial District. The rezoning petition will serve as a continuation

of industrial property that extends east to the railroad tracks, between 53rd Street and 46th Street.

It is staff's opinion that the proposed amendment is compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The established neighborhood character is primarily industrial to the north and east of the subject property. To the south, there is an apartment complex and smaller scale multi-family residential developments near the intersection of Grand Avenue and East 46th Street. The low intensity use of the site will serve as a transition between industrial and residential properties.

It is staff's opinion that the proposed amendment is compatible with the established neighborhood character.

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

Staff Response: The proposed I-1 zoning is consistent with existing vicinity uses to the north, east, and west of the property. The proposed communications building will be a low intensity industrial development, which should not create any nuisances to the multi-family development directly south.

It is staff's opinion that the proposed zoning map amendment will develop in a manner that promotes the public health, safety, and welfare of the City.

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

Staff Response: Under the current Zoning Ordinance, the R-MF Multi-Family Residential Zoning District does not allow for a communications building that houses and operates electronics and fiber optic cables. The intended development of the property is considered an Industrial-Light use.

It is staff's opinion that the property is not suited for development of the proposed business under the existing R-MF Multi-Family Residential District.

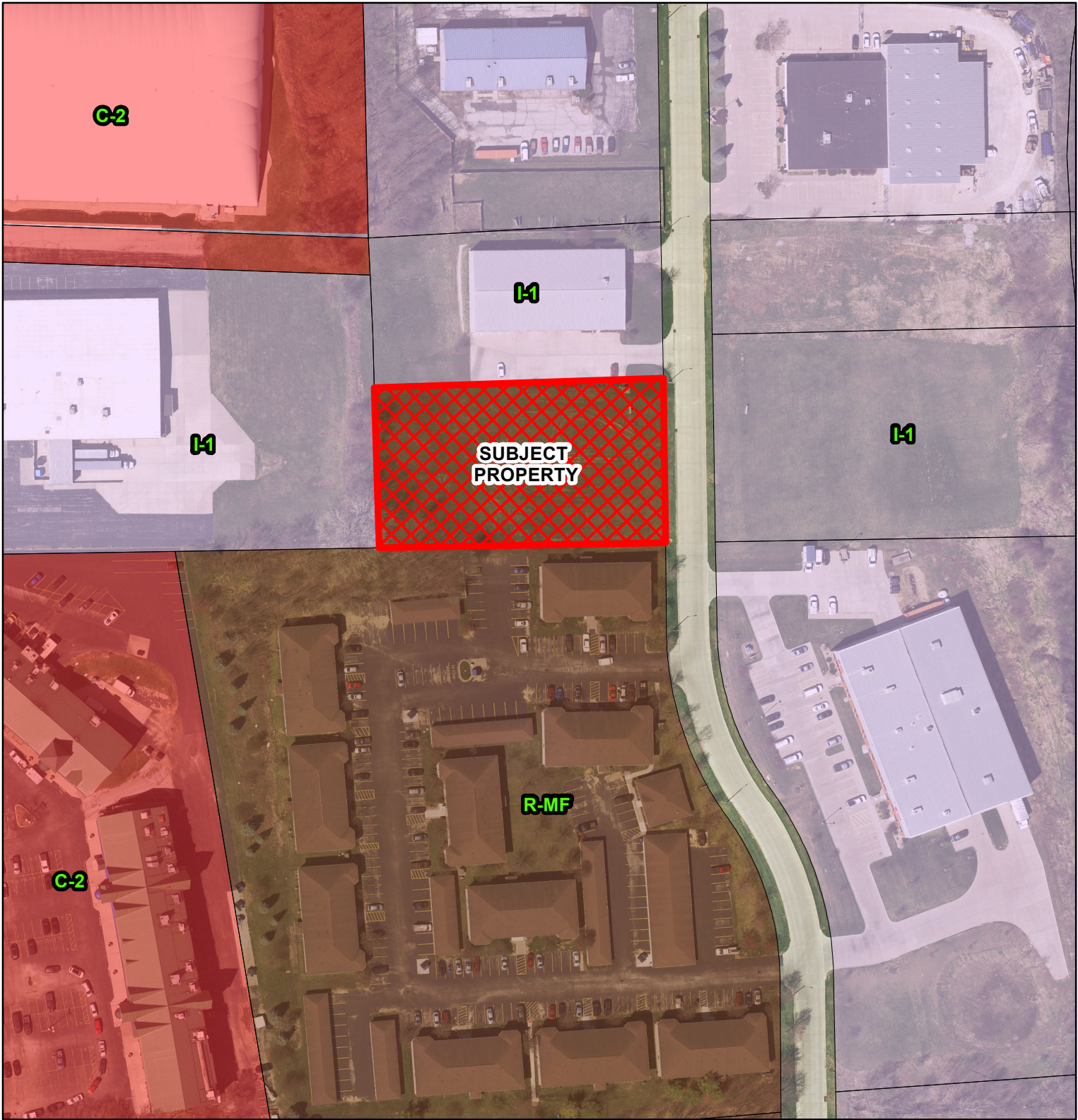
f. The extent to which the proposed amendment creates nonconformities.

Staff Response: The vacant 1.09 acre site satisfies the dimensional standards for the I-1 Light Industrial District.

It is staff's opinion that the proposed amendment will not create any nonconformities.

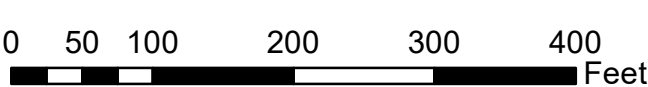
Zoning Map Amendment (Rezoning) Request

REZ20-08 5000 Grand Avenue



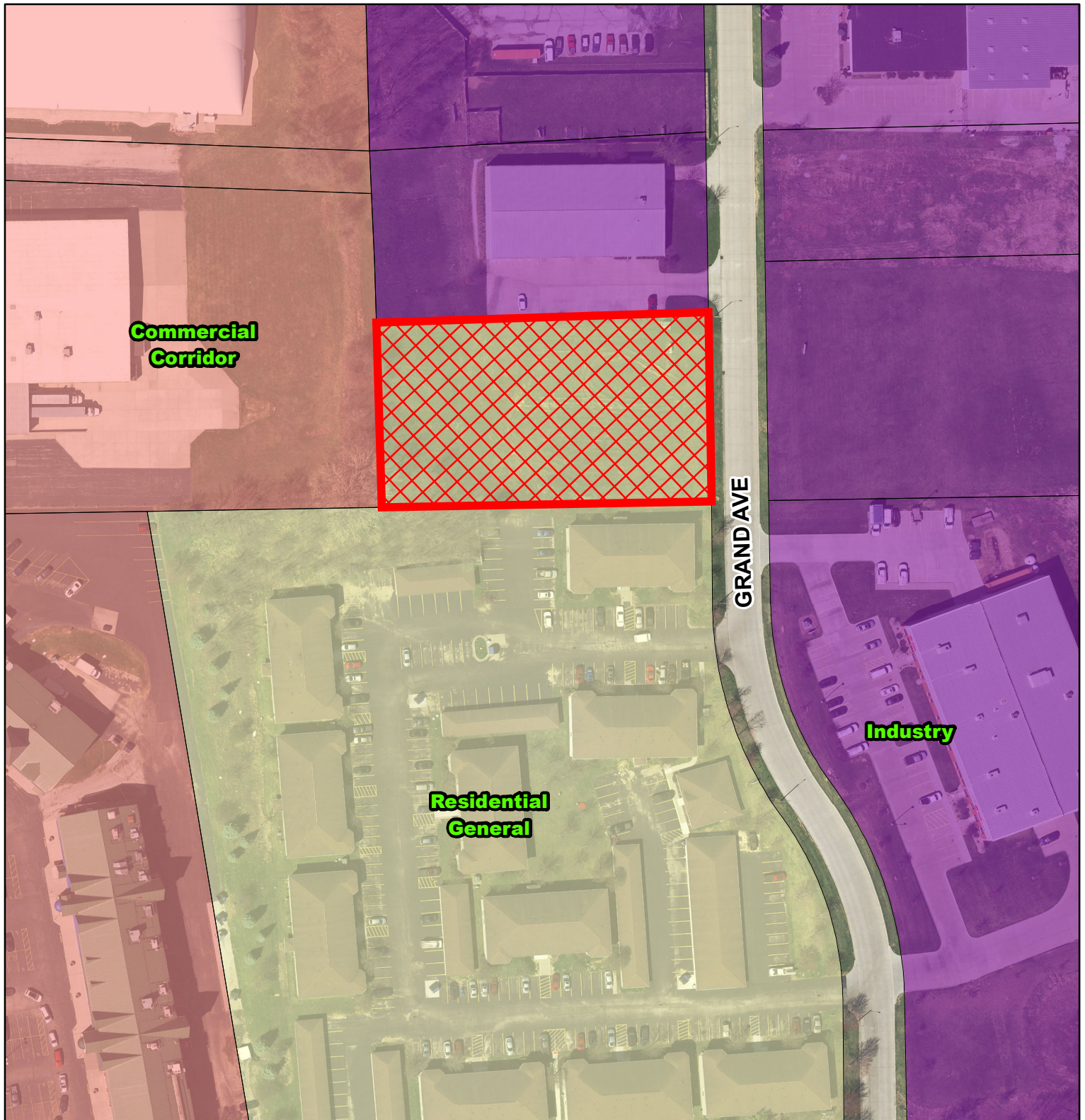
R-MF Multi-Family Residential District to I-1 Light Industrial District

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.



Future Land Use Map (Davenport +2035)

REZ20-08 5000 Grand Avenue



General Residential to Industry

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.

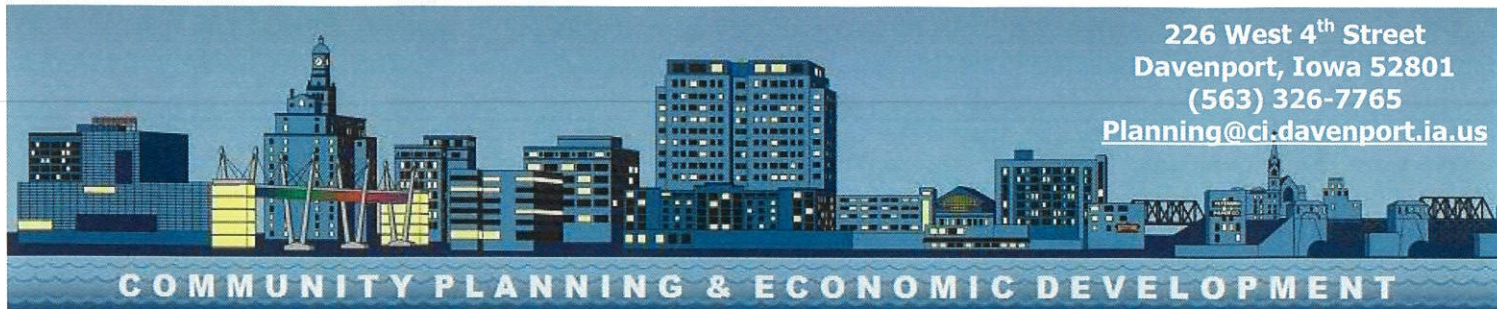
0 50 100 200 Feet



Zoning Map Amendment (Rezoning) Request

REZ 20-08 5000 Grand Avenue





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

Property Address* Lyngholm Park 8th addition Lot:005 Parcel #P1210-01F

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

Applicant (Primary Contact)**

Name: Dan Parchert
Company: MCC Iowa LLC Mediacom
Address: 3900 26th Ave
City/State/Zip: Moline, IL 61265
Phone: 309-743-4870
Email: dparchert@mediacomcc.com

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

Name: Rocco B Commisso
Company: MCC Iowa LLC Mediacom
Address: 1 Mediacom way
City/State/Zip: Mediacom Park, NY 10918
Phone: 845-443-2600
Email: rcommisso@mediacomcc.com

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☐

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Attorney (if applicable)

Name: Bruce J Gluckman
Company: MCC Iowa LLC Mediacom
Address: 1 Mediacom Way
City/State/Zip: Mediacom Park, NY 10918
Phone: 845-443-2600
Email: bgluckman@mediacomcc.com

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: Proposed Zoning Map Amendment:

Purpose of the Request:

To allow for construction of a communications building to house and operate electronics and fiber optic cables

Total Land Area: 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:

Date:

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

Received by:

Date:

Planning staff

Date of the Public Hearing:

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



LETTER OF AUTHORIZATION

I, Bruce J. Gluckman, do hereby declare and state under penalty of perjury as follows:

1. I am the Deputy General Counsel for MCC Iowa LLC, formed in the state of Delaware, with its headquarters located at 1 Mediacom Way Mediacom Park, NY 10918 (hereinafter "Mediacom").
2. I authorize Daniel Parchert, a Director of Engineering, to represent Mediacom in any and all proceedings and to sign documents on behalf of Mediacom that are presented to the Davenport Community and Economic Development Department in Davenport, Iowa, regarding a parcel of land on Grand Avenue between East 46th Street and 53rd Street. This authorization to run for one year from the date stated below.

12/9/2020 | 8:26 AM PST

DocuSigned by:

Bruce Gluckman
75187141E93D46A

Date _____

Bruce J. Gluckman

State of New York
County of Orange

Subscribed and Sworn before me by Bruce J. Gluckman, who is personally known to me, and who executed the foregoing instrument as his free act and deed this 8th day of December 2020.

Notary Public

Lauren Predmore
Qualified in Orange County
State of New York
No: 1PR6334472
Commission exp. December 21, 2023

Mediacom Communications Corporation
1 Mediacom Way • Mediacom Park, NY 10918 • 845-443-2600

**WRITTEN CONSENT
OF
THE MANAGING MEMBER
OF
MCC IOWA LLC**

The undersigned, being the managing member of MCC Iowa LLC, a Delaware limited liability company (the "Company"), does hereby consent to the adoption of the following specified resolution and approves and adopts such resolution.

RESOLVED, that the following persons be, and each of them hereby is, elected and confirmed to serve in the following designated offices of the Company, to hold such offices until their successors are elected and qualify, or as otherwise provided in the Operating Agreement of the Company:

Rocco B. Commisso	Chief Executive Officer
Mark E. Stephan	Executive Vice President, Chief Financial Officer and Treasurer
John G. Pascarelli	Executive Vice President, Operations
Italia Commisso Weinand	Executive Vice President, Programming and Human Resources
Brian M. Walsh	Senior Vice President and Corporate Controller
Joseph E. Young	Senior Vice President, General Counsel and Secretary
Bruce J. Gluckman	Group Vice President and Deputy General Counsel, Legal Affairs and Assistant Secretary

MEDIACOM BROADBAND LLC

By: **MEDIACOM COMMUNICATIONS CORPORATION,**
Managing Member

By: 

Mark E. Stephan,
Executive Vice President and Chief Financial Officer

Dated: AUG 11 2015



MLS #:	QC4214929	St:	Active	Cat:	CIE	LP:	\$115,000
County:	Scott	Type:	Land & Farm			Virtually Staged?:	
Addr:	0 GRAND			AV		Unit #:	
City:	Davenport			IA		Zip Code:	52807
Legal:							
Tot Bldg SqFt:	0	Sale:	Yes	Lease:	No		
Office SqFt:		Lease \$/Mo:		Lease Type:			
Avail SqFt:	0	Lease \$/SqFt:		Lease Renewal			
Warehse		Stories:		Lease \$/SqFt Ann			
CAM \$/SqFt:		Parking Spcs:		Subsq Sale to Tenant:			
Handicap Mod:		# of Bldgs:	0	Year Built:		Udgrd Strg Tank:	
Apx Lot SqFt:		# of Units:		Apx Acres:	1.09	Zoning:	R-MF
Agent Owned:	No	Agent Rltd to Seller:	No	NDA:		100 yr Flood Pl:	

Unbranded V Tour

Directions: 53rd Street south on Grand Avenue

Branded V Tour

Annual Taxes: \$4,540.00	/	Exemptions:		Tax Incentive:		Projected Exp (IV):
Parcel ID:	P1210-01F					Projected Inc (IV):
# Dock Drs (I):		# Rail Drs (I):		# Seats (R):	Sprinkler:	Sec Sys:
Development land, great location between E 46th Street and 53rd Street east of Brady Street. Great opportunity to build in North Central Davenport.						

FEATURES

LOCATION Suburban
 FRONTAGE/ACCESS Paved 2Lane, City Street
 SEWER SOURCE None
 OWNERSHIP L.L.C.
 TAX INCENTIVE None
 POSSIBLE FINANCING None
 WATER SUPPLY None
 TYPE Land & Farm

Industrial / Office/ Retail /Multi-Family / Restaurant / Investment

Land and Farm

PROPERTY TYPE/USE Other Property Type
 /Use
 LAND DESCRIPTION Level, Other Land
 Description
 EASEMENTS/RESTR Unknown
 UTILITIES ONSITE None
 OPTIONS Option For Sale

Land with a House

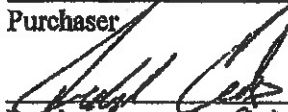
Original Price:	\$115,000	Concessions \$		Days On Market:	84
Sold Price:		Sold Conc Info		Cumulative DOM:	84
Closing Date:		How Sold:			
Agent Owned:	N	Agent Related to Seller:	N	Agent is Designated Managing Broker:	

AGREEMENT FOR SALE OF COMMERCIAL REAL ESTATE

THIS IS A BINDING REAL ESTATE CONTRACT

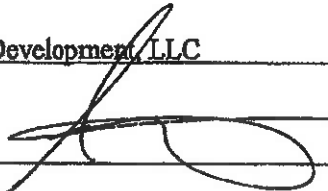
MCC Iowa, LLC

Purchaser


Purchaser Todd Curtis, Grand Ave

MM Development, LLC

Seller


Seller

1. THIS "AGREEMENT" IS DATED: November 18, 2020

Purchaser agrees to purchase from the Seller and the Seller agrees to sell to Purchaser the real estate and any improvement thereon, commonly known as: 1.09 Acres on Grand Ave with a parcel # P1210-01F (see attached), and legally known as: _____ (to be supplied by Seller's Attorney) situated in the County of Scott and the State of Iowa (the "Property"), for the sum of \$ 100,000 (the "Purchase Price") to be paid as follows:

\$2,000 EARNEST MONEY in the form of a check, which shall be deposited within 7 days after acceptance of this agreement and held in trust by Mel Foster Commercial Real Estate Trust and is part of the cash at closing. In the event any contingency is not met by the date contained in such contingency, including the completed subdivision of the lot into two parcels, one to be sold to Buyer and the other to be retained by Seller, the Seller recognizes the earnest money will be returned to the Purchaser, upon agreement in writing by both parties, and this Agreement shall be void. Earnest money will not automatically be returned or paid to any party. In the event of any dispute as to the retention or return of the earnest money, the escrow agent shall only take such action with respect to the earnest money as agreed in writing by the parties, as ordered by a court of competent jurisdiction, or pursuant to Iowa Administrative Rule 193E - 13.1 or Illinois 225 ILCS 454/20-20. Seller and Purchaser agree to indemnify, defend and hold harmless Mel Foster Commercial Real Estate Services, L.L.C., or any other party acting as escrow agent, from and against any and all liabilities and claims arising out of duties as escrow agent hereunder.

\$98,000 ADDITIONAL CASH PAYMENT, which shall be paid at time of closing.

\$N/A BALANCE, to be obtained by Purchaser securing a _____ loan commitment on the Property in the amount of not less than \$ _____. Purchaser agrees to apply immediately, to use all good faith diligence, and to fully cooperate in obtaining the loan. In the event, after using all good faith diligence, Purchaser is unable to obtain such a loan commitment upon terms and conditions satisfactory to Purchaser's sole satisfaction, within _____ days from date hereof, the earnest money shall be refunded in full, and this Agreement shall be void.

INITIAL: CE
AW

\$N/A BALANCE, to be carried on (A.) _____ Contract for deed, or (B.) _____ A purchase-money mortgage, payable \$ _____, (____% per annum), computed monthly, on the unpaid balance.

OTHER TERMS: _____

2. DUE DILIGENCE AND INSPECTIONS.

Unless otherwise stated in an addendum and/or rider attached hereto, and incorporated herein, this Agreement shall not be subject to the performance of due diligence and/or inspections by the Purchaser.

3. POSSESSION AND CLOSING (choose A or B)

X A. Possession on Closing:

(1) Seller shall deliver possession of the Property to Purchaser concurrently with the closing of this transaction, which shall be held on or before March 31, 2021.

_____ B. Possession after closing:

(1) Closing shall be on or before _____ and Seller shall deliver possession of the property to Purchaser on or before _____ days after said closing.

(2) Per diem rent in the amount of \$ _____ shall be paid by Seller to Purchaser for each day the delivery of possession is beyond the date of closing, but under no circumstances shall the Seller be able to remain in possession more than _____ days after closing.

C. Additional Provisions:

(1) Possession shall be deemed delivered when Seller has vacated the Property and delivered the keys to Purchaser or Purchaser's agent. In the case where the Seller does not physically occupy the Property and tenants are in place, possession shall be deemed delivered when the leases are assigned to Purchaser and any keys are delivered to Purchaser or Purchaser's agent.

(2) Necessary timely legal notices to tenants, if any, shall be given by Seller unless otherwise agreed to by the parties.

(3) If Seller shall fail for any reason whatsoever to vacate the Property after the above specified number of days, the Purchaser shall in addition to all other remedies have the right to commence any legal action or proceeding to evict and remove the Seller from the Property with Seller hereby agreeing to reimburse Purchaser for all reasonable

INITIAL:

attorney fees and expenses incurred by the Purchaser in the enforcement of Purchaser's rights under this Agreement.

- (4) In the event that closing does not occur on or before the date listed above, as a result of Purchaser's inability to close by such date, per diem liquidated damages in the amount of \$ 0 shall be paid by Purchaser to Seller, for each day the closing is delayed beyond the date of closing listed above.
- (5) In the event that closing does not occur on or before the date listed above, as a result of Seller's inability to close by such date, per diem liquidated damages in the amount of \$ 0 shall be paid by Seller to Purchaser for each day the closing is delayed beyond the date of closing listed above.

4. EVIDENCE OF TITLE

Within fourteen (14) days of execution of this Agreement, Seller shall deliver (A.) X An abstract of title, continued within thirty (30) days prior to closing or (B.) A Commitment for Title Insurance issued by a title insurance company regularly doing business in the County where the Property is located, committing the company to issue an owner's policy in the usual form insuring merchantable title to the Property. In the event that the Property is located in Iowa and Seller elects to provide a Commitment for Title Insurance, Seller shall also provide an abstract of title to Purchaser prior to closing. If title evidence discloses exceptions other than those permitted under the rules for examination for abstracts of title adopted by the County Bar Association in which the Property is located, Purchaser or Purchaser's attorney shall give written notice of such exceptions to Seller within a reasonable time. Seller shall have a reasonable time to have such title exceptions removed, or any such exception, which may be removed by the payment of money may be cured by deduction from the purchase price at the time of closing. If Seller is unable to cure such exception, Purchaser shall be entitled to a refund of the earnest money. Furnishing a title insurance commitment insuring over an exception shall constitute a cure of such exception.

5. CONVEYANCE OF TITLE AND DOCUMENTS OF SALE

The parties agree to execute any transfer declarations or other documents required by the state, county or municipality in which the Property is located, as well as any documents required by the title insurance company in order to issue title insurance.

6. PRORATIONS AND ADJUSTMENTS

The following items shall be prorated at closing as of the date of delivery of possession:

A. Prorations

INITIAL:

(1) Real estate taxes shall be prorated in accordance with standards adopted by the county bar association of the county where the real estate is located, which, in the absence of fraud, shall be final;

(2) Rent, if any, (with transfer in full of any security/damage deposit);

(3) Other income and operation expenses, if any.

B. Adjustments

Utility charges shall be adjusted by the parties by appropriate meter readings at or about the time of delivery and surrender of possession, with all utilities to be transferred to Purchaser's name as of the date of closing.

7. ASSESSMENTS

Seller shall pay all special assessments, which are a lien on the Property as of the date of closing. Seller acknowledges that prior to the execution of this Agreement Seller has no knowledge of or no notice has been received from any municipal authority concerning improvements which could result in a special assessment on the Property. Tap on fees, if any, which exist for municipal services to the Property, shall be paid by the Purchaser.

8. FIXTURES AND PERSONAL PROPERTY

All fixtures presently installed on the Property including but not limited to; brackets and fixtures, all carpeting, electric light fixtures, bathroom fixtures and accessories, telephone lines, central heating and cooling units and attached equipment, all shrubs and trees, shall be left by Seller in or upon said Property exactly as they are as of the date of this Agreement, and shall be deemed a part of the Property and title thereto shall pass to Purchaser at closing. The following personal property shall be sold to Purchaser as part of the closing: None

Seller shall deliver a Bill of Sale to Purchaser at closing for same. The parties agree that \$ 0 of the Purchase Price shall be allocated toward the purchase of said personal property.

9. CONDITION OF PROPERTY

The parties agree that the Purchase Price reflects the condition of the Property and personal property being purchased (if any) and Purchaser acknowledges that the Property, the improvements and personal property (if any) thereof have been inspected, and Purchaser is acquainted with the condition thereof and accepts the same in:

X A. "As-Is" Condition.

INITIAL:

_____ B. "As-Is" condition except Seller warrants the plumbing, heating and electrical systems to be in normal working condition on date of possession and further warrants _____. Written notice of breach of the warranty contained above must be served upon Seller, Seller's attorney, or Seller's agent within two (2) business days of the date of possession. Purchaser shall have the right to inspect the Property during the 48-hour period immediately prior to closing.

10. DEFAULT

If Purchaser fails to make any payment or to perform any obligation imposed upon Purchaser by this Agreement, Seller may serve written notice of default upon Purchaser and if such specified default is not corrected within ten (10) days thereafter, Seller, subject to the terms of any listing agreement, may accept the earnest money and any additional down payment as damages or may pursue any available legal remedy including specific performance. In the event Seller fails to perform any obligation imposed upon Seller by this Agreement, Purchaser may serve written notice of default upon Seller and if such default is not corrected within ten (10) days thereafter, earnest money and any additional down payment deposit shall be refunded to Purchaser without prejudicing the Purchaser's right to any available legal or equitable remedy including specific performance. In the event of default the defaulting party shall be liable to the other party for reasonable attorney fees, expenses incurred by reason of default, and the real estate brokerage fee.

11. CASUALTY CLAUSE

Seller shall bear the risk of loss or damage to the Property prior to closing or possession, whichever first occurs. In the event all or a material part of the Property is damaged or destroyed prior to closing or possession, whichever first occurs, this Agreement shall terminate and be of no further force and effect, unless the Property can be restored to its present condition on or before the closing date. Seller shall keep adequate insurance, including fire and other extended coverage, on improvements on the Property until title has passed to Purchaser or possession is delivered to Purchaser, whichever first occurs. Purchaser shall be responsible for insurance coverage upon taking title to or possession of the Property, whichever occurs first.

12. EXPENSES OF TRANSFER

A. Seller shall pay:

- (1) Broker's Commission;
- (2) Cost of owner's title policy or the initial updating of the abstract(s) of title prior to closing, as necessary
- (3) Revenue stamps and recording of any releases.

B. Purchaser shall pay:

- (1) Recording fee for deed and mortgage;

INITIAL: _____

- (2) Cost of Purchaser's mortgage title insurance policy as required by mortgagee or the costs of re-continuing the abstract(s) of title post-closing.

Each party shall be responsible for their own attorney fees and customary closing costs for the County in which the Property is located. Closing costs do not include charges incident to the Purchaser's financing, and Purchaser shall pay such charges.

13. 1031 EXCHANGE

Purchaser agrees that it shall be an accommodation party, if requested by Seller, in a "1031 Starker Exchange," provided that Purchaser shall incur no additional cost with regard to said accommodation, shall not be required to take title to any property other than the Property, and said accommodation does not delay the closing of the transaction for the Property. Purchaser agrees to execute any and all documents necessary to effectuate such an exchange.

Seller agrees that it shall be an accommodation party, if requested by Purchaser, in a "1031 Starker Exchange," provided that Seller shall incur no additional cost with regard to said accommodation, shall not be required to take title to any property other than the Property, and said accommodation does not delay the closing of the transaction for the Property. Seller agrees to execute any and all documents necessary to effectuate such an exchange.

14. ESCROW

This Agreement will be closed through an escrow either with the (CHECK ONE) (A.) X Purchaser's attorney, (B.) _____ Title company selected by Purchaser's mortgage lender, or (C.) _____ Seller's attorney. The funds held in escrow shall be paid out upon recording of the necessary documents and the vesting of merchantable title of the Property in Purchaser.

15. REPRESENTATIONS OF SELLER

Seller hereby represents to Purchaser that, to the best of Seller's knowledge, the Property is not contaminated with, nor threatened with contamination from outside sources by, any chemical, material or substance to which exposure is prohibited, limited or regulated by any federal, state, county, local or regional authority or which is known to pose a hazard to health and safety and that Seller has not used the Property as a landfill or dumpsite, or for storage of hazardous substances, or has not otherwise done anything to contaminate the Property with hazardous wastes or substances. Seller warrants that the Property is not subject to any local, state or federal judicial or administrative action, investigation or order, as the case may be, regarding wells or underground storage tanks, solid waste disposal sites, or hazardous wastes or substances. In the event Purchaser notifies Seller before closing that the representations and warranties set forth herein are untrue and such notice is accompanied by a report from an engineering company or environmental consultant with experience in evaluating such matter, then Purchaser, at its option, may terminate this Agreement, and the earnest money paid herein shall be returned to Purchaser. Any and all environmental information that Seller has, if any, shall be provided to Purchaser within seven (7) days of execution of this Agreement.

INITIAL:

16. LEASES

As of the date of this Agreement, the Property is subject to the following leases: None. Prior to closing, Seller shall not enter into any new leases or agree to extend any existing leases without Purchaser's prior written consent. All leases shall be assigned to Purchaser at closing, along with all security/damage deposits associated therewith.

17. SELLER'S CONSENT TO ASSIGNMENT

This Agreement may not be assigned by Purchaser to any other person or entity without Seller's prior written consent, which shall not be unreasonably withheld.

18. NOTICES AND ELECTRONIC TRANSMISSION

All notices required pursuant to this Agreement shall be in writing and signed by the party or party's agent (an "agent" shall be any person or persons designed in writing as such by a party and any attorney representing said party) and shall be given to the other party or that party's agent by:

A. Personally served upon the other party or that party's agent, in which case notice shall be effective upon the date of delivery;

B. By electronic transmission to the other party or that party's agent, in which case notice shall be effective on the date of the electronic transmission; or

C. Certified or registered mail, return receipt requested, and sent to the address of the party set forth below, which case notice shall be effective on the date of mailing.

If to Purchaser: Mediacom Attn: Todd Curtis
3900 26th Ave
Moline, IL 61201
Phone:

With copy to: Mel Foster Commercial Attn: Joe Wonio
3245 E 35th St Ct
Davenport, IA 52807
Phone: 563-370-8097

If to Seller: MM Development, LLC
1225 E River Dr. #320
Davenport, IA 52803
Phone:

With copy to: Mel Foster Commercial Attn: Thad DenHartog
3245 E 25th St Ct
Davenport, IA 52807
Phone:

INITIAL: *CD*
 AD

Notice to any one party of a multiple person party shall be sufficient notice to all.

For the purpose of negotiating and finalizing this Agreement, any document transmitted electronically shall be treated in all manner and respects as an original document. The signature of any party shall be considered an original signature and such electronic document shall be considered to have the same binding legal effect as an original document.

19. GENERAL CONDITIONS

This Agreement shall be binding upon the parties and their successors and assigns. Time is of the essence of this Agreement. This Agreement shall be governed by and enforced in accordance with the laws of the state in which the Property is located. This Agreement contains the entire agreement of the parties and no representations, warranties, or agreements have been made by either party except as set forth herein. No modification, waiver, or amendment of the Agreement shall be effective unless made in writing and signed by the parties. All representations, warranties and covenants made by the parties shall survive closing. Paragraph headings are for the convenience of reference and shall not limit or affect the meaning of this Agreement.

20. BROKER REPRESENTATIONS

It is understood that no representation made by the Broker or Salesperson in the negotiation of this Agreement are being relied upon unless incorporated herein in writing. Broker and Salesperson make no representations or warranties, either expressed or implied, as to the physical or mechanical condition of the Property, the improvements thereon, or any personal property being transferred.

21. BROKERS AS AGENTS

Parties acknowledge that agency disclosures have been made and signed prior to signing of this Agreement. The Broker, the Broker's agents, employees, and associates agree to respond to all questions of the parties accurately and honestly, to the best of their knowledge, and agree to disclose all material defects about which they have knowledge, but are not required to discover hidden defects in the Property or defects of which they have no knowledge or give advice on matters outside the scope of their real estate licenses.

22. AGENCY

Listing Agent: Thad DenHartog

Purchaser's Agent: Joe Wonio

Company: Mel Foster Commercial

Company: Mel Foster Commercial

A. An agency disclosure must be made at the time specific assistance is provided to Purchaser or Seller. By signing below, Purchaser and Seller confirm that prior informed written disclosure of agency representation was provided to them, that they understand said representation and that the disclosure was provided prior to signing. Purchaser and Seller acknowledge and agree that:

INITIAL:

CHECK ONE:

- X (1) The Listing Agent is representing the Seller and the Purchaser's Agent is representing the Purchaser.
- ____ (2) The Agent, who is both the Listing Agent and the Purchaser's Agent, is acting as a Dual Agent with full knowledge and prior consent of both parties.
- ____ (3) The Purchaser's Agent is representing the Purchaser only.
- ____ (4) The Listing Agent is representing the Seller only.

B. Seller and Purchaser request that Mel Foster Commercial Real Estate Services, L.L.C. select, prepare, and complete documents allowed by law or rule, and may contact their client by telephonic or electronic communication.

[Signature] 11/18/2020
Purchaser Date

[Signature] 11-30-20
Seller Date

23. RIDERS

This Agreement is subject to the following riders: Condition Precedent Rider.

24. ACCEPTANCE

When accepted, this Agreement shall become a binding a contract for the sale and purchase of the Property. If this Agreement is not accepted and returned to Purchaser and/or Purchaser's agent by the Seller on or before November 19, 2020 December 2, 2020 at 5:00 p.m., it shall become null and void and the earnest money shall be refunded to the Purchaser. This is a legally binding contract. If not understood, consult with legal counsel of your choice. Receipt of a copy of this Agreement is acknowledged by the parties hereto. This Agreement has been read and executed on the dates beside our signatures.

Executed by Purchaser:
[Signature] 11/18/2020
Purchaser Date

Executed by Seller:
[Signature] 11-30-20
Seller Alejandro Mayorga Date

Purchaser Date

Seller Date

INITIAL:

This Agreement has been prepared by:

Joe Wonio

Agent

MEL FOSTER COMMERCIAL REAL ESTATE SERVICES, L.L.C.
3245 East 35th Street Court, Davenport, IA 52807
(563) 324-4488 /FAX (563) 344-5803

INITIAL:

CONDITION PRECEDENT RIDER

This Condition Precedent Rider is a supplement to and made a part of the Agreement for Sale of Commercial Real Estate (the "Agreement") dated November 18, 2020, by and between MM Development, LLC, as "Seller" and Mediacom, as "Purchaser".

The Agreement is conditioned upon Purchaser having a due diligence period beginning upon full execution of the Agreement by both parties and ending March 15, 2021 (the "Due Diligence Period") to: (i) perform any due diligence on, regarding, or of the Property it so chooses; (ii) to perform any inspections on or of the Property it so chooses (provided, however, that any entry unto the Property shall be approved in advance by Seller in each instance); (iii) to examine the condition of the Property; (iv) to examine any contracts affecting the Property; (v) to determine whether the Property and the purchase thereof fits within Purchaser's business model and plans; and (vi) to determine whether the Property and the purchase thereof fits within Purchaser's intended use and purpose and obtaining proper zoning and other entitlements for the intended use (each of the above-referenced is herein referred to as a "Due Diligence Item"). Seller shall allow Purchaser and its agents and employees reasonable access to the Property during the Due Diligence Period. Unless otherwise noted, Purchaser shall pay for all of Purchaser's inspections.

In the event that Purchaser is not fully satisfied for any reason, at Purchaser's sole and absolute discretion, with each and every Due Diligence Item, including but not limited to the results of inspections, Purchaser may cancel and terminate this Agreement at any time during the Due Diligence Period by sending to Seller via email, fax, or by letter a written document terminating this Agreement. Upon such termination, this Agreement shall be null and void, neither party shall have any further responsibility to each other and the Earnest Money shall be returned to Purchaser. Any or all of the above-referenced contingencies or Due Diligence Items may be waived by Purchaser at any time by Purchaser delivering to Seller in writing a document stating such waiver(s). Alternatively, the parties may mutually agree to the remedy of any deficiency or defect arising under any Due Diligence Item through the execution of an Amendment to the Agreement, and proceed to closing.

Purchaser: *MM Development, LLC*
TOBS CURTIS

Dated: 11/18/2020

Seller: *Mediacom*
Alexandro Mayorga - member

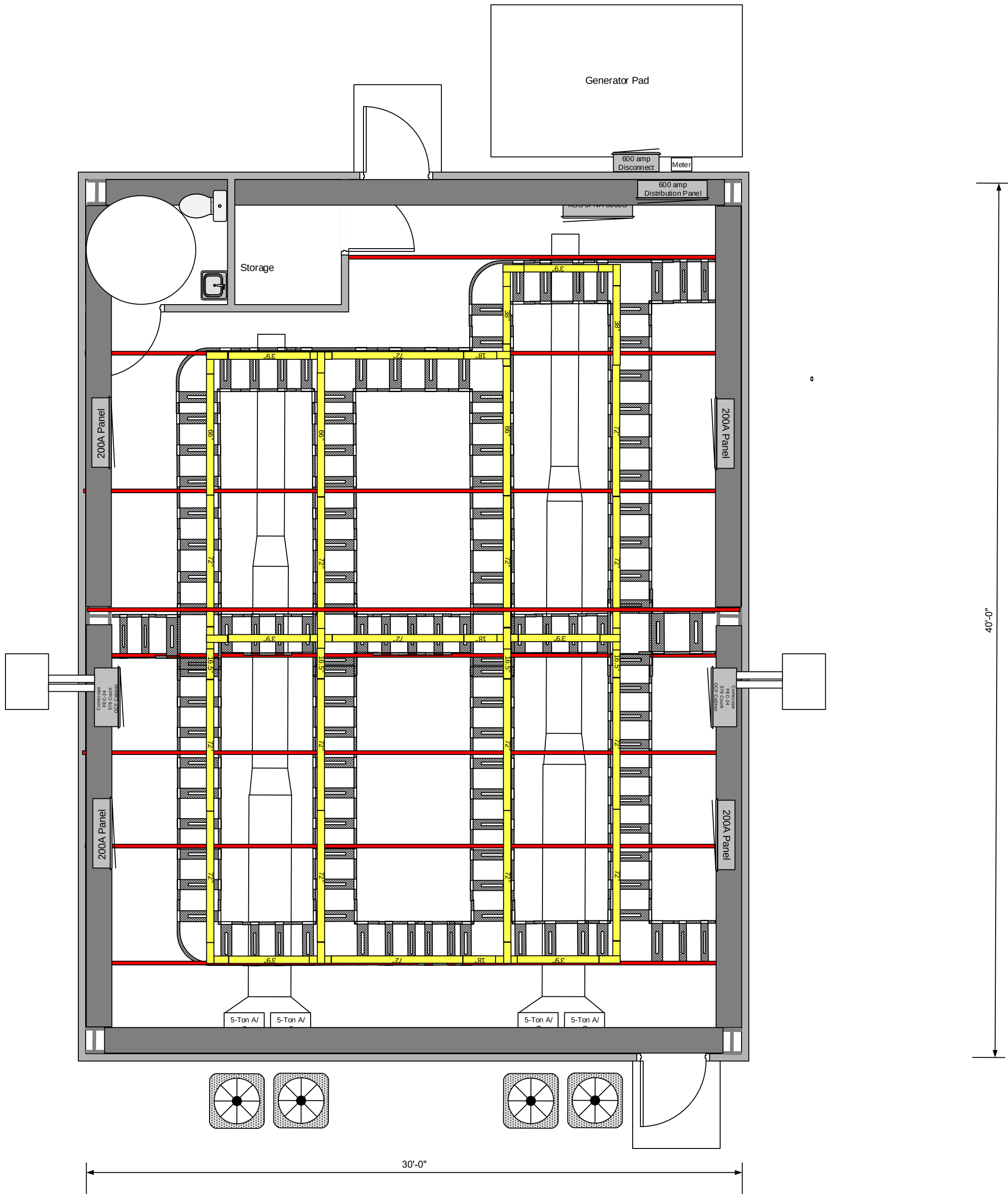
Dated: 11-30-20

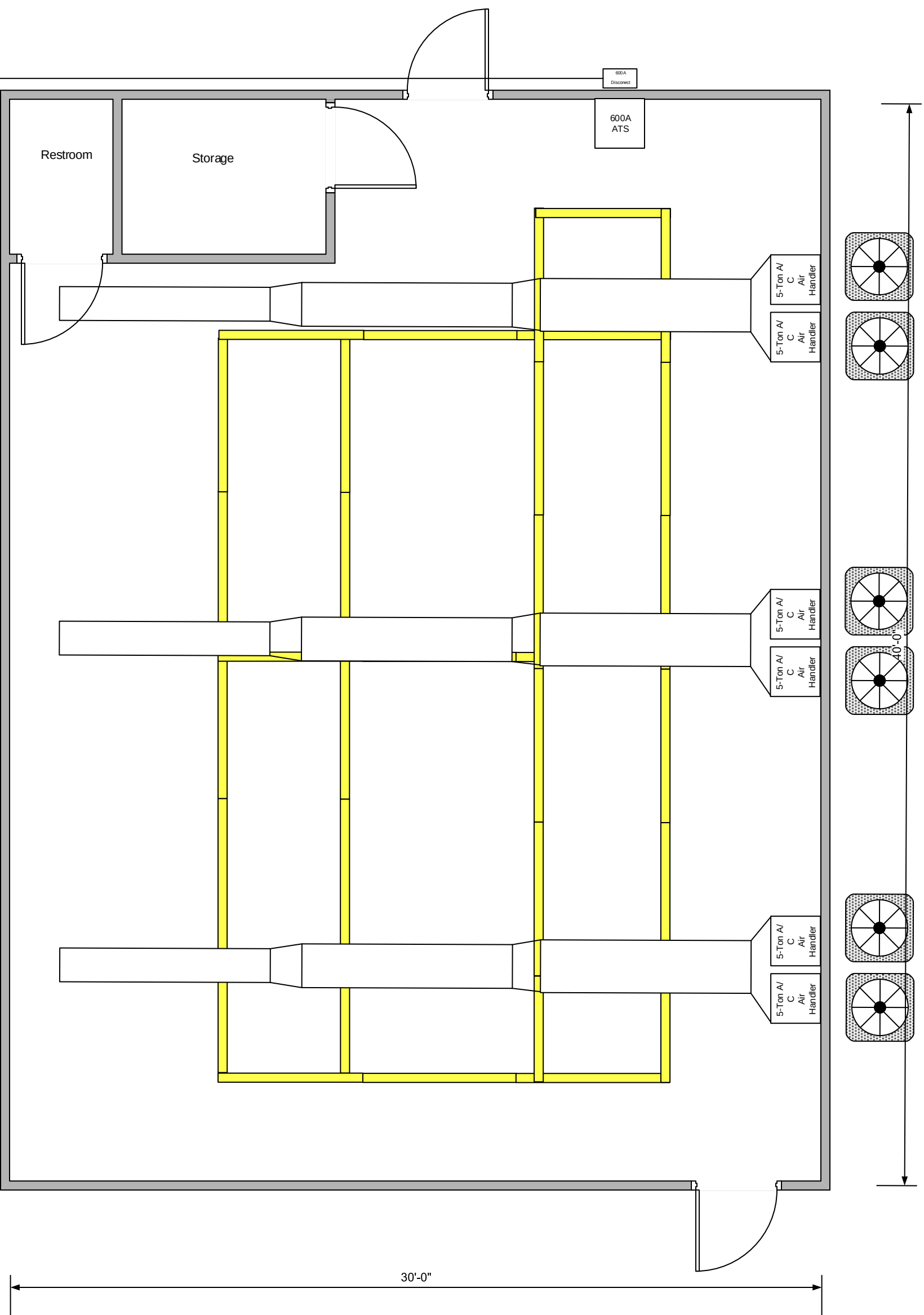
Zoning Map Amendment (Rezoning) Request

REZ 20-08 5000 Grand Avenue

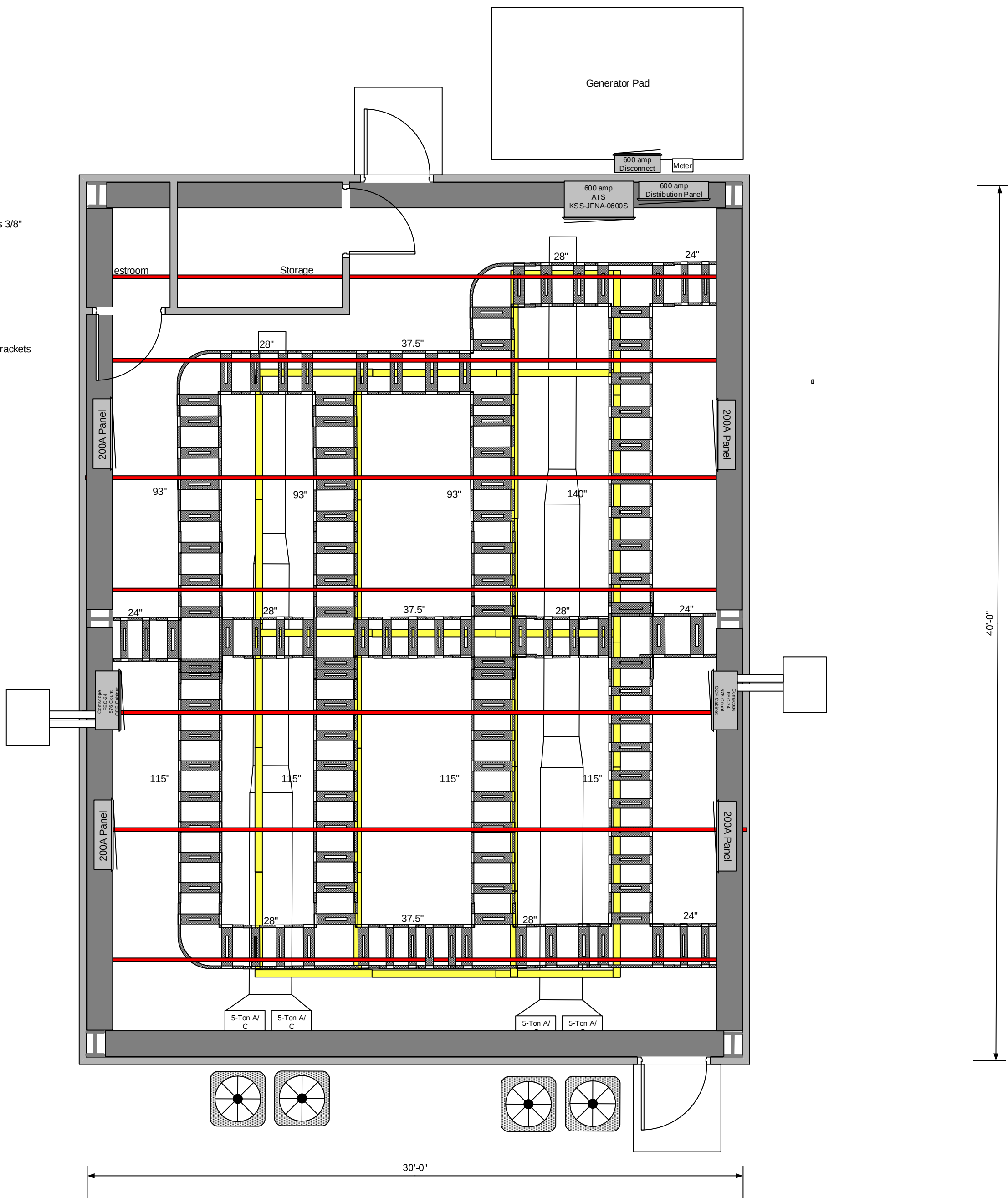
Proposed Communications Building Example Elevations







- 28 - pairs wire ladder clamps 3/8"
- 38 - pairs of plates
- 11- 144" x 24" wire ladder
- 3 - 24" 90 degree elbows
- 3 - 24" Crosses
- 5 - 24" Tee's
- 2 - 144" x 12" wire ladder
- 9 - 20' 2" unistrut
- 60 - 3/8" unistrut nuts
- 8 - 3/8" unistrut 90 degree brackets





Public Hearing Notice | Committee of the Whole

Date: 2/3/2021
Time: 5:30 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Rezoning Request Before the Committee of the Whole

To: All property owners within 200 feet of the subject property located at **5000 Grand Avenue**

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

Case REZ20-08: Request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables [Ward 7].

At its January 19, 2021 meeting, the Plan and Zoning Commission recommended approval of the aforementioned case with the following findings:

Findings:

1. The proposed I-1 Light Industrial District is compatible with the zoning of nearby property.
2. The established neighborhood character is primarily industrial to the north and east of the subject property. To the south, there is an apartment complex and several smaller scale multi-family residential developments. The proposed low intensity use of the site will serve as a transition between industrial and residential properties.
3. Rezoning the property to I-1 Light Industrial District does not create any nonconformities.

Condition: The City Council is requested to pass a resolution amending the Future Land Use Designation from Residential General (RG) to Industry (I).

The public hearings on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, February 3, 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(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 Development and Neighborhood Services Department, at the below address, no later than 12:00 noon on the day of the public hearing(s).

Plan and Zoning Commission Adjacent Property Owner Notice Area



REZ20-08 5000 Grand Avenue

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 50 100 200 Feet





Friday, January 22, 2021

Please publish the following public notice in the next available edition of the Quad City Times.

The PO number for this notice is: 2106822

Please provide proof of publication for our records. If you have any questions, please contact us at planning@ci.davenport.ia.us or 563-326-6198. Thank you!

NOTICE
PUBLIC HEARING
WEDNESDAY, FEBRUARY 3, 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 requests:

Case REZ20-08: Request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables [Ward 7].

The legal description of the property proposed to be rezoned is as follows:

Lot 5 in Lyngholm Park 8th Addition to the City of Davenport, Scott County, Iowa.

At its January 19, 2021 meeting, the Plan and Zoning Commission recommended approval of the aforementioned case with the following findings:

Findings:

1. The proposed I-1 Light Industrial District is compatible with the zoning of nearby property.
2. The established neighborhood character is primarily industrial to the north and east of the subject property. To the south, there is an apartment complex and several smaller scale multi-family residential developments. The proposed low intensity use of the site will serve as a transition between industrial and residential properties.
3. Rezoning the property to I-1 Light Industrial District does not create any nonconformities.

Condition: The City Council is requested to pass a resolution amending the Future Land Use Designation from Residential General (RG) to Industry (I).

The public hearings on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, February 3, 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(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 Development and Neighborhood Services Department, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No. 2106822

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



PUBLIC HEARING NOTICE | Plan and Zoning Commission

Date: 1/5/2021 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

To: All property owners within 200 feet of the subject property located at **5000 Grand 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 allow for construction of a communications building.

Request/Case Description

Case REZ20-08: Request of MCC Iowa LLC on behalf of MM Development LLC to rezone 5000 Grand Avenue from R-MF Multi-Family Residential District to I-1 Light Industrial District to allow for construction of a communications building to house and operate electronics and fiber optic cables [Ward 7].

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on January 5, 2021. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on January 19, 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": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

Plan and Zoning Commission Adjacent Property Owner Notice Area



REZ20-08 5000 Grand Avenue

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 50 100 200 Feet



City of Davenport

Department: Community Planning & Economic Development
Contact Info: Laura Berkley | 563-888-3553

Action / Date
3/10/2021

Subject:

Second Consideration: Ordinance for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of the 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. [Ward 6]

THE PROTEST RATE IS OVER 20%. 8 VOTES REQUIRED FOR PASSAGE.

Recommendation:

Adopt the Ordinance.

Background:

The Plan and Zoning Commission considered Case REZ20-09 at its February 2, 2021 meeting and voted to forward the request to City Council with a recommendation for approval. The purpose of the rezoning is to lift the existing land use and development restrictions on the property, adjust the commercial zoning boundary, and allow for townhouse and multi-family development [Ward 6].

The Commission vote was 7 yes, 0 no, and 2 abstention. The protest rate is 32.7%.

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 north-south public street shall be required to connect Lakeview Parkway to Eastbury Estates Drive.
4. A traffic signal shall to be required at the intersection of Lakeview Parkway and East 53rd

Street.

5. A second ingress/egress point to East 53rd Street shall be required.
6. Street connections to East 51st Street and Hawk Drive shall be prohibited.
7. The multi-purpose trail shall be extended to the west property line.
8. 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.
9. A 30-foot buffer shall be required on the eastern, western and southern-most property lines of the subject property where abutting residential districts.
10. The height of structures in the R-MF zoning district shall be no greater than 35 feet.

ATTACHMENTS:

Type	Description
☐ Ordinance	Ordinance
☐ Backup Material	Revised Proposed Concept Plan
☐ Backup Material	Updated Protest Area Map
☐ Backup Material	Zoning Analysis & Backup Material
☐ Backup Material	Public Comments
☐ Backup Material	Additional Public Comments
☐ Backup Material	Additional Public Comment
☐ Backup Material	Additional Public Comments

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Werderitch, Matt	Approved	2/9/2021 - 12:12 PM

ORDINANCE NO. _____

ORDINANCE for Case REZ20-09 being the request of S.J. Russell, L.C. on behalf of the 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. [Ward 6]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned 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 RIGHT-OF-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 north-south public street shall be required to connect Lakeview Parkway to Eastbury Estates Drive.
4. A traffic signal shall to be required at the intersection of Lakeview Parkway and East 53rd Street.
5. A second ingress/egress point to East 53rd Street shall be required.
6. Street connections to East 51st Street and Hawk Drive shall be prohibited.
7. The multi-purpose trail shall be extended to the west property line.
8. 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.
9. A 30-foot buffer shall be required on the eastern, western and southern-most property lines of the subject property where abutting residential districts.

10. The height of structures in the R-MF zoning district shall be no greater than 35 feet.

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 _____

Second Consideration _____

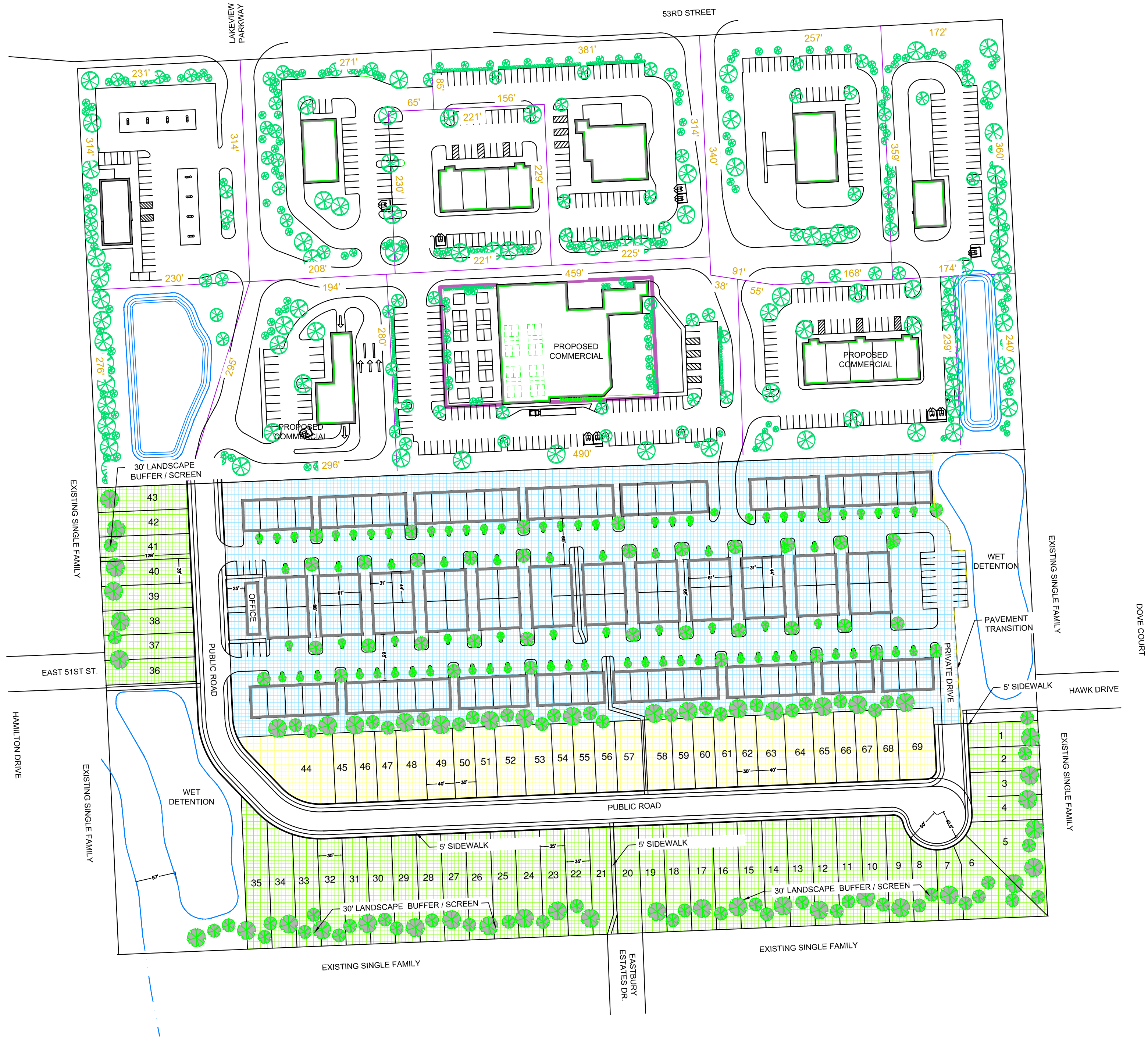
Approved _____

Published in the *Quad City Times* on _____

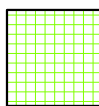
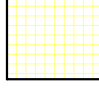
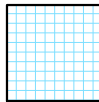
Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk



LEGEND:

-  SINGLE FAMILY SEMI DETACHED
-  TOWNHOMES
-  MULTIFAMILY

#	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

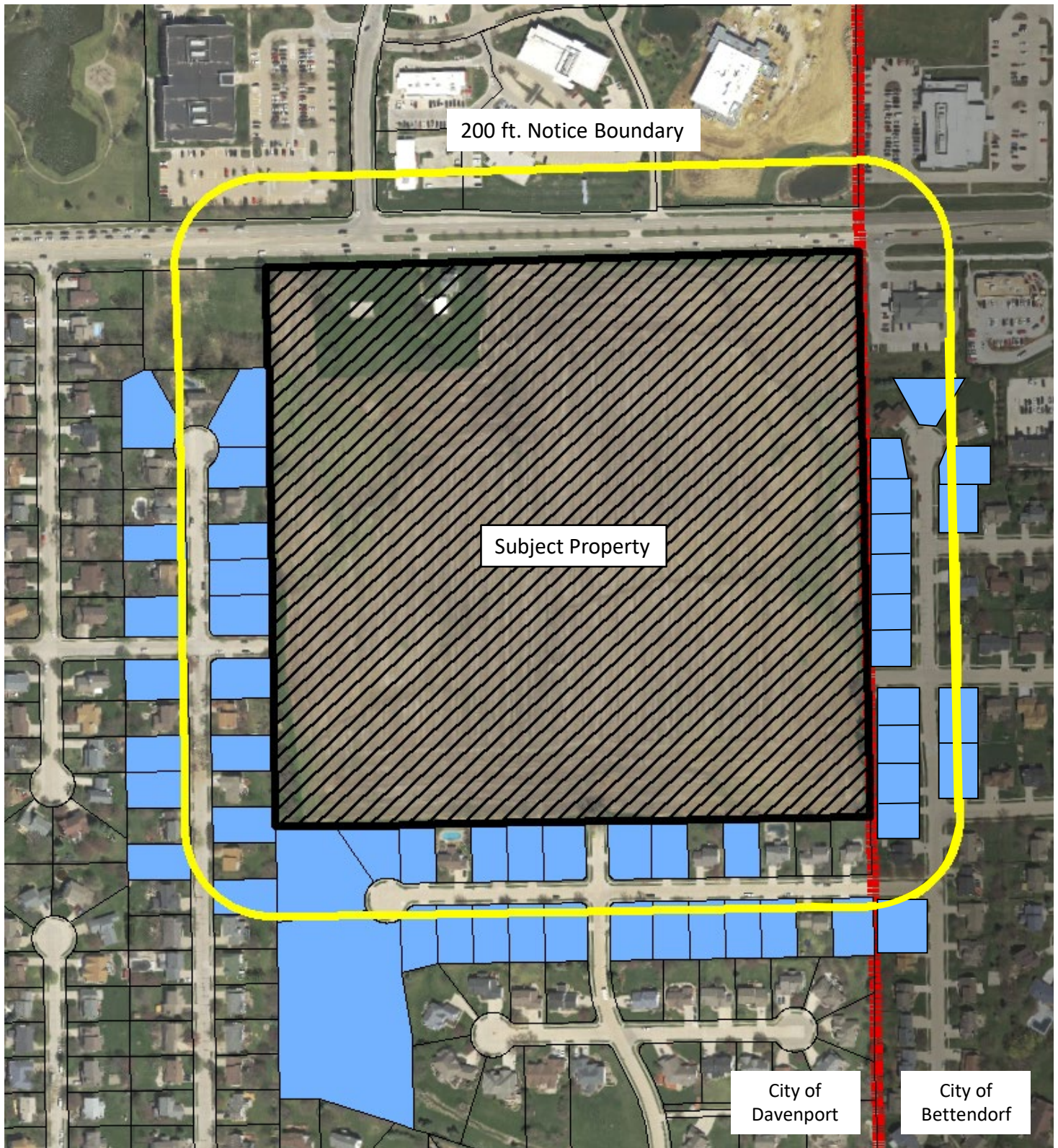
DOLAN 20 ACRE DEVELOPMENT
DAVENPORT, IOWA

OVERALL SITE DEVELOPMENT CONCEPT
DOLAN CONDEPT - F

PROJ NO:	8630.20
CONST PROJ:	000
SCALE:	AS NOTED
DATE:	2/12/21

DRAWING NO:	EX-6
SHEET NO:	

Adjacent Property Owner Notice Area
REZ 20-09
4607 East 53rd Street



Written Protest Petitions Received Within the 200 Foot Notification Boundary as of February 17, 2021.



Zoning Analysis

Development and Neighborhood Services

Subject:

REZ20-09: 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. The purpose of the rezoning is to lift the existing land use and development restrictions on the property, adjust the commercial zoning boundary, and allow for townhouse and multi-family development [Ward 6].

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designations:

The northern 19.86 acre area along East 53rd Street is designated Regional Commercial (RC). The southern 18.06 acre portion of the property is designated as Residential General (RG) in the Davenport +2035 Land Use Plan. The boundary between the two land use designations would need to be amended.

1. **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.
2. **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.

Zoning:

The northern portion of 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 adjacent to arterials streets in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport’s commercial corridors.

The southern half of the site is presently zoned R-4 Single-Family and Two-Family Central Residential Zoning District. This zoning district is intended to accommodate residential neighborhoods in the City of Davenport consisting of single-family and two-family homes in a dense urban development pattern. The R-4 District may also serve as a transitional district between Davenport’s single-family and two-family neighborhoods and more intense uses within the City. Limited non-residential uses that are compatible

with the surrounding residential neighborhoods may be permitted in the R-4 District. The maximum building height allowed in R-4 districts is 35 feet.

The applicant is petitioning to rezone the southern portion of the property to R-MF Multi-Family Residential District. This district is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Single-family is not allowed in this district. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District. The maximum building height allowed in this district is 70 feet. The petitioner has provided a concept plan showing townhomes on the southern portion with the intention of selling as owner occupied. The northern portion of the proposed R-MF would be townhouse-style rental units.

Technical Review:

City Departments reviewed the proposed Zoning Map Amendment Application for compliance with city ordinances and impacts to regional systems. City staff coordinated technical review with planning staff at the City of Bettendorf to ensure continuity between the two municipalities.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the January 7, 2021 Neighborhood Meeting and the January 19, 2021 Plan and Zoning Commission Public Hearing.

Over 40 people attended the meeting to express concern over the proposed commercial and residential development. Discussion was generally related to the following items: impact on property values, opposition of multi-family residential development in favor of single-family homes, building height, buffering between development and the existing neighborhood, traffic on 53rd Street and neighborhood roads, typography and mass grading of the site, wet detention ponds, noise, and light spillover from commercial properties. Comments were generally opposed to the rezoning request.

In addition to the concerns raised at the neighborhood meeting, written comments received after the Plan and Zoning Commission public hearing have highlighted concerns over the capacity of the school district and an increase in crime.

In response to public comments, Dan Dolan Homes has committed to a building height restriction of thirty-five feet, which is consistent with the adjacent residential zoning districts. Both Russell Construction and Dan Dolan Homes have agreed to a minimum thirty foot buffer along the eastern, western, and southern property lines where abutting residential. The overall site plan is being modified to address City and property owner concerns. A revised concept plan has been included in the report, and is subject to change as the petitioner seeks to address additional concerns and incorporate the conditions outlined in staff's recommendation.

Protest Petitions

As of Friday February 12, 2021, staff has received fifty-one protest petitions from adjacent property owners within the 200 foot notification boundary. The percentage of protests impacts City Council action requirements. When the protest rate exceeds the 20% threshold, the rezoning request may only be approved by a favorable $\frac{3}{4}$ vote of the City Council. The Current protest rate is 32.4%.

Protests are accepted through the public hearing before the City Council. All protest petitions and comment received by the City are included in the staff report packet.

Discussion:

The 37.93 acre lot is currently being used for agriculture. The northern section of the property abuts East 53rd Street, which is a commercial corridor containing a mix of retail, restaurants, and offices. In contrast, the southern portion is surrounded by single-family residential neighborhoods. The City of Bettendorf borders the eastern boundary of the development site.

In 2011, the property was rezoned as part of a Planned Development District. The Plan and Zoning Commission placed land use restrictions on the site to mitigate potential impacts to the surrounding residential neighborhoods. The development of the property never occurred, but the zoning restrictions have remained on the site. The petitioner is requesting to remove the existing land use and development restrictions from the property, adjust the commercial zoning boundary, and enable multi-family residential development.

The City Council approved Ordinance No. 2011-20 and Ordinance No. 2011-21, which placed the following restrictions on the property:

1. That the proposed uses be limited to professional offices and residential uses.
2. That building height restrictions be reviewed at the site plan phase with lower building height (step down) being located along the perimeter of the development area.
3. That at a minimum, a buffer yard of fifty feet containing an undulated five to six foot berm be established along and within the commercially zoned area and that this buffer yard be developed with the following plantings: three canopy trees, 6 understory trees and 9 shrubs or evergreens/conifers per 100 linear feet. This buffer yard and berm shall be established during construction of any portion of the commercial zoned area.
4. 275 foot building setback line on both the east and west boundaries of the commercial zoning (no buildings allowed in the setback area for both east and west side setbacks other than residential lots on west side (houses to be built on residential lots)).
5. A maximum of six buildings in the commercially zoned area.
6. A maximum commercial footprint of 160,000 square feet within the commercially zoned area.
7. A maximum commercial total square feet of 240,000 square feet within the commercial zoned area.
8. A maximum of two story height on the commercial buildings.
9. Any commercial buildings located on the approximate 40% of the PDD area can be no higher than one story above finished grade.
10. That with each site plan, preliminary or final plat provision be made for the dedication of right-of-way for the dedication of right-of-way for: the easterly extension of East 51st Street to Hawk Drive; the northerly extension of Eastbury Estates Drive to East 51st Street; the southerly extension of Lakeview Parkway to East 51st Street; and a northerly connection from East 51st Street to the northerly development site. Review of this connection and any necessary traffic calming measures be done in conjunction with the review and approval of the associated development plan or subdivision platting.
11. That at least 50% of the residential development be single-family detached housing and said detached housing be located abutting the existing single-family development.

Why is a Zoning Map Amendment Required?

The zoning map amendment is required to lift the existing land use and development restrictions on the property, adjust the commercial zoning boundary, and allow for townhouse and multi-family development.

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.

Staff Response: The property is designated Regional Commercial (RC) and Residential General (RG) in the Davenport +2035 Land Use Plan. The modified boundary for Regional Commercial (RC) on the northern portion of the development site is compatible with the surrounding area. 53rd Street has developed as a major commercial corridor in both the City of Davenport and the City of Bettendorf. The applicant is attracting retail, office, service, and institutional development to the property within the C-2 Zoning District, which is consistent with the established character of 53rd Street.

The southern portion of the site will remain Residential General (RG). However, the boundary will be modified to reflect the conceptual site plan. This land use is consistent with the neighborhoods south of 53rd Street and east of Utica Ridge Road. The surrounding neighborhoods are single-family residential to the west, south, and east of the site. The Residential General (RG) land use classification allows for higher density housing along edges and transition areas.

It is staff's opinion that a condition shall be placed on the Zoning Map Amendment requesting City Council to adopt a resolution amending the Regional Commercial (RC) and Residential General (RG) boundaries on the Future Land Use Map to reflect the proposed development.

b. The compatibility with the zoning of nearby property.

Staff Response: The subject property is located on a commercial corridor, spanning both the City of Davenport and the City of Bettendorf. Land uses to the north of 53rd Street include medical and professional offices. The properties directly east comprise a bank, restaurant, and gas station. Developing the northern portion of the site for similar office, retail, and restaurant establishments is compatible with the zoning of nearby property. To reduce potential conflict with adjacent uses, staff recommends a 20-foot setback on the eastern and western-most property lines in the C-2 zoning district where abutting commercial zoning districts.

It is staff's opinion that the proposed amendment to R-MF Multi-Family Residential District is with no restrictions is incompatible with the zoning of nearby property. The existing R-4 Single-Family and Two-Family Residential District serves as a more appropriate transitional zone between the lower density neighborhoods and the more intense commercial uses on the northern portion of the site. To minimize impacts to the homes on Hamilton Court, 49th Court, 49th Street, and Dove Court,

staff recommend a 30-foot buffer along the eastern, western and southern-most property lines that abut residential districts. A height restriction of 35 feet would also reduce overall potential density.

c. The compatibility with established neighborhood character.

Staff Response: The established neighborhood character is primarily commercial along 53rd Street and residential to the west, south, and east of the subject property. It is staff's opinion that the C-2 Corridor Commercial District on the northern portion of the site is compatible with the existing zoning along the 53rd Street corridor. However, the rezoning classification to R-MF Multi-Family Residential District will create a higher-density residential environment that is inconsistent with the established character of the surrounding single-family neighborhood. R-MF allows multi-family and townhouse style developments of 3-units or more, which diverges from the established adjacent neighborhoods. However the change in housing types can help transition between single and two-family homes to a commercial development. To address the differences in density, it is staff's opinion that a buffer, landscaping, and building height restrictions are necessary.

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

Staff Response: The proposed commercial will result in additional traffic along the 53rd Street corridor. The proposed multi-family development substantially increases the density of the subject property, which will generate additional trips onto 53rd Street, Hawk Drive, and Eastbury Estates Drive. The commercial and residential development of the site requires a traffic study to ensure appropriate infrastructure is in place to address the projected increase in traffic volume on 53rd street and the surrounding residential neighborhoods. City staff recommend a north-south public road be constructed extending Eastbury Estates Drive north to 53rd Street. The new public right-of-way shall align with Lakeview Parkway. This will direct site traffic to a major arterial roadway and reduce traffic on the local streets. A traffic signal shall be installed at the newly created four way intersection. To alleviate congestion at the new traffic signal, a second access point is required further east on 53rd Street.

Based on comments from the City of Bettendorf and adjacent property owners, internal roads shall not connect to 51st Street and Hawk Drive. This ensures local residential roads do not receive higher traffic volumes. In order to enhance walkability and bicycle infrastructure, city staff recommend an extension of the ten foot multi-use path to the west property line. The final placement of streets will be reviewed during the subdivision process.

It is staff's opinion that the proposed zoning map amendment fails to adequately promote the public health, safety, and welfare of the City. The revised conceptual development plan addresses the negative traffic impacts to the regional transportation system on the proposed R-MF area. The C-2 area has not been revised to show staff recommendations on the transportation network. Internal road connectivity is required to ensure emergency response times and service standards. Staff believes adding conditions to the rezoning request can address and mitigate the impacts to the regional transportation network.

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

Staff Response: Under the current Zoning Ordinance, strict conditions are placed on the commercial portion of the site that limit setbacks, building height, building footprint, number of buildings, total square footage of buildings, and uses. It is staff's opinion that the existing development restrictions on the commercial portion of the site be removed and replaced with modified conditions. The recommended conditions will promote development of the site while recognizing the concerns of the abutting residential property owners.

The current zoning restrictions on the residential portion of the property require the connection of 51st Street, Hawk Drive, and Eastbury Estates Drive. In collaboration with the City of Bettendorf, it was determined that the road network eliminate the connection of 51st Street and Hawk Drive. Instead, a new public road connecting Eastbury Estates Drive to 53rd Street should be constructed to enhance connectivity and direct traffic away from the abutting neighborhoods. The existing zoning conditions require at least fifty percent of the residential development be single-family detached housing, which better maintains the character of the established neighborhoods. The conditions placed are appropriate for the level of density that is permitted under the current zoning.

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

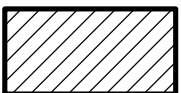
Staff Response: The undeveloped 37.93 acre site satisfies the dimensional standards for C-2 Corridor Commercial District and the R-MF Multi-Family Residential District. Dimensional standards, such as lot area, lot width, setbacks, building coverage, and impervious surface will be addressed during the subdivision and development process.

It is staff's opinion that the proposed amendment will not create any nonconformities. City staff are recommending a condition that the height of structures in the R-MF Multi-Family Residential District be no greater than thirty-five feet, which is the same height restriction in the abutting R-3 Single-Family and Two-Family Residential District. Reducing the maximum building height from seventy feet to thirty-five feet will create consistency with the surrounding single and two story homes.

Plan and Zoning Commission

REZ 20-09

4607 East 53rd Street



Rezone R-4 to R-MF and C-2
Revise Zoning Areas and Special Conditions

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.

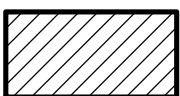
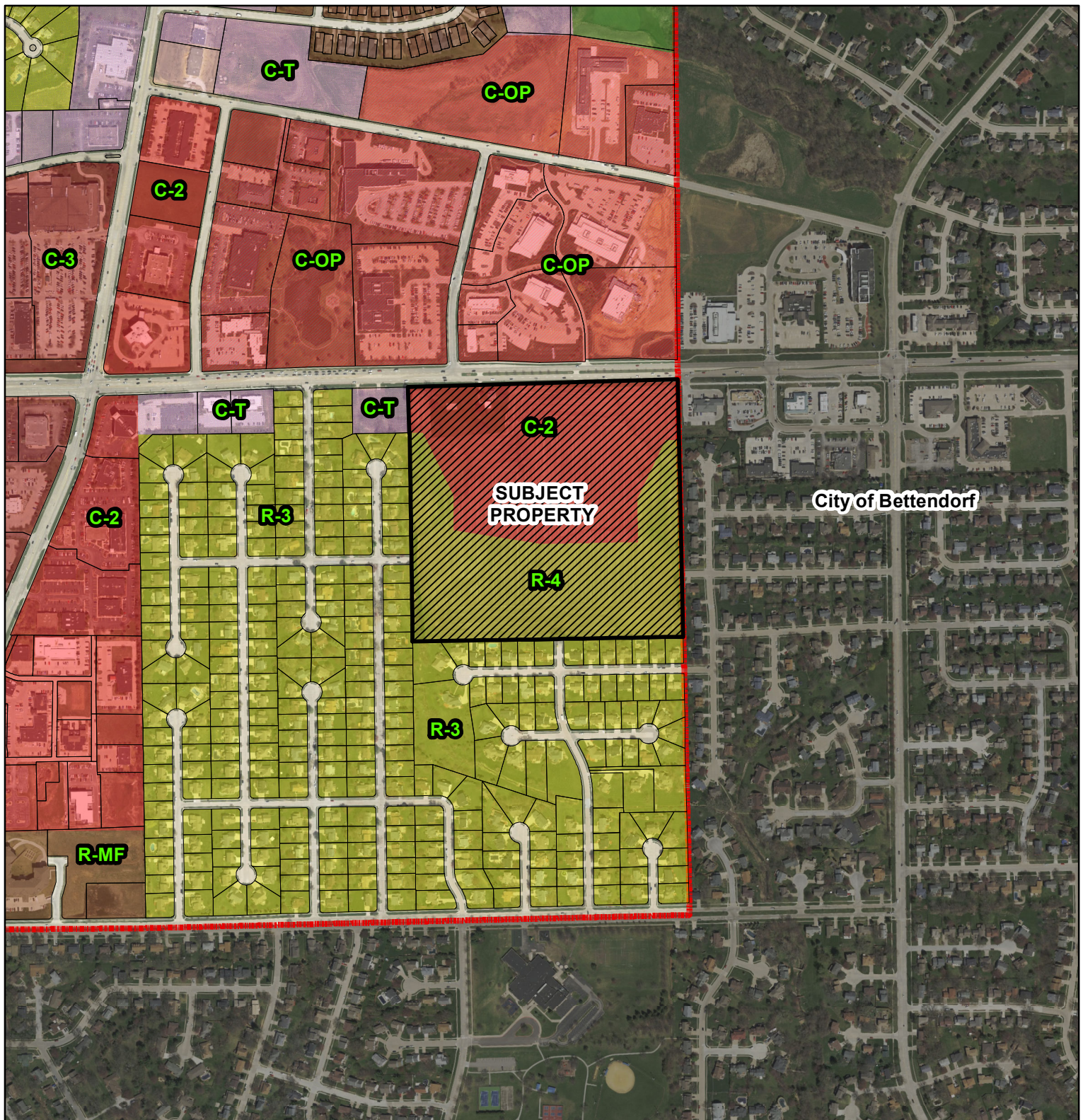
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Zoning Map Amendment (Rezoning) Request

REZ 20-09

4607 East 53rd Street



Rezone R-4 to R-MF and C-2

Revise Zoning Areas and Special Conditions

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.

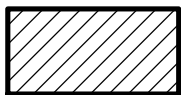
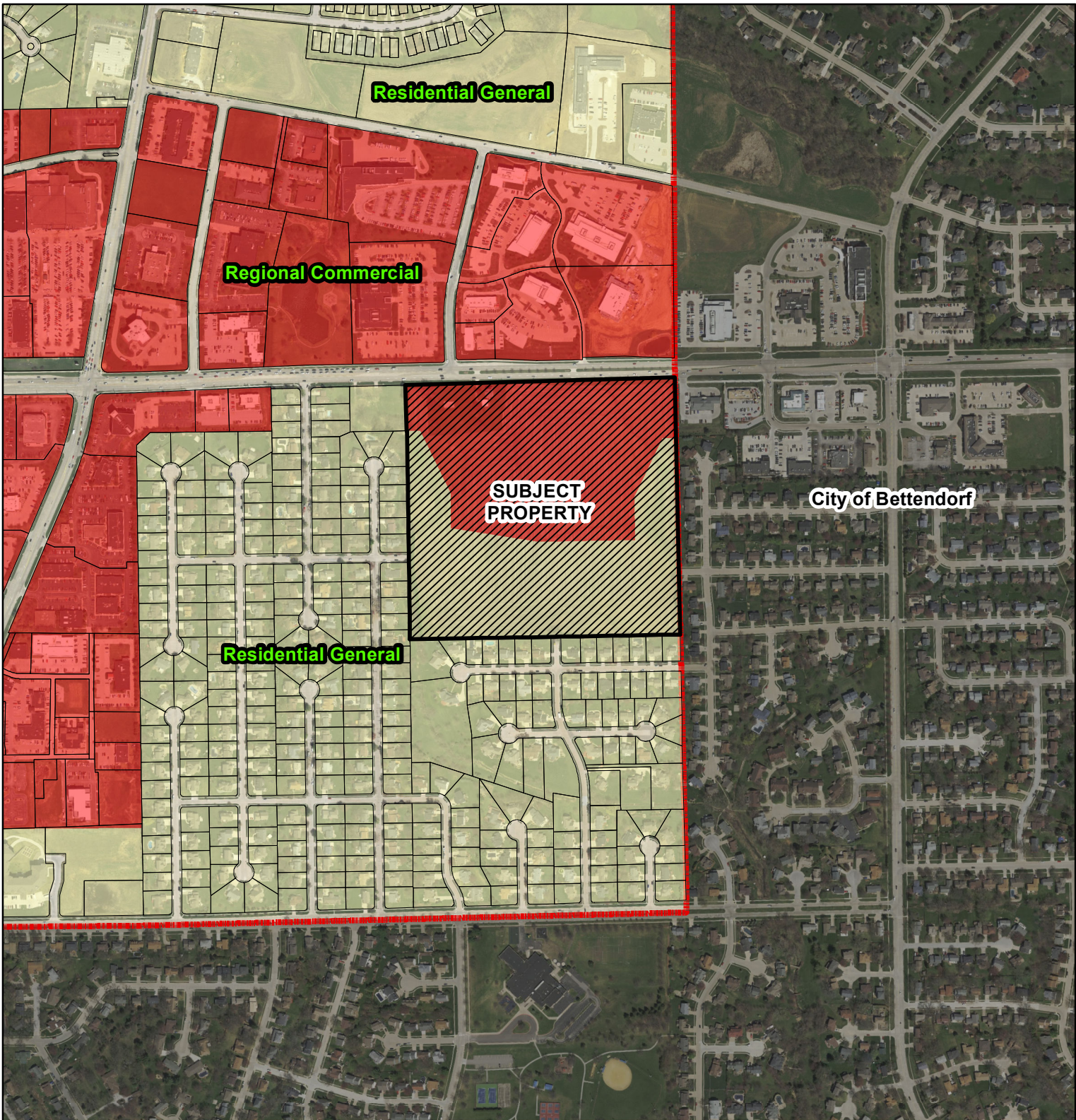
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Future Land Use Map - Davenport +2035

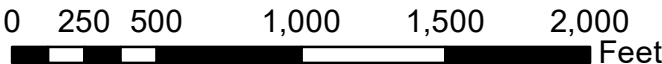
REZ 20-09

4607 East 53rd Street



Rezone R-4 to R-MF and C-2
Revise Zoning Areas and Special Conditions

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.



ORDINANCE 2011-20

1. **Condition 6.** That the proposed uses be limited to professional offices and residential uses.
2. **Condition 7.** That building height restrictions be reviewed at the site plan phase with lower building height (step down) being located along the perimeter of the development area.
Note: site plan replaced development plan.
3. **Condition 9.** That at a minimum, a buffer yard of fifty feet containing an undulated five to six foot berm be established along and within the commercially zoned area and that this buffer yard be developed with the following plantings: three canopy trees, 6 understory trees and 9 shrubs or evergreens/conifers per 100 linear feet. This buffer yard and berm shall be established during construction of any portion of the commercial zoned area. Note: Condition 9 was modified to remove reference to previous Zoning Ordinance and the timing of improvements.
4. **Condition 12.** 275 foot building setback line on both the east and west boundaries of the commercial zoning (no buildings allowed in the setback area for both east and west side setbacks other than residential lots on west side (houses to be built on residential lots).
Note: of the commercial zoning replaced on the PDD.
5. **Condition 13.** A maximum of six buildings in the commercially zoned area. Note: commercial zoned area replaced PDD.
6. **Condition 14.** A maximum commercial footprint of 160,000 square feet within the commercially zoned area. Note: within the commercial zoned area replaced on the PDD.
7. **Condition 15.** A maximum commercial total square feet of 240,000 square feet within the commercial zoned area. Note: within the commercial zoned area replaced on the PDD.
8. **Condition 16.** A maximum of two story height on the commercial buildings.
9. **Condition 19.** Any commercial buildings located on the approximate 40% of the PDD area can be no higher than one story above finished grade. Note: commercially zoned area replaced PDD area and removed reference to attached drawing.

Link: [Ordinance 2011-20 for meeting date 1-26-2011.pdf](#)

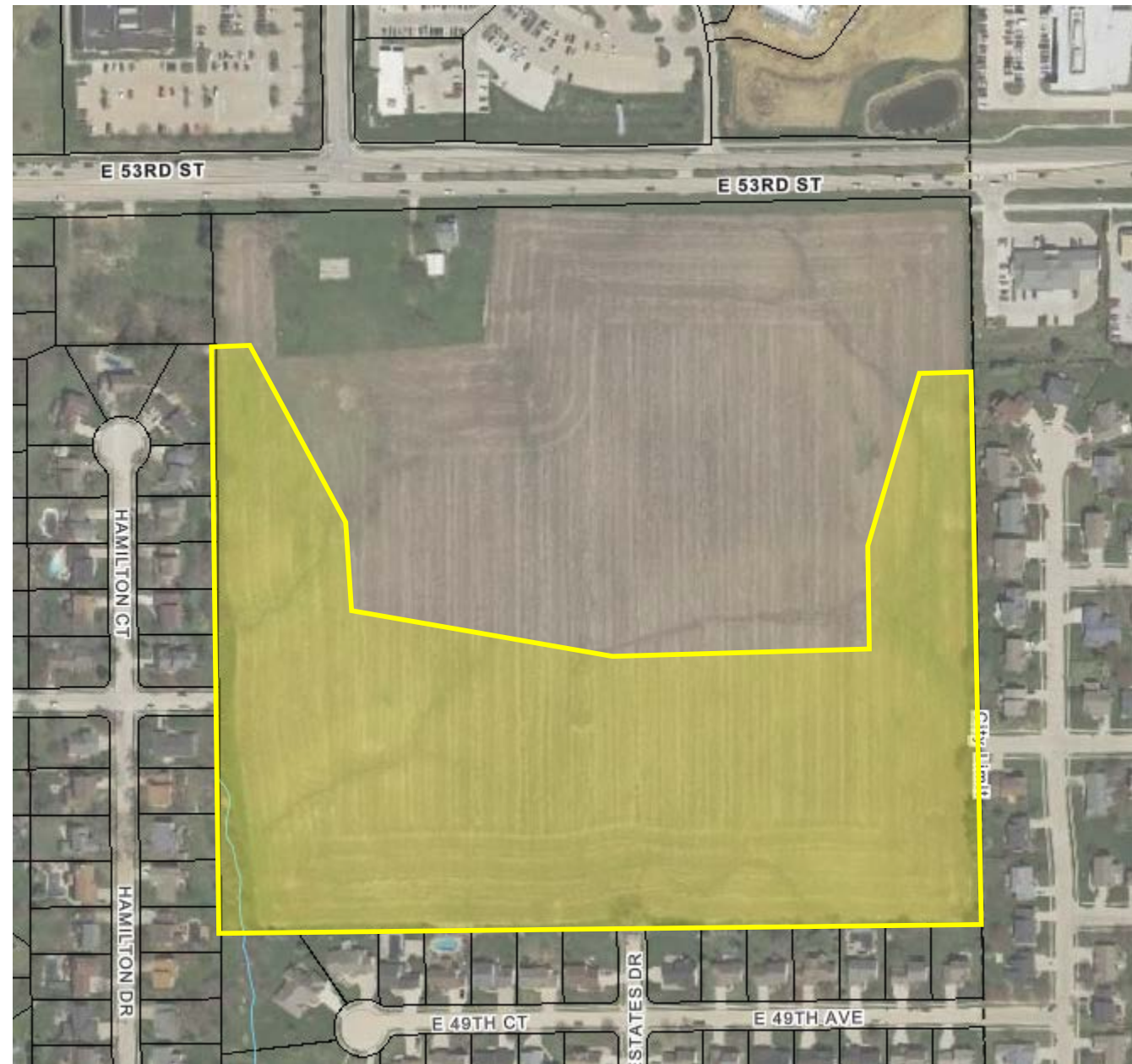


19.86 Acre Area South of 53rd Street, West of Utica Ridge Road

ORDINANCE 2011-21

1. **Condition 3.** That with each site plan, preliminary or final plat provision be made for the dedication of right-of-way for the dedication of right-of-way for: the easterly extension of East 51st Street to Hawk Drive; the northerly extension of Eastbury Estates Drive to East 51st Street; the southerly extension of Lakeview Parkway to East 51st Street; and a northerly connection from East 51st Street to the northerly development site. Review of this connection and any necessary traffic calming measures be done in conjunction with the review and approval of the associated development plan or subdivision platting. Note: site plan replaced development plan.
2. **Condition 4.** That at least 50% of the residential development be single-family detached housing and said detached housing be located abutting the existing single-family development.

Link: [Ordinance 2011-21 for meeting date 1-26-2011.pdf](#)



18.06 Acre Area South of 53rd Street, West of Utica Ridge Road



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*

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

Applicant (Primary Contact)**

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☐

Design Review Board

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

Engineer (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Architect (if applicable)

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

Administrative

Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Attorney (if applicable)

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

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

Request:

Existing Zoning:

Proposed Zoning Map Amendment:

Purpose of the Request:

Revise the areas of the C-2 and residential zoning per the attached legal descriptions. Request change in zoning of the residential area from R-4 to R-MF. Request removal of the special zoning conditions established in Ordinance No. 2011-20 and Ordinance 2011-21 with the understanding that new special conditions may be established as part of the Planning and Zoning review process.

Total Land Area:

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

Submittal Requirements:

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

Formal Procedure:**(1) Application:**

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

(2) Plan and Zoning Commission public hearing:

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

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

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

Formal Procedure (continued):

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

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

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Authorization to Act as Applicant

I, Ms. Sophie Foster authorize **S.J. Russell, L.C.** to act as applicant, representing me/us before the City of Davenport Plan and Zoning Commission and City Council for the property located at 4607 East 53rd Street, Davenport, Iowa

Sophie Foster

Sophie Foster

Signature(s)*

*Note, original signature required

Doc ID: 022579930004 Type: LAN
Recorded: 11/19/2020 at 02:48:02 PM
Fee Amt: \$22.00 Page 1 of 4
Scott County Iowa
Rita A. Vargas Recorder
File **2020-00036966**

FOR RECORDER'S USE ONLY

Prepared By: Nicholas J Esser, Vice President, Fortress Bank, 9000 North Knoxville Ave., Peoria, IL 61615, (309) 966-4850

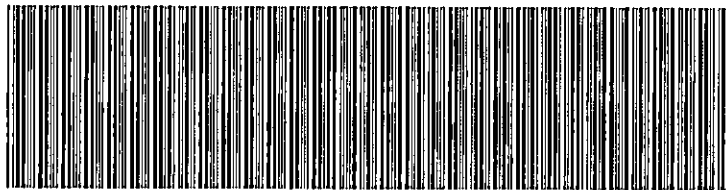
RECORDATION REQUESTED BY:

Fortress Bank, Peoria, 9000 North Knoxville Ave., Peoria, IL 61615

WHEN RECORDED MAIL TO:

Fortress Bank, Peoria, 9000 North Knoxville Ave., Peoria, IL 61615

MODIFICATION OF MORTGAGE



000000100000032068074011162020

The names of all Grantors (sometimes "Grantor") can be found on page 1 of this Modification. The names of all Grantees (sometimes "Lender") can be found on page 1 of this Modification. The property address can be found on page 2 of this Modification. The legal description can be found on page 2 of this Modification. The related document or instrument number can be found on page 2 of this Modification.

THIS MODIFICATION OF MORTGAGE dated November 16, 2020, is made and executed between Sophie Foster, not personally but as Trustee on behalf of Sophie Foster Revocable Trust Dated November 14, 2005, whose address is 6590 Golf Course Road, Bettendorf, IA 52722 (referred to below as "Grantor") and Fortress Bank, whose address is 9000 North Knoxville Ave., Peoria, IL 61615 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated November 14, 2019 (the "Mortgage") which has been recorded in Scott County, State of Iowa, as follows:

**MODIFICATION OF MORTGAGE
(Continued)**

Loan No: 100000032068

Page 2

Recorded in Scott County, Iowa as Document ID 022195600020 on December 13, 2019.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property located in Scott County, State of Iowa:

See Exhibit A, which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 4607 E 53rd Street, Davenport, IA 52807. The Real Property tax identification number is N0910-01.

MODIFICATION. Lender and Grantor hereby modify the Mortgage as follows:

Extending Maturity Date to November 16, 2021.

CONTINUING VALIDITY. Except as expressly modified above; the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Mortgage does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED NOVEMBER 16, 2020.

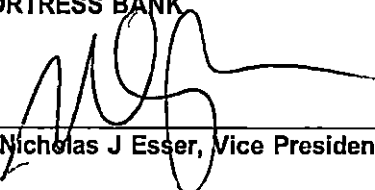
GRANTOR:

SOPHIE FOSTER REVOCABLE TRUST DATED NOVEMBER 14, 2005

By: Sophie Foster
Sophie Foster, Trustee of Sophie Foster Revocable Trust
Dated November 14, 2005

LENDER:

FORTRESS BANK

X 

Nicholas J Esser, Vice President

MODIFICATION OF MORTGAGE
(Continued)

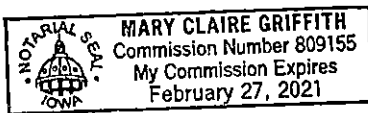
Loan No: 100000032068

Page 3

TRUST ACKNOWLEDGMENT

STATE OF Iowa)
) SS
COUNTY OF Scott)

This record was acknowledged before me on Nov 2, 2020 by Sophie Foster, Trustee of Sophie Foster Revocable Trust Dated November 14, 2005.



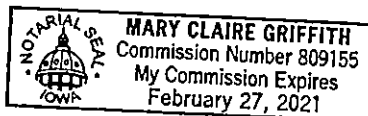
Mary Claire Griffith
Notary Public in and for the State of Iowa

My commission expires 27 Feb 2021

LENDER ACKNOWLEDGMENT

STATE OF Iowa)
) SS
COUNTY OF Scott)

This record was acknowledged before me on 2 Nov, 2020 by Nicholas J Esser as Vice President of Fortress Bank.



Mary Claire Griffith
Notary Public in and for the State of Iowa

My commission expires 27 Feb 2021

EXHIBIT A

Part of the Northeast Quarter of the Southwest Quarter of Section 9, T78N, R4E, of the 5th P.M. 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, T78N, R4E, of the 5th P.M. thence South 00°09'16" West 50.00 feet along the East line of the Northeast Quarter of the Southwest Quarter of said Section 9 to the Southerly right-of-way line of 53rd Street and the point of beginning of the parcel herein described (for the purposes of this description of the North line of the Northeast Quarter of the Southwest Quarter of said Section 9 is assumed to bear North 90°00'00" East);

thence South 00°09'16" West 1261.71 feet along the East line of the said Northeast Quarter of the Southwest Quarter of Section 9 and the Westerly line of Hunter Meadows 3rd and 4th Additions to the City of Bettendorf, Scott County, Iowa;

thence North 89°36'03" West 1316.85 feet to the West line of the said Northeast Quarter of the Southwest Quarter of Section 9 and the Easterly line of Olde Coventry First Addition to the City of Davenport, Scott County, Iowa;

thence North 00°23'41" East 1252.56 feet along the said West line of the Northeast Quarter of the Southwest Quarter of Section 9 and the Easterly line of Olde Coventry First Addition to the said Southerly right-of-way line of 53rd Street;

thence North 90°00'0" East 1311.59 feet along the said Southerly right-of-way line of 53rd Street to the point of beginning.

This parcel contains 37.93 acres more or less.

LAND DESCRIPTION

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 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).



LAND DESCRIPTION

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).



53RD STREET

EXISTING SINGLE FAMILY

EAST 51ST ST.

HAMILTON DRIVE

EXISTING SINGLE FAMILY

EXISTING SINGLE FAMILY

HAWK DRIVE

EXISTING SINGLE FAMILY

DOVE COURT

WET DETENTION

WET DETENTION

PARK

EXISTING SINGLE FAMILY

EXISTING SINGLE FAMILY

RESIDENTIAL DEVELOPMENT
DAN DOLAN HOMES

EASTBURY
ESTATES DR

2020-12-28
S.J. Russell, L.C.
Sophie Foster Property
3204340

COMMERCIAL DEVELOPMENT

SHIVEHATTERY
ARCHITECTURE+ENGINEERING

Martin & Whitacre
Surveyors & Engineers, Inc.
1505 RIDGEMILL ROAD MUSCATINE, IOWA
PHONE: (562) 362-7581 EMAIL: INFO@MARTIN-WHITACRE.COM

FL EXISTING CREEK

5' SIDEWALK

SETBACK

LANDSCAPE BUFFER / SCREEN

5' SIDEWALK

LANDSCAPE BUFFER / SCREEN

LANDSCAPE BUFFER / SCREEN

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#	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

DOLAN 20 ACRE DEVELOPMENT
DAVENPORT, IOWA

OVERALL SITE DEVELOPMENT CONCEPT
DOLAN CONDEPT - E

PROJ NO:	8630.20	DRAWING NO:
CONST PROJ:	000	EX-6
SCALE:	AS NOTED	SHEET NO:
DATE:	1/29/21	



REZONING REQUEST NOTICE | Plan and Zoning Commission

Rezoning Request

REZ20-09: 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. [Ward 6].

To: All property owners within 200 feet of the subject property located at **4607 East 53rd Street**.

Neighborhood Meeting

Date: 1/7/2021 Time: 5:30 PM Location: Birchwood Learning Center | 4620 East 53rd Street.

Plan and Zoning Commission Public Hearing

Date: 1/19/2021 Time: 5:00 PM Location: Council Chambers | City Hall | 226 W. 4th ST.

What is this About?

This notice is being sent to inform you that a neighborhood meeting and a public hearing will be held for a Zoning Map Amendment. The purpose of the Zoning Map Amendment is to lift the existing land use and development restrictions on the property, adjust the commercial zoning boundary, and allow for townhouse and multi-family development.

What are the Next Steps after the Neighborhood Meeting and Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on January 19, 2021. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on February 2, 2021. The Commission's recommendation will be forwarded to the City Council, which is the final review authority. For the specific dates and times of subsequent meetings, please contact the case planner below. As a reminder, **Face masks are required for all in person attendance.**

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 at the Plan and Zoning Commission Public Hearing:

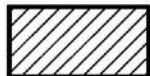
Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/planzoning & at 1-866-899-4679 with access code: 492-653-453. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public 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 (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

Adjacent Property Owner Notice Area
REZ 20-09
4607 East 53rd Street



Rezone from C-2 and R-4 to C-2 and R-MF
Revise Zoning Areas and Special Conditions

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.

0 115 230 460 690 920 Feet





Public Hearing Notice | Committee of the Whole

Date: 2/17/2021
Time: 5:30 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Rezoning Request Before the Committee of the Whole

To: All property owners within 200 feet of the subject property located at **4607 East 53rd Street**

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

REZ20-09: 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. The purpose of the rezoning is to lift the existing land use and development restrictions on the property, adjust the commercial zoning boundary, and allow for townhouse and multi-family development [Ward 6].

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 of 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 north-south public street shall be required to connect Lakeview Parkway to Eastbury Estates Drive.
4. A traffic signal shall to be required at the intersection of Lakeview Parkway and East 53rd Street.
5. A second ingress/egress point to East 53rd Street shall be required.
6. Street connections to East 51st Street and Hawk Drive shall be prohibited.
7. The multi-purpose trail shall be extended to the west property line.
8. 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.

9. A 30-foot buffer shall be required on the eastern, western and southern-most property lines of the subject property where abutting residential districts.
10. The height of structures in the R-MF zoning district shall be no greater than 35 feet.

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, February 17, 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. Written comments may be sent via email to mayor.info@davenportiowa.com or mailed to the Development and Neighborhood Services Department, at the below address, no later than 12:00 noon on the day of the public hearing. All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145



Neighborhood Meeting Sign-In Sheet

	NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / FAX # E-MAIL ADDRESS
28.	JASON Gillaspie	5143 Hamilton CT	563-940-7044 jason.gillaspie709@gmail.com
29.	Jessy Kelly	4832 E. 49th Ave	563-320-5894 jkelly@jewellgroup.com
30.	Jim Long	4996 Dove CT	563-332-3493 Susan Long@Q.com
31.	Janel Kelly	5034 Hamilton Dr.	563-449 16191
32.	Michael Ryan	4646 E 49th Ct	563-326-2892 michaelmarioryan@aenail.com
33.	Brion Wales	4835 E 49th Ave	563 332 13101
34.	W.T. Grampp	4750 E 49th Ave	563-343-1900 wgrampp@aol.com
35.	Anthony Ziskovsky	5200 Dove Ct	563 5251 3937 Zikodavich@gmail.com
36.	Maile Burton	2115 Hawk Dr.	(563)349-2757 mludgate@gmail.com
37.	Sue Thompson	2282 Hawk Dr	563-940-4386 theonecruiser@hotmail.com
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Neighborhood Meeting Sign-In Sheet

SHIVEHATTERY
ARCHITECTURE • ENGINEERING

Attendance Sheet

PROJECT NAME: 53rd St Commercial Development MEETING TYPE: Neighborhood Meeting

MEETING DATE: 1/7/2021 LOCATION: Birchwood Learning Center

MEETING TIME: 5:30 - 6:30 PM PROJECT NO.: 3204340

Please Write Clearly

PHONE # / MOBILE #
E-MAIL ADDRESS

NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / MOBILE # E-MAIL ADDRESS
1. Bob Inghram	Plan & Zone Chair	B Inghram @ Active Internal net
2. David Sheets	neighbor	wx4sheets@g.com
3. Jimmie Clifford	Adjacent Property Owner	c1.fordj1@gmail.com
4. Mary Clifford	Adjacent Property Owner	amclifford@mediacombb.net
5. JARED VAN MIDDLESWORTH	ADJACENT PROPERTY OWNER	vanmiddlesworth198@gmail.com
6. Kyle Gripp	ALDERMAN	
7. Travis Unterzuber	Davenport Resident	
8. Barry & Kristin Winkler	4978 Dove Ct	
9. Jim & Maria Powell	5078 Dove Ct	Ajzmrspowell@icloud.com
10.		
11.		
12.		

Neighborhood Meeting Sign-In Sheet

Page 2 of 7

Please Write Clearly

	NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / FAX # E-MAIL ADDRESS
13.	Ben Jobgen	6316 Forest Rd. Davenport 52807	/
14.	Cathy Hettrick	5166 Dove dr Beth	/
15.	Jim Hettrick	" "	/
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Neighborhood Meeting Sign-In Sheet

Page 4 of 7

	NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / FAX # E-MAIL ADDRESS
43.	Kelly Young	Russell 4700 E 5 th 3rd	/ Kjyoung75@gmail.com
44.			/
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Neighborhood Meeting Sign-In Sheet

	NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / FAX #
			E-MAIL ADDRESS
58.	Mark Stevens		/
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*** 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 85876

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



Section: Notices & Legals

Category: 2627 Miscellaneous Notices

PUBLISHED ON: 01/07/2021

TOTAL AD COST: 79.91

FILED ON: 1/7/2021

Subscribed and sworn to before me by said affiant this 7 day of Jan 2021.



Notary Public in and for Scott County, Iowa



*** Proof of Publication ***

PUBLIC NOTICE
PUBLIC HEARING
TUESDAY, JANUARY 19 - 5:00 P.M.
CITY OF DAVENPORT
PLAN AND ZONING COMMISSION
COUNCIL CHAMBERS -
DAVENPORT CITY HALL
226 WEST 4th STREET --
DAVENPORT, IOWA

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

Case REZ20-09: Request of S.J. Russell, LC on behalf of Sophie Foster Revocable Trust for a zoning map amendment on 38 acres, more or less, of property located at 4607 East 53rd Street as follows:

The north 18 acres, more or less, to C-2 Commercial Corridor with existing conditions removed.

The south 20 acres, more or less, from R-4 Single and Two-Family Residential to R-MF Residential Multi-Family with existing conditions removed. [Ward 6]

Case ORD20-02: Request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing. [Ward 3]

Case ORD20-02 also includes Request of Palmer College of Chiropractic to vacate the following three Rights-of-Way [Ward 3]:

(1) A portion of East 11th Street between Perry Street and Pershing Avenue described as follows: That part of East 11th Street located between Perry Street and Pershing Avenue, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the southeast corner of Block 96 in LeClaire's 8th Addition; Thence South 02°52'09" East, a distance of 60.01 feet to the northeast corner of Block 89 in LeClaire's 8th Addition; Thence South 88°01'40" West along the north line of said Block 89, a distance of 321.23 feet to the northwest corner of said Block 89; Thence North 02°07'42" West, a distance of 61.84 feet to the southwest corner of said Block 96; Thence North 88°21'23" East along the south line of said Block 96, a distance of 320.47 feet to the Point of Beginning. The above-described parcel contains 19,545 square feet, more or less.

(2) Part of a 20-foot alley located partly in Block 89 of LeClaire's 8th Addition and partly in Outlot 30 of LeClaire's 2nd Addition in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows: Commencing at the at the northeast corner of Lot 5 in said Block 89; Thence South 01°50'01" East along the east line of said Block 89, a distance of 165.98 feet to the northerly line of said alley and the Point of Beginning; Thence continuing South 01°50'01" East along said east line, a distance of 20.00 feet to the southerly line of said alley; Thence South 88°02'49" West along said southerly line, a distance of 151.54 feet to the easterly line of said alley; Thence South 01°50'34" East along said easterly line, a distance of 108.54 feet; Thence South 87°15'17" West, a distance of 20.00 feet to the westerly line of said alley; Thence North 01°50'34" West along said westerly line, a distance of 128.82 feet to the northerly line of said alley; Thence North 88°02'49" East along said northerly line, a distance of 171.54 feet to the Point of Beginning. The above-described parcel contains 5,604 square feet, more or less.

(3) Part of a 20-foot alley located in Block 96 of LeClaire's 8th Addition in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows: Beginning at the southeast corner of Lot 5 in said Block 96; Thence South 01°53'25" East along the east line of said Block 96, a distance of 20.00 feet to the south line of said alley; Thence South 88°25'19" West along said south line, a distance of 204.63 feet; Thence North 01°30'45" West, a distance of 20.00 feet to the north line of said alley; Thence North 88°25'19" East along said north line, a distance of 204.50 feet to the Point of Beginning. The above-described parcel contains 4,091 square feet, more or less.

The public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday, January 19, 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. Information regarding the hearing is available at the

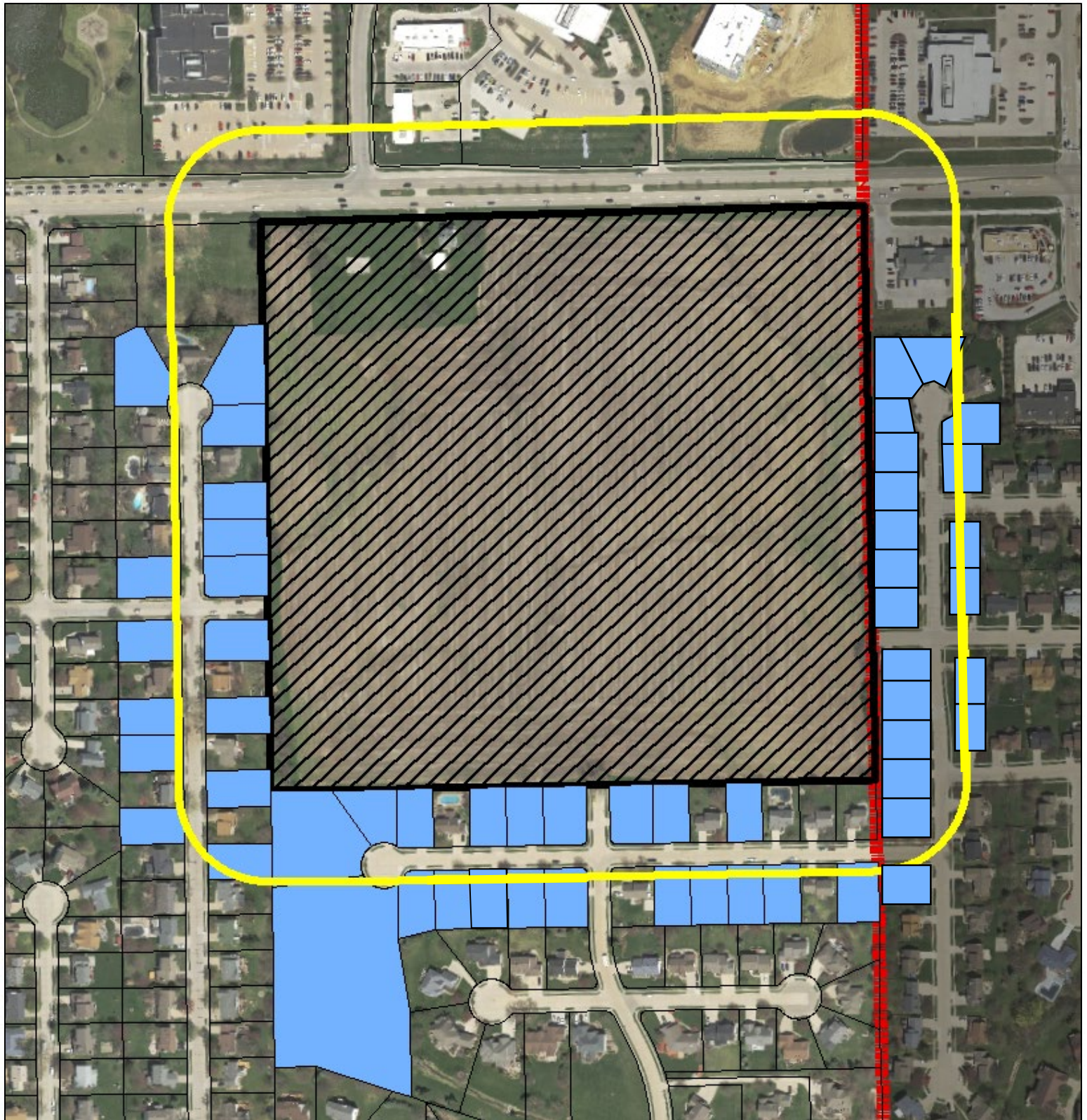
*** Proof of Publication ***

Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No. 2105773

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

**Adjacent Property Owner Notice Area
REZ 20-09
4607 East 53rd Street**



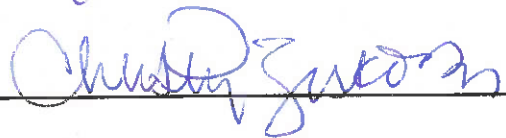
Written Protest Petitions Received Within the 200 Foot Notification Boundary as of February 12, 2021.



I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Anthony & Christy Ziskovsky

Address: 5200 Dave Ct. Bettendorf

Signature:  

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Nicole Dinville

Address: 5142 Hamilton Ct. Davenport

Signature: Nicole Dinville

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Brian Wales

Address: 4835 E 49th Ave Davenport IA 52807

Signature: 

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: David Poole

Address: 4507 E 51st St, Davenport, IA 52807

Signature: David Poole

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Meghan Wilson

Address: 5153 Dove Ct. Bettendorf, IA 52722

Signature: Meghan Wilson

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: STEVEN KUNZ

Address: 4609 E 49th CT DAVENPORT IA 52805

Signature: SK

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name:

James A Lange

Address:

4894 Dove Ct BETT

Signature:

James A Lange

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name:

Pete & Karen Moldt

Address:

5131 Dove Ct, Bettendorf IA 52722

Signature:

Karen Sue Moldt

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name:

Mike Reckman

Address:

4803 E 49th Ave

Signature:

Mike Reckman

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Marlena Jipp

Address: 4718 E. 49th Ave

Signature: Marlena Jipp

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Brenda Ripslinger

Address: 5026 Hamilton Drive

Signature: Brenda Ripslinger

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Stephani Nagle

Address: 4702 E 49th Ave

Signature: [Signature]

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Troy C. Skeen

Address: 4755 E. 49th Ave

Signature: [Signature]

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Kelly Poster

Address: 4661 E. 49th Ct. Davenport, IA 52807

Signature: Kelly Poster

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: BRIAN FRITZ

Address: 4625 E. 49th Ct Davenport

Signature: Brian Fritz

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: JACKSON FRANKS

Address: 4927 HAMILTON DR Davenport IA 52807

Signature: Jackson Franks

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Joseph Helmke

Address: 5018 Hamilton Dr. DAV 52807

Signature: Joseph Helmke

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Colleen Gillespie
Address: 5143 Hamilton Ct. Davenport, IA 52807
Signature: Colleen Gillespie

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Jordan Cummings / Jennifer Nichols
Address: 5042 Hamilton Dr Davenport IA 52807
Signature: Jordan Cummings / Jennifer Nichols

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: ROSEMARY CARPENTER
Address: 4420 E 51ST STREET DAVENPORT
Signature: R Carpenter

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Senelle Haines
Address: 5121 Hamilton Ct.
Signature: Senelle Haines

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Liang Zhao

Address: 4634 E 49th Ct Davenport IA 52807

Signature: Liang Zhao

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: BRIAN MORRISSEY

Address: 5137 HAMILTON CT

Signature: Brian Morrissey

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Patty Knight

Address: 5004 Hamilton Dr.

Signature: P. Knight

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Andrew Galvan

Address: 4649 E 49th Ct

Signature: Andrew Galvan

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Mary Jo Andersen
Address: 4658 E 49th Ct, Davenport IA
Signature: Mary Jo Andersen

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Michael Ryan
Address: ~~49~~ 4646 E 49th Ct
Signature: Michael Ryan

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: John Prindle
Address: 4735 E 49th Ave, Davenport
Signature: John Prindle

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Deane VonDerbinst
Address: 4545 E 49th Court Davenport Ia 52807
Signature: Deane VonDerbinst

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: SCOTT AND Janet Wadsage
Address: 4610 E. 49 Ct. Davenport, IA. 52807
Signature: [Signature]

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Matt Zumwalt
Address: 5113 Hamilton Ct
Signature: [Signature]

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Diane Stanley
Address: 5011 Hamilton Dr Daw
Signature: Diane Stanley

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Kathryn E Phillips
Address: 5090 Dove Ct, Bettendorf, IA
Signature: Kathryn E Phillips

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Tamara J Cheif

Address: 4622 E. 49th CRT, Davenport IA 52807

Signature: Tamara J Cheif

Does Not Count Towards Protest Rate: Signature Does Not Match Name on Deed.

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Ryan Kelly

Address: 5034 HAMILTON DR.

Signature: R Kelly

Does Not Count Towards Protest Rate: Signature Does Not Match Name on Deed.

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: John Shirsung

Address: 417 E. 4th Ave Court Beth 52702

Signature: John Shirsung

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Lisa Reisen

Address: 4919 Dove Ct Bettendorf IA 52722

Signature: Lisa M Reisen

Does Not Count Towards Protest Rate: Property Outside 200 Ft. Notification Boundary.

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Nate Hernandez

Address: 4928 Hamilton Dr

Signature: Nate Hernandez

Does Not Count Towards Protest Rate: Property Outside 200 Ft. Notification Boundary.

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: A John Holmes

Address: 4919 Hamilton Dr

Signature: A John Holmes

Does Not Count Towards Protest Rate: Property Outside 200 Ft. Notification Boundary.

FORMAL PROTEST

Name: Barry & Kristin Winkler

Address: 4978 Dove Ct., Bettendorf, IA 52722

I am filing this formal protest with the Planning and Zoning Commission and City Council of the City of Davenport, Iowa. I **object** to the rezoning of 4607 E. 53rd St. (Case REZ20-09).

Other comments (optional): The current zoning plan maintains a consistent housing plan within the neighborhood. The new zoning plan completely changes the neighborhood adjacent to the property. The only reason there is a new zoning request is because the property is priced above market value. If the property was sold at market value, the current zoning plan would allow any developer to make a reasonable profit.

Signature: Barry Winkler Kristin Winkler

Date: 1/18/2021 1/18/2021

Mail signed document to: Planning Division, 1200 E. 46th St., Davenport, IA 52807

Or Email signed document to: planning@davenportiowa.com

January 15, 2021

To: Davenport City Council Members

We are residents of Bettendorf at 5011 Dove Court, (corner of Hawk Dr. & Dove Ct.).

This letter serves as our reasons for objecting to the recent request for a Davenport rezoning plan filed under the Sophie Foster estate.

We live within the immediate perimeter of several neighborhoods impacted by the proposed plan. As a longtime Bettendorf resident (19 yrs.), we request consideration of our concerns listed in this letter on this subject. We have no plans of moving as many of us within these neighborhoods have homes that can or have been modified to allow us a quality of life of aging within our current homes.

Our main concerns to be addressed and/or communicated more in detail in future meetings:

1. There will be a significant increase in traffic volume and varying patterns of flow since Hawk Dr. is one of two outlets to/from the projected housing areas.

We currently enjoy a clean, quiet, low crime neighborhood that will certainly change if this project is approved. That change has not been proven this would be a positive one.

Question: Has there been a study conducted to show residents an estimation of impact/volume?

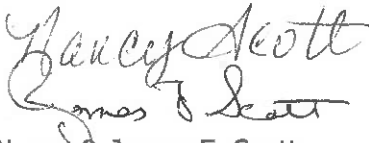
2. Traffic flow from the proposed condo/apartments adjacent to the proposed and including the commercial section only shows access or outlet from an already very busy 53rd Street. This proposal going forward should include plans for a coordinated and timely commitment to install sufficient well placed traffic lights. Otherwise, the current status for safety, convenience, and quality of commuting will decline quickly. If nothing more is communicated, this proposal will meet with escalating objections. This part is critical. I would hope planners, developers, etc, do not adopt the thought that disappointed and unhappy current residents will just simply pick up and move if they don't like it. We have created this desirable neighborhood and community in the first place. It just happened to be built next to farming land. Regardless, we all have been great stewards of our properties and plan to continue to maintain that same high level standard in the future. This is seen as a threat to leaving behind and perhaps the planners will not be gaining back like-minded new residents. Something to think about.
3. Light pollution from future commercial development hasn't been communicated very well as to how this is monitored, enforced, or addressed if there are infractions. That information is missing and lay people need to understand what would be leveraged as enforceable and result in fines should there be infractions.

We can share the impression of many present during the last meeting was once the land is approved/rezoned, planners can do as they please. What protects current residents?

4. Collection ponds should be dry and not wet as the ponds north of 53rd St. have not been desirable in how they have been kept up, cleaned up, and the attraction of more geese with contamination of their proliferative waste products is not now we need more of. The collection marsh to the east of the Village Cooperative of Crow Creek is a far better option year round. Walking by them is more pleasant all seasons compared to north of 53rd.

These comments reflect our major concerns with this rezoning and we are asking for consideration and attention to this project.

Thank you,

Handwritten signatures of Nancy and James F. Scott in cursive script.

Nancy & James F. Scott
5011 Dove Court
Bettendorf, Iowa 52722

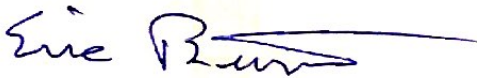
January 14, 2021

To Whom It May Concern,

This letter is to serve as a written protest to the rezoning of the land on 4607 E 53rd St. Davenport (Case REZ20-09). My husband and I own property at 2115 Hawk Dr. Bettendorf, IA which is within 200 feet of the property under consideration. We strongly object to the rezoning from R4 to R-MF, as we feel this would negatively impact our neighborhood and home values. We are also concerned about the amount of additional vehicular traffic on Hawk Dr. if it becomes an access street to the new townhomes as proposed.

We hope that you will take our concerns, as well as our neighbors', into consideration during the rezoning process.

Sincerely,



Marie and Eric Burton

2115 Hawk Dr.

Bettendorf, IA 52722

Subject: 38 acres of Foster land on 53rd.

To the City of Davenport

Russell Construction's request to rezone the land from R-4 to R-MF would be far too much for the schools to handle with all the children moving in and it would also decrease the value of our homes on 49th CT. in Davenport.

Russell Construction's greed will only hurt the city and our home values.

Please consider the home owners affected by this decision and rule in our favor to not allow them to rezone the land.

Thank You. Douglas E Andersen
4658 East 49th CT
Davenport Ia, 52807

Doug E Andersen

To Whom It May Concern:

My name is Kelly Cypher and I live at 4721 E 49th Ave Davenport, IA 52807. I have recently been notified about the proposed rezoning of 4607 E 53rd St Davenport, IA 52807, the property across the street from my home. I must voice my strong opposition to this rezoning as I bought my current home since it was not near any apartments, condominiums or town homes. This rezoning will decrease our property values and increase traffic and noise in our neighborhood which is one of the main reasons we purchased our home here, those are not current issues in this area. Please take into consideration all the homeowners, including myself and my family, near this property that object the rezoning of case # REZ20-09.

Thank you for your time,

A handwritten signature in cursive script that reads "Kelly Cypher". The ink is dark and the signature is fluid, with the first and last names clearly distinguishable.

Kelly Cypher

Matt,

I would be in protest of the proposed rezone. I own a property at 4750 E. 49th Ave. that touches the south end.

After attending the January 7th public meeting property owners raised solid arguments and concerns. I have practiced real estate sales and brokerage in Davenport for 40 years, statements made about property value reduction are "valid".

If the zoning on this property was decades old or zoned "ag" a change makes sense. The current zoning is only 3 years old. Several neighbors made purchase decisions based on the 2018 zoning change.

It is unfair to "move the goalposts" on the neighborhood.

The development should fit the zoning, not the other way around.

Kevin Dolan mentioned at the public meeting the ground was extremely expensive so the proposed development plan was needed to cover the costs. Why should property owners be damaged so Sophie Foster obtains a premium over market value.

She has been trying to sell the ground for 15 years. If it was "market priced" it would of sold in one year.

Enforce the current zoning without modification.

Please share this E-mail with the P&Z commission and or city council.

Regards,



W. T. Grampp

FORMAL PROTEST

Name: Steve + Jan Slade
Address: 4956 Dove Ct Bettendorf, IA 52722

I am filing this formal protest with the Planning and Zoning Commission and City Council of the City of Davenport, Iowa. I **object** to the rezoning of 4607 E. 53rd St. (Case REZ20-09).

Other comments (optional): _____

Signature: Jan Slade
Date: 1/25/21

Mail signed document to: Planning Division, 1200 E. 46th St., Davenport, IA 52807

Or Email signed document to: planning@davenportiowa.com

~~This~~ is James Long @ 4996 dove ct. Bettendorf Iowa. I object to the rezoning of 4607 east 53rd street [case rez20-09]. This land should be zoned the same as the land (with houses) on its three sides.

James A. Long

18 January 2021

To: City Of Davenport
Planning Division
1200 E. 46th St.
Davenport, IA 52807

Subject: Rezoning Of Sophie Foster Property
4607 E. 53rd St.
Davenport, IA

This letter is presented in opposition to the rezoning of the above listed property. Based on the proposed use of this property by S.J. Russell, L.C. major concerns are:

- a. There are only two entrances/exits for the residential portion of this property. Rezoning as requested for multi-family dwellings and 56 single family dwellings will severely overload the residential streets of Hawk Drive and Eastbury Estates Drive.
- b. The Bettendorf elementary neighborhood school will be adversely affected with the potential substantial increase in children.
- c. There is concern for excessive water run-off due to the increased number of buildings being suggested for this property. Today there is a large of amount of water run-off and pooling in the low areas on the east side of this area is substantial.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca & Dan Stansberry". The ink is dark and the signature is fluid.

Rebecca & Dan Stansberry
5120 Dove Ct.
Bettendorf, IA 52722

FORMAL PROTEST

Name: Beth and Jared Van Middlesworth
Address: 5148 Dove Ct
Bettendorf, IA 52722

City of Davenport Planning and Zoning,
Subject: **OBJECTION** to the rezoning of 4607 E. 53rd St. (Case REZ20-09)
Reference Property: 4607 E. 53rd St. (Case REZ20-09)

I would like to formally **object** to rezoning of 4607 E. 53rd St. (Case REZ20-09). We have many concerns with the development of this property, which is adjacent to my property. The following are my concerns.

Residential/Multi Family Concerns (R-MF)

- Traffic from single family homes.
 - o Having the families exiting and entering the new neighborhood through Hawk Drive and Eastberry Estates poses many issues.

The largest, and most concerning is safety. There are many families with children in the area, any additional traffic only increases the risk of accidents.

Another major concern is maintenance. With the addition of the 100+ cars a day there will be additional wear and tear on the streets in Bettendorf. Who is going to pay for the additional maintenance that is required?

- Traffic from the Multi Family Rental Properties
 - o How is the additional traffic on 53rd going to be addressed? It is already congested and adding 120+ homes will only make it worse.
- Height of the Multi Family Rental Properties
 - o The R-MF zoning allows for building up to 70 feet tall. This does not fit the area and would be a big deterrent to owning a home adjacent to these structures. I feel a height restriction of 25-30 ft (2-story) exposed building would be appropriate for the area.
- Light Pollution from Multi family parking lots
 - o I understand the builders will be required to follow the codes, with lighting levels of <1 fc at the lot line, but this does not address the direct site of the light fixtures themselves.

Commercial (C-2)

- Type of uses being proposed, Retail and Restaurants (bars), for the commercial zoned areas is less than desirable for many reasons.
 - o Additional traffic. In addition to the traffic single family homes, the additional traffic to the stores and restaurants will only cause more traffic issues. How is this being addressed?
 - o Noise. If restaurants and bars are going to be built there will be outdoor seating and the possibility of live, or played, music that will disrupt the surrounding area. If these types of businesses are going to be built, I feel limitations on outdoor seating and limitations on sound levels should be included in the zoning.
- Light Pollution from parking lots
 - o I understand the builders will be required to follow the codes, with lighting levels of <1 fc at the lot line, but this does not address the direct site of the light fixtures themselves.

Thank you,



Jared Van Middlesworth

18 January 2021

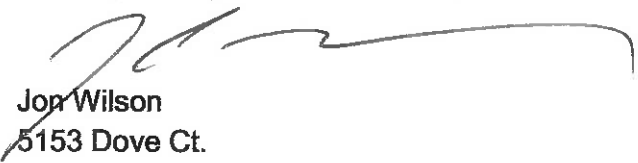
City Of Davenport
Planning Division
1200 E. 46th St.
Davenport, IA 52807

Subject: Rezoning Of Sophie Foster Property 4607 E. 53rd St. Davenport, IA

This letter is presented in opposition to the rezoning of the above listed property. Based on the proposed use of this property by S.J. Russell, L.C. major concerns are:

- It seems to me that when both sides, that is the east and west sides of the property adjacent to 4607 East 53rd Street were being developed, adequate traffic flow onto the streets surrounding that property and the safety issues regarding vehicle congestion in those residential streets were a part of the planning process. In the proposed plan there seems to be no regard for those residents who own property on Hawk Drive and Eastbury Drive in terms of the new traffic flowing into those single family home residential areas. I believe this proposal will create a serious safety issue for the current residents.
- It seems to me that the school system in Bettendorf, specifically Paul Norton Elementary, has enrollment challenges due to the current population of residents in the area. I believe adding more family housing into the area will create more problems for current residents.

Thank you for your consideration,



Jon Wilson
5153 Dove Ct.
Bettendorf, IA 52722

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Jimmie Clifford

Address: 4530 E 49th Ct., Davenport, IA

Signature: Jimmie I Clifford

1-18-21

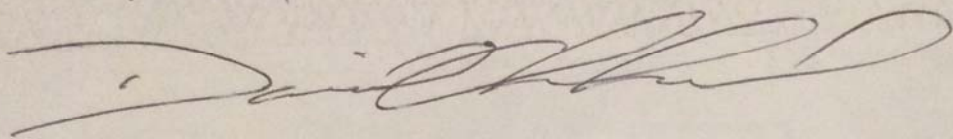
I object to the rezoning
of 4607 E. 53rd St.

Sara Husser
Sara Husser

4550 E 49th Ave

David Cleveland
5027 Hamilton Dr.
Davenport IA 52807

I object to the rezoning proposed at
4607 E. 53RD Street
Davenport IA 52807



FORMAL PROTEST

Name: Lowell Horton

Address: 5056 DOVE CT Belthendorf

I am filing this formal protest with the Planning and Zoning Commission and City Council of the City of Davenport, Iowa. I object to the rezoning of 4607 E. 53rd St. (Case REZ20-09).

Other comments (optional):

Property values will go down.
No close schools
Traffic problems on 53rd st.

Signature: Lowell T Horton

Date: 1/27/2021

Mail signed document to: Planning Division, 1200 E. 46th St., Davenport, IA 52807

Or Email signed document to: planning@davenportiowa.com

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name:

D James Powell

Address:

5078 Douch Ct Bettendorf 52722

Signature:

D James Powell

Formal Protest REZ20-09

We, David and Julie Sheets, who own the property located at

5105 Hamilton Court

Davenport, Iowa 52807

Hereby protest the proposed REZ20-09 (property at 4607 E. 53rd St)

Signed: David Sheets Julie Sheets

Date: 1/26/21

January 19, 2021

To: Planning and Zoning Committee

This is Jim and Cathy Hettrick and we live at 5166 Dove Court, Bettendorf. We are addressing you regarding the property at 4607 53rd Street, Davenport, Case REZ20-09.

We are objecting to the proposed zoning changes. In fact, we are asking you to rezone the property to be used in a more satisfactory way.

This property abuts my home and with the proposed changes, we will have commercial businesses in our back yard. We do not see this as acceptable. We propose that rather than having two (2) rows of land zoned for commercial (C-2), that there should only be one (1) row, at half of the depth currently zoned. This would mitigate ourselves and most of our neighbors from having the lights and traffic bothering us at all hours of the day and night.

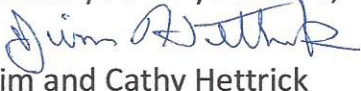
The proposed landscaping is definitely not acceptable. It would not buffer anything. The wet detention would attract disease carrying insects, specifically mosquitos. This would adversely affect our home and our neighborhood.

Having so many multi-family homes would also adversely affect the neighborhood. It would cause a great deal of noise and congestion. It is already difficult to get out on 53rd as it is, by adding so many more multi-family units, it would be untenable.

We would suggest that you limit it to detached single family homes, which would be consistent with how this neighborhood has developed and thrived. It would provide single family housing which is so needed right now. At this point in time, it is nearly impossible to find a detached single family home available, they sell as quickly as they are put on the market.

Again, we ask you to vote no.

Thank you for your time,

 
Jim and Cathy Hettrick
5166 Dove Court
Bettendorf, Iowa 52722

(563) 650-4818

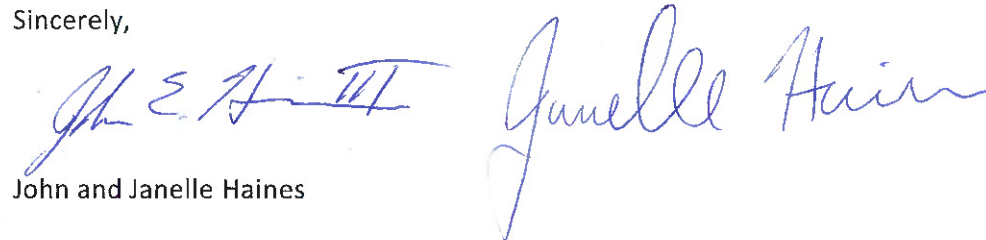
John and Janelle Haines
5121 Hamilton Court
Davenport, IA 52807
2/04/2021

Planning Division
1200 E 46th Street
Davenport, IA 52807

Dear Planning Division:

We are homeowners at the above address and our backyard backs up to the property at 4607 E 53rd Street (Case REZ20-09). We strongly believe the proposed development and planned rezoning will negatively affect our home value and quality of life in this location. This is our written objection to the rezoning.

Sincerely,

The block contains two handwritten signatures in blue ink. The signature on the left is 'John Haines' and the signature on the right is 'Janelle Haines'. Both are written in a cursive, flowing style.

John and Janelle Haines

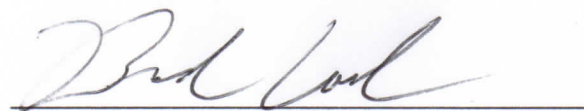
February 11, 2021

To: The City of Davenport - Planning Division
Davenport Public Works
1200 East 46th Street
Davenport, IA 52807

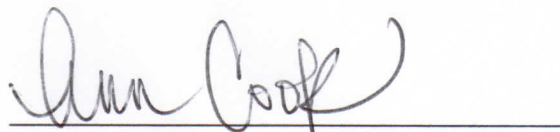
From: Brad and Ann Cook
4637 East 49th Court
Davenport, IA 52807

We object to the rezoning of 4607 East 53rd Street, Davenport, IA. Case #REZ20-09.

Signed,



Brad Cook



Ann Cook

Public Comment
Property Outside Protest Rate Boundary

City of Davenport, Iowa

February 6, 2021

Formal Rezoning Protest

Carl and Kathy Anderson

4759 E. 48th Place

Davenport, Iowa 52807

We object to the rezoning of 4607 E 53rd Street

Case #REZ20-09

Carl Anderson 2/9/2021
Kathy (Deary) Anderson 2/9/2021

Public Comment
Property Outside Protest Rate Boundary

Berkley, Laura

From: Doug Andersen <doog_78@yahoo.com>
Sent: Thursday, January 21, 2021 9:29 PM
To: Planning
Subject: [EXT] 38 acers of Foster land on 53rd.

To the City of Davenport:

Russell Construction's request to rezone the land from R-4 to R-MF would be far too much for the schools to handle with all the children moving in and it would also decrease the value of our homes on 49th CT, Davenport.

Russell Construction's greed will only hurt the city and our home values.

Please consider the Home Owners affected by this decision and rule in our favor to not allow them to rezone the land.

Thank you. .Doug Andersen

Public Comment
Property Outside Protest Rate Boundary

City of Davenport, Iowa

2/9/2021

Formal Rezoning Protest

Thomas V. & Erin Mueller

4632 East 48th Place

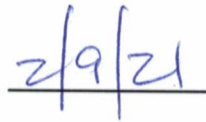
Davenport, IA 52807

We object to the rezoning of 4607 East 53rd Street

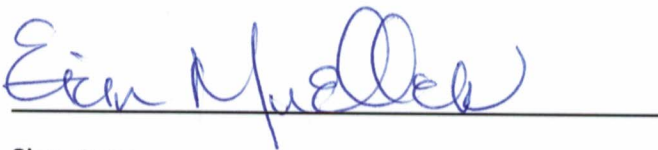
Case # REZ20-09

A handwritten signature in blue ink, reading "Thomas V. Mueller", written over a horizontal line.

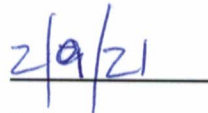
Signature

A handwritten date "2/9/21" in blue ink, written over a horizontal line.

Date

A handwritten signature in blue ink, reading "Erin Mueller", written over a horizontal line.

Signature

A handwritten date "2/9/21" in blue ink, written over a horizontal line.

Date

Public Comment
Property Outside Protest Rate Boundary

City of Davenport, Iowa

2/9/2021

Formal Rezoning Protest

Dan and Bridget Knight

4720 East 48th Place

Davenport, IA 52807

We object to the rezoning of 4607 East 53rd Street

Case # REZ20-09

DanKnight 2-9-21

Signature Date

Bridget Knight 2-9-21

Signature Date

City of Davenport

Formal Rezoning Protest

Robert A. Baldes & Patricia A. Baldes
4801 East 48th Place
Davenport, Iowa 52807

We object to the rezoning of 4607 East 53rd Street
Case # REZ20-09

Robert A. Baldes 2-10-21
signature

Patricia A. Baldes 2-10-21
signature

Robert A Baldes and Patricia A. Baldes
4801 East 48th Place
Davenport, Iowa 52807

We object to the rezoning of 4607 East 53rd Street
Case # REZ20-09

Public Comment
Property Outside Protest Rate Boundary

TO: City of Davenport - Planning Division
Davenport Public Works
1200 E. 46th Street
Davenport, IA 52807

FROM: Sharon Kendall Dunn
4704 E. 48th Place
Davenport, IA 52807

RE: Case #REZ20-09 / 4607 E. 53rd Street - OBJECTION

I strenuously object to case #REZ20-09 / 4607 E. 53rd Street proposed development for a variety of reasons.

We are the original owners of our home located on the corner of Eastbury Estates and E. 48th Place. We moved from our home in Bettendorf to our current Davenport location in 1998 to be within walking distance of Paul Norton Elementary School. We have happily raised three kids here. The neighborhood is once again thriving with young families who also see the value of living in a well-maintained neighborhood with close proximity to great schools.

However, traffic concerns have increasingly become an issue as drivers have discovered they can avoid Utica Ridge and 18th Street traffic and lights by cutting through our neighborhood to connect to Crow Creek or 18th Street. Eastbury Estates is already heavily traveled with school traffic alone. Many drivers disregard the stop sign at Eastbury & E. 48th Place completely, some slow down slightly before going through, and some choose to obey the stop sign. Excessive speed is continuously an issue and the stop sign only provides some improvement to the speeding issue.

We pay a considerable amount in Davenport property taxes and pay Bettendorf school taxes but appear to receive minimal attention from Davenport regarding city services.

The current traffic pattern, disobeying the stop sign and speed already create dangers to the young families in our neighborhood. Extending a north-south public street by extending Eastbury Estates to Lakeview Parkway is therefore a tremendously bad idea and could be detrimental to the well-being of the young families here so close to Paul Norton Elementary School.

Furthermore, when we moved here in 1998, we were told the land north of us would be developed with only single-family homes near the south edge of Sophie Foster's property and the northern section would be commercially developed. We were ok with this plan. We are not ok with the impact of high-density, 175+ townhouses towering 35 feet high, visibly near our single-family homes. I would be surprised if the local schools could even accommodate this high volume. I am interested in learning more about how the high-density dwellings and commercial development will impact stormwater runoff as well. Eastbury Estates, like many Davenport streets are fighting for limited city services and this development will only burden these services more.

We disapprove any concept that creates a north-south throughfare that will divert Utica Ridge, 18th Street and 53rd Street traffic through the heart of our neighborhood.

My suggestions for this proposal include: Access to/from the development is ONLY from 53rd Street – NO north/south Eastbury connection to Lakeview Parkway; limit dwellings to single-level duplexes; significantly decrease the volume of dwellings; and consider a greenspace on the southern portion of the property to provide a greater setback buffer to the neighborhood.

Thank you for your consideration.

Signature Sharon Kendall Dunn

Date: 2-11-21

Public Comment
Property Outside Protest Rate Boundary

To: City of Davenport
Planning Division at the Public Works Building
1200 E 46th Street
Davenport, IA 52807

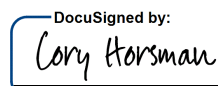
From: Cory Horsman
4653 E 48th Place
Davenport, IA 52807

I object to the rezoning of 4607 E 53rd Street
(Case #REZ20-09)

Until this year, my Wife and I were paying over \$10,500.00 per year in property taxes. When it snows, our street is one of the last ones to get plowed. When it does get plowed, it is done very poorly. A few weeks ago, I had to push our neighborhood mail delivery vehicle out of an icy rut by hand. We also have a stop sign at the intersection of Eastbury Estates and E 48th Place that stops the traffic on Eastbury Estates running North and South. This stop sign is the most ignored traffic signal I have ever seen. In the 5 years we have lived in our home, I have seen Davenport Police in our neighborhood twice, and one of those times was when I called them for a noise complaint.

A few years ago, my vehicle was broken into, and some personal items were stolen. I called to have an officer arrive so I could file a police report. I waited for two hours (while I was supposed to be at work) and nobody ever showed up.

My point here, is that before you expand the City, make sure you are taking care of what you are already responsible for.

DocuSigned by:

9F31D150339F48F...

2/11/2021

Cory Horsman

Public Comment
Property Outside Protest Rate Boundary

February 13, 2021

To: City of Davenport
Planning Division at the Public Works Building
Davenport, IA 52807

From: Rob & Becky Willey
4620 E 48th Place
Davenport, IA 52807

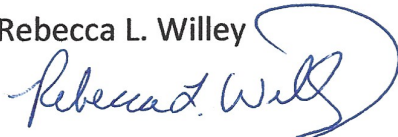
I object to the rezoning of 4607 E 53rd Street
[Case#REZ20-09]

We have lived in the neighborhood for over 15 years. Eastbury Estates is already a road which is traveled by too many cars who are going too fast. We have many children on the cul-de-sacs that play and walk to school. It would be very dangerous. Please reconsider.

Robert L. Willey



Rebecca L. Willey



Public Comment
Property Outside Protest Rate Boundary

To: City of Davenport
Planning Division at the Public Works Building
1200 E 46th Street
Davenport, IA 52807

From: Joseph Reichwein
4648 E 48th Pl
Davenport, IA 52807

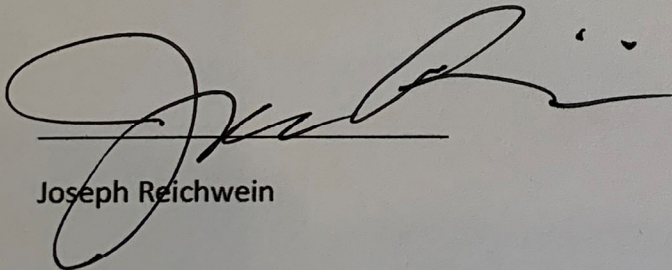
I object to the rezoning of 4607 E 53rd Street Case# REZ20-09

Hello,

My wife Nicole and I searched for our forever home for a whole year with one thing at the top of the list, it had to be in a cul-de-sac. Why is this you ask? Well, we moved from the corner of Harmony and Olympia Drive where hundreds of cars sped by daily taking Olympia Drive as a short cut between Spruce Hills and Middle Road. We learned quickly that location wasn't the best to raise our children. Please ask the City of Bettendorf how many times they're called to that area because of the speed these vehicles drive down this road. I did read they already declined making Hawk Drive a thru street.

In our end of the street alone there are 11 children under the age of 16 who can safely play outside because of the low amount of traffic. If Eastbury Estates opens to the heavily used 53rd Street, it's going to turn into another short cut like the one I mentioned above in Bettendorf. I know you counted the traffic off our street, did you count the traffic down 18th and Utica? How much of that traffic will divert down Eastbury if you turn it into a thru street? I hope you're not only thinking about the extra tax money coming in for whatever project you plan on building off 53rd. Think about the people who are already paying it? Our property taxes alone are over \$6000/year and we receive almost no return on our investment because of it. Our roads are the last to be plowed and when they do it's very poorly done. When the storm in April hit the neighbors and I ended up chipping in to rent a dump trailer after the dead limbs were sitting in front of our house for over a month. I've seen a police vehicle drive through our neighborhood one time in the 8 years we lived here. We should be holding a meeting with you folks on lowering our property taxes. We're certainly not getting what we pay for!

I missed the meeting this week because I was in a work meeting and I'll be out of town on the next one. Please feel free to call or email if you have any questions and please consider all the people this is affecting in our quiet little neighborhood. I guarantee everyone in the area will be against this. You wouldn't want this rezoning to happen if your family lived here.



Joseph Reichwein

Public Comment
Property Outside Protest Rate Boundary

City of Davenport, Iowa

2/9/2021

Formal Rezoning Protest

Joseph & Nicole Reichwein
4648 East 48th Place
Davenport, IA 52807

We object to the rezoning of 4607 East 53rd Street
Case # REZ20-09

Signature

Date

Signature

Date

To: The City of Davenport
Planning Division
1200 E 46th Street
Davenport, IA 52807

From: Mr and Mrs Andrew and Julia Galvan
4649 E 49th Ct
Davenport, IA 52807

We object to the rezoning of 4607 E 53rd Street, Davenport, IA. Case #REZ20-09

The number of units and the volume of traffic will be far too much for this area, and will negatively impact the neighborhood.

- The traffic out to 53rd street will create a dangerous hazard within the neighborhood.
- The additional population burden on the area will make an already busy location unbearable in the schools and services
- The additional units will more than double the current units in the surrounding area, destroying any consistency and character in the neighborhood

Well spaced single family homes would be much better absorbed into existing capacity.

Signed,


Andrew Galvan 12-Feb-21


Julia Galvan 12-Feb 21

To; The City of Davenport
Planning Division
1200 East 46th Street
Davenport, Ia, 52807

From Mr and Mrs. Doug Andersen
4658 East 49th CT.
Davenport Ia, 52807

I Doug Andersen object to the
rezoning of 4607 East 53rd Street,
Davenport, Iowa, Case # AEZ 20-09.

East Bury Estates should be closed
to all traffic coming from the Development.
I don't understand why Bettendorf would
refuse to open Hawk Dr. when the kids
going to Paul Norton (A Bettendorf school)
would be dodging traffic on East Bury.
To me it feels like the City of Davenport
is more worried about the money coming
in from the development than the safety
of the children. Also East Bury Estates
is far too narrow to handle all that traffic.
If a car is parked on both sides of the
street its hard to get through. Was there
any traffic survey done at all? Please
think of the children and not the money.
Thank You, Doug Andersen

To: City of Davenport – Planning Division
Davenport Public Works
1200 E. 46th street
Davenport, IA, 52807

Protest Petition
Property Within Protest Boundary

From: Kelly & Leif Rehnberg
4703 E. 49th ave
Davenport, IA, 52807

RE: Case #REZ20-09 / 4607 E. 53rd Street – Objection

We purchased our home in July 2019 because this was a quiet neighborhood and was not on a busy street. In fact, we refused to even consider buying a home if it was on a busy street as we have a child who plays outside and dogs that could accidentally get loose. We are strongly opposed to this crowded development, and specifically the idea of connecting Eastbury Estates to it. Many children use Eastbury Estates to walk to and from school and we are greatly opposed to the idea of more traffic. We already have issues with vehicles disobeying the stop signs and speeding.

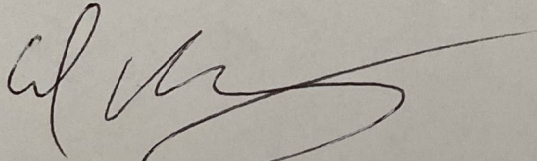
The suggested revisions to this plan are as follows:

1. No north/south connection to Eastbury Estates, with access to the development from 53rd only.
2. Limit dwellings to single level duplexes
3. Decrease the number of dwellings
4. Consider placing a greenspace on the southern portion of the development to provide a larger setback from the neighborhood.

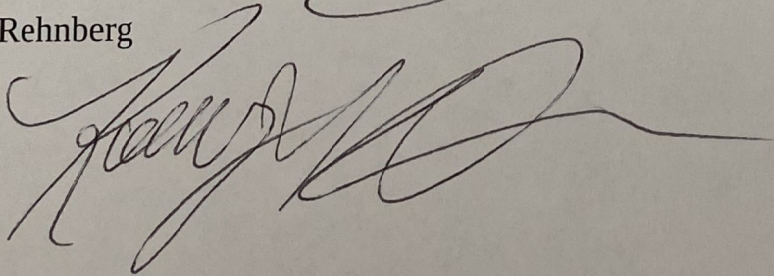
We hope you will consider the many families that live in this neighborhood and understand that many of us purchased the property we did because of the low traffic and quiet neighborhood.

Thank you for your consideration,

Leif Rehnberg



Kelly Rehnberg



Protest Petition
Property Within Protest Boundary

I object to the City of Davenport Case Zoning Case No. REZ20-09 of property at 4607 East 53rd Street.

Name: Shaw Brown

Address: 5120 Hamilton Ct. Davenport IA 52807

Signature: Shaw Brown

City of Davenport, Iowa

Formal Rezoning Protest

Stacy and Brett Barnett

4804 East 48th Place

Davenport, IA 52807

We object to the rezoning of 4607 E 53rd Street

Case #REZ20-09

<u>Stacy L. Barnett</u>	<u>2/9/21</u>	<u>Brett Barnett</u>	<u>2/9/21</u>
Signature	Date	Signature	Date

Public Comment

This email is in regard to the rezoning request REZ 20-09

I have lived at 4803 E49th since 1998, we had built a new home by Millage Construction at this property.

During the process of building we inquired what the in questioned property was zone and if they expect to develop anytime in the near future.

The property was and is today zoned for single family residents with the exception of the further northern piece being commercial.

The reason home developers like Millage Construction have not been able to develop these single family homes is that Sophie Foster has overpriced the property.

In 1998 she was asking \$50,000.00 an acre, there was no way a developer can pay that price and build these single family homes.

So why should my neighbors and I agree to multi-family development that would in turn hurt our property values and take away the safety of our streets and sidewalks to have these multi-family units built and increase traffic flow.

In summary is it right for the Committee of the Whole to change the current zoning so that Ms. Foster can sell this property at an over inflated price that will not allow developers to develop this property as it is currently zoned, for single family homes.

Mike Reckman
4803 E49th Ave

Public Comment

To the City Council:

We moved to the corner of Eastbury Estates and E 48th Place in the summer of 2018 in the hopes of raising our family in a quiet and safe neighborhood in close proximity to great schools. We now have a 3 month old daughter and are enjoying the neighborhood and the community we live in.

We strongly object to case #REZ20-09 / 4607 E 53rd Street. We understand and agree that this land should be developed at some point, but we must object to a few particulars.

First, we emphatically object to the north-south public street connecting Lakeview Parkway to Eastbury Estates. Eastbury Estates is already used by many to walk to Paul Norton Elementary School. We believe connecting Eastbury Estates to both 53rd street and a high density townhome development is reckless considering the proximity to the school. We are concerned about our daughter walking to school safely or even playing in the yard in light of the increased traffic resulting from this new development. If anyone from the new 175+ townhome residential development wants to head south, they will be traveling south down Eastbury Estates. There will also be some traffic directed south down Eastbury Estates from any citizens visiting the new commercial area. Northbound traffic will increase as well from residents of the existing neighborhood looking to get to 53rd street or the new commerical area.

Second, we object to the construction of high density townhomes and/or duplexes as part of this development. It is not congruent with the character of the existing neighborhood, and will further exacerbate the traffic concerns mentioned above.

If these two concerns were mitigated, we would support the city's plans to develop this land.

Thank you for your service to our community,

Adam and Grace Lunde

Public Comment

Greetings Mr. Jobgen,

We are residents of 4732 E 49th Ave in Davenport, next to the farmland in question. I have grave concerns about the plan to connect Eastbury Estates to 200 additional town homes, and even possibly 53rd St, and the negative effect that will have in our neighborhood. The additional traffic would be incredibly cumbersome and devalue our houses' worth. I have spoken with neighbors who plan to sell if this plan goes through. We recently bought our house and it seems extremely unfair to rezone from family houses to townhomes that will exponentially increase traffic in our neighborhoods making them less safe and less desirable.

Thank you for consideration of our concerns, we strongly urge you to vote against this rezoning measure.

Thank you,
Nic and Sharla Rath

City Council Public Meeting Comments – February 17, 2021
City of Davenport Zoning Case REZ20-09 - 4607 East 53rd Street, Davenport, Iowa
Dawn and Wally Beck – 4729 Eastbury Estates Drive, Davenport, Iowa

Summary: We oppose the proposed development and object to the City of Davenport Zoning Case REZ20-09 for the property located at 4607 East 53rd Street as currently outlined in and provided to the City Council in the Planning and Zoning Commissions Recommendation for Approval dated 2/2/2021. (Dolan Concept “E” – Overall Site Development Concept drawing EX-6 dated 1/29/21.)

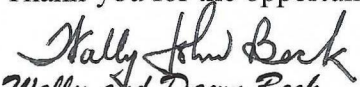
We believe the use of this land for medium to high density housing in the middle of the 53rd street commercial corridor is not consistent with the overall patterns of use. It is our opinion that the optimal land use for this parcel is to keep it purely commercial with access to 53rd Street and with no traffic outlets to Eastbury Estates Drive or any other neighborhood streets.

Primary Concern: Traffic impact to the local neighborhoods. The proposal directly opens single-family residential neighborhoods to a mixed-use commercial development. Additionally, the proposal directly opens the 53rd street commercial corridor to the current single family residential neighborhood; specifically, the connection of Eastbury Estates Drive to 53rd Street via Lakeview Parkway. This is especially troubling given the “Conditions” that prohibits other street connections to the detriment of Eastbury Estates Drive. The proximity of the proposed mixed-use development and other additional impacts, such as increased traffic, will negatively impact the property values and character of the current residential neighborhood with a commensurate adverse impact to the use and enjoyment of our property.

New Considerations from Neighborhood Meeting of 1/16/2021: We want to acknowledge the willingness of the developers to engage with affected property owners and the facilitation efforts by Alderman Jobgen. The following updates and considerations are provided and are based, in part, on information from the Neighborhood Meeting of 1/16/2021 held at the Birchwood Learning Center.

- **Traffic Impacts:** Dolan Concept “F” – Overall Site Development Concept drawing EX-6 dated 2/12/21 addresses our concerns regarding traffic impact to the neighborhoods.
- **Buffer Zones:** The proposed “step wise” approach of single-family semi-detached villas, owner occupied townhomes, and then multi-family rental homes is a positive change.
 - The developers should further consider efforts to maximize the buffer zones via physical distance, landscaping, fences, and a “pyramid” approach to building heights for the commercial properties so that the tallest buildings are in the center.
- **Other Issues:** Hydrology/run-off concerns, retention pond design, impacts to schools, and the expansion of the commercial use from “office park” to a broader array of commercial uses should be reviewed and formally addressed either as part of the final Dolan Concept proposal or as covered by existing permitting and zoning process; e.g. traffic studies, water run off controls, noise abatement, etc.
- **Single Family Semi-Detached and Townhomes:** “The petitioner has provided a concept plan showing townhomes on the southern portion with the intention of selling as owner occupied.” While we appreciate good intentions, we would offer any potential zoning change approval make this a “Condition of the Approval.” Furthermore, we would require a restriction to the deeds prohibiting these properties from ever being converted into rental units of any kind for any duration and that any proposed changes to the deeds pursuant to this stipulation require a super-majority of the affected landowners to so agree.

Thank-you for the opportunity to provide input to this process.


Wally and Dawn Beck

Dawn and Wally Beck

4729 Eastbury Estates Drive, Davenport, Iowa 52722

February 16, 2021

City of Davenport
Plan and Zoning Commission
226 West 4th Street
Davenport, IA 52807

Subject: City of Davenport Zoning Case REZ20-09 – Recommendation dated 2/2/2021

We oppose the proposed development and object to the City of Davenport's Recommendation for Zoning Case REZ20-09 dated 2/2/2021 for the property located at 4607 East 53rd Street.

The use of this land for medium to high density housing in the middle of the 53rd street commercial corridor is not consistent with the overall patterns of use. The proposal directly opens single-family residential neighborhoods to a mixed-use commercial development. Additionally, the proposal directly opens the 53rd street commercial corridor to the current single family residential neighborhood; specifically, the connection of Eastbury Estates Drive to 53rd street. The proximity of the proposed mixed-use development and other additional impacts, such as increased traffic, will negatively impact the character of the current residential neighborhood. It is our opinion that the optimal land use for this parcel is to keep it purely commercial with access to 53rd Street and that no outlet to Eastbury or any other neighborhood streets should be considered or approved.

Attachment One to this letter provides a summary of our objections including additional details and questions regarding the proposed development as presented by Dolan Concept – E and the Planning and Zoning Commissions "Findings & Conditions" as stated in their 2/2/21 summary document of their recommendation for approval subject to stated conditions.

Respectfully submitted,



Wally and Dawn Beck
wjb57@aol.com

Attachment 1
Enclosures

City of Davenport Zoning Case REZ20-09 - 4607 East 53rd Street, Davenport Iowa

Summary: We oppose the proposed development and object to the City of Davenport Zoning Case REZ20-09 for the property located at 4607 East 53rd Street. The use of this land for medium to high density housing in the middle of the 53rd street commercial corridor is not consistent with the overall patterns of use. The proposal directly opens single-family residential neighborhoods to a mixed-use commercial development. Additionally, the proposal directly opens the 53rd street commercial corridor to the current single family residential neighborhood; specifically, the connection of Eastbury Estates Drive to 53rd street. This is especially troubling given the “Conditions” that prohibits other street connections to the detriment of Eastbury. The proximity of the proposed mixed-use development and other additional impacts, such as increased traffic, will negatively impact the character of the current residential neighborhood. It is our opinion that the optimal land use for this parcel is to keep it purely commercial with access to 53rd Street and no outlet to Eastbury or any other neighborhood streets.

Regarding the proposed development by Dolan Concept – E and the Planning and Zoning Commissions “Conditions” as stated in their 2/2/21 recommendation document the following questions and concerns are put forth for consideration:

Traffic Study:

- I concur that a detailed Traffic Study needs to be completed.
 - Specifically, what is the impact of traffic pattern changes for Eastbury Estates?
 - What are the projected increases and what changes in the type of traffic and frequency of the traffic patterns are predicted?
 - What are the potential safety impacts of the increased amount of traffic and what mitigating actions are planned if this proposal is approved?
- When will the Traffic Study be completed and when will it be available?
- Please provide a copy of the Traffic Study. I would like to review it.

Property Value Impact:

- What is the overall projected impact to property values in the surrounding area?
- What is the specific impact to property values on Eastbury Estates Drive given the increase in traffic and proximity to the proposed mixed-use development?
- Please provide results of reviews and studies on this issue.

Impact on Paul Norton Elementary and other Schools

- What is the overall projected impact to Paul Norton Elementary and other potentially impacted schools in the surrounding area?
- Does Paul Norton have the capacity to absorb the projected influx of new students?

Hydrology: What have the hydrology studies told us about the impact of the development? I would like to review the hydrology study. While I understand the current concept drawings have retention ponds, experience to date with runoff into the area is mixed.

Townhomes: *“The petitioner has provided a concept plan showing townhomes on the southern portion with the intention of selling as owner occupied.”* While I appreciate good intentions, I would offer any potential zoning change approval make this a “Condition of the Approval.” Furthermore, I would require a restriction to the deeds prohibiting these properties from ever being converted into rental units of any kind for any duration and that any proposed changes to the deeds pursuant to this stipulation require a super-majority of the affected landowners to so agree.

City of Davenport

Department: Community Planning & Economic Development
Contact Info: Laura Berkley | 563-888-3553

Action / Date
3/10/2021

Subject:

Second Consideration: Ordinance for Case ORD20-02 being the request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing. [Ward 3]

Recommendation:

Adopt the Ordinance.

Background:

The Palmer College of Chiropractic is zoned S-IC Institutional Campus. In 2018, the City approved the rezoning under Ordinance 2018-107 which adopted Palmer's Master Campus Plan. At that time, the Land Use Plan called for a Sports Field in the area bounded by East 11th Street and East 10th Street between Perry Street and Pershing Avenue. The Petitioner has requested to modify the plan to utilize this area for student housing. The project includes 115 units and replaces the proposed student housing along Main Street between 7th and 8th Streets.

The proposal Section 17.07.030F outlines thresholds associated with modifications of the Land Use Plan. The proposed use qualifies as a Major Amendment and requires Plan & Zoning Commission review and City Council approval.

The Plan & Zoning Commission at its February 2, 2021 meeting voted to recommend approval of the request 9-0.

See attached staff report for full analysis.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Staff Report
▣ Backup Material	Major Modification Area current and proposed
▣ Backup Material	Notified Property Owners
▣ Backup Material	Recognized Neighborhood and Organization Letter
▣ Backup Material	Application
▣ Backup Material	Application Narrative

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berkley, Laura	Approved	2/12/2021 - 8:11 AM

ORDINANCE NO.

ORDINANCE for Case No. ORD20-02 being the request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing [Ward 3].

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

Section 1. The Land Use Plan adopted in association of Ordinance No. 2018-107 is amended to allow a student housing building as shown as "F" in the attached Campus Master Plan.

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 _____

Landscape & Site :

As part of the 2015 Master Plan update and the PDI Palmer College has established a new campus master plan for the campus exterior space. This exterior can be seen in a variety of ways, including the new campus site improvements. With this project, campus standards have been established for the following site features for future campus site improvements identified in the 2015 Master Plan update and the PDI.

LANDSCAPE

Landscaping statement will primarily consist of Perimeter Central Concrete (PCC) and with concrete pavers at key areas around campus.

LIGHTING

Campus lighting will consist of a mix of pedestrian paths, lights, street lights and accent lighting and tree up-lighting. Lighting will be designed to meet safety in mind, with an emphasis on the aesthetic and energy conservation.

PARKING

Parking areas will be designed to provide safe and adequate parking for students, patients, employees and visitors. Parking lots will be constructed of either PCC pavement or asphalt. Lots will have a PCC curb and gutter and will adhere to city standards for asphalt and screening.

LANDSCAPE

Campus landscape improvements will include quality trees, shrubs, perennials and groundcovers. Vegetation will be provided for most areas, but the landscaping should be designed to be drought-tolerant in mind. Other landscape features include benches, water fountains, statues and fountains. The landscaping should be designed to be drought-tolerant in mind.

CAMPUS CORE & SCREENING

As shown in Figure 3, there is a need to include an enhanced campus edge that will consist of a concrete wall with a concrete base and a concrete top. The concrete wall will be a mix of concrete and concrete blocks and concrete blocks will provide screening of the parking lot and other service light areas around campus.

Gateways & Wayfinding :

As part of the 2015 Master Plan update, campus Gateways & Wayfinding sign locations were previously identified. As the campus master plan is moved ahead, some of the proposed locations may need to be revised. A list of campus gateways are shown in this section. The campus edge, welcome signs to campus and improve campus visibility to those traveling through the area. Wayfinding signs have been added over the past few years and future signs will also be new designs as new wayfinding locations are identified.

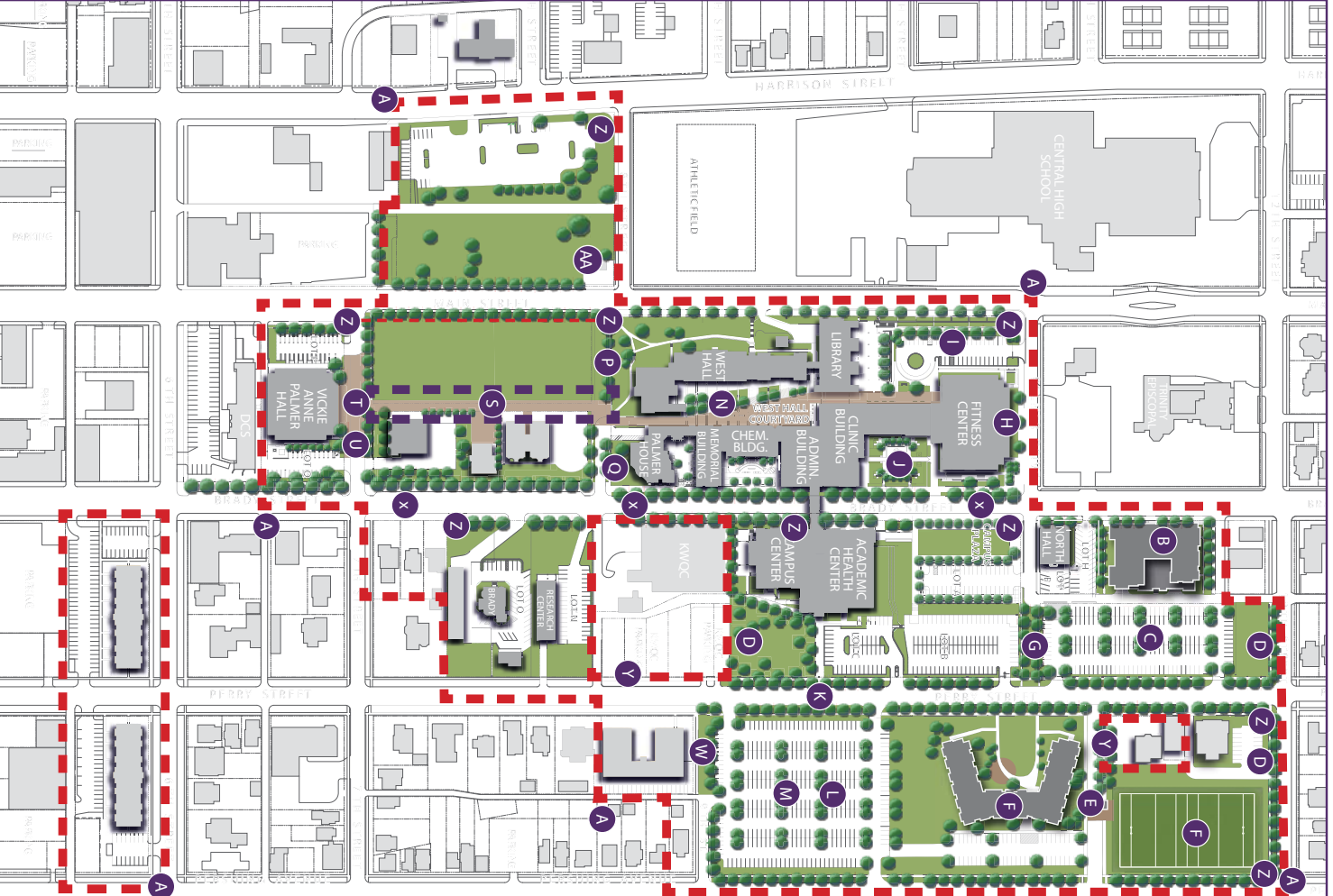
LEGEND

- Primary Gateway
- Secondary Gateway
- Feature
- Existing Gateway
- Existing Wayfinding Sign
- Existing Wayfinding Sign - to be repositioned or integrated into site improvements
- Future Wayfinding Sign - to be installed (2015)
- Future Parking Lot
- Signs to be installed (2015)
- Future Potential/Digital Sign to be installed (2015)



MASTER PLAN KEYNOTES

- A PROPOSED P.D.I. BOUNDARY
- B NEW MIXED USE DEVELOPMENT
- C NEW PARKING - P1
- D NEW GREEN SPACE
- E CONVERT 11TH STREET/PERIPHERAL WALKWAY/BIKE ACCESS
- F NEW STUDENT HOUSING
- G CLOSE EAST HALF OF PALMER DRIVE
- H NEW FITNESS CENTER
- I NEW CAMPUS GATEWAY & PARKING
- J RENOVATED CLINIC GARDENS
- K ENHANCED PERIPHERAL CROSSING
- L CLOSE 10TH STREET
- M NEW PARKING - P2
- N RENOVATED WEST HALL COURTYARD
- O NOT APPLICABLE
- P PARTIALLY CLOSE 9TH STREET
- Q MAINTAIN ACCESS FOR SERVICE
- R NOT APPLICABLE
- S EXISTING ALLEY IMPROVEMENTS
- T NEW WORK ANNE PALMER HALL PLAZA
- U PARTIALLY CLOSE 7TH STREET
- V NOT APPLICABLE
- W PARTIALLY CLOSE 9TH STREET
- X BROAD STREETSCAPE ENHANCEMENTS
- Y EXCLUDED FROM PDI BOUNDARY
- Z CAMPUS OFFERMAN SIGN
- AA EXISTING WALKWAY SERVICE STATION
- BB NOT APPLICABLE



REVISIONS

NO.	DESCRIPTION	DATE



PALMER PLANNED INSTITUTIONAL DISTRICT
DAVENPORT, IOWA

CAMPUS MASTER PLAN

DCS Project #
15-000177-000
Drawn By: JMA
Checked By: JMA
Date: 12/15/2020
MP-1

City of Davenport
Plan and Zoning Commission
Staff Report 2-2-2021

Case: ORD20-02: Request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing [Ward 3].

Recommendation: Staff recommends that the Plan and Zoning Commission forward Case ORD20-02 to City Council with a recommendation of approval with the following findings:

1. The modification is consistent with the Comprehensive Plan.
2. The modification meets the intent of the Institutional Campus District.
3. Sufficient parking has been identified for the student housing.

Background:

The Palmer College of Chiropractic is zoned S-IC Institutional Campus. In 2018, the City approved the rezoning under Ordinance 2018-107 which adopted Palmer's Master Campus Plan. At that time, the Land Use Plan called for a Sports Field in the area bounded by East 11th Street and East 10th Street between Perry Street and Pershing Avenue. The Petitioner has requested to modify the plan to utilize this area for student housing. The project includes 115 units and replaces the proposed student housing along Main Street between 7th and 8th Streets.

The proposal Section 17.07.030F outlines thresholds associated with modifications of the Land Use Plan. The proposed use qualifies as a Major Amendment and requires Plan & Zoning Commission review and City Council approval.

Public Input:

Prior to submittal of the Modification request, Palmer College of Chiropractic notified recognized neighborhood and organizations. The notice has been included.

Property owners within 500 feet were notified of the proposed modification. A notice of the public hearing was published in the Quad City Times. A neighborhood meeting was held on January 11, 2021 with 20 people, including staff, elected officials and the Petitioner, in attendance.

A public hearing at the Plan & Zoning Commission was held on January 19, 2021. No one from the public spoke. No written protests from the property owners within the notice area have been submitted.

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designations: The major modification area is within the Civic and Institutional category in the Davenport +2035 Land Use Plan.

Civic and Institutional – Reserved for major developments for government, education, religion, medical, utilities, and other cultural or non-profit organizations located outside of the Downtown (DT)

Zoning: Special Purpose District Institutional Campus (S-IC).

Institutional Campus District - Intended to encourage a comprehensive approach to development by significant institutions within the City. The S-IC District is also intended to:

1. Further the policies of the Comprehensive Plan;
2. Permit appropriate institutional growth within boundaries of the district while minimizing the adverse impacts associated with development and geographic expansion;
3. Balance the ability of specific institutions to grow and adapt to changing needs while protecting the livability and vitality of adjacent areas.
4. Encourage the preparation of a land use plan for higher development intensity institutional campuses that enables the community to understand the levels of development being proposed, their likely impacts and appropriate mitigation measures.

Technical Review: Stormwater has been identified as an ongoing issues within the area. Palmer has proposed stormwater detention as part of the student housing development as well as under the already planned athletic field to the north of the modification area to alleviate some of the stormwater issues. Palmer continues to work with staff to address stormwater and infrastructure needs as the implementation of their Campus Master Plan continues. Engineering staff believes the existing street network can accommodate the traffic associated with this modification.

Discussion: The major modification to the Palmer College of Chiropractic is required due to the increase in intensity within the proposed area. The remaining Campus Master Plan as adopted under Ordinance 2018-107 will remain with any minor changes reviewed by staff as outlined in Section 17.07.030F of the Zoning Code.

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.

The proposed modification is consistent with the Comprehensive Plan. The modification is simply relocating an already approved use within the plan area.

b. The compatibility with the zoning of nearby property.

The subject property is adjacent to Residential – Multi-Family zoning districts and several other apartments in the vicinity. There is also R-4C at the campus edge. The Campus Master Plan addresses the need for delineating a campus edge which would be implemented with the modification. It is staff's opinion that the proposed amendment is compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

The established neighborhood character is mixed use ranging from single and two-family residential, multi-family, commercial, and institutional. It is staff's opinion that the modification is compatible with the already approved character of the Palmer Campus Master Plan.

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

Palmer has identified 160 parking stalls within and adjacent to the proposed modification that will be allocated to students living within the student housing. According to the overall plan, the modification increases overall parking within the Campus. Appropriate access has been planned and will be achieved in conjunction with the vacation of proposed rights-of-way. The proposed modification will develop in a manner that promotes the public health, safety, and welfare of the City.

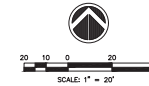
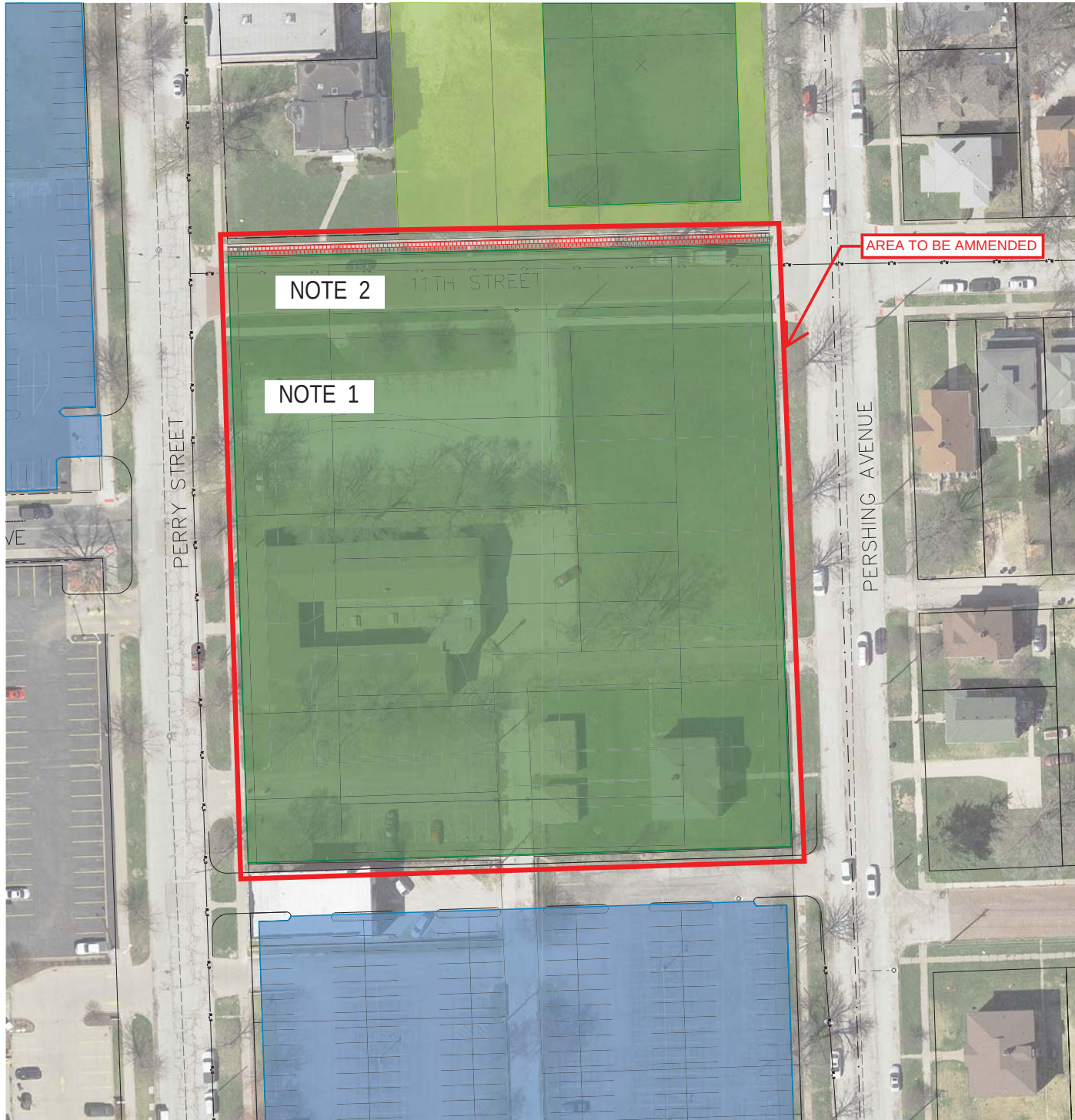
e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

Under the current Zoning Ordinance, the S-IC Institutional Campus Zoning District allows for multi-family development. The current Campus Master Plan called for the same number of units of student housing to be located on Main Street between 7th and 8th Streets. The modification is relocated that housing as a net zero change in units.

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

No nonconformities will be created with the modification.

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NOTES

- 1) PROPOSED BASEBALL FIELD TO BE REMOVED.
- 2) PROPOSED ATHLETIC FIELD TO BE REMOVED.

- SPORTS FIELD
- LANDSCAPE
- PROPOSED PARKING

REVISIONS		DATE
NO.	DESCRIPTION	
IMEG INCORPORATED 1000 S. 10TH AVE. DAVENPORT, IOWA 52806 (563) 398-1111 www.imeginc.com		
PALMER PID STUDENT HOUSING AMMENDMENT DAVENPORT, IOWA		
EXISTING APPROVED PID		
IMEG Project No.: 19005343.05		
File Name: 19005343.05		
Drawing Number: 19005343.05		
Field Book No.: 19005343.05		
Drawn By: LKS		
Checked By: AEK		
Date: 1/4/2021		
EX-1		
Sheet 1 of 2		

Adjacent Property Owner Notice Area





September 23, 2020

Dear Palmer College Neighbor,

Palmer College of Chiropractic is beginning the design process for a new student-apartment building, to be located at the southeast corner of Perry and 11th Streets, in Davenport. The location of this facility is a revision, or amendment, to Palmer's city-approved Institutional Campus District Plan (S-IC).

You're receiving this letter because Palmer College is notifying adjacent neighborhood groups that it's beginning the amendment process to the S-IC, per Davenport City Code. As the design develops, additional details will be shared at neighborhood, Planning and Zoning Committee, and City Council meetings.

If approved, construction is expected to begin in March 2021, with completion expected in March 2022.

If you have questions, please contact: Palmer College Marketing & Communication at marketing@palmer.edu, or 563-884-5662.

Sincerely,

A handwritten signature in black ink, reading "Dennis Marchiori".

Dennis Marchiori, D.C., Ph.D.
Chancellor and CEO



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

Property Address*

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

Applicant (Primary Contact) **

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Administrative

Administrative Exception
Health Services and Congregate
Living Permit

Attorney (if applicable)

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

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

Request:

Existing Zoning:

Proposed Zoning Map Amendment:

Purpose of the Request:

Total Land Area:

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

Submittal Requirements:

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

Formal Procedure:

(1) Application:

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

(2) Plan and Zoning Commission public hearing:

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

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

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

Formal Procedure (continued):

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

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

Applicant:

Date:

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

Received by:

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

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

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



PALMER COLLEGE OF CHIROPRACTIC

December 14, 2020

#19001956.03

SPECIAL PURPOSE DISTRICT/INSTITUTIONAL CAMPUS (S/IC) AMENDMENT

NARRATIVE

Narrative of intent and compatibility with surrounding area.

a. Description of overall architectural and/or urban design theme:

- **Palmer College of Chiropractic has evolved to meet the needs of its students and faculty as it has grown over the past 100 years; however, the architectural theme has remained constant. Buildings and houses of brick and stone dominate the campus, with more metal and glass introduced into recent projects. All have an urban “academic” design style with 2 to 4 floors of space. The campus plan and interaction with the neighborhood has also evolved aligning the core of academic spaces with Brady Street and residential buildings/parking at the perimeter. The proposed Master Plan strengthens the campus edge through expanded greenspace and landscaping at perimeter streets, buildings, and parking lots.**

b. Total number of existing and proposed users and employees of the facility:

- **Palmer’s current enrollment on at their Davenport Campus is approximately 1,000 students supported by 250 faculty and staff. 150 students currently live on campus. The proposed 10-year plan allows for an accommodation of up to 1,500 students with 400 living on campus.**

c. Description of existing and proposed conditions of development along the outer boundaries of the planned institutional district and its relationship with the surrounding area. Standards must be established to permit a compatible transition from the institutional use to the surrounding area. Standards include, but are not limited to building height and form, exterior lighting, landscaping, etc.

- **The Master Plan goals are to “create sensitive and mutually beneficial transitions between campus and the adjacent properties.” The proposed Campus Master Plan created by RDG Planning & Design is to create connection and comfort establishing a campus presence with the surrounding area. New buildings are minimal (residential only) and adding enhanced lighting, fencing, and landscaping will enhance this design concept.**

- d. Description of existing and proposed methods of communication between the institution and the community, including a method of resolution of community concerns:
- **Palmer College has been actively involved with Hilltop Campus Village since its inception, as well as in communication with Davenport Community Schools and adjacent businesses regarding any campus activities and improvements that impact the surrounding neighborhood. Although there are no known active residential groups, Palmer proposes to open a line of communication with the neighbors similar to their relationships with surrounding businesses. Palmer will schedule annual meetings with the neighborhood stake holders and residents to present and discuss campus planning and schedule, as well as neighbor concerns.**
- e. Description of any existing and proposed impacts of development and the surrounding area and how these impacts should be mitigated. This description shall include property outside the boundaries of the planned institutional district and their interaction with the surrounding area. Impacts include, but are not limited to lighting, noise, parking, etc.
- **The developments proposed in Palmer's Master Plan are primarily defining and softening their campus edge through expanding green space and landscaping. Proposed buildings will be designed to respect and complement the existing architectural theme on campus.**
- f. Description of existing and proposed relationship of institutional transportation system (auto, bus, bicycle, pedestrian) to the external street network. A description of specific programs to reduce traffic impacts and to encourage the use of public transit, carpooling, bicycling and pedestrian.
- **The urban nature of this campus is reinforced by student living. 15% of Palmer's students live on campus and another 30% to 40% live in rented neighborhood and downtown houses and apartments. The Master Plan proposes an additional 130 beds in new student housing. These students all walk to campus. Other students and faculty are encouraged to use public transportation and/or car-pooling for other daily trips to campus. The greening of Brady Street proposed in the Master Plan provides more opportunity for bus access in proximity to campus buildings.**

City of Davenport

Department: Community Planning & Economic Development
Contact Info: Laura Berkley | 563-888-3553

Action / Date
3/10/2021

Subject:

Second Consideration: Ordinance for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of the public right-of-way known as East 11th Street between Perry Street and Pershing Avenue and a portion of an alley in Block 89 of LeClaire's 8th Addition. [Ward 3]

Recommendation:

Adopt the Ordinance.

Background:

As part of Palmer College of Chiropractic's Campus Master Plan, East 11th Street between Perry Street and Pershing Avenue and a portion of the alley on Block 89 of LeClaire's 8th Addition were planned for future right-of-way vacation. Palmer is formally requesting to vacate these sections of right-of-way to move forward with planned development.

Palmer was rezoned in 2018 to Planned Institutional District (now called S-IC Institutional Campus), with Ordinance 2018-107. Two conditions were specific to the right-of-way:

Condition 3: That Palmer College of Chiropractic formally requests the vacation/abandonment of the public streets and alleys depicted on the Land Use Plan

Condition 4: In the event that East 11th Street between Perry Street and Pershing Avenue is vacated and conveyed to Palmer, that 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 legal descriptions of the proposed vacations are attached. The land area to be vacated are as follows:

- 11th Street between Pershing and Perry: 19,545 square feet, more or less.
- Alley in Block 89 of LeClaire's 8th Addition: 5,604 square feet, more or less.

The Plan & Zoning Commission reviewed Case ROW20-02 at its February 2, 2021 meeting and have recommended approval (9-0) with the following conditions:

1. A utility easement be dedicated for the preservation and maintenance of public utilities within the East 11th Street right-of-way.
2. An ingress/egress easement be provided from the alley to Pershing Avenue.

Approval of the 11th Street vacation will remove the street from the Historic Brick Street inventory. The staff report has been attached with a full analysis.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	Staff Report
▣ Backup Material	Notice Area Map
▣ Backup Material	HPC meeting minutes
▣ Backup Material	Ordinance 2018-107

REVIEWERS:

Department	Reviewer	Action	Date
Community Development Committee	Berkley, Laura	Approved	2/12/2021 - 8:12 AM

ORDINANCE NO. _____

ORDINANCE for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of public right-of-way known as East 11th Street between Perry Street and Pershing Avenue and a portion of alley in Block 89 of LeClaire's 8th Addition. [Ward 3]

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

Section 1. The following described units of Scott County, Iowa real estate are hereby vacated (abandoned). The property has the following legal description:

That part of East 11th Street located between Perry Street and Pershing Avenue, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the southeast corner of Block 96 in LeClaire's 8th Addition;

Thence South 02°52'09" East, a distance of 60.01 feet to the northeast corner of Block 89 in LeClaire's 8th Addition;

Thence South 88°01'40" West along the north line of said Block 89, a distance of 321.23 feet to the northwest corner of said Block 89;

Thence North 02°07'42" West, a distance of 61.84 feet to the southwest corner of said Block 96;

Thence North 88°21'23" East along the south line of said Block 96, a distance of 320.47 feet to the Point of Beginning.

The above-described parcel contains 19,545 square feet, more or less.

For the purpose of this description bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

AND

Part of a 20-foot alley located partly in Block 89 of LeClaire's 8th Addition and partly in Outlot 30 of LeClaire's 2nd Addition in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Commencing at the at the northeast corner of Lot 5 in said Block 89;

Thence South 01°50'01" East along the east line of said Block 89, a distance of 185.98 feet to the northerly line of said alley and the Point of Beginning;

Thence continuing South 01°50'01" East along said east line, a distance of 20.00 feet to the southerly line of said alley;

Thence South 88°02'49" West along said southerly line, a distance of 151.54 feet to the easterly line of said alley;

Thence South 01°50'34" East along said easterly line, a distance of 108.54 feet;

Thence South 87°15'17" West, a distance of 20.00 feet to the westerly line of said alley;

Thence North 01°50'34" West along said westerly line, a distance of 128.82 feet to the northerly line of said alley;

Thence North 88°02'49" East along said northerly line, a distance of 171.54 feet to the Point of Beginning.

The above-described parcel contains 5,604 square feet, more or less.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

The vacation (abandonment) is subject to the following conditions:

1. A utility easement be dedicated for the preservation and maintenance of public utilities within the East 11th Street right-of-way.
2. An ingress/egress easement be provided from the alley to Pershing Avenue.

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 & Zoning Commission

Case ROW20-02: Being the request of Palmer College of Chiropractic for the vacation of public right-of-way known as East 11th Street between Perry Street and Pershing Avenue and a portion of alley in Blocks 89 of LeClaire's 8th Addition. [Ward 3]

Introduction:

As part of Palmer College of Chiropractic's Campus Master Plan, East 11th Street between Perry Street and Pershing Avenue and the alley on Blocks 89 of LeClaire's 8th Addition were planned for future right-of-way vacation. Palmer is formally requesting to vacate these sections of right-of-way to move forward with planned development.

Palmer was rezoned in 2018 to Planned Institutional District (now called S-IC Institutional Campus), with Ordinance 2018-107. Two conditions were specific to the right-of-way:

Condition 3: That Palmer College of Chiropractic formally requests the vacation/abandonment of the public streets and alleys depicted on the Land Use Plan

Condition 4: In the event that East 11th Street between Perry Street and Pershing Avenue is vacated and conveyed to Palmer, that 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.

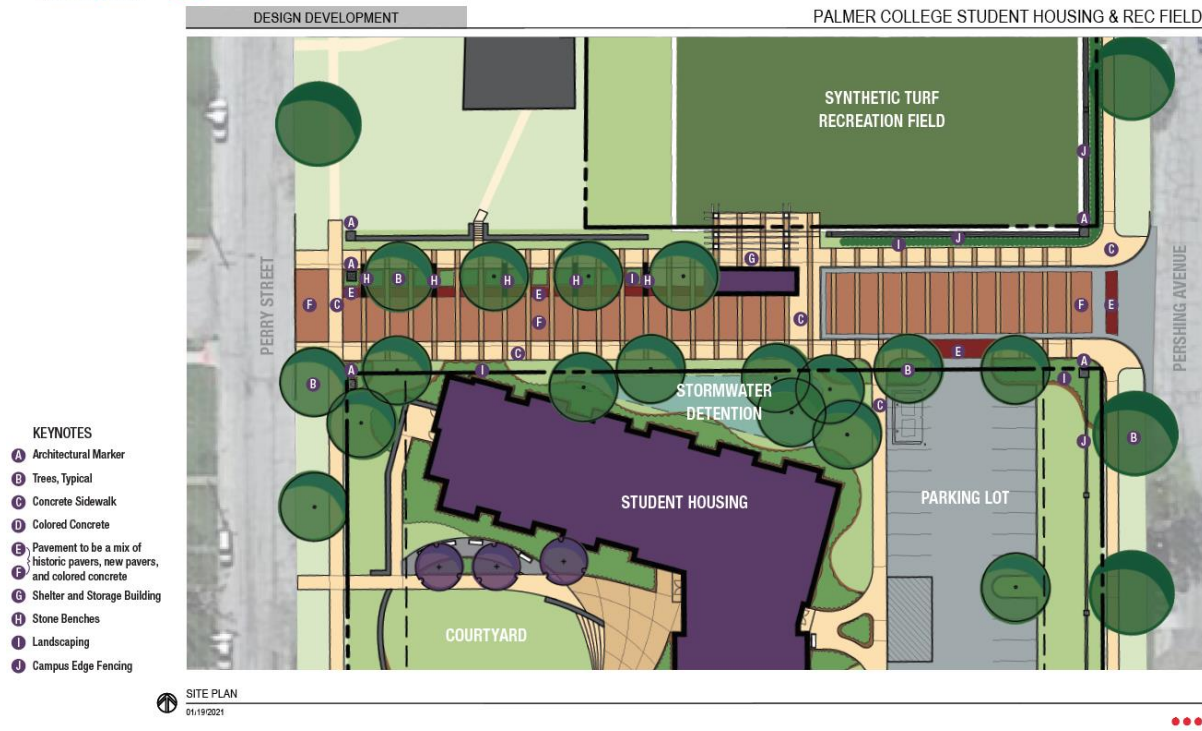
The legal descriptions of the proposed vacations are attached. The land area to be vacated are as follows:

- 11th Street between Pershing and Perry: 19,545 square feet, more or less.
- Alley in Block 89 of LeClaire's 8th Addition: 5,604 square feet, more or less.

The Petitioner has proposed ingress/egress easement from the alleys to the street to ensure adjacent properties will be able to maintain two-points of access off of the existing street network. These would be formalized as part of a subdivision.



The petitioner also intends to comply with the existing condition for the vacation of East 11th Street. A concept plan has been provided.



Analysis:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Zoning:

The adjacent properties are zoned S-IC Institutional Campus District and R-MF Residential Multi-Family District.

Technical Review:

Streets. East 11th Street is improved with roadways and sidewalks. Street is currently listed on the protected historic brick street inventory. The Historic Preservation Commission reviews the removal of historic brick streets. The Commission recommended a conditional approval of the removal of East 11th Street between Perry Street and Pershing Avenue at its August 8, 2017. Those conditions were incorporated into the rezoning conditions of the Planned Institutional District.

Storm Water. There is no existing stormwater infrastructure within the alleys or E 11th Street rights-of-way.

Sanitary Sewer. No sanitary sewer service is located within the rights-of-way.

Other Utilities. A water main is located parallel to East 11th Street and a utility easement will be required. Electric service is located within the alley in Block 89; however the utility is able to remove their infrastructure and still service their customers and the proposed student housing.

Emergency Services. East 11th Street will serve as a fire access point for the proposed student housing. All other affected properties are adjacent to other rights-of-way and would not affect Emergency services.

Parks/Open Space. This request does not impact any existing or planned parks or public open spaces. East 11th Street will serve as a pedestrian corridor with the Palmer campus to implement the Campus Master Plan's goal of connectivity throughout the campus.

Public Input:

Public Hearing notices were sent concurrently with Case ORD20-02, which is Palmer's request for a modification to the Campus Master Plan to allow for student housing. Property owners within 200 feet of the proposed right-of-way vacation in advance of the January 19, 2021 Plan and Zoning Commission Public Hearing. No one spoke other than the applicant at the public hearing. To date, staff has not received any written objections to the request.

Staff Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings for the East 11th Street and the alley in Block 89 of LeClaire's 8th Addition in Case ROW20-02 to the City Council with a recommendation for approval subject to the listed condition.

Findings:

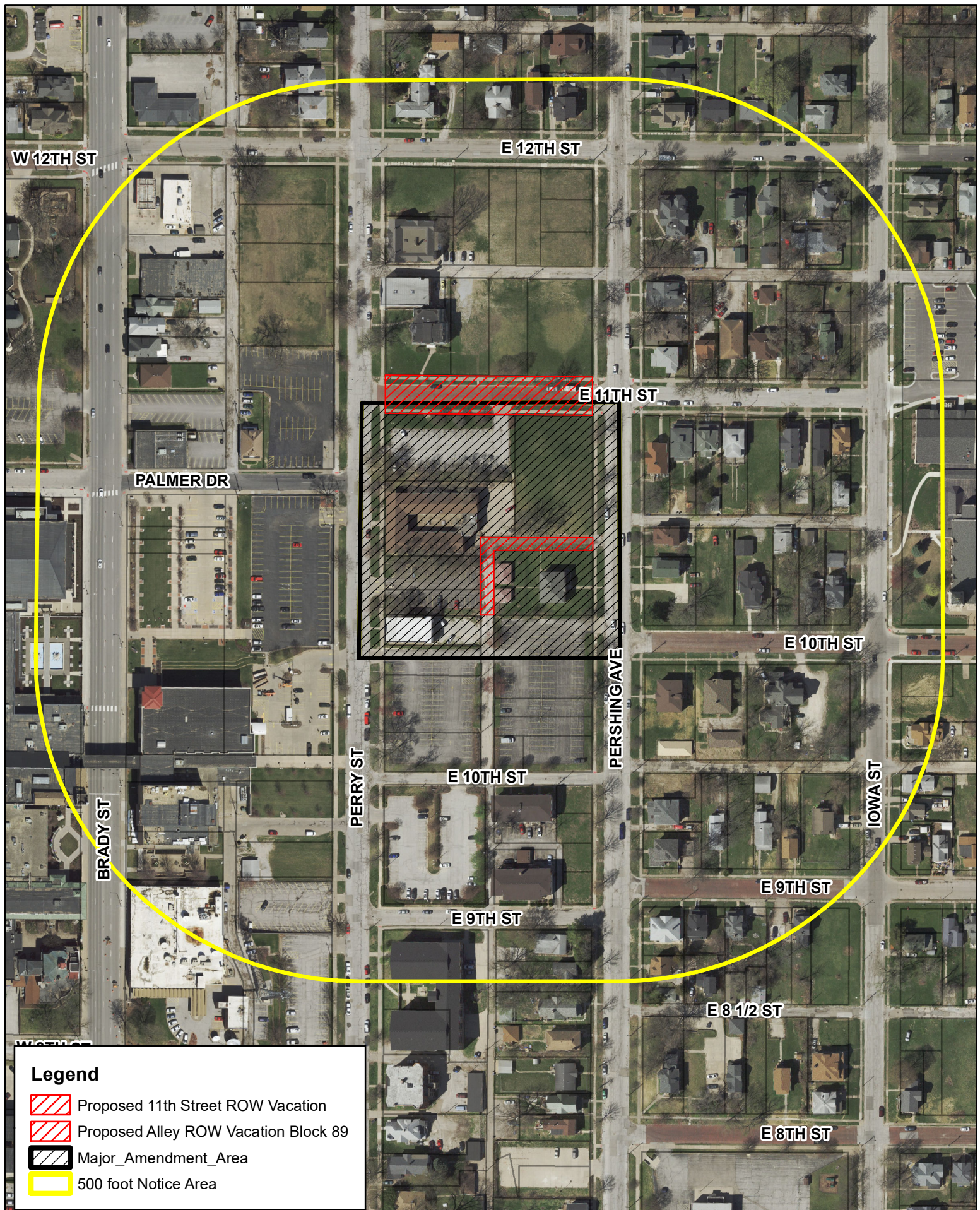
1. The proposed right of way vacation would not impact adjacent property owners with the proposed ingress/egress easement; and
2. A utility easement would preserve the rights for utility providers maintaining utilities within the East 11th Street right-of-way.

Conditions:

1. A utility easement be dedicated for the preservation and maintenance of public utilities within the East 11th Street right-of-way.
2. An ingress/egress easement be provided from the alley to Pershing Avenue.

Case ROW20-02

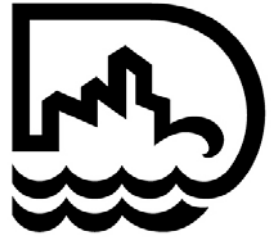
Adjacent Property Owner Notice Area





HISTORIC PRESERVATION COMMISSION Meeting Minutes

**Tuesday, August 8, 2017 at 5:00 p.m.
Council Chambers
226 West 4th Street
City of Davenport, Iowa**



I. Call to Order

Chairman Frueh called the meeting to order at approximately 5:00 p.m. with the following Commissioners present: Joseph Wonio, Kathleen Curoe and Robert McGivern.

Staff Present: Ryan Rusnak, Planner III

II. Commission Secretary's Report

Consideration of the July 11, 2017 regular meeting minutes.

Motion by Curio, second by Wonio to approve the July 11, 2017 regular meeting minutes.

Motion to approve was unanimous by voice vote (4-0).

III. Communications

There was none.

IV. Old Business

1. Removal of East 11th Street between Pershing Street and Perry Street from the list of maintained brick streets. Palmer College of Chiropractic, petitioner.

Aaron Christopher stated that they submitted a revised plan, which was to construct a pedestrian path in the general location of East 11th Street utilizing the bricks from East 11th Street. He also stated that they would erect historical markers commemorating the East 11th Street brick street at the path's intersection with Perry Street and Pershing Avenue. He stated that Palmer agrees to make the approval contingent upon its rezoning request to Planned Institutional District.

Rusnak stated that staff supports the request.

Motion by McGivern, second by Wonio to recommend removal of East 11th Street between Pershing Street and Perry Street from the list of maintained brick streets subject to the following conditions:

1. That the removal be contingent up the approval of Palmer College of Chiropractic's Planned Institutional District rezoning request;
2. That the path be made from bricks from the existing East 11th Street; and
3. That historical markers be erected in the location where the path intersections Perry Street and Pershing Street.

Motion to recommend approval was unanimous by roll call vote (4-0).

V. New Business

1. Case No: COA17-12: Certificate of Appropriateness to remove and replace loose damaged stucco at 627 Ripley Street. Louis P. and Clara L. (Krause) Best House is located in the Local Historic Hamburg District. David Cordes, petitioner.

Rusnak stated that staff recommends approval of COA17-12 as presented.

Cordes summarized the request and presented a brief history of building material and changes that have occurred its history.

Motion by McGivern, second by Wonio to approve COA17-12 in accordance with the work write up.

Motion to approve was unanimous by roll call vote (4-0).

VI. Other Business

1. Election of Vice-Chairperson.

Motion by Curoe, second by Wonio to nominate Robert McGivern as Vice-Chairperson.

Motion to approve was unanimous by roll call vote (4-0).

VII. Open Forum for Comment

No one from the audience spoke.

VIII. Adjournment

The meeting adjourned at 5:45 pm.

ORDINANCE NO. 2018-107

ORDINANCE for Case No. ROW17-08: Request of Palmer College of Chiropractic to rezone 37.63 acres, more or less, of property generally located between Harrison Street and Pershing Avenue and between East 12th and 5th Streets from: "R-4" Moderate Density Dwelling District, "R-6M" High Density Dwelling District, "C-1" Neighborhood Commercial District, "C-2" General Commercial District, "C-4" Central Business District and "M-1" Light Industrial District to "PID" Planned Institutional District [3rd Ward]

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

Section 1. The following described property in Scott County, Iowa real estate is hereby rezoned from: "R-4" Moderate Density Dwelling District, "R-6M" High Density Dwelling District, "C-1" Neighborhood Commercial District, "C-2" General Commercial District, "C-4" Central Business District and "M-1" Light Industrial District to "PID" Planned Institutional District:

Part of the Northwest Quarter of Section 25, Township 78 North, Range 3 East and the Northeast and Southeast Quarter Section 26, Township 28 North, Range 3 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows:

Beginning at the intersection of the centerlines of Main Street and Palmer Drive; thence east along said centerline of Palmer Drive to the centerline of Brady Street; thence North along said centerline of said Brady Street to the south property line of 1139 Brady Street extended westerly to the centerline of Main Street; thence East along said south property line and its extensions westerly and easterly to the centerline of a public alley; thence North along said centerline of said public alley to the centerline of East 12th Street; thence East along said centerline of East 12 Street to the centerline of Pershing Avenue; thence South along said centerline of Pershing Avenue to the south property line of 826 Pershing Avenue extended easterly to the centerline of Pershing Avenue; thence West along said south property line and its extensions easterly and westerly to the centerline of a public alley; thence South along said centerline of a public alley to the south property line of 809 Perry Street extended easterly; thence West along said south property line to the southwest corner of 809 Perry Street; thence north to the south line of 809 Perry Street; thence west along the south line of 809 Perry Street and its extension westerly to the centerline of Perry Street; thence South along said centerline of Perry Street to the north property line of 702 Perry Street extended easterly to the centerline of Perry Street; thence west along said north property line and its easterly extension to the west property line of 702 Perry Street; thence south along said west property line of 702 Perry Street and its southerly extension to the centerline of East 7th Street; thence West along said centerline of East 7th Street to the

centerline of Brady Street; thence South along said centerline of Brady Street to the centerline of a public alley extended easterly to centerline of Brady Street; thence West along said centerline of a public alley and its westerly extension to the centerline of Main Street; thence North along said centerline of Main Street to the north property line of 614 Main Street (Devries Halligan McCabe Funeral Home) extended easterly to the centerline of Main Street; thence west along said north property line and its extensions easterly and westerly to the centerline of a public alley; thence North along said centerline of a public alley to the north property line of 703 Harrison Street extended easterly to the centerline of a public alley; thence West along said north property line and its extensions easterly and westerly to the centerline of Harrison Street; thence North along said centerline of Harrison Street to the centerline of West 8th Street extended westerly to centerline of Harrison Street; thence East along said centerline of West 8th Street to the centerline of Main Street; thence North along said centerline of Main Street to the Point of Beginning.

Properties excluded from the above described PID boundary are as follows: 805 Brady Street, 1111 Perry Street, and 208 East 11th Street.

Four additional properties included in the PID boundary but not attached to the above described boundary are described as follows:

Beginning at the intersection of the centerlines of Brady Street and East 6th Street; thence east along the centerline of East 6th Street to the centerline of Pershing Avenue; thence south along said centerline of Pershing Avenue to the centerline of a public alley extended easterly to the centerline of Pershing Avenue; thence west along said centerline of a public alley and its extensions easterly and westerly to the west right of way line of Perry Street; thence south along said west right of way line to the south line of 520 Perry Street; thence west along said south line and its westerly extension to the centerline of Brady Street; thence north along said centerline of Brady Street to the Point of Beginning.

The boundaries of the legal descriptions contain 48.58 acres, more or less.

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

1. That any property rendered non-conforming by the adoption of the "PID" Planned Institutional District not be subject to Section 17.46.020 entitled Discontinuance-Conformance required;
2. That the buildings achieve consistency with the required 25 foot front yard setback if a "PID" Planned Institutional District ordinance amendment is not adopted to allow setback reductions as depicted on the adopted Land Use Plan;
3. That Palmer College of Chiropractic formally requests the vacation/abandonment of the public streets and alleys depicted on the Land Use Plan as private use by Palmer College of Chiropractic. These areas on the Land Use are descriptive only with respect to the future use of the property and does not compel approval of any vacation/abandonment request; and
4. In the event that 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

material, curbs and sidewalks and the installation of the pedestrian walkway and historical markers shall be the expense of Palmer College of Chiropractic.

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 28, 2018

Second Consideration March 14, 2018

Approved March 28, 2018





Frank Klipsch
Mayor

Attest:



Jackie Holecek, MMC
Deputy City Clerk

Published in the *Quad City Times* on April 10, 2018

City of Davenport

Department: City Clerk
Contact Info: Laura Berkley | 563-888-3553

Action / Date
3/10/2021

Subject:

First Consideration: Ordinance for Case ROW20-02 being the request of Palmer College of Chiropractic to vacate a portion of an alley in Block 96 of LeClaire's 8th Addition. [Ward 3]

Recommendation:

Adopt the Ordinance.

Background:

As part of Palmer College of Chiropractic's Campus Master Plan, East 11th Street between Perry Street and Pershing Avenue and the alleys on Blocks 89 and 96 of LeClaire's 8th Addition were planned for future right-of-way vacation. Palmer is formally requesting to vacate these sections of right-of-way to move forward with planned development.

At its February 2, 2021 Plan & Zoning Commission meeting, the Commission voted to table a decision on the alley in Block 96 of LeClaire's 8th Addition to allow the petitioner time to address concerns of the existing utilities located within the alley. Following the tabling, the utilities have agreed to the relocation of their infrastructure to a proposed 15 foot utility easement running from the remaining portion of the alley north to 12th Street. This will be captured in a future subdivision.

The legal description of the proposed vacation is attached. The land area to be vacated are is 4,091 square feet, more or less.

On February 16, 2021, the Plan & Zoning Commission voted to recommend approval of the vacation request subject to the listed findings and conditions:

Findings:

1. The proposed right of way vacation would not impact adjacent property owners with the proposed ingress/egress easement; and
2. A utility easement would preserve the rights for utility providers maintaining utilities.

Conditions:

1. A 15 foot utility easement shall be dedicated for the preservation and maintenance of public utilities.
2. An ingress/egress easement shall be provided from the alley to 12th Street.

The staff report has been attached with a full analysis.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	ROW vacation map
▣ Backup Material	Staff Report

- ▣ Backup Material
- ▣ Backup Material

Alley Block 96 vacation legal description
Property Owner Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/25/2021 - 8:34 PM

ORDINANCE NO. _____

ORDINANCE for Case ROW20-02 being the request of Palmer College of Chiropractic for the vacation of a portion of alley in Block 96 of LeClaire's 8th Addition. [Ward 3]

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

Section 1. The following described units of Scott County, Iowa real estate are hereby vacated (abandoned). The property has the following legal description:

Part of a 20-foot alley located in Block 96 of LeClaire's 8th Addition in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the southeast corner of Lot 5 in said Block 96;

Thence South 01°53'25" East along the east line of said Block 96, a distance of 20.00 feet to the south line of said alley;

Thence South 88°25'19" West along said south line, a distance of 204.63 feet; Thence North 01°30'45" West, a distance of 20.00 feet to the north line of said alley;

Thence North 88°25'19" East along said north line, a distance of 204.50 feet to the Point of Beginning.

The above-described parcel contains 4,091 square feet, more or less.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

The vacation (abandonment) is subject to the following conditions:

1. A 15 foot utility easement be dedicated for the preservation and maintenance of public utilities.
2. An ingress/egress easement be provided from the alley to 12th Street.

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

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

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

First Consideration _____

Second Consideration _____

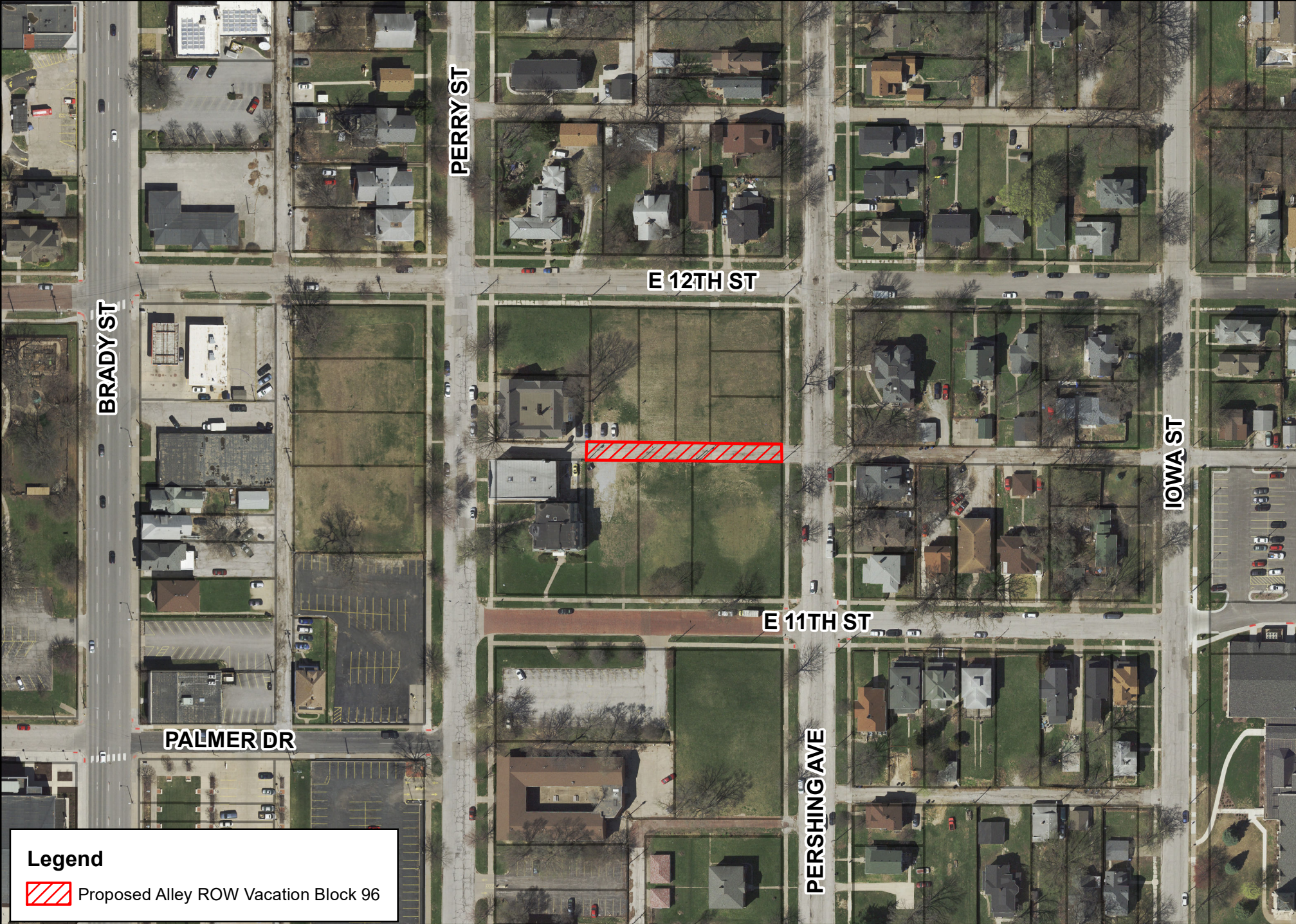
Approved _____

Published in the *Quad City Times* on _____

Mike Matson
Mayor

Attest: _____
Brian Krup
Deputy City Clerk

Right-of-Way Vacation Request
ROW20-02 - A Portion of Alley in Block 96 of LeClaire's 8th Addition



City of Davenport Plan & Zoning Commission

Case ROW20-02: Being the request of Palmer College of Chiropractic to vacate a portion of alley in Block 96 of LeClaire's 8th Addition. [Ward 3]

Introduction:

As part of Palmer College of Chiropractic's Campus Master Plan, East 11th Street between Perry Street and Pershing Avenue and the alleys on Blocks 89 and 96 of LeClaire's 8th Addition were planned for future right-of-way vacation. Palmer is formally requesting to vacate these sections of right-of-way to move forward with planned development.

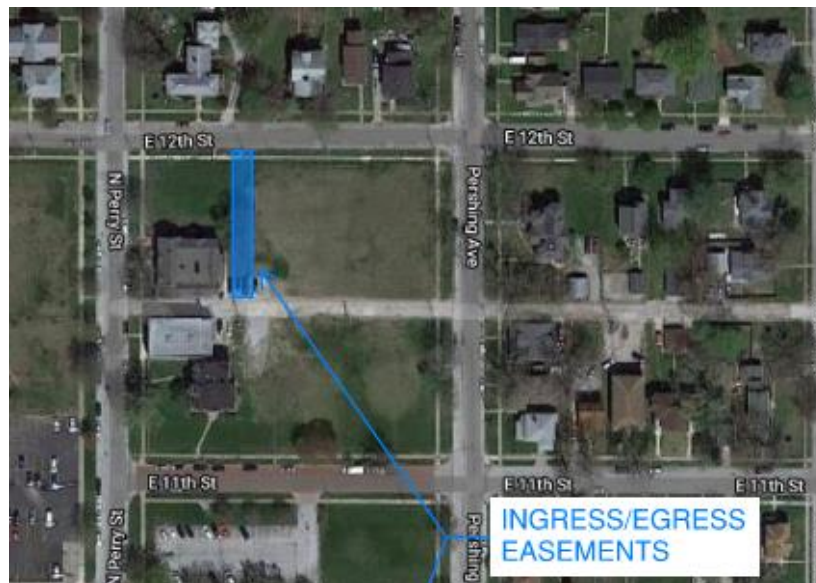
At the February 2, 2021 Plan & Zoning Commission meeting, the Commission voted to table a decision on the alley in Block 96 of LeClaire's 8th Addition to allow the petitioner time to address concerns of the existing utilities located within the alley. The utilities have agreed to the relocation of their infrastructure to a proposed 15 foot utility easement running from the remaining portion of the alley north to 12th Street. This will be captured in a future subdivision.

Palmer was rezoned in 2018 to Planned Institutional District (now called S-IC Institutional Campus), with Ordinance 2018-107. One condition was specific to the right-of-way:

Condition 3: That Palmer College of Chiropractic formally requests the vacation/abandonment of the public streets and alleys depicted on the Land Use Plan

The legal description of the proposed vacation is attached. The land area to be vacated is 4,091 square feet, more or less.

The Petitioner has proposed ingress/egress easement from the alleys to the street to ensure adjacent properties will be able to maintain two-points of access off of the existing street network. These would be formalized as part of a subdivision.



Analysis:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Zoning:

The adjacent properties are zoned S-IC Institutional Campus District and R-MF Residential Multi-Family District.

Technical Review:

Streets. The proposal calls for an ingress/egress easement that connects the remaining portion of the alley serving adjacent properties to 12th Street.

Storm Water. There is no existing stormwater infrastructure within the alleys or E 11th Street rights-of-way.

Sanitary Sewer. No sanitary sewer service is located within the rights-of-way.

Other Utilities. Electric and telecommunication utilities are located within the alley in Block 96. The infrastructure will be relocated within a provided 15 foot utility easement from the existing alley north to 12th Street.

Emergency Services. The proposed ingress/egress easement will serve as a fire access point if needed. Adjacent property owners have street frontage.

Parks/Open Space. This request does not impact any existing or planned parks or public open spaces.

Public Input:

Public Hearing notices were sent concurrently with Case ORD20-02, which is Palmer's request for a modification to the Campus Master Plan to allow for student housing. Property owners within 200 feet of the proposed right-of-way vacation in advance of the January 19, 2021 Plan and Zoning Commission Public Hearing. No one spoke other than the applicant at the public hearing. To date, staff has not received any written objections to the request.

Staff Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings for the alley in Block 96 of LeClaire's 8th Addition in Case ROW20-02 to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings:

1. The proposed right of way vacation would not impact adjacent property owners with the proposed ingress/egress easement; and
2. A utility easement would preserve the rights for utility providers maintaining utilities.

Conditions:

1. A 15 foot utility easement shall be dedicated for the preservation and maintenance of public utilities.
2. An ingress/egress easement shall be provided from the alley to 12th Street.

LEGAL DESCRIPTION

Part of a 20-foot alley located in Block 96 of LeClaire's 8th Addition in the city of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the southeast corner of Lot 5 in said Block 96;

Thence South 01°53'25" East along the east line of said Block 96, a distance of 20.00 feet to the south line of said alley;

Thence South 88°25'19" West along said south line, a distance of 204.63 feet;

Thence North 01°30'45" West, a distance of 20.00 feet to the north line of said alley;

Thence North 88°25'19" East along said north line, a distance of 204.50 feet to the Point of Beginning.

The above-described parcel contains 4,091 square feet, more or less as shown by the attached Alley Vacation Plat.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).



Public Hearing Notice | Committee of the Whole

Date: 3/3/2021
Time: 5:30 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Right-Of-Way Vacation

PALMER COLLEGE FOUNDATION
1000 N BRADY ST
DAVENPORT IA 52803

To: All property owners within 200 feet of the subject right-of-way bounded by East 11th Street and East 12th Street, between Pershing Avenue and Perry Street.

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

Case ROW20-02 being the request of Palmer College of Chiropractic to vacate a portion of the alley in Block 96 of LeClaire's 8th Addition [Ward 3].

At its February 16, 2021 meeting, the Plan and Zoning Commission recommended approval of the aforementioned case with the following findings and conditions:

Findings:

1. The proposed right of way vacation would not impact adjacent property owners with the proposed ingress/egress easement.
2. A utility easement would preserve the rights for utility providers maintaining utilities.

Conditions:

1. A 15 foot utility easement shall be dedicated for the preservation and maintenance of public utilities.
2. An ingress/egress easement shall be provided from the alley to 12th Street.

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, March 3, 2021 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

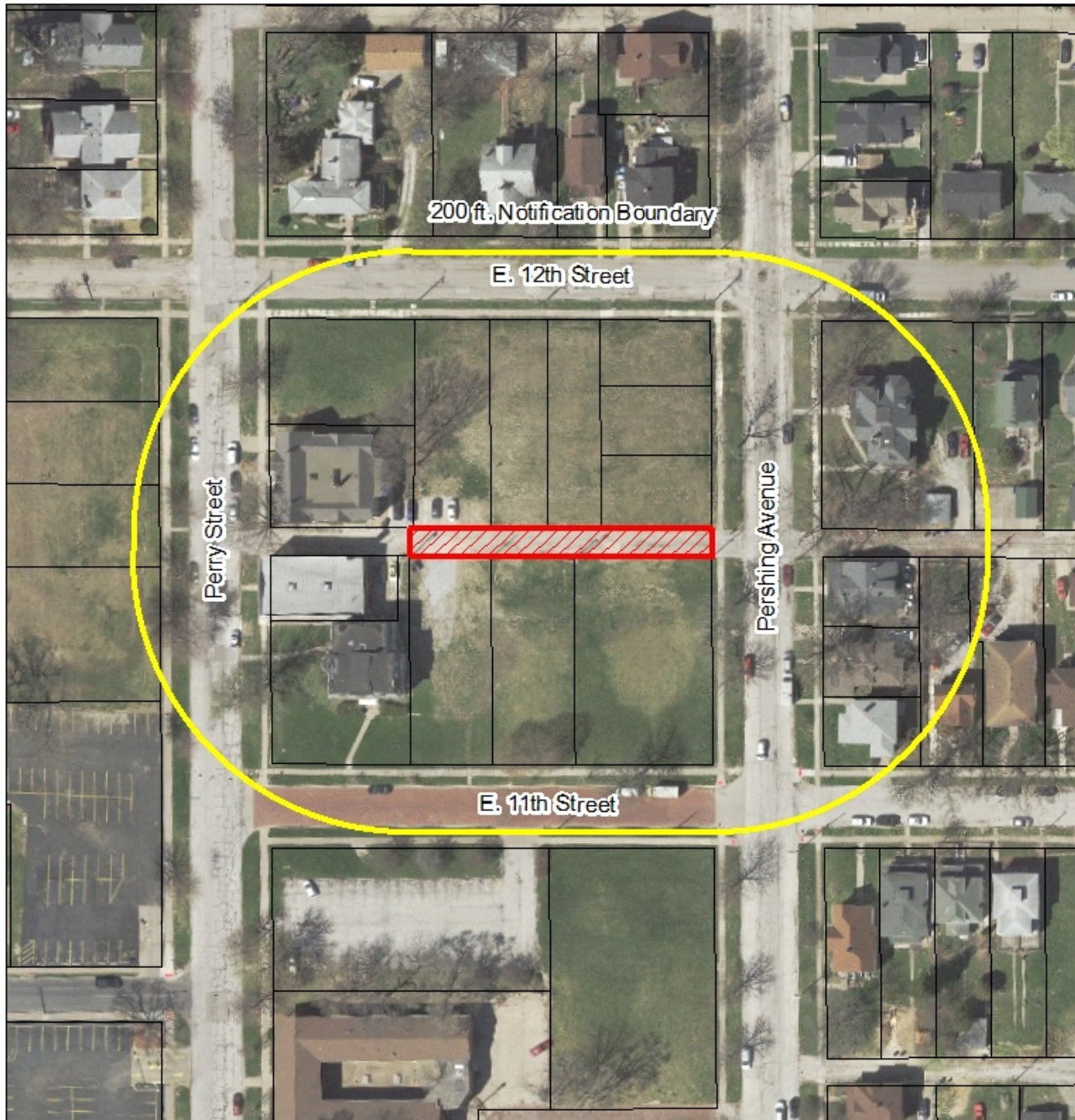
You may submit written comments on the above item or attend the public hearing to express your views, or both. Written comments may be sent via email to mayor.info@davenportiowa.com or mailed to the Development and Neighborhood Services Department, at the below address, no later than 12:00 noon on the day of the public hearing.

All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Right-of-Way Vacation Request

ROW20-02 - A Portion of Alley in Block 96 of LeClaire's 8th Addition



Proposed Alley ROW Vacation Block 96

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 50 100 200
Feet



City of Davenport

Department: City Clerk
Contact Info: Laura Berkley | 563-888-3553

Action / Date
3/10/2021

Subject:

Resolution approving Case F21-01 being the request of Shewry Limited Partnership for a final plat of West Lake Business Park 4th Addition on 3.2 acres, being a replat of Lot 2 in West Lake Business Park 3rd Addition located at 7630 Louis Rich Court containing 2 industrial lots. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

Comprehensive Plan:

Within Urban Service Area 2035: No

Future Land Use Designation: Industry (I)

Zoning: I-1 Light Industrial

Technical Review:

Streets: No (0) linear feet of streets are proposed with this request.

Storm Water: The plat will need to conform to any requirements of the City of Davenport Natural Resources Division; see the condition in the recommendation.

Sanitary Sewer: This is an existing subdivision with an existing system for sewerage.

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

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

Public Input: No public hearing is required for a final plat.

Discussion: The request is for a two-lot subdivision on 3.2 acres, more or less, of property. Not further development is anticipated at this time.

Recommendation:

Findings:

- 1) The plat conforms to the comprehensive plan Davenport+2035; and
- 2) The plat would achieve consistency with subdivision requirements properly conditioned.

The Plan & Zoning Commission reviewed the final plat at its February 16, 2021 regularly scheduled meeting with a recommendation to accept the listed findings and forward Case F21-01 to City Council with a recommendation for approval subject to the following conditions:

1. A note shall be added to the plat listing the party(s) responsible for maintenance of the storm water basin.
2. Record the easement for maintenance access.
3. Note #9 shall be made to match the easement ('Storm water detention and water quality treatment easement').
4. Update the Maintenance plan (signed agreement shall be needed prior to the plat being signed).

All conditions have been met.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	Final Plat
▣ Backup Material	Staff Report
▣ Backup Material	Subdivision Application

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/25/2021 - 8:33 PM

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case F21-01 being the request of Shewry Limited Partnership for a final plat of West Lake Business Park 4th Addition on 3.2 acres, being a replat of Lot 2 in West Lake Business Park 3rd Addition located at 7630 Louis Rich Court containing 2 industrial lots.

WHEREAS, the Plan and Zoning Commission reviewed Case F21-01 at the February 16, 2021 regularly scheduled meeting with a recommendation for approval subject to four conditions; and

WHEREAS, the conditions have been added to the plat and/or provided.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of West Lake Business Park 4th Addition, being a replat of Lot 2 of West Lake Business Park 3rd Addition to the City of Davenport, Iowa, located in the Southwest Quarter of Section 24, Township 78 North, Range 2, East of the 5th P.M., Scott County, Iowa, as filed with the Clerk by Shewry Limited Partnership, owner, be the same and is hereby approved and accepted; and granting of easements as shown on said plat are accepted and confirmed; and

the Mayor and Deputy City Clerk are hereby authorized and instructed to certify to the adoption of this Resolution on said plat as required by law.

Passed and approved this 10th day of March, 2021.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

FINAL PLAT

WEST LAKE BUSINESS PARK FOURTH ADDITION

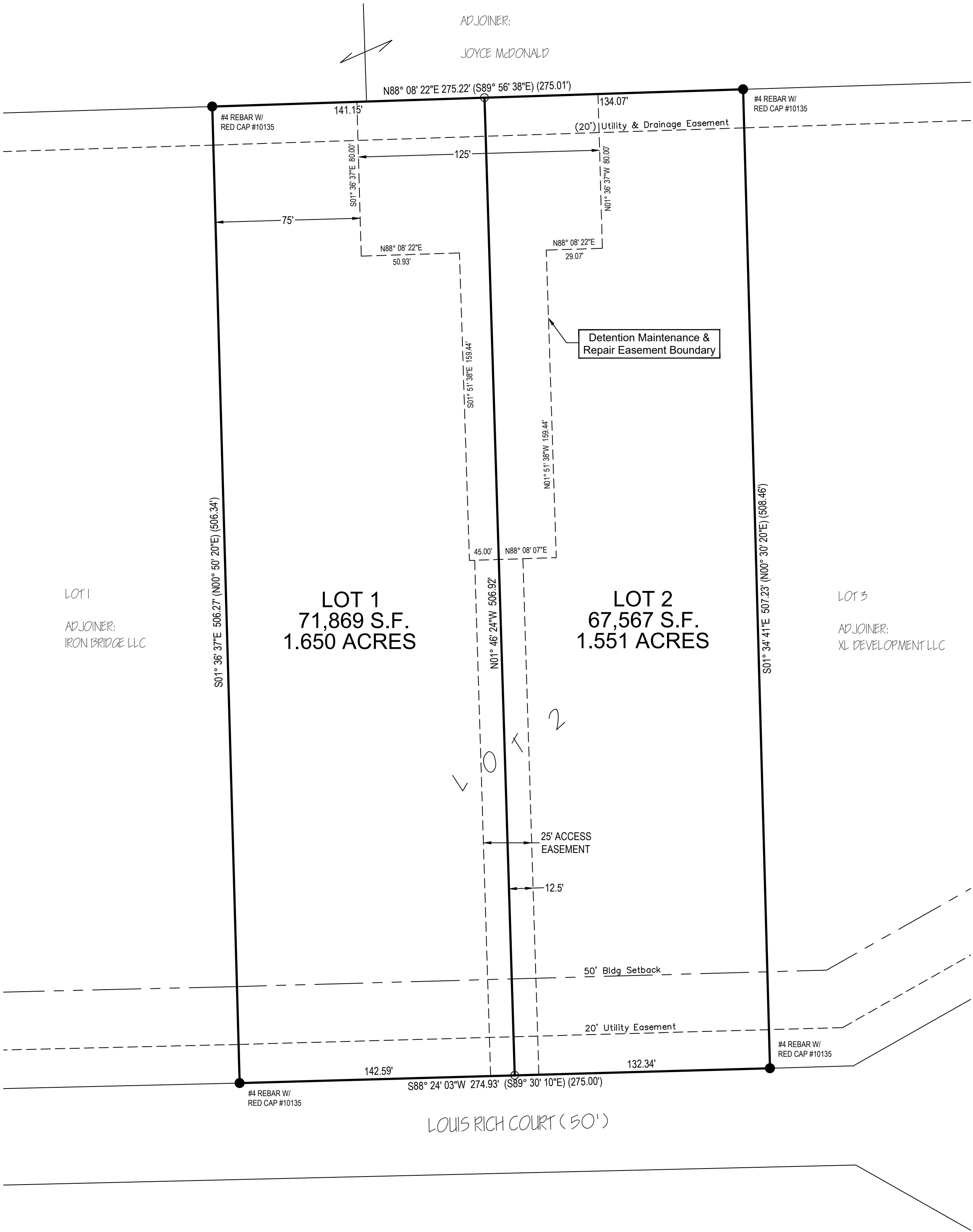
BEING A REPLAT OF LOT 2 OF WESTLAKE BUSINESS
PARK THIRD ADDITION TO THE CITY OF DAVENPORT,
IOWA, LOCATED IN THE SOUTHWEST QUARTER OF
SECTION 24, TOWNSHIP 78 NORTH, RANGE 2 EAST OF
THE 5TH P.M., SCOTT COUNTY, IOWA.

NOTES:

- MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
- ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.
- COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.
- THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.
- ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS.
- BLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.
- THE SUBJECT PROPERTY IS ZONED I-1, INDUSTRIAL DISTRICT.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE FEMA DETERMINED SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAPS #19163C0345F EFFECTIVE DATE FEBRUARY 18, 2011.
- STORM WATER QUALITY TREATMENT FACILITIES SHALL BE REQUIRED FOR THIS SUBDIVISION. A BLANKET EASEMENT FOR SAID STORM WATER QUALITY FACILITIES SHALL BE PROVIDED TO ALLOW ACCESS TO AND THROUGHOUT THE STORM WATER QUALITY BEST MANAGEMENT PRACTICE SITE(S).

PLAT INFORMATION

- Owner:
Shewry Limited Partnership
4575 Trails End Road
Bettendorf, Iowa 52722
- Engineer:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
- Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
- Attorney:
Steve Hunter
201 W. 2nd Street
Davenport, Ia 52801
(563) 324-1000

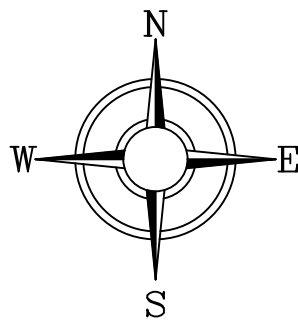


APPROVAL SIGNATURES:

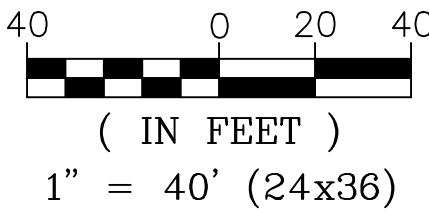
MAYOR	DATE:
CITY CLERK	DATE:
CHAIRMAN PLAN & ZONE	DATE:
CENTURY LINK	DATE:
IOWA - AMERICAN WATER COMPANY	DATE:
MEDIACOM	DATE:
MIDAMERICAN ENERGY	DATE:
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.	

LEGEND:

DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND: = ●
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE = _____
ROAD CENTER LINE = - - - - -
EASEMENT LINE = _____
SETBACK LINE= _____
SECTION LINE= - . - . - .



GRAPHIC SCALE



THE MEASURED BEARINGS SHOWN HEREON
ARE BASED ON THE US STATE PLANE
COORDINATE SYSTEM, IOWA SOUTH ZONE
(1402) GEOID 12A, NAD 83 (2011) EPOCH 2010.00.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2021
Pages or sheets covered by this seal: 1



DATE: 01/06/2021

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: MDR
DRAWING LOCATION
S: \SHEWRY

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT
FINAL PLAT WESTLAKE BUSINESS
PARK FOURTH ADDITION
DAVENPORT, IOWA

DEVELOPER
SHEWRY LIMITED PARTNERSHIP
4575 TRAILS END ROAD
BETTENDORF, IOWA 52722

SHEET NO.

1 OF 1

Exhibits

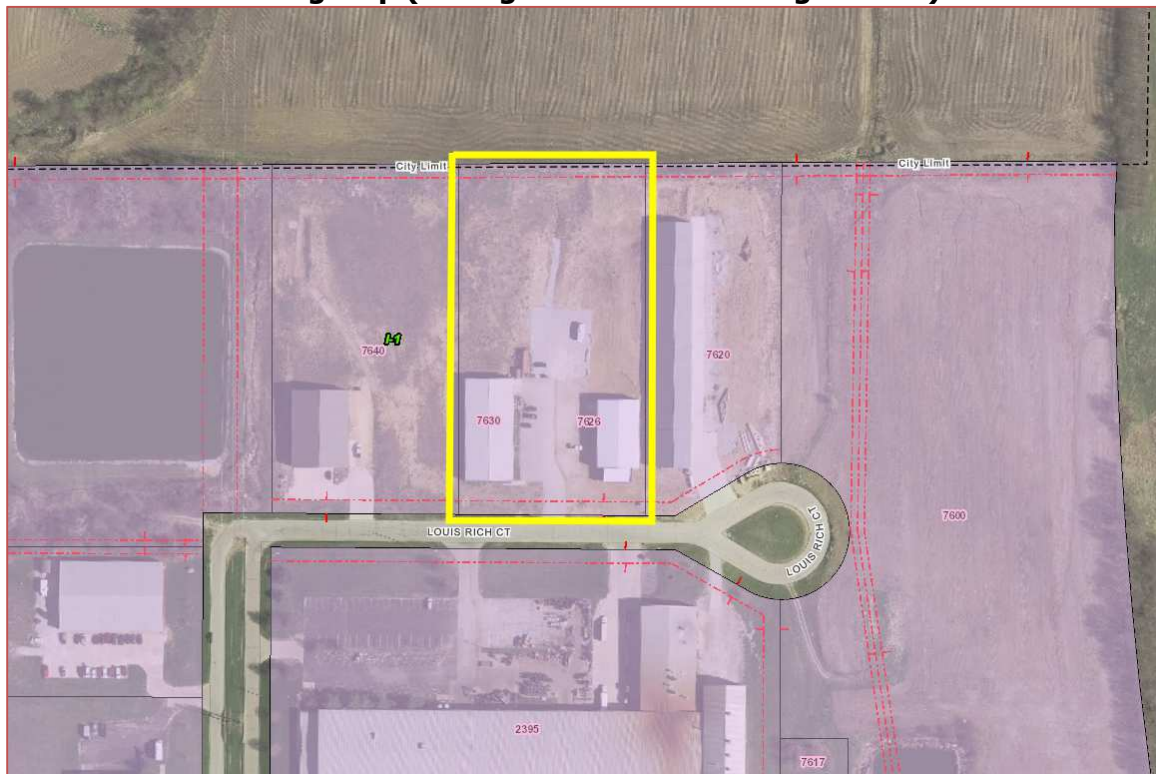
PLAN AND ZONING COMMISSION – Feb. 16, 2021

DESCRIPTION

Case F21-01 of Chris Townsend on behalf of Don Shewry for final plat West Lake Business Park 4th Addition on 3.2 acres, being a replat of lot 2 West Lake Business Park 3rd Addition (PIN [T2435-02](#)) located at 7630 Louis Rich CT containing 2 industrial lots. [Ward 1]

Recommendation: Staff recommends the City Plan and Zoning Commission forward F20-01 and P20-1 to the City Council with a recommendation for approval subject to the following:

Aerial Photo & Zoning Map (I-1 Light Industrial Zoning District):



BACKGROUND

Comprehensive Plan:

Within Urban Service Area (USB35): No
Future Land Use Designation: Industry (I)

Technical Review:

Streets: No (0) linear feet of streets are proposed with this request.

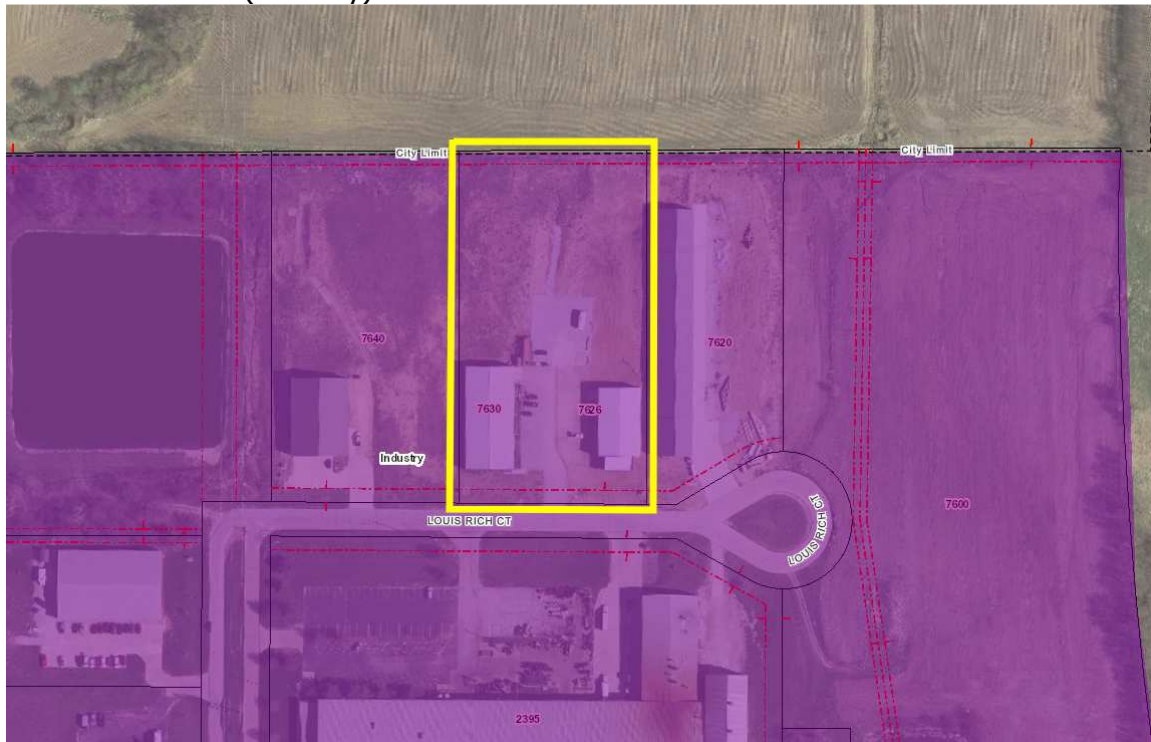
Storm Water: The plat will need to conform to any requirements of the City of Davenport Natural Resources Division; see the condition in the recommendation.

Sanitary Sewer: This is an existing subdivision with an existing system for sewerage.

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

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

Land Use 2035: (Industry)



DISCUSSION

Planning Staff has reviewed this plat for conformance to the subdivision code. The plat meets (or shall meet as conditioned) code requirements.

STAFF RECOMMENDATION

Findings:

- 1) The plat conforms to the comprehensive plan Davenport+2035; and
- 2) The plat would achieve consistency with subdivision requirements properly conditioned.

Recommendation:

Staff recommends the City Plan and Zoning Commission forward F21-01 to the City Council with a recommendation for approval subject to the following:

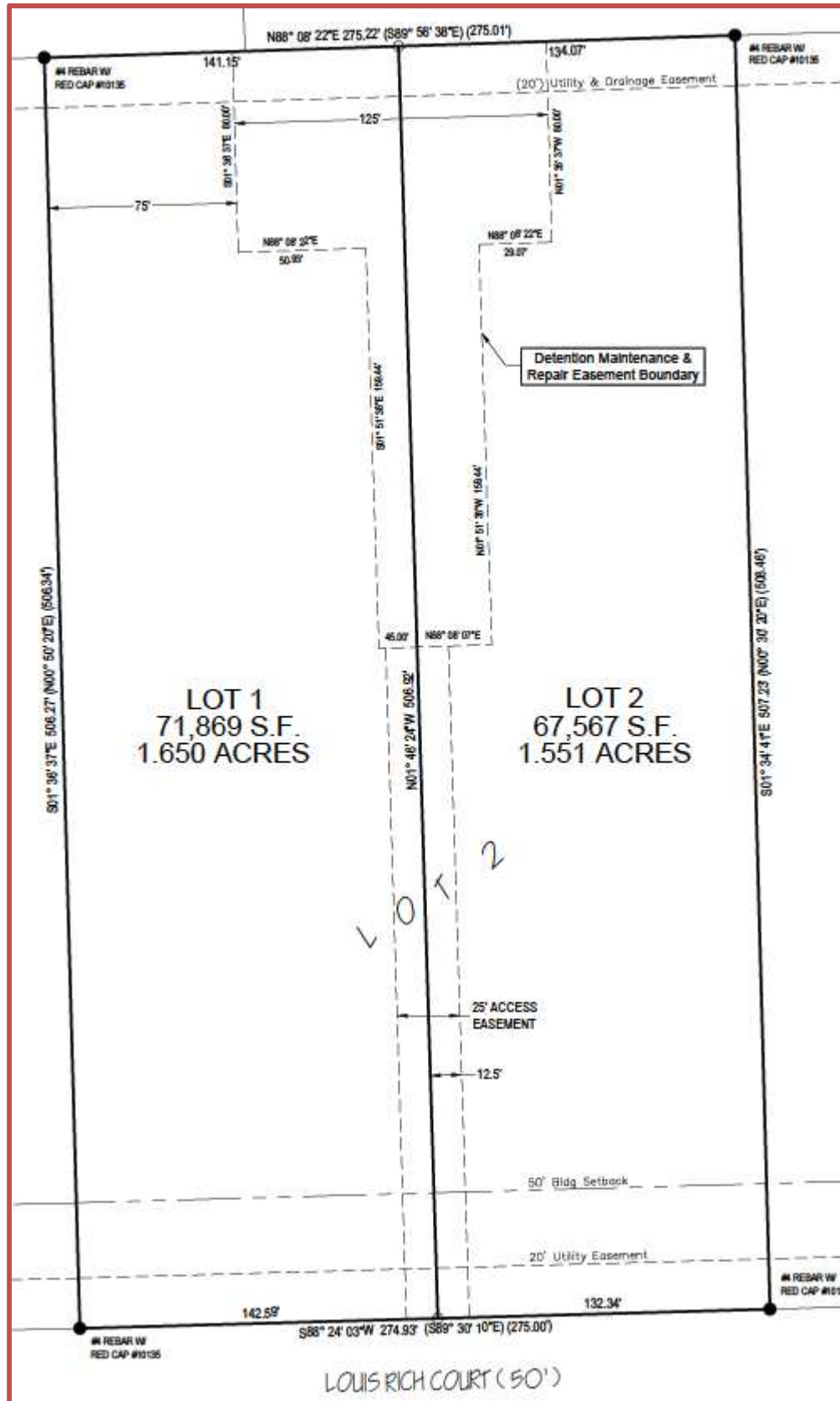
1. A note shall be added to the plat listing the party(s) responsible for maintenance of the storm water basin.
2. Record the easement for maintenance access.
3. Note #9 shall be made to match the easement ('Storm water detention and water quality treatment easement').
4. Update the Maintenance plan (signed agreement shall be needed prior to the plat being signed).

Prepared by:

A handwritten signature in black ink, reading 'Scott Koops'.

Scott Koops, AICP – Planner II,
DNS – Planning

Plat





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

Property Address*

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

Applicant (Primary Contact)

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

Design Review Board

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

Engineer (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Architect (if applicable)

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

Administrative

Administrative Exception
Health Services and Congregate
Living Permit

Attorney (if applicable)

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

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.

City of Davenport

Department: Public Safety
Contact Info: Chad Dyson | 563-326-7817

Action / Date
3/10/2021

Subject:

Third Consideration: Ordinance amending Chapter 12.72 entitled "Conduct in Parks" to add a new Section 12.72.095 that prohibits the use of tobacco and nicotine products in the parks and park facilities. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

The Parks and Recreation Department was contacted by Scott County Health Department regarding an Ordinance to make Davenport parks and park properties tobacco/nicotine free. The amended Ordinance will accomplish this by prohibiting the use of tobacco/nicotine products on any City park property or in any City park facility. Staff from the Scott County Health Department presented at the October 6, 2020 Parks Advisory Board meeting. The Parks Advisory Board motioned in support of a tobacco and nicotine free park Ordinance.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Admin, Default	Approved	1/28/2021 - 3:47 PM

ORDINANCE NO. _____

Ordinance amending Chapter 12.72 entitled “Conduct in Parks” to add a new Section 12.72.095 that prohibits the use of tobacco and nicotine products in the parks and park facilities.

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

Section 1. That new Section 12.72.095 entitled “Tobacco and nicotine free parks and park facilities” is hereby adopted that read as follows:

12.72.095 Tobacco and nicotine free parks and park facilities.

No person, at any time, shall use a tobacco product or nicotine product of any kind while present on any City park property or in any City park facility. “Tobacco product” means any product made or derived from tobacco that is intended for human use, including any component, part, or accessory of a tobacco product including, but is not limited to, cigarettes, electronic smoking devices, cigarette tobacco, roll-your-own tobacco, smokeless tobacco, chewing tobacco and dissolvable tobacco. “Electronic smoking devices” mean any device that can be used to deliver an aerosolized solution that may or may not contain nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, or other simulated smoking device. “Nicotine product” does not include any product approved by the United States Food and Drug Administration for tobacco cessation such as gum or patches.

In addition to the sanctions and remedies provided in 12.72.100, a violation of this section may be charged as a municipal infraction or simple misdemeanor; the scheduled fine shall be \$100.

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 as are any motions or resolutions of council that purport to give authority to a council standing committee to make a determination as all such determinations shall henceforth be made by the city council.

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Safety
Contact Info: Gary Statz | 563-326-7754

Action / Date
3/10/2021

Subject:

Third Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding Sturdevant Street along the west side from the alley north of 12th Street to 13th Street. [Ward 4]

Recommendation:

Adopt the Ordinance.

Background:

The four homes in this zone have little off-street parking and the parking in front of the homes is often occupied when there are events at Beyond the Baseline across the street. Beyond the Baseline patrons can park in the adjacent parking lots or along the front, west side, or back of the building on the streets that surround the property.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/27/2021 - 11:08 AM
Public Works Committee	Moses, Trish	Approved	1/27/2021 - 11:08 AM
City Clerk	Admin, Default	Approved	1/27/2021 - 12:09 PM

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XI "RESIDENT PARKING ONLY" THERETO BY ADDING STURDEVANT STREET ALONG THE WEST SIDE FROM THE ALLEY NORTH OF 12TH STREET TO 13TH STREET.

Section 1. That Schedule XI "Resident Parking Only" of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

Sturdevant Street along the west side from the alley north of 12th Street to 13th Street.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: City Clerk
Contact Info: Brian Krup | 563-326-6163

Action / Date
3/10/2021

Subject:

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

The Office; St. Patrick's Day Celebration; 116 West 3rd Street; 10:00 a.m. Saturday, March 13, 2021 - 2:00 a.m. Sunday, March 14, 2021; **Closure:** sidewalk in front of 116 West 3rd Street. [Ward 3]

St. Paul Lutheran Church; Palm Sunday Outdoor Worship Service; 2136 Brady Street; Sunday, March 28, 2021 8:00 a.m. – 11:00 a.m.; **Closure:** Lombard Street between Main Street and Brady Street. [Ward 5]

St. Paul Lutheran Church; Easter Outdoor Worship Service; 2136 Brady Street; Sunday, April 4, 2021 5:30 a.m. – 12:30 p.m.; **Closures:** High Street between Main Street and Brady Street and the north-south alley from Pleasant Street to High Street between Brady Street and Main Street. [Ward 5]

Stickman Racing Group; Easter Egg Scramble 5k; Saturday, April 3, 2021 7:00 a.m. - 11:30 a.m.; **Closures:** E 11th St from Mound St to Hillcrest Ave/E River St; Jersey Ridge Rd from E 11th St to Middle Rd; Middle Rd from Jersey Ridge Rd to Eastmere Dr; Eastmere Dr from Middle Rd to City Limits; Wood Ln from City Limits to Forest Rd; Forest Rd from Wood Ln to Nichols Ln; Wood Ln from Forest Rd to McClellan Blvd; McClellan Blvd from Wood Ln to Edgehill Ter; Edgehill Ter from McClellan Blvd to E River St; E River St from E River Dr to Hillcrest Ave. [Wards 5 & 6]

Top Notch Production Inc/Marc Hayes; Quad City Symphony Orchestra Presents: An Evening with Renée Elise Goldsberry; 6:00 p.m. Friday, May 14, 2021 - 6:00 a.m. Sunday, May 16, 2021; **Closures:** Harrison Street and Ripley Street south of River Drive. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

Per the City's Special Events Policy, City Council will approve street/lane/public ground closures based on the recommendation of the Special Events committee.

The Office is requesting to use the sidewalk on Saturday, March 13, 2021 for their St. Patrick's Day celebration to allow additional room for people to spread out. They have been advised to leave adequate room to comply with ADA regulations.

Per the event sponsor of the Easter Egg Scramble, the race will be broken down into groups of approximately 50 runners at a time, spaced out before and with staggered start times.

Per the event sponsor for QCSO, the attached sketch is preliminary and if the COVID-19 pandemic causes any restrictions on large gatherings to be put in place, the event will be scaled back and/or adjusted as needed, similar to the Pops concert last summer.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Backup Material	The Office Sidewalk Closure Map
▣ Backup Material	St. Paul Palm Sunday Closure Map
▣ Backup Material	St. Paul Easter Sunday Closure Map
▣ Backup Material	Easter Egg Scramble Route
▣ Backup Material	Easter Egg Scramble Flyer to Residents
▣ Backup Material	QCSO Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/26/2021 - 12:56 PM

Resolution No. _____

Resolution offered by Alderman Ambrose.

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 street, lane, or public ground 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 street, lane, or public ground on the following dates and times:

*The Office; St. Patrick's Day Celebration; 116 West 3rd Street; 8:00 a.m. Saturday, March 13, 2021 2:00 a.m. Sunday, March 14, 2021; **Closure:** sidewalk in front of 116 West 3rd Street. [Ward 3]*

*St. Paul Lutheran Church; Palm Sunday Outdoor Worship Service; 2136 Brady Street; Sunday, March 28, 2021 8:00 a.m. – 11:00 a.m.; **Closure:** Lombard Street between Main Street and Brady Street. [Ward 5]*

*St. Paul Lutheran Church; Easter Outdoor Worship Service; 2136 Brady Street; Sunday, April 4, 2021 5:30 a.m. – 12:30 p.m.; **Closures:** High Street between Main Street and Brady Street; north-south alley from Pleasant Street to High Street between Brady Street and Main Street. [Ward 5]*

*Stickman Racing Group; Easter Egg Scramble 5k; Saturday, April 3, 2021 7:00 a.m. - 11:30 a.m.; **Closures:** E 11th St from Mound St to Hillcrest Ave/E River St; Jersey Ridge Rd from E 11th St to Middle Rd; Middle Rd from Jersey Ridge Rd to Eastmere Dr; Eastmere Dr from Middle Rd to City Limits; Wood Ln from City Limits to Forest Rd; Forest Rd from Wood Ln to Nichols Ln; Wood Ln from Forest Rd to McClellan Blvd; McClellan Blvd from Wood Ln to Edgehill Ter; Edgehill Ter from McClellan Blvd to E River St; E River St from E River Dr to Hillcrest Ave. [Wards 5 & 6]*

*Top Notch Production Inc/Marc Hayes; Quad City Symphony Orchestra Presents: An Evening with Renée Elise Goldsberry; 6:00 p.m. Friday, May 14, 2021 - 6:00 a.m. Sunday, May 16, 2021; **Closures:** Harrison Street and Ripley Street south of River Drive. [Ward 3]*

Passed and approved this 10th day of March, 2021.

Approved:

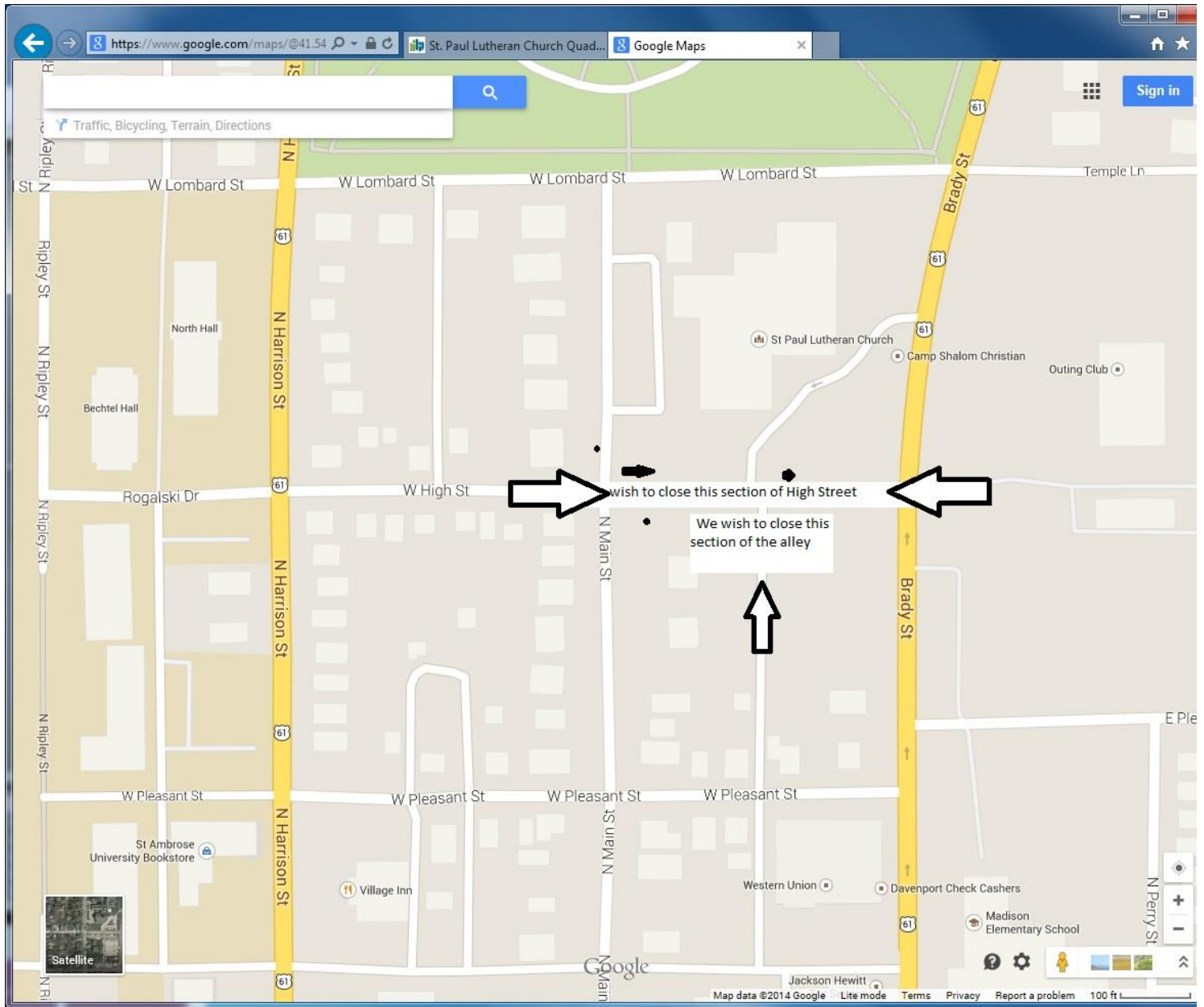
Attest:

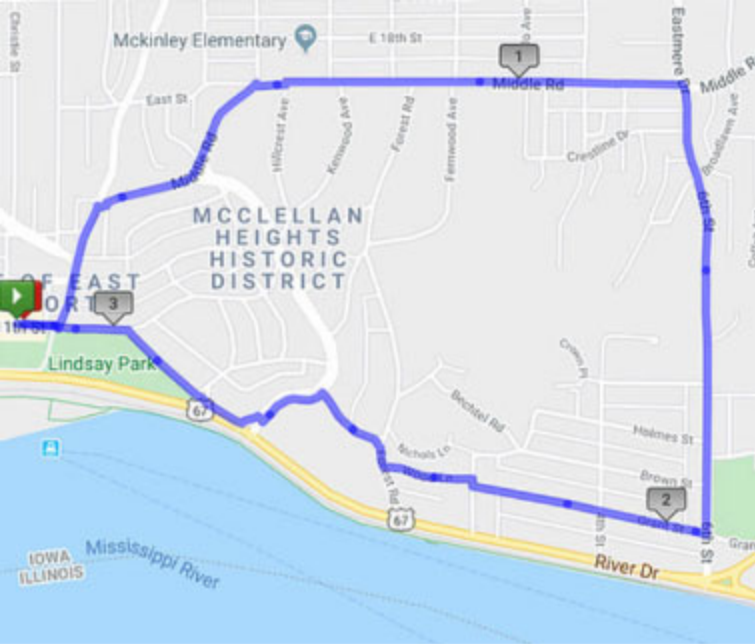
Mike Matson
Mayor

Brian Krup
Deputy City Clerk









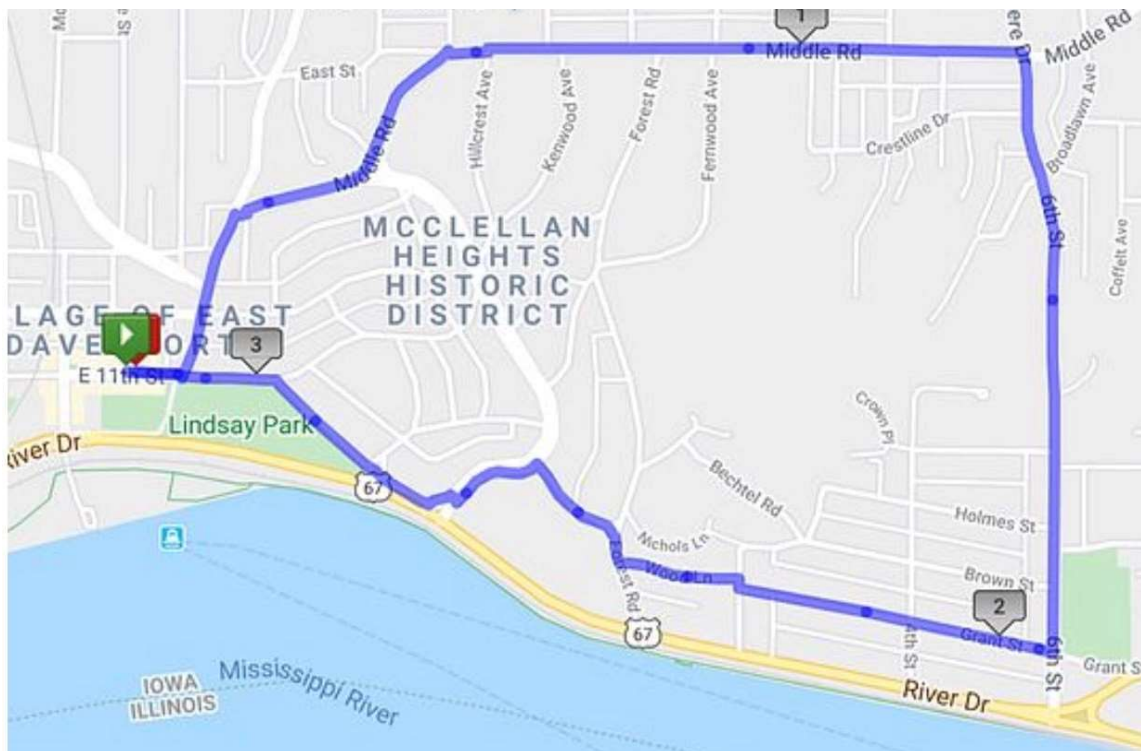


DATE: Saturday, April 3rd 2021

LOCATION: Village of East Davenport and surrounding neighborhood

Festivities start at 8:00 A.M. 5K Race starts at 9:00 A.M. Please help us by moving any vehicles off the race route that morning per the cities of Davenport and Bettendorf

www.scramble5k.com



Proceeds from the Easter Egg Scramble support:





TENTS/ Pods/Trailers

Ambulance	FH Prk
First Aid Tent - 10x10	B1
Office - Pod	A1
QCBT - 30x40, 30x60	A2
YSO - 20x20	A1
QCSO - 20x30	A2
Tickets - 15x15 (2)	B1, C1
VFS - 10x10	B1
WVik - 10x10	B1
YSO Picnic - 30x60	C2
VFS Trailer	Prod
Recycling Trailer	Prod

VENDORS

1.Thunder Bay Grille	20x20	C1
2. Cushman's Food & Engine	15ft	C1
3. Success on Wheels	15ft	C1
4. Iowa's Finest Kettlecorn	15ft	C1
5. Los Primos	25ft	C1
6. Thirteen West	35ft	C1
7. Jumpin Joey's		D1

City of Davenport

Department: Public Safety
Contact Info: Brian Krup | 563-326-6163

Action / Date
3/10/2021

Subject:

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

The Office; St. Patrick's Day Celebration; 128 West 3rd Street; Saturday, March 13, 2021 10:00 a.m. - 9:00 p.m.; Outdoor music, over 50 dBA. [Ward 3]

Dam View Inn; St. Patrick's Day Celebration; 410 East 2nd Street; Saturday, March 13, 2021 8:00 a.m. - 11:00 p.m.; Outdoor music, over 50 dBA. [Ward 3]

Mississippi Valley Fair, Inc; 2815 West Locust Street; various dates and times April through October 2021 (see attached tentative list); Outdoor events/music, over 50 dBA. [Ward 4]

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	The Office Sketch
▣ Backup Material	Dam View Sketch
▣ Backup Material	MVF 2021 Tentative Event List

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Admin, Default	Approved	2/26/2021 - 12:56 PM

BOOZIES

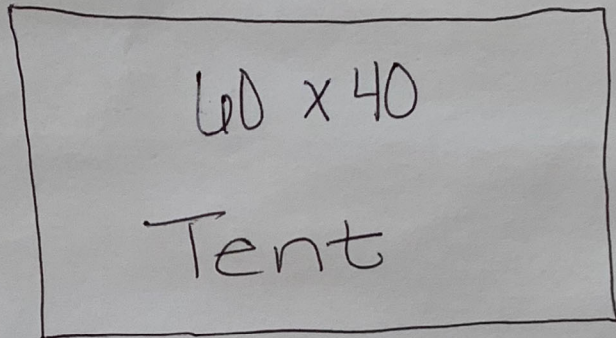
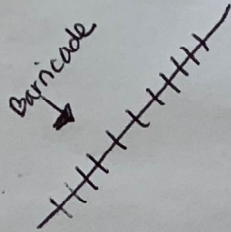
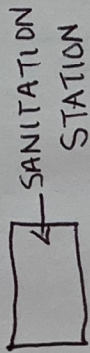
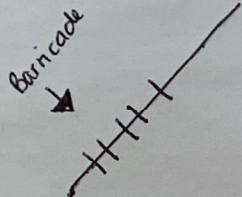
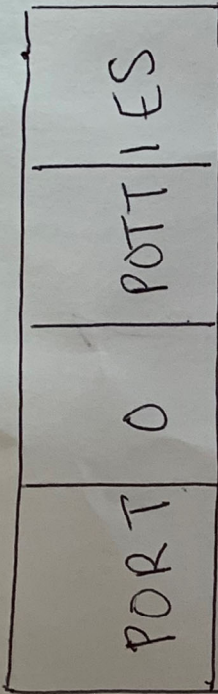
THE OFFICE



FENCE FENCE

WEST 3RD STREET

Iowa Street.



Patio

BACK
DOOR



Shawn Loter
General Manager

Mississippi Valley Fair, Inc.

2815 West Locust Street • Davenport, IA 52804
(563) 326-5338
www.mvfair.com

April 30, 2020

Brian Krup
City Administration
226 West Fourth Street
Davenport, Iowa 52801

Dear Brian,

On behalf of the Mississippi Valley Fair, I would like to request our 2021 noise variance for summer activities for the attached tentative dates.

I am requesting a variance until 11:00 p.m. for our quarter mile track events, and a variance that allows us to finish the feature race on the half mile track, as long as the race is started before 10:00 p.m.. Most of our weekly races are over by 10 p.m. This year we are fortunate to have booked a three day World of Outlaw race in August that will bring in thousands of people into the Quad Cities for this prestigious race, utilizing hotels, restaurants, venues, etc.. We would like this cushion so that we can present the best possible show. Our track was voted the second best World of Outlaw race in 2020, so it is quite an honor and a great opportunity for the Quad Cities to have scheduled a three day show this year.

I am enclosing a list of events scheduled to date and will update you on any new events or changes to the schedule.

Please feel free to call me if you have any questions. I will look forward to your written reply. I will also be happy to attend a council meeting to answer your question if you would like.

Regards,

Shawn Loter
General Manager
Mississippi Valley Fair

CC: Mayor Mike Matson

Mississippi Valley Fair
August 3 - August 8, 2021



Shawn Loter
General Manager

Mississippi Valley Fair, Inc.

2815 West Locust Street • Davenport, IA 52804

(563) 326-5338

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MISSISSIPPI VALLEY FAIR TENATIVE EVENTS 2021

April 2	Practice/Enduro
April 8	Rebel SK
April 15	MLRA ½ mile track
April 23	Weekly Races
May 7	Weekly Races
May 14	MLRA ¼ mile
May 21	Weekly Races
May 28	Weekly Races
June 4	Weekly Races
June 11	Weekly Races
June 12-13	Demo Derby
June 18	Weekly Races
June 19	Tractor Pull
June 25	Weekly Races
June 26-27	Monster Truck show
July 1	Special race
July 9	Weekly Races
July 16	Weekly Races
July 23	Weekly Races
July 28	Weekly Races
August 3-8	FAIR
August 13	Weekly Races
August 20	Weekly Races
August 22	Demo Derby
August 26-28	WORLD OF OUTLAW RACE
September 11	Night of Destruction
September 25	Governors cup
October 30	Enduro

Mississippi Valley Fair

August 3 - August 8, 2021

City of Davenport

Department: Finance
Contact Info: Jamie Swanson | 563-326-7737

Action / Date
3/10/2021

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

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc) - 300 W 3rd St - Outdoor area March 11, 2021-November 1, 2021 - License Type: C Liquor

The Office (Local 563 Cocktail Lounge, LLC) - 116 W 3rd St - Outdoor area "St. Patrick's Day Event" March 13-15, 2021 - License Type: C Liquor

Dam View Inn (VanDamQC LLC) – 410 E 2nd St – Outdoor area “St. Patrick’s Day Event” March 12-14, 2021 - License Type: C Liquor

Fandoms Bar (W3 LLC) – 1460 W 3rd St – License Type: C Liquor

Super Saver Tobacco and Liquor (Veera Brothers LLC) – 1610 Rockingham Rd – License Type: E Liquor

Ward 7

Jesse’s Mart (Guru Nanak Petro Mart) – 3721 N Division St – License Type E Liquor - *200’ letters mailed 2/24/2021*

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

Ward 1

Herb's Tap Inc (Herb's Tap, Inc) - 3701 Rockingham Rd - License Type: C Liquor

Ward 3

Iowa Mini Mart (Samreet LLC) - 234 W 3rd St - License Type: E Liquor

Redstone Room (River Music Experience) - 129 Main St - License Type: C Liquor

Tappa's Steak House (Big Tap Productions, Inc) - 1620 Rockingham Rd - License Type: C Liquor

Ward 4

The Gypsy Highway Bar and Grill (The Gypsy Highway Corporation) - 2606 W Locust St - Outdoor Area - License Type: C Liquor

Mississippi Valley Fairgrounds (Mississippi Valley Fair, Inc) - 2815 W Locust St - Outdoor Area - License Type: C Liquor

The Pour House (The Boss Lady, Inc) - 1502 W Locust St - Outdoor Area - License Type: C Liquor

Wise Guys Pizza & Pub (PB&B LLC) - 2824 W Locust St, Unit 3A - Outdoor Area - License Type: C Liquor

Ward 5

Bootleggers (Lola K, LLC) - 2228 E 11th St - Outdoor Area - License Type: C Liquor

Brew in the Village (3 Blessings Inc) - 1104 Jersey Ridge Rd - Outdoor Area - License Type: C Liquor

Grumpy's Saloon (2118-2120, In) - 2120 E 11th St - License Type: C Liquor

The Outing Club (The Outing Club, Inc) - 2109 Brady St - Outdoor Area - License Type: C Liquor

Ward 6

Camp McClellan Cellars (Julie Keehn) - 2302 E 11th St - License Type: C Beer

Mart Stop No 1 (Mart Stop No 1) - 3527 Spring St - License Type: E Liquor

QC Mart (Bethany Enterprises, Inc) - 2415 E 53rd St - License Type: C Beer

R Bar (KJT Holdings LLC) - 4907 Utica Ridge Rd - Outdoor Area - License Type: C Liquor

Ward 7

The Liquor Stop LLC (The Liquor Stop LLC) - 211 W 53rd St - License Type: E Liquor

R & C Brazilian Steakhouse LLC (R & C Brazilian Steakhouse LLC) - 320 W Kimberly Rd - License Type: C Liquor

Ward 8

Exotic Thai Restaurant (Exotic Thai Restaurant, Inc) - 2303 E 53rd St - Outdoor Area - License Type: C Liquor

Steeplegate Inn/One Hundred West (Frontier Management Corp) - 100 W 76th St - License Type: C Liquor

Recommendation:
Pass the Motion.

Background:

The following applications have been reviewed by the Police, Fire, and Zoning Departments.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	2/26/2021 - 12:56 PM

City of Davenport

Department: Public Works - Admin
Contact Info: Nicole Gleason | 563-326-7734

Action / Date
3/10/2021

Subject:

Resolution approving the contract for the DOT Full Depth Patching Program to Hawkeye Paving Corporation of Bettendorf, Iowa in the amount of \$154,330, CIP #35045. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

On January 27, 2021, an Invitation to Bid was issued and sent to contractors. On February 10, 2021, the Purchasing Division opened and read five responsive and responsible bids. See attached bid tab.

This contract is for the full depth patching of State roads within the City of Davenport. This project will operate based on an indefinite quantity, indefinite delivery task order contract but with defined contract limits.

Funding for this project is from CIP #35045 State DOT Patching Program, with a reimbursement from the State of Iowa DOT. The DOT does not pay for manhole or intake adjustments. Those items are paid from City funds.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	2/25/2021 - 9:34 AM
Public Works Committee	Moses, Trish	Approved	2/25/2021 - 9:34 AM
City Clerk	Admin, Default	Approved	2/25/2021 - 11:36 AM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a contract for the FY 2022 DOT Full Depth Patching to Hawkeye Paving Corporation of Bettendorf, Iowa and authorizing Mayor Mike Matson or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the FY 2022 DOT Full Depth Patching; and

WHEREAS, Hawkeye Paving Corporation 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 FY 2022 DOT Full Depth Patching to Hawkeye Paving Corporation of Bettendorf, Iowa is approved, and
2. Mayor Mike Matson or designee is authorized to sign and manage any related agreements;

Passed and approved this 10th day of March, 2021.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: DOT FY2022 FULL DEPTH PATCHING

RFP NUMBER: #21-66

OPENING DATE: FEBRUARY 10, 2021

GL ACCOUNT NUMBER: 70069675 530350 35045

RECOMMENDATION: AWARD THE CONTRACT TO HAWKEYE PAVING
CORPORATION OF BETTENDORF IA

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
Hawkeye Paving Corporation of Bettendorf IA	\$154,000.00
Langman Construction Inc of Rock Island IL	\$158,540.00
CDMI Concrete Contractors Inc of Port Byron IL	\$164,285.00
Centennial Contractors of the Quad Cities of Moline IL	\$172,812.00
McClintock Trucking & Excavating of Silvis IL	\$173,755.00

Approved By Kristi Keller 2-22-2021
Purchasing Date

Approved By Nicole Gleason 2-19-2021
Dept. Director Date

Approved By Brandi Cozen 2-23-21
Budget/CIP Date

Approved By Mallory P. Lemitt 02/23/2021
CFO/Assistant City Administrator Date

City of Davenport

Department: Public Works - Admin
Contact Info: Dan Guy | 563-328-6778

Action / Date
3/10/2021

Subject:

Motion approving the installation services of security cameras in the parking ramps to Davenport Electric Contract Company and Tri-City Electric in the amounts of \$20,908 and \$35,980 respectfully, CIP #10173. [Ward 3]

Recommendation:

Pass the Motion.

Background:

On December 16, 2020, the Purchasing Division issued an Invitation to Bid to 35 vendors. On January 19, three proposals were received and opened.

Proposals were scored based on the following criteria: pricing 25%, responsiveness and reliability of contractor 25%, quality of workmanship 25%, number of qualified employees 15%, safety record 10%.

Davenport Electric Contract Company (Harrison Ramp) and Tri-City Electric (Redstone Ramp) were the two highest scoring vendors and proposed the lowest pricing for their selected ramp.

Funding is from CIP #10173.

ATTACHMENTS:

Type	Description
▢ Backup Material	PW_MOT_Camera Installation Signed Proposal Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	2/25/2021 - 9:33 AM
Public Works Committee	Moses, Trish	Approved	2/25/2021 - 9:34 AM
City Clerk	Admin, Default	Approved	2/25/2021 - 11:37 AM

**CITY OF DAVENPORT, IOWA
REQUEST FOR PROPOSALS RESPONDENTS**

DESCRIPTION: INSTALLATION OF SECURITY CAMERAS
AT PARKING RAMPS

RFP NUMBER: 21-56

OPENING DATE: JANUARY 19, 2021

GL ACCOUNT NUMBER: 78370690 530350 10173

RECOMMENDATION: AWARD HARRISON RAMP TO DAVENPORT
ELECTRIC CONTRACT CO. AND REDSTONE RAMP TO TRI-CITY ELECTRIC,
BOTH OF DAVENPORT, IA

<u>VENDOR NAME</u>	<u>LOCATION</u>
DAVENPORT ELECTRIC CONTRACT CO.	DAVENPORT, IA
TRI-CITY ELECTRIC	DAVENPORT, IA
SHAW ELECTRIC	DAVENPORT, IA

Approved By Caithlyn Warner 2-23-2021
Purchasing Date

Approved By Walter Harrison 2-23-21
Public Works Director Date

Approved By Brandi Coyle 2-23-21
Budget/CIP Date

Approved By Mallory J. Merritt 02/24/2021
Chief Financial Officer Date

City of Davenport

Department: Finance
Contact Info: Chief Carlsten | 563-326-7942

Action / Date
3/10/2021

Subject:

Resolution approving the contract for the construction of the Davenport Fire Department Training Center at the Public Works Facility to Reed Construction LLC of DeWitt, Iowa in the amount of \$297,100, CIP #23048. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

On January 21, 2021, the Purchasing Division issued an Invitation to Bid for the Davenport Fire Department Training Center at the Public Works Facility. On February 17, 2021, three bids were opened and read. Reed Construction LLC of DeWitt, Iowa was the lowest responsive and responsible bidder. See bid tab attached.

This bid is for the construction of a training classroom/pavilion at the new Fire Training Center. The bid is for the entire building project to follow the plans and specifications provided by the Public Works Engineering Division. The work includes the furnishing of all labor, materials, equipment and services necessary for construction of the Fire Training Center, including new building construction and utilities. The location has been graded and is ready. This project is located behind the City of Davenport Public Works Facility, 1200 E 46th Street.

Funding for this project is from CIP #23048 Fire Training Relocation.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution
▣ Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	2/25/2021 - 3:48 PM

Resolution No. _____

Resolution offered by Alderman Condon.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the construction of the Davenport Fire Department Training Facility at Public Works to Reed Construction LLC of DeWitt, Iowa and authorizing Mayor Mike Matson or designee to sign and manage any related agreements.

WHEREAS, the City needs to construct the Davenport Fire Department Training Facility at Public Works; and

WHEREAS, Reed Construction LLC 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 construction of the Davenport Fire Department Training Facility at Public Works with Reed Construction LLC of DeWitt, Iowa is approved; and
2. Mayor Mike Matson or designee is authorized to sign and manage any related agreements.

Passed and approved this 10th day of March, 2021.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: DAVENPORT FIRE DEPARTMENT TRAINING CENTER AT
PUBLIC WORKS FACILITY

BID NUMBER: 21-64

OPENING DATE: FEBRUARY 17, 2021

FUNDING: 78714675 530350 23048

RECOMMENDATION: AWARD THE CONTRACT TO REED
CONSTRUCTION LLC OF DEWITT IA

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
Reed Construction LLC of DeWitt IA	\$297,100
Precision Builders Inc of Bettendorf IA	\$324,400
Swanson Construction Co of Bettendorf IA	\$347,594

Approved By Kristi Keller 2-22-2021
Purchasing Date

Approved By M. Carls 2/22/2021
Dept. Director Date

Approved By Brandi Coz 2-23-21
Budget/CIP Date

Approved By Mallory J. Merritt 02/23/2021
Assist. City Administrator/Finance Director Date

City of Davenport

Department: Finance
Contact Info: Cory Smith | 563-888-2162

Action / Date
3/10/2021

Subject:

Resolution approving the three-year contract for Microsoft, purchased through the State of Iowa contract with Insight Public Sector of Des Moines, Iowa in the amount of \$568,217.25. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

Microsoft assigns a vendor to hold the state contract for the public sector, and Insight Public Sector of Des Moines, Iowa is the State of Iowa vendor, contract #4400006644. This is a three-year contract, so the City of Davenport is paying one-third (\$189,405.75) per year.

This contract is paid from General Fund Account #50450530 520226, with a current balance of \$309,659.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	2/25/2021 - 3:48 PM

Resolution No. _____

Resolution offered by Alderman Condon.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the three-year contract for Microsoft, purchased through the State of Iowa contract with Insight Public Sector of Des Moines, Iowa and authorizing Mayor Mike Matson or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for Microsoft; and

WHEREAS, Insight Public Sector of Des Moines is the awarded vendor for the State of Iowa.

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

1. the contract for the Three Year Contract for Microsoft, purchased from the State of Iowa contract with Insight Public Sector of Des Moines, Iowa is approved; and
2. Mayor Mike Matson or designee is authorized to sign and manage any related agreements;

Passed and approved this 10th day of March, 2021.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance
Contact Info: Cory Smith | 563-888-2162

Action / Date
3/10/2021

Subject:

Motion approving the annual payment for our Pure Storage to Insight Public Sector of Des Moines, Iowa in the amount of \$69,187.44. [All Wards]

Recommendation:

Pass the Motion.

Background:

The Pure Storage SAN appliances are the hardware that contain 100% of all of our server and workstation data. This is the redundant storage needed for all applications and work flows in the City. That's why we carry 7 x 24 4-hour response time maintenance as it is vital to all computer-based applications used by all departments.

Insight Public Sector of Des Moines, Iowa has the state contract for Pure Storage.

Funding for this project is from General Operations account #50450530 520226.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	2/25/2021 - 3:55 PM