COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, February 21, 2024; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public Hearing for Case ORD24-01: Ordinance amending Chapter 17 of the Municipal Code of Davenport, Iowa entitled "Zoning" by amending Table 17.08-1: Use Matrix to allow “Bed and Breakfast” and “Reception Facility” as a special use in the C-T Commercial Transitional Zoning District. [All Wards]

2. Public Hearing for Case ROW24-01 being the request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

3. Public Hearing for Case REZ24-01 being the request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and establish a Planned Unit Development in accordance with the submitted Preliminary Plan. [Ward 5]

4. Public Hearing on the proposed conveyance of City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners. [Ward 4]

B. Public Works

1. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the FY 2025 State Patching Program, CIP #35045. [Wards 1, 2, 3, 6, & 7]

2. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Lorton Place Intersection Reconstruction project, CIP #35062. [Ward 6]

3. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project, CIP #35062. [Ward 6]

VII. Petitions and Communications from Council Members and the Mayor

VIII. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chair; Paul Reinartz, Vice Chair

I. COMMUNITY DEVELOPMENT

1. Third Consideration: Ordinance for Case REZ23-06 being the request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]
2. First Consideration: Ordinance for Case ORD24-01 amending Chapter 17 of the Municipal Code of Davenport, Iowa entitled "Zoning" by amending Table 17.08-1: Use Matrix to allow “Bed and Breakfast” and “Reception Facility” as a special use in the C-T Commercial Transitional Zoning District. [All Wards]
3. First Consideration: Ordinance for Case ROW24-01 being the request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]
4. First Consideration: Ordinance for Case REZ24-01 being the request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and establish a Planned Unit Development in accordance with the submitted Preliminary Plan. [Ward 5]
5. Resolution approving Case F23-13 being the request of Calvin Bolkema for a final plat of West Silver Creek 2nd Addition, a two-lot subdivision on 4.25 acres located at 5605 Wisconsin Avenue. [Ward 2]
6. Resolution authorizing the conveyance of City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners. [Ward 4]
7. Resolution approving the 2024 Urban Revitalization Tax Exemption (URTE) projects. [All Wards]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Ben Jobgen, Chair; Tim Dunn, Vice Chair

III. PUBLIC SAFETY

1. Resolution approving street, lane, or public ground closure requests for the listed dates and times.

   Quad City Symphony Orchestra; Symphony Day; RiverCenter/Adler Theatre | 136 East 3rd Street; 8:00 a.m. - 2:30 p.m. Thursday, February 29, 2024; **Closure:** northernmost parking lane and two travel lanes on East 3rd Street from Brady Street to Iowa Street. [Ward 3]

Mac's Tavern, Daiquiri Factory, Carriage Haus, and Kilkenny's; St. Patrick's Day Celebration; Downtown; approximately 2:00 p.m. (after the parade) Saturday, March 16, 2024 - 6:00 a.m. Sunday, March 17, 2024; **Closure:** West 3rd Street from Ripley Street to Harrison Street. [Ward 3]

Davenport Community School District; Intermediate and High School Track Meets; Brady Street Stadium | 3603 Brady Street; 3:30 p.m. - 9:30 p.m. various dates in April 2024 (see attached schedule); **Closure:** 36th Street from Brady Street to west of Davenport Avenue. [Ward 7]

Cornbelt Running Club; Bix at 6 Training Runs; 5:00 p.m. - 8:00 p.m. Thursday, June 13, 2024; Thursday, June 20, 2024; Thursday, June 27, 2024; and Thursday, July 11, 2024; **Closures:** East 4th Street from Pershing Avenue to River Drive; Pershing Avenue from East 4th Street to Kirkwood Boulevard; Kirkwood Boulevard from Pershing Avenue to Jersey Ridge Road; Jersey Ridge Road from Kirkwood Boulevard to Middle Road; Middle Road from Jersey Ridge Road to McClellan Boulevard; McClellan Boulevard from Middle Road to River Drive. [Wards 3 & 5]

Daiquiri Factory; Summer Street Games; 303 West 3rd Street; 9:00 a.m. Friday, June 14, 2024 - 7:00 p.m. Saturday, June 15, 2024; **Closure:** West 3rd Street from Ripley Street to Harrison Street. [Ward 3]

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

   Kilkenny's; St. Patrick's Day Celebration; 300 West 3rd Street; 8:00 a.m. Saturday, March 16, 2024 - 12:00 a.m. Sunday, March 17, 2024; Outdoor music, over 50 dBA. [Ward 3]

   Daiquiri Factory; Summer Street Games; 303 West 3rd Street; 4:00 p.m. - 8:30 p.m. Friday, June 14, 2024 and 8:00 a.m. - 5:00 p.m. Saturday, June 15, 2024; Outdoor music/DJ, over 50 dBA. [Ward 3]

3. Motion approving beer and liquor license applications.

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

   Ward 3

   Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street - Extended Outdoor Area March 16-17 - License Type: Class C Liquor (On-Premises)

   Daiquiri Factory (DaqFac, LLC) - 303 West 3rd Street - Extended Outdoor Area March 16 - License Type: Class C Liquor (On-Premises)

   Kilkenny’s Pub & Eatery (Kilkenny’s Pub, Inc) - 300 West 3rd Street - Extended Outdoor Area March 15-18 - License Type: Class C Liquor (On-Premises)

   Mac's Tavern (Failte, Inc) - 316 West 3rd Street - Extended Outdoor Area March 16-17 - License Type: Class C Liquor (On-Premises)

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - Extended Outdoor Area March 16-17 - License Type: Class C Liquor (On-Premises)

Rodriguezhope (Alfredo Rodriguez) - 226 West 3rd Street - Extended Outdoor Area March 14-18 - License Type: Class C Liquor (On-Premises)

Ward 5

Hilltop Campus Village (Hilltop Campus Village) - 1527 Brady Street - Temporary Event March 8 - License Type: Class C Liquor (On-Premises)

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

Ward 4

Hy-Vee Market Café (Hy-Vee, Inc) - 2351 West Locust Street (Café Area) - License Type: Class C Liquor (On-Premises)

The Pour House (Boss Lady, Inc) - 1502 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 5

Brew in the Village (3 Blessings, Inc) - 1104 Jersey Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Los Primos Mexican Grill (Los Primos Mexican Grill, LLC) - 1143 East Locust Street - License Type: Class C Liquor (On-Premises)

Ward 6

QC Mart (Bethany Enterprises, Inc) - 2415 East 53rd Street - License Type: Class C Beer (Carry-Out)

Ward 8

Davenport Chapter Izaak Walton League of America (Davenport Chapter IWLA) - 8402 North Harrison Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Rick Dunn, Chair; Tim Kelly, Vice Chair

V. PUBLIC WORKS

1. Second Consideration: Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Davenport Municipal Code to adopt the new Flood Insurance Study and flood maps, and to align the Ordinance with Iowa Department of Natural Resources and FEMA standards and regulations. [All Wards]
2. Resolution accepting work completed under the 2023 Sidewalk Repair Program by Collins Concrete LTD of Davenport, Iowa in the amount of $130,563.76, CIP #28028. [All Wards]
3. Resolution accepting work completed under the 3rd and Brady Streetscaping project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of $469,420.25, CIP #60035. [Ward 3]
4. Resolution awarding a contract for the Lorton Avenue Overlay and Drainage Improvement project to Manatts, Inc of Camanche, Iowa in the amount of $635,684, CIP #35062. [Ward 6]
5. Resolution awarding a contract for the 2024 Pedestrian Curb Ramp Retrofit Program to Americore LLC of Blue Grass, Iowa in the amount of $229,088, CIP #35063. [All Wards]
6. Resolution approving the plans, specifications, form of contract, and estimate of cost for the FY 2025 State Patching Program, CIP #35045. [1, 2, 3, 6, & 7]
7. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Lorton Place Intersection Reconstruction project, CIP #35062. [Ward 6]
8. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project, CIP #35062. [Ward 6]
9. Resolution amending the Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]
10. Resolution overruling objections for the Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]
11. Resolution adopting the Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]
12. Resolution ordering preparation of detailed plans, specifications, notice of Hearing, notice to bidders, form of contract, and publication of the notice to bidders and notice of Hearing covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]
13. Resolution authorizing and approving the use of condemnation and commencement of condemnation proceedings, if necessary, for easements associated with the West Loop Trail Phase I project (Wisconsin Avenue to existing trail at Emeis Park), CIP #28029. [Ward 1]
14. Motion accepting work completed under the CY 2023 Contract Milling Program by Manatt's Inc – Eastern Iowa Division of Camanche, Iowa in the amount of $88,470.63, CIP #35041. [All Wards]
15. Motion approving a waiver of sidewalk installation on either side of the newly constructed American Water Way from the south end of Lot 1 Iowa American Water Company First Addition to the north end of Lot 1 Iowa American Water Company

First Addition, and that said waiver is valid as long as certain conditions remain in effect. [Ward 1]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Jazmin Newton, Chair; Mhisho Lynch, Vice Chair

VII. FINANCE

1. Resolution setting a Public Hearing for the FY 2025 proposed property tax levy rate and amount. [All Wards]
2. Resolution awarding a five-year contract for taser hardware, software, and training to Axon Enterprise, Inc of Scottsdale, Arizona in the amount of $452,447.94 using OMNIA Partners contract 3544-21-4615. [All Wards]
3. Resolution awarding a three-year contract for the renewal of the Microsoft Enterprise License Agreement to Insight Public Sector of Chandler, Arizona in the amount of $731,259.36 using OMNIA Partners contract 23-6692-03. [All Wards]
4. Resolution awarding a contract for the Cork Hill Park Splash Pad project to Hagerty Earthworks LLC of Muscatine, Iowa in the amount of $112,840, CIP #ARP10. [Ward 3]

VIII. Motion recommending discussion or consent for Finance items

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

1. Waite Family Farms LLC | right-of-way and temporary construction easement for Utah Avenue Bridge replacement | Amount: $10,000
2. Overdrive Inc | Library materials | Amount: $10,000
3. Austin Engineering Co Inc | civil engineering services for Colony Drive (Western to Ripley) | Amount: $10,820
4. Dell Marketing LP | laptops and docking stations | Amount: $12,693.36
5. CDW Government Inc | annual renewal Barracuda 400 | Amount: $12,780
6. Maplewood Business Partners | HPE Aruba switches | Amount: $13,250
7. Alex Cripe | nuisance snow removal | Amount: $13,397.16
8. Riverstone Group Inc | 3/8 chips for asphalt plant | Amount: $14,888.41
9. Lawnscapers Inc | Library (Eastern & Fairmount) snow removal and salt | Amount: $19,799
10. Humility of Mary Shelter | winter shelter | Amount: $22,500
11. Konecranes | shop hoists inspection and repair | Amount: $25,781.35

X. Other Ordinances, Resolutions and Motions

XI. Reports of City Officials

XII. Executive Session

1. To evaluate the performance of individuals in closed session as requested by those individuals pursuant to Iowa Code Section 21.5(1)(i).

XIII. Adjourn

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/21/2024**

Subject:
Public Hearing for Case ORD24-01: Ordinance amending Chapter 17 of the Municipal Code of Davenport, Iowa entitled "Zoning" by amending Table 17.08-1: Use Matrix to allow “Bed and Breakfast” and “Reception Facility” as a special use in the C-T Commercial Transitional Zoning District. [All Wards]

Recommendation:
Hold the Hearing.

Background:
City staff received an Application for a Zoning Text Amendment from a property owner requesting an amendment to allow "Bed and Breakfast" and "Reception Facility" as permitted uses in the C-T Commercial Transitional Zoning District. The proposed zoning text amendment will impact all properties throughout Davenport zoned C-T Commercial Transitional District.

At its February 6, 2024 meeting, the Plan and Zoning Commission recommended Case ORD24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings and condition.

Findings

1. The proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed amendment promotes the public health, safety, and welfare of the City.
3. The proposed amendment is consistent with the intent and general regulations of the Zoning Ordinance.
4. The amendment reflects a change in policy and development trends.
5. The proposed amendment eliminates any existing nonconformities.

Condition

1. Amend Table 17.08-1: Use Matrix of the City of Davenport Zoning Ordinance to allow “Bed and Breakfast” and "Reception Facility" as a Special Use in the C-T Commercial Transitional Zoning District.

The staff report from the February 6, 2024 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Staff Report-P&Z 2-6-24
🗋	Backup Material	Use Matrix-Proposed Amendment
🗋	Backup Material	Application

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	2/14/2024 - 11:09 AM

ORDINANCE NO. 2024-

AN ORDINANCE FOR CASE ORD24-01 AMENDING CHAPTER 17 OF THE MUNICIPAL CODE OF DAVENPORT, IOWA ENTITLED "ZONING" BY AMENDING TABLE 17.08-1: USE MATRIX TO ALLOW "BED AND BREAKFAST" AND "RECEPTION FACILITY" AS A SPECIAL USE IN THE C-T COMMERCIAL TRANSITIONAL ZONING DISTRICT.

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

Section 1. That section 17.08.020 Table 17.08-1 entitled Use Matrix of the Municipal Code of Davenport, Iowa be the same, and is hereby amended to add "Bed and Breakfast" and "Reception Facility" as Special Use in the C-T Commercial Transitional Zoning District.

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 _____

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services **Date**
Contact Info: Matt Werderitch 563.888.2221 **2/6/2024**

Subject:
Case ORD24-01: Request of Chris Kretz to amend Table 17.08-1: Use Matrix of the City of Davenport Zoning Ordinance to allow “Bed and Breakfast” and “Reception Facility” as permitted uses in the C-T Commercial Transitional Zoning District. [All wards]

Recommendation:
Staff recommend the Plan & Zoning Commission accept the listed findings and forward Case ORD24-01 to the City Council with a recommendation for approval, subject to the following condition:

1. Amend Table 17.08-1: Use Matrix of the City of Davenport Zoning Ordinance to allow “Bed and Breakfast” and "Reception Facility" as a Special Use in the C-T Commercial Transitional Zoning District.

Findings:

1. The proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed amendment promotes the public health, safety, and welfare of the City.
3. The proposed amendment is consistent with the intent and general regulations of the Zoning Ordinance.
4. The amendment reflects a change in policy and development trends.
5. The proposed amendment eliminates any existing nonconformities.

Background:
City staff received an Application for a Zoning Text Amendment from a property owner requesting an amendment to allow "Bed and Breakfast" and "Reception Facility" as permitted uses in the C-T Commercial Transitional Zoning District. The proposed zoning text amendment will impact all properties throughout Davenport zoned C-T Commercial Transitional District.

City staff explored options with the petitioner, including rezoning their property. However, a Zoning Text Amendment was deemed the most appropriate option as there are existing residential dwellings in commercial districts throughout the city. Staff consider this to be a city-wide issue, rather than specific to the petitioner's property.

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

Zoning Ordinance Use Definitions:

1. **Bed and Breakfast**: A single-family dwelling where a resident/owner provides lodging for a daily fee in guest rooms with no in-room cooking facilities, and prepares meals for guests. A bed and breakfast may include dining facilities.
2. **Reception Facility**: A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Bed and Breakfast Principal Use Standards (Section 17.08.030.D)

1. The exterior of a bed and breakfast must maintain its original appearance as a single-family dwelling. No parking may be located in front of the front building façade.
2. Cooking equipment is prohibited in individual guest rooms. However, a mini-refrigerator and/or a microwave is allowed.
3. No retail sales are permitted with the exception of ancillary retail of related items such as souvenirs, postcards, and snack items.
4. No bed and breakfast may operate a restaurant. Meals may only be served to registered guests and at private events.
5. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to six feet in height and must be a minimum of five feet from any lot line.

Reception Facility Principal Use Standards (Section 17.08.030.X)

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.
2. When allowed in the residential districts and S-AG District, a minimum lot size of two acres is required. Fifty foot minimum setbacks are required along all lot lines.

Use Matrix (Table 17.08-1)

The principal use "Bed and Breakfast" is allowed in the following zoning districts:

1. Permitted Use:
    - S-AG Agricultural District
2. Special Use (Reviewed and Approved by the Zoning Board of Adjustment):
    - R-1 Single-Family Residential District
    - R-2 Single-Family Residential District
    - R-3 Single-Family and Two-Family Residential District
    - R-3C Single-Family and Two-Family Central Residential District
    - R-4 Single-Family and Two-Family Residential District
    - R-4C Single-Family and Two-Family Central Residential District
    - R-MF Multi-Family Residential District

The principal use "Reception Facility" is allowed in the following zoning districts:

1. Permitted Use:
    - C-3 General Commercial District
    - C-C City Centre District
    - C-E Elmore Corners District
    - I-MU Industrial Mixed-Use District
2. Special Use (Reviewed and Approved by the Zoning Board of Adjustment):

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single-Family and Two-Family Residential District
- R-3C Single-Family and Two-Family Central Residential District
- R-4 Single-Family and Two-Family Residential District
- R-4C Single-Family and Two-Family Central Residential District
- C-1 Neighborhood Commercial District
- C-2 Corridor Commercial District
- C-D Downtown District
- C-V Village of East Davenport District
- S-AG Agricultural District

Approval Standards for Text Amendments

1. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
2. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
3. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
4. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.
5. The extent to which the proposed amendment creates nonconformities.

Special Use Permit:

City staff are recommending "Bed and Breakfast" and "Reception Facility" be allowed in the C-T Commercial Transitional District as a Special Use. The Zoning Ordinance recognizes that there are certain uses that require individual consideration to mitigate any potential impacts upon neighboring land. Special Use Permits are reviewed and approved by the Zoning Board of Adjustment, whom evaluate the following criteria:

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

Given the C-T Commercial Transitional District serves as a buffer between residential neighborhoods and higher intensity commercial corridors, requiring a Special Use Permit will ensure additional oversight and prevent conflicts between incompatible land uses.

Public Input:

A Notice of Public Hearing was published in the Quad City Times informing the community of the January 16, 2024 Plan and Zoning Commission Public Hearing. To date, staff has not received any public comments in favor or opposition to the request. Staff will apprise the Commission of any correspondence at the February 6, 2023 Plan and Zoning Commission Public Hearing.

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Adult Use																S	S					Sec. 17.08.030.A
Agriculture																			P			
Amusement Facility - Indoor									P	P	P		P	P	P	P		P				
Amusement Facility - Outdoor										S	S				S	P		S				
Animal Care Facility - Large Animal																			P			
Animal Care Facility - Small Animal							S	S	P	P	P		S	S	P	P		P	P			Sec. 17.08.030.B
Animal Breeder																			P			Sec. 17.08.030.B
Art Gallery							P	P	P	P	P		P	P	P			P				
Arts and Fitness Studio							P	P	P	P	P		P	P	P			P				
Bar									P	P	P		P	P	P			P				
Bar – Neighborhood								P														Sec. 17.08.030.C
Bed and Breakfast	S	S	S	S	S		S												P			Sec. 17.08.030.D
Billboard									P	P						P	P					Sec. 17.08.030.E
Body Modification Establishment								P	P	P	P		P		P			P				
Broadcasting Facility TV/Radio								P	P	P		P	P	P	P	P	P	P			P	
Campground																			S	P		Sec. 17.08.030.F
Car Wash									P	P					S			P				Sec. 17.08.030.G
Casino															P							
Cemetery																				P		
Children's Home					P				P	P					P			S			P	Sec. 17.08.030.H
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Community Center	P	P	P	P	P		P	P	P	P	P		P	P	P			P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.030.I
Conservation Area																			P	P		
Country Club																				P		
Cultural Facility							P	P	P	P	P		P	P	P			P		P	P	
Day Care Center					P		P	P	P	P	P	P	P	P	P	S		P			P	Sec. 17.08.030.J
Day Care Home	P	P	P	P	P														P			Sec. 17.08.030.K
Drive-Through Facility									P	P	S		S		P	P	P					Sec. 17.08.030.K
Drug/Alcohol Treatment Facility, Residential									S	S					S			S			S	Sec. 17.08.030.L
Drug Treatment Clinic									S	S					S			S			S	Sec. 17.08.030.L
Domestic Violence Shelter					P			P	P	P					P			P			P	Sec. 17.08.030.H
Dwelling - Accessory Dwelling Unit	P	P	P	P																		Sec. 17.08.030.M
Dwelling - Manufactured Home						P													S			Sec. 17.08.030.N

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Dwelling - Multi-Family					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.O
Dwelling - Townhouse					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.P
Dwelling - Single-Family	P	P	P	P	P		P	P	P					P								Sec. 17.08.030.P
Dwelling - Single-Family Semi-detached		P	P	P	P		P	P	P		S			P								Sec. 17.08.030.P
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P		S			P								Sec. 17.08.030.P
Dwelling - Two-Family (Conversion)					P		P	P	P					P								Sec. 17.08.030.P
Educational Facility - Primary or Secondary	P	P	P	P	P																P	
Educational Facility - University or College										P	P	P	P		P						P	
Educational Facility - Vocational							S	S	S	P	P	P	P	S	P	P	P	P			P	
Equine Keeping/Equestrian Facility	P																		P			Sec. 17.08.030.Q
Fairground																			S	S	P	
Financial Institution							P	P	P	P	P	P	P	P	P			P				
Financial Institution, Alternative									S	S					S			P				Sec. 17.08.030.R
Food Bank																P	P	P				
Food Pantry									P	S					S			S				
Funeral Home							S	S	S	P					P			P				
Gas Station								S	P	P	S				P	P	P	P				Sec. 17.08.030.S
Golf Course/Driving Range																				P		
Government Office/Facility							P	P	P	P	P	P	P	P	P	P	P	P		P	P	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Greenhouse/Nursery - Retail										P					P			P	S			
Group Home	P	P	P	P	P																	Sec. 17.08.030.T
Halfway House									S	S					S			S			S	Sec. 17.08.030.L
Healthcare Institution																					P	
Heavy Rental and Service																P		P				
Heavy Retail										S					S	P		P				
Homeless Shelter									S	S					S			S			S	Sec. 17.08.030.L
Hotel									P	P	P	P	P	S	P			P				
Industrial - General																	P					
Industrial - Light												P				P	P	P				
Industrial Design								P	P	P		P	P		P	P	P	P				
Live Performance Venue										P	P		P	P	P	P		P				

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

TABLE 17.08-1: USE MATRIX																						
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.030.U
Manufactured Home Park						P																
Medical/Dental Office							P	P	P	P	P	P	P	P	P			P			P	
Micro-Brewery/Distillery/Winery									P	P	P		P	P	P	P		P				
Neighborhood Commercial Establishment		S	S	S	S																	Sec. 17.08.030.V
Office							P	P	P	P	P	P	P	P	P	P	P	P			P	
Outdoor Dining							P	P	P	P	P	P	P	P	P	P	P	P			P	Sec. 17.08.030.W
Parking Lot (Principal Use)								S	S	S	S	S	S	S	S	P	S	S			P	Chapter 17.10
Parking Structure (Principal Use)								S	S	P	P	P	S	S	P			P			P	Chapter 17.10
Personal Service Establishment							P	P	P	P	P	P	P	P	P	P		P			P	
Place of Worship	P	P	P	P	P		S	S	P	P	P		P	P	P	P			P		P	
Private Recreation Facility								P	P	P	P	P	P	P	P	P		P			P	
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Works Facility												P				P	P	P	P		P	
Reception Facility	S	S	S	S			S	S	S	P	P		S	S	P			P	S			Sec. 17.08.030.X
Recreational Vehicle (RV) Park																			S	S		Sec. 17.08.030.F
Research and Development												P				P	P	P			P	
Residential Care Facility					P		P	P	P	P	P	P	P		P	P		P			P	Sec. 17.08.030.Y
Restaurant								P	P	P	P	P	P	P	P	P	P	P		P	P	
Retail Goods Establishment							P	P	P	P	P	P	P	P	P	P	P	P			P	
PRINCIPAL USE	**R-1**	**R-2**	**R-3**	**R-4**	**R-MF**	**R-MHP**	**C-T**	**C-1**	**C-2**	**C-3**	**C-C**	**C-OP**	**C-D**	**C-V**	**C-E**	**I-1**	**I-2**	**I-MU**	**S-AG**	**S-OS**	**S-IC**	**USE STANDARD**
Retail Alcohol Sales									P	P	S		S		P	P						
Retail Sales of Fireworks																P	P					Sec. 17.08.030.Z
Salvage Yard																	S					
Self-Storage Facility: Enclosed									S	S					P	P	P	P				Sec. 17.08.030.AA
Self-Storage Facility: Outdoor																P	P	S				Sec. 17.08.030.AA
Social Service Center									P	P					P			P			P	
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB
Specialty Food Service								P	P	P	P		P	P	P	P		P				
Storage Yard - Outdoor																P	P					Sec. 17.08.030.CC
Truck Stop																P	P					
Vehicle Dealership - Enclosed										P		S	P		P	S		P				
Vehicle Dealership - With Outdoor Storage/Display										S					S	S		P				

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

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

CITY OF DAVENPORT
Development & Neighborhood Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

ZONING TEXT AMENDMENT

(CHANGE TO ZONING ORDINANCE LANGUAGE)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

APPLICANT INFORMATION

Applicant Name
Chris Kretz

Address
2110 N Main Street

City | State | Zip
Davenport IA 52803

Phone
(402) 419-0059

Secondary Phone

E-Mail Address
HistoricHeightsLLC@gmail.com

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further studies as necessary.

Chris Kretz
Type Applicant's Name

Applicant's Signature

12/19/2023
Date

ZONING CODE HEADINGS & SECTION NUMBERS IMPACTED
17.08

REASON FOR ZONING CODE TEXT CHANGE
To Allow for Bed & Breakfast and Reception Facility in C-T

EXISTING ZONING CODE LANGUAGE TO BE CHANGED
Table 17.08-01: Use Matrix

PROPOSED ZONING CODE LANGUAGE
No other changes except for the Use Matrix

DEVELOPMENT TEAM

Owner

Address

Phone | Secondary Phone

E-Mail Address

Attorney/Other

Address

Phone | Secondary Phone

E-Mail Address

COMPLETE SUBMITTALS SHALL INCLUDE: ***SUBMITTED***

- Existing & Proposed Text, as a .PDF, if preferred ☐
- Authorization to Act as Applicant, if necessary ☐
- Application Fee: (REQUIRED) **$400*** ☐
  * plus Scott County Recording Office fees at a later date

PROCEDURE SHALL BE AS STATED IN §17.14.040

Submit this form to Planning Staff at:
planning@davenportiowa.com or contact staff with any questions or requests for additional information.

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/21/2024**

Subject:
Public Hearing for Case ROW24-01 being the request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

Recommendation:
Hold the Hearing.

Background:
The City of Davenport, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of West 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible. The area to be vacated is approximately 32,193 square feet or .739 acres, more or less.

The intention is to return this area to the Waste Commission of Scott County since there is landfill within the current right-of-way.

At its February 6, 2024 meeting, the Plan and Zoning Commission recommended Case ROW24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings

1. The existing public right-of-way is not required for City purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Conditions

1. All existing utilities located in the right-of-way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. That a 20-foot multi-use trail easement shall be established on the western boundary of the land to be vacated.

The staff report from the February 6, 2024 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Staff Report: P&Z 2-6-24
🗋	Backup Material	Application
🗋	Backup Material	Vacation Plat
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	COW Public Hearing Notice

Backup Material P&Z Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	2/14/2024 - 11:22 AM

ORDINANCE NO. 2024-

AN ORDINANCE for Case ROW24-01 being the request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

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:

A part of Marquette Street right-of-way, being all that part of the Northwest Quarter of Section 2, Township 78 North, Range 3 East of the 5th Principal Meridian, in Scott County, Iowa lying east of the west line of said Northwest Quarter and west of Lot 18E, more particularly described as follows:

Commencing as a point of reference at the southwest corner of the said Northwest Quarter of Section 2;

Thence North 00°45'23" West 1,313.55 feet along the westerly line of the said Northwest Quarter of Section 2 to the point of beginning;

Thence continuing North 00°45'23" West 776.41 feet along the said westerly line of the said Northwest Quarter of Section 2 to the westerly extension of the northerly line of Lot 18E in the Replat of Lot 11 and Lot 18 of Scott County Regional Industrial Park;

Thence North 87°30'16" East 41.50 feet along the westerly extension of the northerly line of said Lot 18E to the northwest corner of Lot 18E;

Thence South 00°47'17" East 776.50 feet along the westerly line of said Lot 18E and the easterly right-of-way line of Marquette Street to the southerly line of said Lot 18E;

Thence South 87°39'11" West 41.93 feet along the said southerly line of Lot 18E extended westerly to the westerly line of the said Northwest Quarter of Section 2;

This parcel contains 32,193 square feet or 0.739 acres, more or less.

Section 2. At its February 6, 2024 meeting, the City Plan & Zoning Commission voted to forward Case ROW24-01 to the City Council with a recommendation of approval subject to the listed findings and conditions:

Findings:

1. The existing public right-of-way is not required for City purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Conditions:

1. All existing utilities located in the right-of-way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. That a 20-foot multi-use trail easement shall be established on the western boundary of the land to be vacated.

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 _____

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services **Date**
Contact Info: Matt Werderitch 563.888.2221 **2/6/2024**

Subject:
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

Recommendation:
Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the unimproved right-of-way on Emerald Drive in Case ROW24-01 to the City Council with a recommendation for approval, subject to the following findings and conditions:

Findings:
1. The existing public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Condition:
1. All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. That a 20-foot multi-use trail easement shall be established on the western boundary of the land to be vacated.

Background:
The City, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of West 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible. The area to be vacated is approximately 32,193 square feet or .739 acres, more or less.

The intention is to return this area to the Waste Commission of Scott County, since there is landfill within the current right-of-way.

The vacation of public right-of-way is a two step process:
1. Determine if the right-of-way is needed for public purposes.
2. Negotiate and determine terms of conveyance to adjacent property owners. (No Plan and Zoning Commission action is required.)

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

Future Land Use Designation:
The abutting properties are currently designated as Residential General, Industry, and Open Space & Public Land in the Davenport +2035 Future Land Use Map.
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.
3. **Open Space / Public Land (OS)** - Includes undeveloped open space, natural areas, floodplains and wetlands that may be or may not be planned for future park and recreation development.

Abutting Zoning:
The abutting properties are currently zoned R-3 Single-Family and Two-Family Residential District, R-4 Single-Family and Two-Family Residential District, I-1 Light Industrial District, and S-OS Open Space District.

1. **R-3 Single-Family Residential Zoning District**: This district is intended to accommodate residential neighborhoods in the City of Davenport consisting of single-family and two-family homes in a moderately dense urban development pattern. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-3 District.
2. **R-4 Single-Family and Two-Family Residential Zoning District**: This 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.
3. **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.
4. **S-OS Open Space District**: This district is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor, and cemeteries. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments. This district is also intended for governmental agency offices/facilities providing a governmental service to the public.

Technical Review:
The following technical review comments were received from City Departments and Utility Companies:

- Streets: Marquette Street is unimproved from West 76th Street to West 62nd Street. At this time, the City does not have plans to construct Marquette Street. The extension will be spurred by future development of abutting property. There is adequate public right-of-way to the west of the proposed vacation. Engineering requested a 20-foot easement for a future multi-use trail.
- Sanitary Sewer: There is no sewer infrastructure within the proposed area to be vacated. The closest sanitary sewer pipe extends from West 76th Street, through the Scott County

Waste Commission property, south to Goose Creek.

- Other Utilities: Utility poles extend the length of the unimproved Marquette Street right-of-way from 76th Street to the south lot line of the Scott County Waste Commission property. Staff recommend a utility easement be provided to ensure access to this infrastructure.

Public Input:
Letters were sent to property owners within 200 feet of the proposed request notifying them of the January 16, 2024 Plan and Zoning Commission Public Hearing.

To date, staff has not received any written public comments. An abutting property owner spoke in favor of the right-of-way vacation at the January 16, 2024 public hearing. Staff will apprise the Commission of any additional correspondence at the February 6, 2024 Plan and Zoning Commission meeting.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Application
🗋	Backup Material	Vacation Plat
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Public Hearing Notice

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/1/2024 - 11:57 AM

CITY OF DAVENPORT
Development & Neighborhood Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

RIGHT-OF-WAY VACATION

(EASEMENT ABANDONMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

PROJECT TITLE
Old Scott County Landfill Marquette St ROW vacatio

GENERAL LOCATION DESCRIPTION
Portion of Marquette St south of W 76th Street

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

AREA OF VACATION	EXISTING USE	PROPOSED USE	SQUARE AREA
	Landfill	Landfill	32,193

APPLICANT INFORMATION

Applicant Name
City of Davenport

Address
1200 E 46th Street

City | State | Zip
Davenport, IA 52807

Phone

Secondary Phone

E-Mail Address

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.

Brian Schadt
Type Applicant's Name

Applicant's Signature

12/19/23
Date

COMPLETE SUBMITTALS SHALL INCLUDE:	SUBMITTED
Concept/Development Plan, if applicable	☐
Authorization to Act as Applicant	☐
Legal Description* (bearing & distance) * shall include a MS Word or Text file	☑
Legal Description Dimensioned Sketch	☑
Application Fee: (REQUIRED) **$400*** * check payable to 'City of Davenport'	☐

PROJECT NARRATIVE: (submit separate sheet if needed)

The City, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of W 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible.

DEVELOPMENT TEAM

Surveyor
Shive-Hattery

Address
2144 56th Avenue West, Bettendorf, IA 52722

Phone
(563) 635-7300

Secondary Phone

E-Mail Address
jblaine@shive-hattery.com

Attorney/Other

Address

Phone

Secondary Phone

E-Mail Address

Submit the first page of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.

Index Legend	
City:	DAVENPORT
County:	SCOTT
Geoparcel ID:	X0201-3A
Description:	A PART OF MARQUETTE STREET ROW
Proprietor:	CITY OF DAVENPORT
Surveyor:	JONATHON BAILEY
Company:	SHIVE-HATTERY INC
Return To:	2144 56TH AVENUE WEST BETTENDORF, IOWA 52722, PH: 563.635.7300

11/29/2023 8:40:12 AM

VACATION PLAT

LAND DESCRIPTION

A part of Marquette Street right-of-way, being all that part of the Northwest Quarter of Section 2, Township 78 North, Range 3 East of the 5th Principal Meridian, in Scott County, Iowa lying east of the west line of said Northwest Quarter and west of Lot 18E, more particularly described as follows:

Commencing as a point of reference at the southwest corner of the said Northwest Quarter of Section 2;

Thence North 00°45'23" West 1,313.55 feet along the westerly line of the said Northwest Quarter of Section 2 to the point of beginning;

Thence continuing North 00°45'23" West 776.41 feet along the said westerly line of the said Northwest Quarter of Section 2 to the westerly extension of the northerly line of Lot 18E in the Replat of Lot 11 and Lot 18 of Scott County Regional Industrial Park;

Thence North 87°30'16" East 41.50 feet along the westerly extension of the northerly line of said Lot 18E to the northwest corner of Lot 18E;

Thence South 00°47'17" East 776.50 feet along the westerly line of said Lot 18E and the easterly right-of-way line of Marquette Street to the southerly line of said Lot 18E;

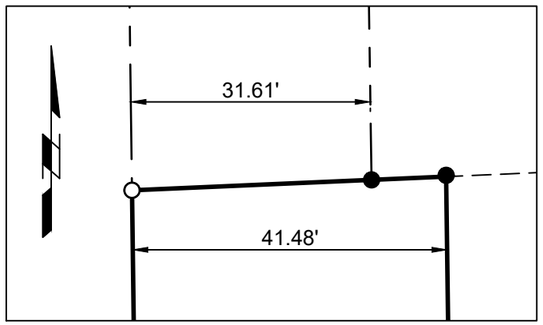
Thence South 87°39'11" West 41.93 feet along the said southerly line of Lot 18E extended westerly to the westerly line of the said Northwest Quarter of Section 2;

This parcel contains 32,193 square feet or 0.739 acres, more or less.

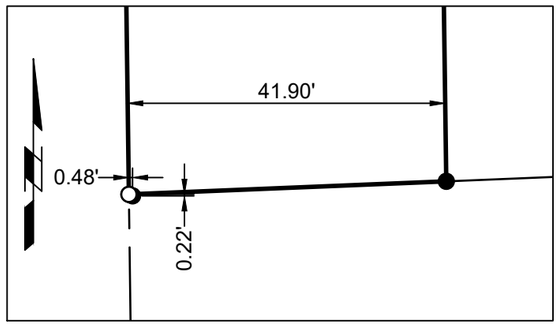
THIS SPACE RESERVED FOR RECORDER'S USE.

LEGEND

●	IRON ROD - FOUND
○	IRON ROD - SET
⊠	CUT "X" - FOUND
▲	CONCRETE MONUMENT - FOUND
(R)	RECORD BEARING/DISTANCE
(M)	MEASURED BEARING/DISTANCE
POR	POINT OF REFERENCE
POB	POINT OF BEGINNING



A DETAIL A
1"=20'



B DETAIL B
1"=20'

LICENSED LAND SURVEYOR
JONATHON S. BAILEY
P12531
IOWA

DRAFT

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: _____

NAME: JONATHON S. BAILEY

DATE: 11/29/2023 LICENSE NUMBER: P12531

MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2024

PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: B1.01, B1.02

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
2144 56TH AVENUE WEST
BETTENDORF, IOWA 52722
563.635.7300 | SHIVE-HATTERY.COM

VACATION PLAT FOR PART OF MARQUETTE STREET
SCOTT COUNTY WASTE COMMISSION
DAVENPORT, IOWA

DATE	11/29/2023	SCALE AS SHOWN
DRAWN BY	JJB	FIELD BOOK
APPROVED BY	JSB	REVISION

2132304560

VACATION PLAT

B1.01

P:\Projects\MO\2132304560\Deliverables\Drawings\1a_Survey\BS-B1-01 North Davenport site Vacation Plat.dwg

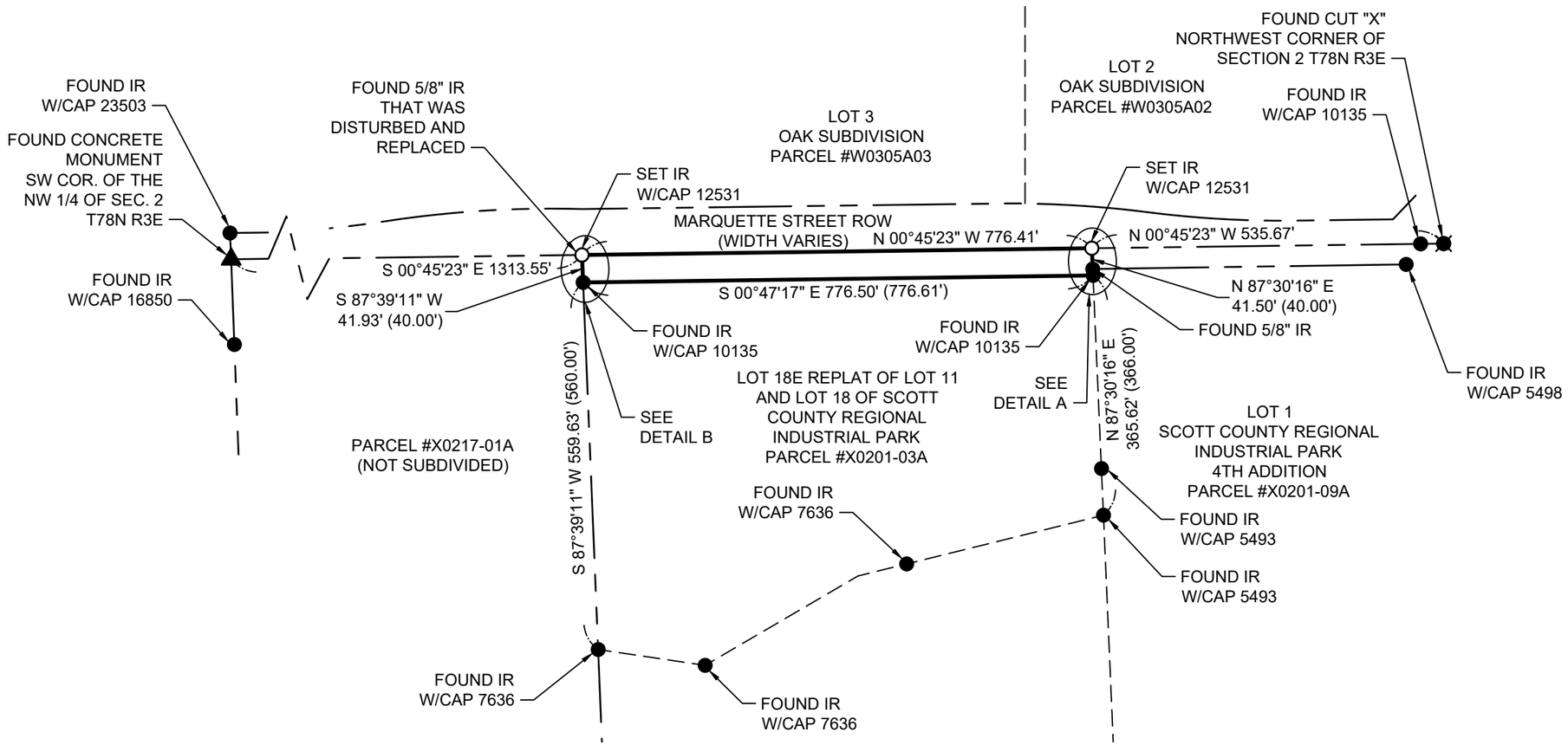
Index Legend	
City:	DAVENPORT
County:	SCOTT
Geoparcel ID:	X0201-3A
Description:	A PART OF MARQUETTE STREET ROW
Proprietor:	CITY OF DAVENPORT
Surveyor:	JONATHON BAILEY
Company:	SHIVE-HATTERY INC
Return To:	2144 56TH AVENUE WEST BETTENDORF, IOWA 52722, PH: 563.635.7300

VACATION PLAT

BASIS OF BEARING:
IOWA STATE PLANE
SYSTEM SOUTH ZONE,
NAD83 (2011) EPOCH
2010.00

0 100 200 400

SCALE IN FEET



LEGEND

- ● IRON ROD - FOUND
- ○ IRON ROD - SET
- ✕ CUT "X" - FOUND
- ▲ CONCRETE MONUMENT - FOUND
- (R) RECORD BEARING/DISTANCE
- (M) MEASURED BEARING/DISTANCE
- POR POINT OF REFERENCE
- POB POINT OF BEGINNING

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
2144 56TH AVENUE WEST
BETTENDORF, IOWA 52722
563.635.7300 | SHIVE-HATTERY.COM

VACATION PLAT FOR PART OF MARQUETTE STREET

SCOTT COUNTY WASTE COMMISSION
DAVENPORT, IOWA

DATE	11/29/2023	SCALE	AS SHOWN
DRAWN BY	JJB	FIELD BOOK	
APPROVED BY	JSB	REVISION	

2132304560

VACATION PLAT

B1.02

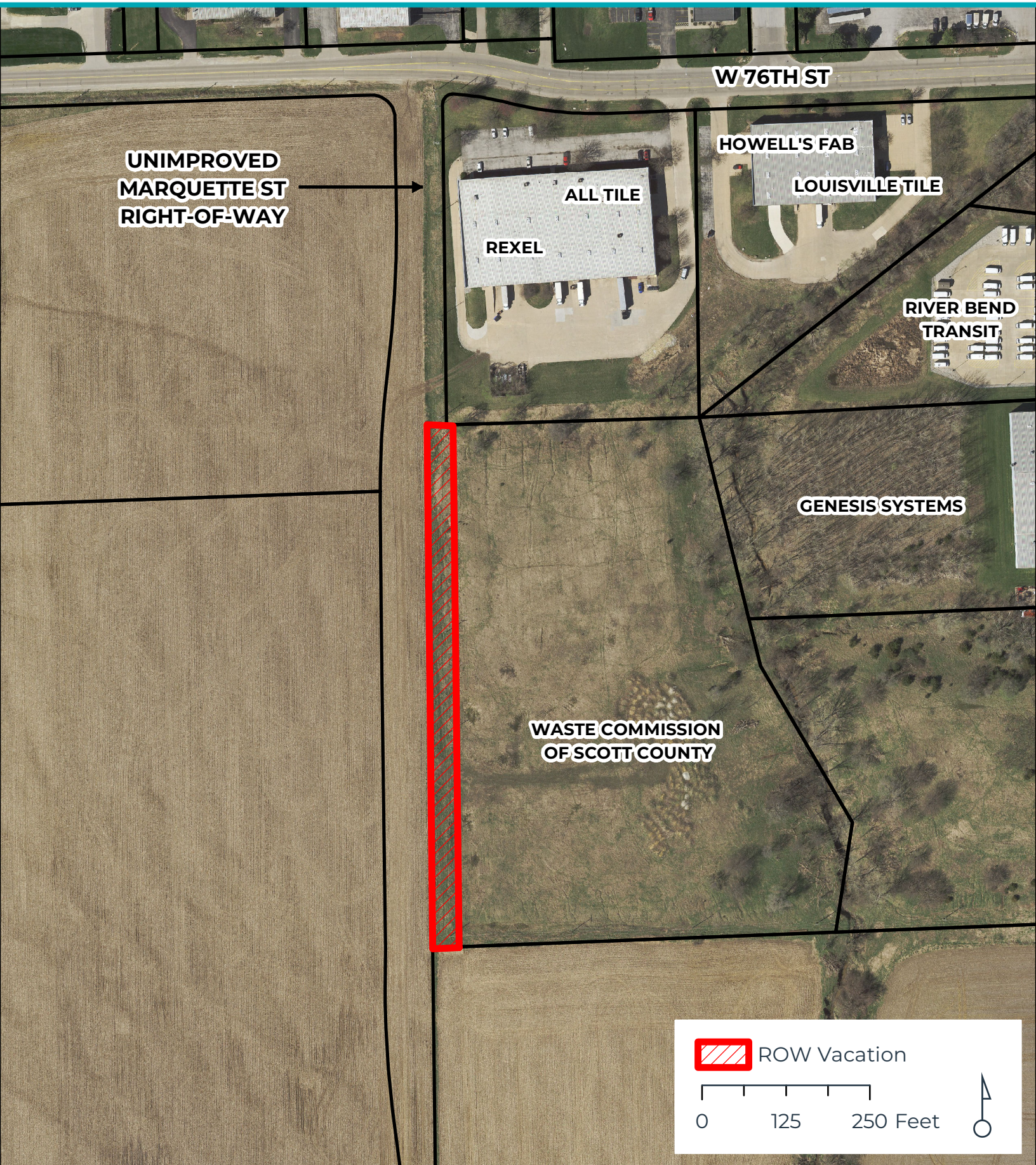
11/29/2023 8:39:09 AM

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THE CITY OF DAVENPORT
IOWA | USA

Vicinity Map | Right-Of-Way Vacation

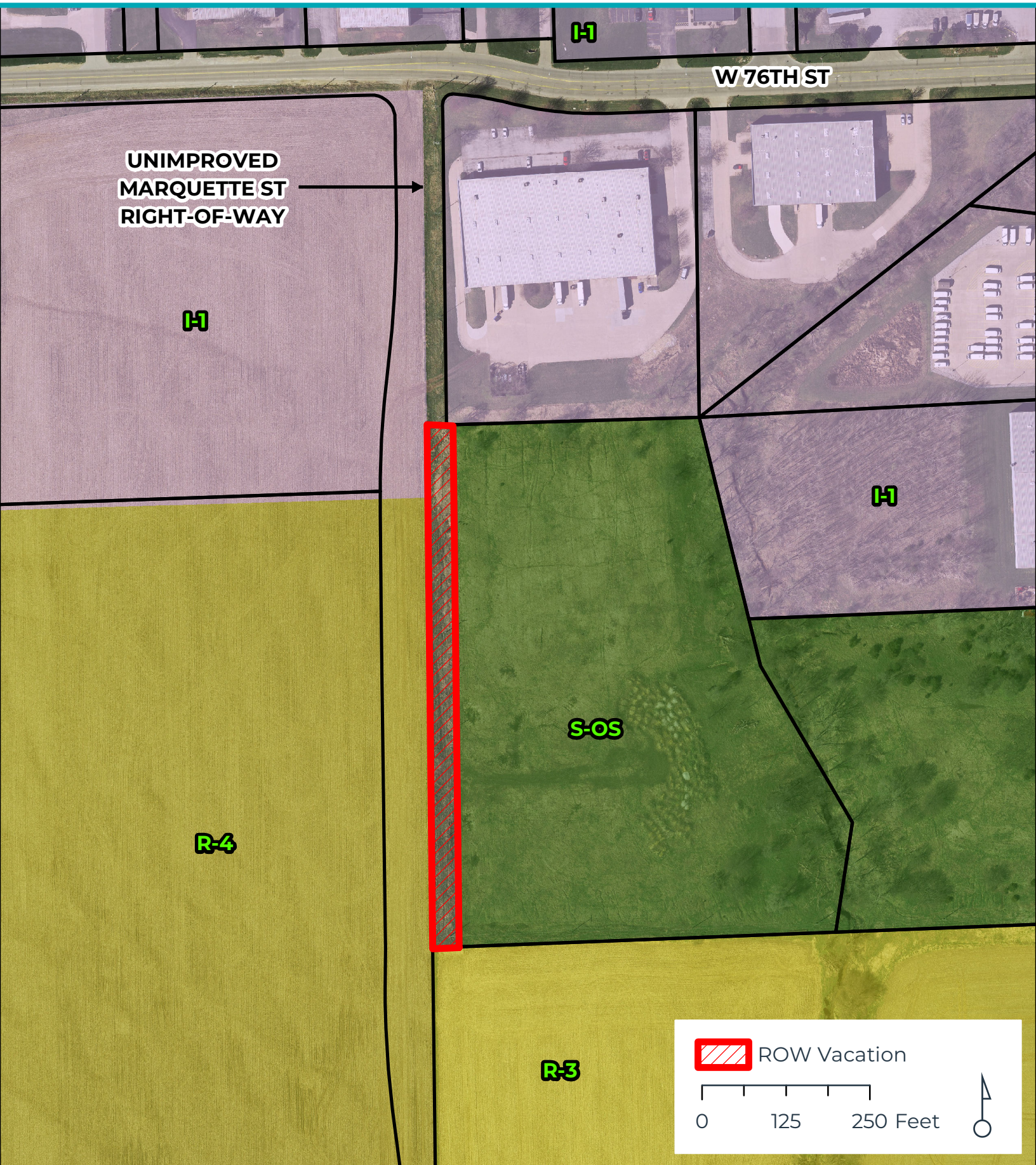
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



THE CITY OF DAVENPORT
IOWA | USA

Zoning Map | Right-Of-Way Vacation

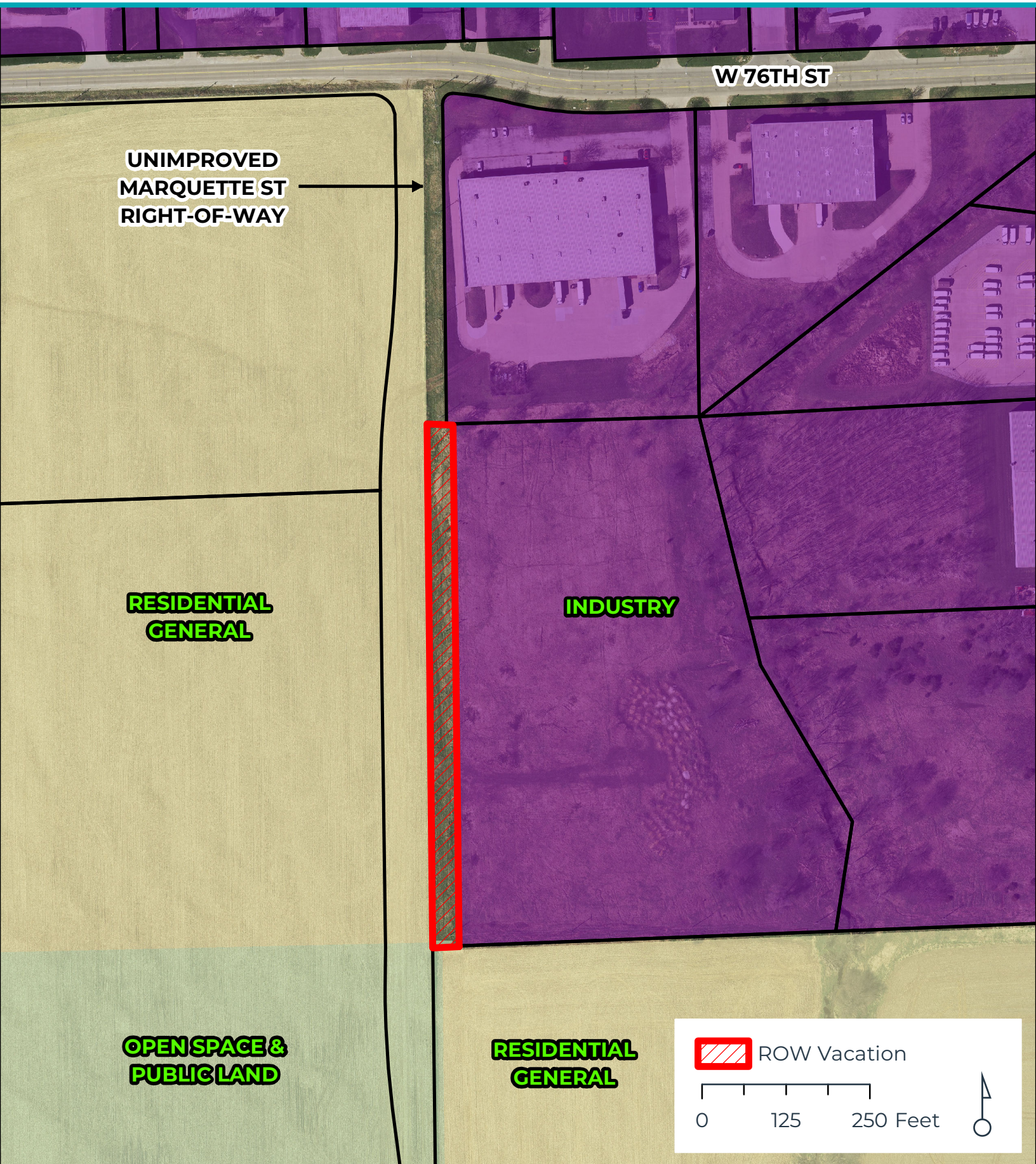
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



THE CITY OF DAVENPORT
IOWA | USA

Future Land Use Map | Right-Of-Way Vacation

Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Committee of the Whole

To: All property owners within 200 feet of the portion of unimproved Marquette Street right-of-way, located south of West 76th Street.

Committee of the Whole Public Hearing Meeting
Date: 2/21/2024 Time: 5:30 PM Location: Council Chambers | City Hall | 226 W. 4th ST.

What is this About?
This notice is being sent to inform you that a public hearing will be held for a request to vacate right-of-way. The City, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of West 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible.

Request/Case Description
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

At its February 6, 2024 meeting, the Plan and Zoning Commission recommended Case ROW24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings:
1. The existing public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Conditions:
1. All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. That a 20-foot multi-use trail easement shall be established on the western boundary of the land to be vacated.

What are the Next Steps?
The public hearing on the above matter is scheduled for 5:30pm or as soon thereafter on Wednesday, February 21, 2024 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

Would You Like to Submit an Official Comment?
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.

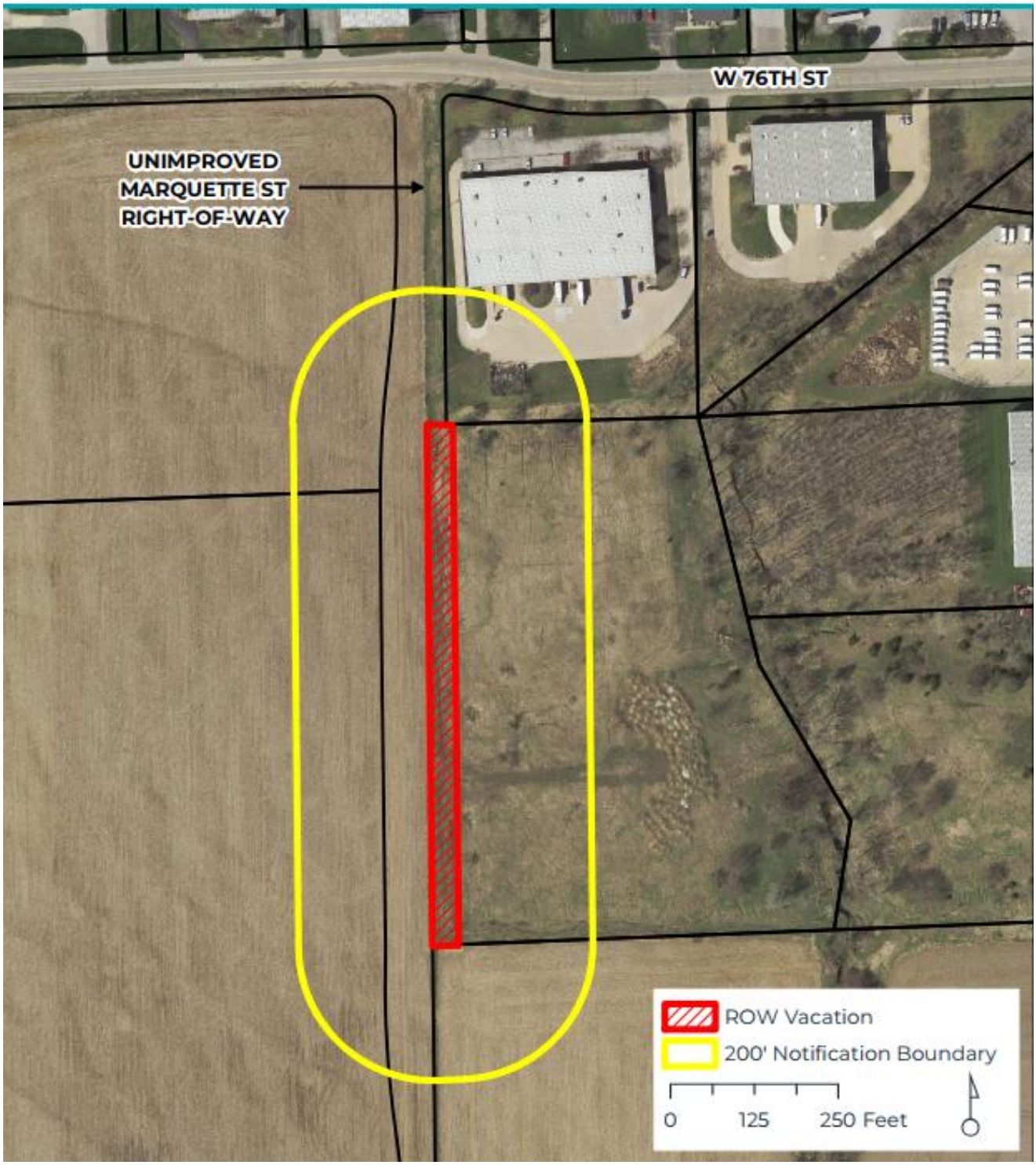
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

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

THE CITY OF DAVENPORT
IOWA | USA

Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



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

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 1/16/2024
Time: 5 PM

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

To: All property owners within 200 feet of the portion of unimproved Marquette Street right-of-way, located south of West 76th Street.

What is this About?
This notice is being sent to inform you that a public hearing will be held for a request to vacate right-of-way. The City, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of West 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible.

Request/Case Description
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

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 16, 2024. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on February 6, 2024. 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. The City Council will ultimately decide if the property is no longer needed for City purposes, and is eligible for vacation. At that point, the City Attorney's office will negotiate with adjacent property owners to determine the appropriate way to convey the property, and possibly, purchase price. 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.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": http://www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

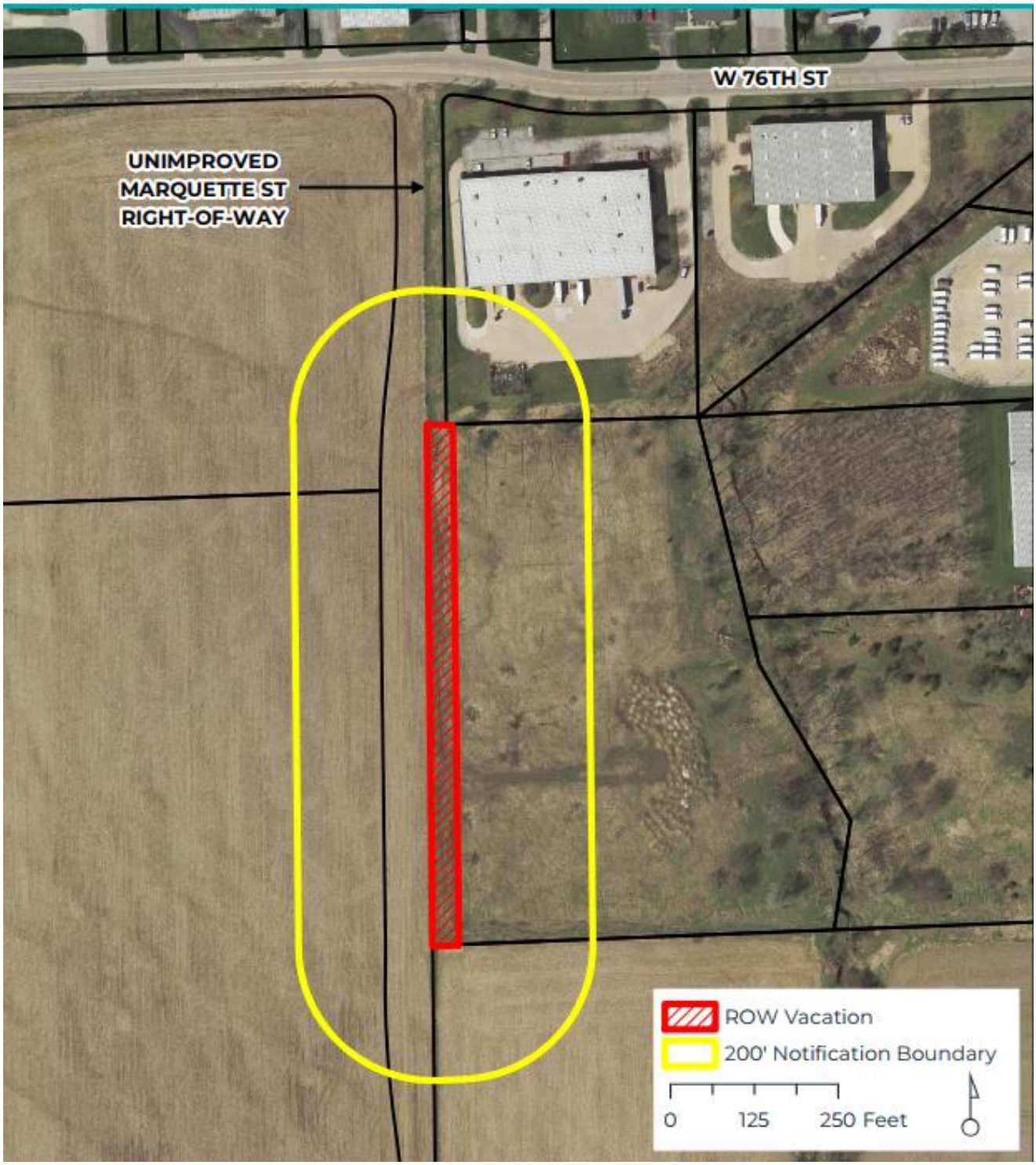
Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos 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.

THE CITY OF DAVENPORT
IOWA | USA

Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



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

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/21/2024**

Subject:
Public Hearing for Case REZ24-01 being the request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and establish a Planned Unit Development in accordance with the submitted Preliminary Plan. [Ward 5]

Recommendation:
Hold the Hearing.

Background:
The City of Davenport is requesting a rezoning to C-T Commercial Transitional District and Planned Unit Development. The purpose is to identify an adaptive reuse and to preserve the historic structures at the Annie Wittenmyer Campus.

At its February 6, 2024 meeting, the Plan and Zoning Commission unanimously recommended Case REZ24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Zoning Map Amendment Findings

1. The zoning map amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with existing on-site uses and the zoning of nearby developed property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment will not negatively impact the public health, safety, and welfare of the City.
5. The zoning map amendment facilitates the adaptive redevelopment of a national and local historic landmark.
6. The nonconformities created by the zoning map amendment will be mitigated through the planned unit development process.

Planned Unit Development Findings

1. The preliminary development plan provides a public benefit to the City.
2. The proposed preliminary plan meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. A traffic study is not required.
5. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

The staff report from the February 6, 2024 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Staff Report- P&Z 2-6-24
🗋	Backup Material	Application
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Planned Unit Development Preliminary Plan
🗋	Backup Material	Planned Unit Development Narrative
🗋	Backup Material	Summary of Land Uses at Annie Wittenmyer Complex
🗋	Backup Material	COW Public Hearing Notice
🗋	Backup Material	P&Z Public Hearing and Neighborhood Meeting Notice
🗋	Backup Material	Neighborhood Meeting Attendance List
🗋	Backup Material	Public Comments

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	2/14/2024 - 11:41 AM

ORDINANCE NO. 2024-

AN ORDINANCE FOR CASE REZ24-01 BEING THE REQUEST OF THE CITY OF DAVENPORT TO REZONE APPROXIMATELY 31.9 ACRES OF LAND AT 2800 EASTERN AVENUE FROM S-IC INSTITUTIONAL CAMPUS DISTRICT TO C-T COMMERCIAL TRANSITIONAL DISTRICT AND ESTABLISH A PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH THE SUBMITTED PRELIMINARY PLAN.

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-T Commercial Transitional District." A Planned Unit Development is established in accordance with the submitted Preliminary Plan.

Part of the E14 of Section 24, Township 78 North, Range 3 East of the 5th P.M., being more particularly described as follows: Commencing at the SE. comer of the N.R W of said Section 24; thence East 30.0 ft. along the South line of the N.E. 14 of said Section 24 to the point of beginning; thence S00° 44'W 602.14 ft. to the point of intersection of the West R.O.W. line of Eastern Avenue with the Northeasterly R.O.W. line of the CM & St. P. Railroad; thence Northwesterly 128.89 ft. along the Northeasterly R.O.W. line of said Railroad being a curve concave southwesterly with a radius of 3870,0 ft. and having a long chord bearing N. 46° 52'W; thence N. 47° 50'W 454.00 ft. along said Railroad R.O.W, line; thence Northwesterly 526.28 ft. along said Railroad R.O.W. being a curve concave Northeasterly with a radius of 1587.14 ft. and having a long chord bearing N. 38y 20'W 523.91 ft.; thence Northerly 1146.95 ft along said Railroad R.O.W. being a curve concave Northeasterly with a radius of 2084,16 ft, having a long chord bearing N. 13° 04TW 1132.62 ft. to a point on the South R.O.W. line of 29th St.; thence S.890 57'E. 1101,03 ft. along the said South line of 29th St; thence Southerly 31,58 ft. along a curve concave Westerly with a radius of 20.0 ft. to a point on the Westerly line of Eastern Ave.; thence S00° 31'W 1284.30 ft. along the West line of Eastern Ave, to the point of beginning containing 31,90 acres more or less. Commonly known as 2800 Eastern Avenue.

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

Zoning Map Amendment Findings:

1. The zoning map amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with existing on-site uses and the zoning of nearby developed property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment will not negatively impact the public health, safety, and welfare of the City.
5. The zoning map amendment facilitates the adaptive redevelopment of a national and local historic landmark.
6. The nonconformities created by the zoning map amendment will be mitigated through the planned unit development process.

Planned Unit Development Findings:

1. The preliminary development plan provides a public benefit to the City.
2. The proposed preliminary plan meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. A traffic study is not required.
5. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

Section 3. At its February 6, 2024 meeting, the City Plan and Zoning Commission voted to forward Case REZ24-01 to the City Council with a recommendation for approval subject to the listed zoning map amendment and planned unit development findings.

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 _____

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services **Date**
Contact Info: Matt Werderitch 563.888.2221 **2/6/2024**

Subject:
Case REZ24-01: Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and establish a Planned Unit Development in accordance with the submitted Preliminary Plan. [Ward 5]

Recommendation:
Staff recommend Case REZ24-01 be forwarded to the City Council with a recommendation for approval, subject to the following findings.

Zoning Map Amendment Findings:

1. The zoning map amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with existing on-site uses and the zoning of nearby developed property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment will not negatively impact the public health, safety, and welfare of the City.
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6. The nonconformities created by the zoning map amendment will be mitigated through the planned unit development process.

Planned Unit Development Findings:

1. The preliminary development plan provides a public benefit to the City.
2. The proposed preliminary plan meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. A traffic study is not required.
5. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

Background:
Background:
The City of Davenport is requesting a rezoning to C-T Commercial Transitional District and Planned Unit Development. The purpose is to identify an adaptive reuse and to preserve the historic structures at the Annie Wittenmyer Campus.

Why is a Zoning Map Amendment Required?
Since the City is positioning the Annie Wittenmyer Campus for private redevelopment, the allowed uses in the S-IC Institutional Campus District limits adaptive reuse of the property. The C-T Commercial Transitional District was identified as the most appropriate zoning classification to enable residential development while concurrently ensuring the existing social services tenants can continue to operate. The C-T District is the least intense commercial district, which allows for mixed-uses that are sympathetic to existing adjacent neighborhoods.

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

Future Land Use Designations:
The property is designated as Civic and Institutional in the Davenport +2035 Future Land Use Map.

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

Zoning:
The applicant is proposing a rezoning from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development.

1. **S-IC Institutional Campus District**: This district is 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
2. **C-T Commercial Transitional District**: This district is intended to accommodate low intensity limited office, service, and retail uses that may serve as a transition between residential areas and more intensely developed commercial or light industrial areas of the City. Low intensity mixed-use is allowed.

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 as Civic and Institutional in the Davenport +2035 Land Use Plan. This designation is reserved for major governmental or non-profit

developments located outside the downtown. The proposed planned unit development will continue to provide a public benefit to the community through the addition of housing, social services, the city's retention of the aquatic center, and the preservation of a local landmark.

The established Annie Wittenmyer Complex will maintain its existing characteristics in terms of land use mix, while also converting historic structures into senior and affordable housing.

Rezoning the property to C-T Commercial Transitional District does not require an amendment to the Future Land Use Map. Many of the existing uses on the property will continue to operate in a similar manner, including the numerous non-profit organizations and the city-owned aquatic center. Maintaining the existing land use designation will protect the institutional uses on the site.

It is staff's opinion the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.

b. The compatibility with the zoning of nearby property.

Staff Response: The following zoning districts abut the Annie Wittenmyer Complex:

- North: S-OS Open Space District
- South: S-IC Institutional Campus District | C-1 Neighborhood Commercial District
- East: S-OS Open Space District | C-T Commercial Transitional District | R-4C Single-Family & Two-Family Central Residential District | R-MF Multi-Family Residential District
- West: R-4C Single-Family & Two-Family Central Residential District

The C-T Commercial Transitional District was identified as the most appropriate zoning classification due to its ability to accommodate office, social services, residential, and recreational uses. This is also the lowest intensity commercial zoning classification in Davenport. Permitted uses in the C-T District have minimal, if any, outside impacts on adjacent properties. In addition, the commercial district dimensional standards are intended to protect residential neighborhoods by imposing more restrictive building heights and setbacks than Davenport's other commercial districts.

There is also an abutting 3.6-acre property at 2805 Eastern Avenue zoned C-T Commercial Transitional District. The property is currently developed as a multi-tenant office and retail center. Rezoning the Annie Wittenmyer Complex will create compatibility with an already established district.

Due to the close proximity of nearby property zoned C-T Commercial Transitional District and the substantial size of the site, it is staff's opinion the proposed zoning amendment is not considered spot zoning. The request is compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: Given the history of the property as both a Civil War training camp and children's orphanage, the Annie Wittenmyer Complex has a character that is truly unique. Many structures on the campus were built pre-1900 and are in a state of deterioration. To address these challenges, the City of Davenport approved a conditional purchase agreement with a developer whom has experience in historic preservation. The rezoning to C-T Commercial Transitional District, along with the Planned Unit Development, are intended to accommodate adaptive reuse of the property in

a manner that is sympathetic to the historic campus and the surrounding neighborhoods.

The subject property is surrounded by open space in the form of Eastern Avenue Park to the north and Oakdale Cemetery to the east. The preliminary plan submitted by the developer includes preservation of the green space at the northwest corner of the property. This area contains floodplain and will remain undeveloped. In addition, the master planned campus will be preserved under this proposal. Due to the historic nature of the site, no new buildings are proposed.

While the developer does not intend to construct new buildings, it should be noted that the C-T Commercial Transitional District has dimensional standards that mitigate impacts on surrounding residential properties. The maximum district height is 35 feet, which is the same as Davenport's R-4C Single-Family & Two-Family Central Residential District. Interior and rear setbacks are also increased in the C-T District when abutting a residential district. However, the existing railroad tracks will continue to serve as a barrier between the campus and the adjacent neighborhood to the west.

If the property were to be redeveloped, the current Zoning Ordinance contains design standards that ensure compatibility with the neighborhood character. The standards require facades to incorporate a unifying architectural theme, including windows, prominent entrances, projections, and quality building materials. In addition, the Annie Wittenmyer Complex is a local landmark. Therefore, any exterior alterations to the buildings or site improvements will require approval from the Historic Preservation Commission.

It is staff's opinion the proposed zoning district and the planned unit development will ensure compatibility 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: City staff evaluated the preliminary plan and proposed uses for impacts on the regional transportation network. The site plan shows three access points onto Eastern Avenue, a minor arterial, and one access drive onto East 29th Street, a collector. From a cursory look at the proposed site plan, it appears like the development may generate an extra 200 trips per day, which may equate to approximately 20 trips during the peak hours. Since these trips will be divided among four different access locations, no traffic disruptions are expected, and a traffic study will not be needed.

Rezoning the property to create multi-family dwellings will not be detrimental to the surrounding area, which currently has a mixture of housing types. No new structures are proposed in the preliminary plan. Instead, existing buildings will be retrofitted for new residential uses and amenities. The density of housing is limited to the existing square footage within each historic structure. Any deviation from the approved plan will require an amendment to the planned unit development, which is an action item at City Council.

Residents have expressed both support and opposition for the proposed housing mix, which includes senior, affordable, and market-rate units. It should be noted that the Zoning Ordinance does not regulate price points or owner occupancy of dwelling units.

It is staff’s opinion that the proposed zoning map amendment will not negatively impact 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: The Annie Wittenmyer campus includes roughly 32 acres in the 2800 block of Eastern Avenue. Many of the structures are from the 1800s when the property was built as an orphanage coming out of the Civil War era. In the 1950s, it was converted primarily for use in behavioral services and counseling for youth. The property was acquired by the City in the 1970s when the facility closed as funding was no longer sufficient to fund operations.

Since then, nonprofit operations (such as Family Resources) and Junior Theatre began using portions of the campus. The City converted outdoor fields to the current Aquatic Center on the north side of the campus; however, many of the buildings have sat vacant or been underused over the past decades. Lease revenue has been insufficient for routine maintenance and, as a result, the campus has suffered significant deferred maintenance.

Last year, a developer team (including Chris Ales) indicated interest in the site and began working on a concept plan that would preserve the historic buildings on the campus. Ales has substantial experience in completing historic redevelopment projects including several in Davenport. Their plan would be to convert many of the structures to affordable rental housing, including 52 units for seniors and 47 units for families. None of the structures on campus would be demolished per his plan.

To accomplish this, the property requires a rezoning to C-T Commercial Transitional District as the current zoning classification does not allow housing. The S-IC Institutional Campus District is no longer appropriate as ownership of the property will be transferred from the City to a private developer (with the exception of the aquatic center). Over the coming months, the Developer will work with existing tenants and the anticipated timeline of redevelopment.

It is staff's opinion that the present zoning district impedes the feasibility of redeveloping the historic Annie Wittenmyer Complex.

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

Staff Response: The existing 32-acre triangular property far exceeds the minimum lot area requirement of 10,000 square feet and lot width requirement of 60 feet. However, staff has identified several nonconformities that will be created if the site is rezoned to C-T Commercial Transitional District. The dimensional and use nonconformities include:

1. The C-T Commercial Transitional District has a minimum front build-to-zone of 0-20 feet. Since the aquatic center facility has a substantial setback from East 29th Street, this requirement is considered legal nonconforming.
2. There is a minimum corner build-to-zone of 0-15 feet. A minimum of 60% of a structure must be located within this zone. While buildings C, D, and the Davenport Junior Theater Building abut Eastern Avenue, none are within the corner build-to-zone. Therefore, the property is considered legal nonconforming to this standard.
3. While architectural plans are not available, staff believe the three-story administration building and chapel bell tower may exceed the district height requirement of 35 feet.
4. While the historic structures on the campus were built with quality materials, there may be

deficiencies in meeting the Commercial District Design Standards outlined in Table 17.05-2 of the Zoning Ordinance. Davenport's code was adopted in 2019 to address modern development practices, rather than pre-1900s construction. The flexibility in the planned unit development will enable preservation of the architectural facades while addressing nonconformities.

5. The existing social services offered at the property will be allowed to continue operation, despite not being traditionally permitted in the C-T Commercial Transitional District.

Planned unit developments are a special approval intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations. Exceptions from district regulations may be granted for planned unit developments, if the exceptions:

1. Enhance the overall merit of the planned unit development.
2. Promote the objectives of both the City and the development.
3. Enhance the quality of the design of the structures and the site plan.
4. Will not cause excessive adverse impact.
5. Are compatible with adopted City land use policies.
6. Provide a public benefit to the City.

Staff believe the preliminary plan satisfies the criteria outlined in Section 17.14.080.D.2. of the Zoning Ordinance for granting an exception to the C-T Commercial Transitional District dimensional, design, and use standards. The degree of nonconformities will have minimal impact, if any, on surrounding land uses. Instead, the planned unit development process will facilitate the adaptive reuse of a historic district.

Any redevelopment of the site shall be in accordance with applicable city codes and meet the standards of the C-T Commercial Transitional District and the approved final development plan.

It is staff's opinion the nonconformities created by the proposed amendment will be mitigated through the planned unit development process.

Planned Unit Development:

Planned Unit Developments (PUD) are a special approval intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the City.

Through the flexibility of the planned unit development technique, a PUD is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.

6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
7. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

A planned unit development is subject to the underlying district regulations, including use, unless an exception is specifically granted. The Plan and Zoning Commission may recommend and the City Council may grant exceptions to the zoning district regulations, including use, for a planned unit development.

The underlying zoning district regulations, including use, apply unless an exception is granted as part of the planned unit development approval. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the City.

Preliminary Plan:
A site plan has been provided as the preliminary development plan associated with the rezoning request. The City owned and operated Annie Wittenmyer Aquatic Center will continue without interruption. The chapel currently used by Junior Theatre will remain. In addition, the City has the option of leasing additional cottages for classroom space. Building A, C, D, G-M, O and P are proposed as residential. In total there are approximately 99 proposed residential dwelling units.

Additional building uses include residential amenities and social services. No new buildings are being proposed, and no demolitions are proposed (save for two which have already commenced with HPC approval). Additional parking areas are generally located in previously developed areas. The functional general circulation of pedestrians and vehicles throughout the campus will not change other than the addition of a few new parking areas.

Local & National Historic Landmark:
The Iowa Soldiers' Orphan's Home Historic District (Annie Wittenmyer Complex) is both a locally and nationally designated landmark. The Historic Preservation Commission will retain review authority over proposed exterior and site alterations following the proposed rezoning and planned unit development. The National Register of Historic Places Inventory-Nomination Form and statement of significance can be accessed at the following link: https://catalog.archives.gov/id/75340094

Davenport Junior Theatre:
In the next several months, the Developer will communicate the anticipated development timeline to existing tenants. In particular, the Junior Theatre Program will continue, either on-site or at a new location. Staff has begun to explore a potential partnership with the Davenport Community School District. The developer has offered to allow the City to lease (for $1) and potentially buy-back (for $1) the current Theatre building if more time is needed. The City recognizes the value the theatre program brings to the community and is committed to its long term success.

Technical Review:
City Departments reviewed the proposed Zoning Map Amendment Application for compliance with City ordinances and impacts to regional systems.

Public Input:
Letters were sent to property owners within 200 feet of the proposed request notifying them of the

January 11, 2024 neighborhood meeting and the January 16, 2024 Plan and Zoning Commission Public Hearing.

Approximately thirty members of the public attended the neighborhood meeting. City staff, the potential developer, and elected officials were also in attendance to answer questions and facilitate discussion. Comments were generally related to the following items:

- Concerns over the future of Davenport Junior Theatre.
- The ability to safely convert historic structures into quality affordable housing.
- Redevelopment should be sympathetic to the historic character of the local landmark.
- Housing types: affordable, senior, market-rate.
- Density and number of residential dwelling units.
- Increases in traffic through local residential neighborhoods.
- Opposition to additional housing units.
- Impacts on local property values and tax base.
- Impacts the adaptive reuse may have on existing neighborhoods.
- Ownership of the campus following redevelopment.

To date, staff have received several responses from the public, both in favor and in opposition to the request. Written comments received as of February 2nd at 1pm, are attached.

Staff will apprise the Commission of any additional correspondence at the February 6, 2024 Plan and Zoning Commission meeting.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Application
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Planned Unit Development Preliminary Plan
🗋	Backup Material	Planned Unit Development Narrative
🗋	Backup Material	Summary of Land Uses at Annie Wittenmyer Complex
🗋	Backup Material	Public Hearing & Neighborhood Meeting Notice
🗋	Backup Material	Neighborhood Meeting Attendance List
🗋	Backup Material	Public Comments

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/1/2024 - 10:57 AM

CITY OF DAVENPORT
Development & Neighborhood Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

PLANNED UNIT DEVELOPMENT

AND SUBSTANTIAL PUBLIC BENEFIT

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

BRIEFLY DESCRIBE THE PROJECT AND PUBLIC BENEFIT

APPLICANT INFORMATION

Applicant Name

Address

City | State | Zip

Phone

Secondary Phone

E-Mail Address

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.

Type Applicant's Name

Applicant's Signature

Date

DEVELOPMENT TEAM

Property Owner

Address

Phone | Secondary Phone

E-Mail Address

Project Manager/Other

Address

Phone | Secondary Phone

E-Mail Address

COMPLETE SUBMITTALS SHALL INCLUDE: ***SUBMITTED***

Detailed PUD Narrative and Concept Plan*
*Must address **ALL** Sections of 17.14.080

Authorization to Act as Applicant*
*only needed if the Applicant is different than the owner

Application Fee* $1,000 over 1 acre or $250 ≤ 1 acre
* (check payable to 'City of Davenport')

Narrative & Concept Plan shall address:

17.14.080.A.1. to A.7. Purpose

17.14.080.D.1. Exceptions from Regulations

17.14.080.D.2.a. to D.2.f. Exceptions

17.14.080.D.3.a. to D.3.h. Substantial Benefits

17.14.080.E.2.d. Prelim. Plan Approval Standards

17.14.080.E.3.a. Final Plan Conditions

17.14.080.E.2.d. PUD Approval Standards

The recommendation of the Plan and Zoning Commission and decision of the City Council must make a finding that the following standards for a planned unit development have generally been met:

i. The proposed planned unit development meets the purpose of a planned unit development including provision of a substantial public benefit.

ii. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.

iii. There is provision for adequate utilities and infrastructure, drainage, off-street parking & loading, pedestrian access, and all other necessary facilities.

iv. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. A traffic study may be required to provide evidence that the circulation system is adequate.

v. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

Submit the first two pages of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.

THE CITY OF DAVENPORT
IOWA | USA

Vicinity Map | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



THE CITY OF DAVENPORT
IOWA | USA

Zoning Map | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



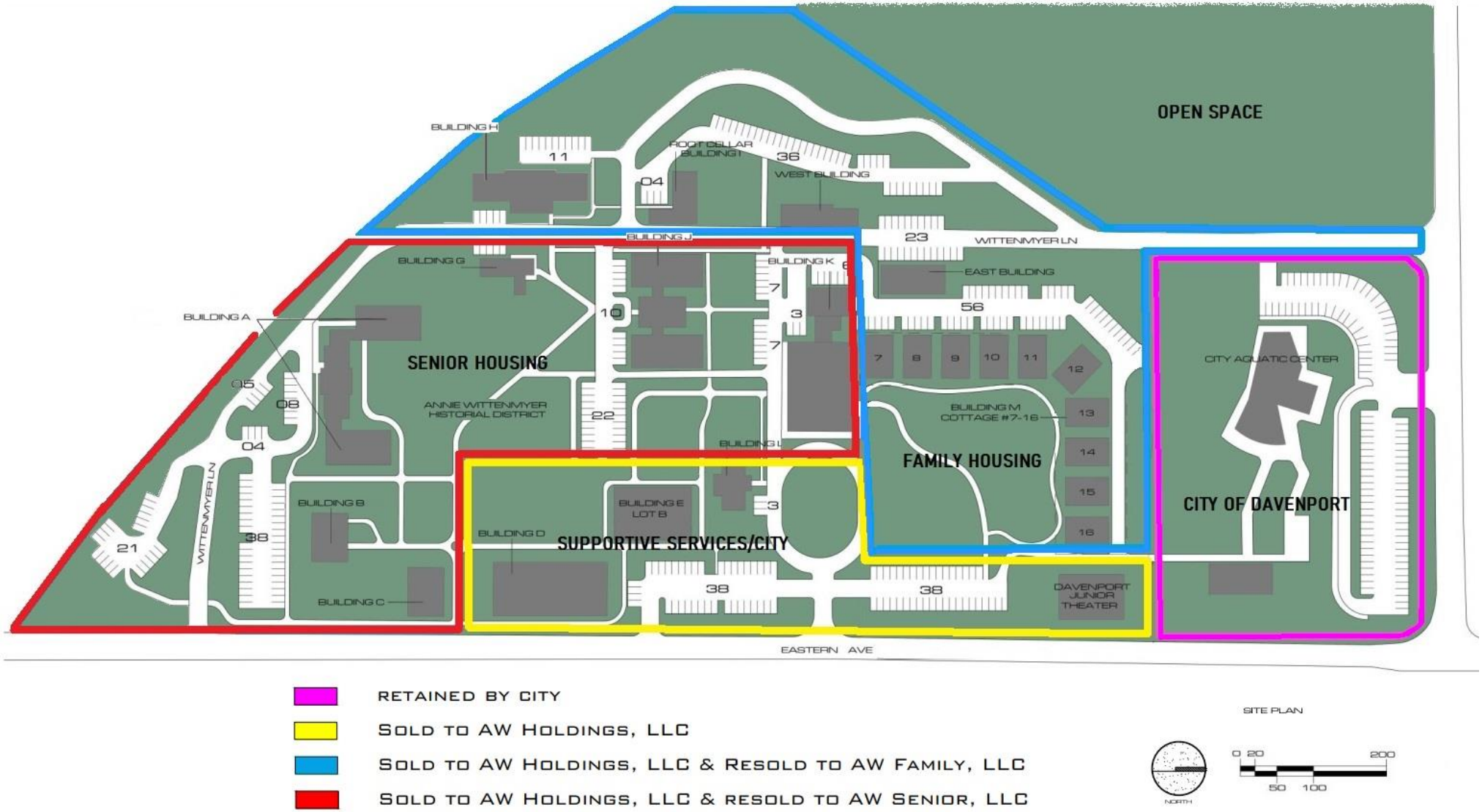
THE CITY OF DAVENPORT
IOWA | USA

Future Land Use Map | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAN
ANNIE WITTENMYER COMPLEX – 2800 EASTERN AVENUE



RETAINED BY CITY

SOLD TO AW HOLDINGS, LLC

SOLD TO AW HOLDINGS, LLC & RESOLD TO AW FAMILY, LLC

SOLD TO AW HOLDINGS, LLC & RESOLD TO AW SENIOR, LLC

SITE PLAN

NORTH

0 20 50 100 200

Planned Unit Development

Purpose:

This application is to rezone the Annie Wittenmyer campus, which is comprised of approximately 30 acres of land at 2800 Eastern Avenue, from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development (PUD). The City of Davenport is petitioning the rezoning request to achieve the following objectives:

- As a campus with 27 buildings of varying sizes and past uses, a rezoning to C-T District provides flexibility to convert 20 structures into housing units. The Planned Unit Development encourages the adaptive reuse of campus structures with compatible land uses that may not be traditionally permitted within the C-T District.
- The remaining buildings would be available to support the housing use (i.e., fitness center and community center) or use by nonprofits for community benefit. The site plan would become part of the rezoning to truly reflect the uniqueness of this historic campus.
- The plan includes maintaining community amenities, preservation of historic features, open space preservation, adaptive reuse of buildings and affordable housing.

To best position the campus for future redevelopment, the city intends to sell the land south of the Annie Wittenmyer Aquatic Center to a private developer with experience in historic preservation. Since the land would no longer be city-owned in its entirety, the existing S-IC Institutional Campus Zoning District is no longer appropriate as residential units are not permitted under this designation.

The request to rezone the property to a Planned Unit Development offers flexibility to maintain existing uses, provides amenities to future housing, ensures the property can be maintained as a cohesive campus, and preserves the rich historic character of this Local Landmark. Development under standard zoning parameters would render adaptive re-use of historic resources infeasible. There is also added assurance that a Planned Unit Development provides more specific uses for the campus and allows for City review of any proposed changes to the plan in the future.

Site Plan Overview:

A site plan has been provided as the preliminary development plan associated with the rezoning request. The city owned and operated Annie Wittenmyer Aquatic Center will continue without interruption. The chapel currently used by Junior Theater will remain. In addition, the city has the option of leasing additional cottages for classroom space. Building A, C, D, G-M, O and P are planned for housing. In total there are 99 proposed residential dwelling units.

Additional building uses include a residential amenity center, fitness center, and social services. No new buildings are being proposed, and no demolitions are proposed (save for two which have already commenced with Historic Preservation Commission approval). Additional parking spaces are generally located in previously developed areas. The functional general circulation of pedestrians and vehicles throughout the campus will not change other than the addition of a few new parking areas.

Affordable Housing:
The city anticipates the conversion of existing structures into residential units with the assistance of Low-Income Housing Tax Credits. This funding source, administered through the State of Iowa, has specific requirements related to the income levels of those living in the residential units. This ensures a certain number of units will be available as affordable housing.

Local & National Historic Landmark:
The Iowa Soldiers' Orphan's Home Historic District (Annie Wittenmyer Complex) is both a locally and nationally designated landmark. While the history of this area is extensive, a brief summary of its significance is been provided here.

The grounds for the Orphans' Home were developed over 15 decades beginning with the establishment of the Civil War Camp Roberts/Camp Kinsman and shifted into various orphanage uses by 1865. The campus's significance is due to several factors. It is associated with an important social welfare effort – a state-operated orphanage for the children of Civil War veterans and indigent families.

This is the first statewide orphanage to open in the country in the post-war period. Annie Wittenmyer, the founder and first matron, became a national figure serving as a major promoter of orphans' homes. The orphanage also pioneered progressive child welfare initiatives including the Cottage System of orphanage operation, an early foster care placement program, and one of Iowa's first Montessori nursery school programs.

The residential cottages are examples of simplified Queen Anne Style while the larger buildings are designed in the Romanesque Revival, Colonial Revival and PWA Moderne Styles. There are also examples of English Period Cottages. In addition, the complex contains archeological significance dating from the early to middle Woodland Period (800 BC – 400 AD).

Davenport's Historic Preservation Commission will retain review authority over proposed exterior and site alterations following the proposed rezoning and planned unit development. The city anticipates that the developer will utilize both state and federal historic preservation tax credits to help finance the project. This provides an additional level of oversight regarding historic preservation of the campus.

Conclusion:
The overall exceptions in the uses applied in a Planned Unit Development help enhance the merit of the project. The development will help promote the City's objectives and provide several public benefits by enabling adaptive reuse of facilities better suited for residential; providing additional affordable housing, ensuring historic preservation, and maintaining open space.

Summary of Land Uses at Annie Wittenmyer Site

BUILDINGS		
	Existing Use	**Proposed Use**
Building A	Family Resources	Residential (8) units and social services
Building B	Parks Department	Fitness Center
Building C	Vacant	Residential (4) units
Building D	Community Action	Residential (12) units
Building E	Family Resources	Social Services
Building F	Vacant	Ongoing demolision - approved by HPC
Building G	Tapestry Farms	Residential (2) units
Building H	Vacant	Residential (10) units
Building I		Residential (4) units
Building J	Vacant	Residential Amenities
Building K	Vacant	Residential (25) units
Building L	Community Action	Residential (2) units
Building M (Cottages 7-16)	Cottages 7-16 and Junior Theater uses	Residential (20) units
Building N (Chapel)	Junior Theater	Theater
Building O (West Building)	Storage (Park Department)	Residential (4) units
Building P (East Building)	Carpentry Shop (Park & Rec)	Residential (8) units
Building Q (Pool House)	Pool House	Pool House
Building R (Aquatic Center)	Aquatic Center	Aquatic Center
Building S (garage)	Storage	Ongoing demolition - emergency HPC approval
Total Residential Units		**99**

PARKING AREAS		
	Existing Spaces (#)	**Proposed Spaces (#)**
Parking Area 1 (Aquatic Center)	90	102
Parking Area 2 (new)	n/a	23
Parking Area 3	56	56
Parking Area 4 (Junior Theater)	35	38
Parking Area 5	50	36
Parking Area 6	7	6
Parking Area 7	5	7
Parking Area 8 (new)	n/a	3
Parking Area 9 (new)	n/a	7
Parking Area 10 (new)	n/a	3
Parking Area 11	39	38
Parking Area 12 (new)	n/a	4
Parking Area 13 (new)	n/a	11
Parking Area 14	2	10
Parking Area 15 (new)	n/a	10
Parking Area 16 (new)	n/a	22
Parking Area 17	5	5
Parking Area 18	9	8
Parking Area 19	3	4
Parking Area 20	37	38
Parking Area 21	20	21
Total Parking Spaces	**358**	**452**

DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | COMMITTEE OF THE WHOLE

To: All property owners within 200 feet of the subject property located at 2800 Eastern Avenue

Committee of the Whole Public Hearing Meeting
Date: 2/21/2024 Time: 5:30 PM Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?
This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The subject property is currently zoned S-IC Institutional Campus District. The City of Davenport is requesting a rezoning to C-T Commercial Transitional District and Planned Unit Development. The purpose is to identify an adaptive reuse and preserve the historic structures at the Annie Wittenmyer Campus.

Request/Case Description
Case REZ24-01: Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and establish a Planned Unit Development in accordance with the submitted Preliminary Plan. [Ward 5]

At its February 6, 2024 meeting, the Plan and Zoning Commission recommended Case REZ24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Zoning Map Amendment Findings:

1. The zoning map amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with existing on-site uses and the zoning of nearby developed property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment will not negatively impact the public health, safety, and welfare of the City.
5. The zoning map amendment facilitates the adaptive redevelopment of a national and local historic landmark.
6. The nonconformities created by the zoning map amendment will be mitigated through the planned unit development process.

Planned Unit Development Findings:

1. The preliminary development plan provides a public benefit to the City.
2. The proposed preliminary plan meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. A traffic study is not required.
5. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

What are the Next Steps?
The public hearing on the above matter is scheduled for 5:30pm or as soon thereafter on Wednesday, February 21, 2024 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

Would You Like to Submit an Official Comment?
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.

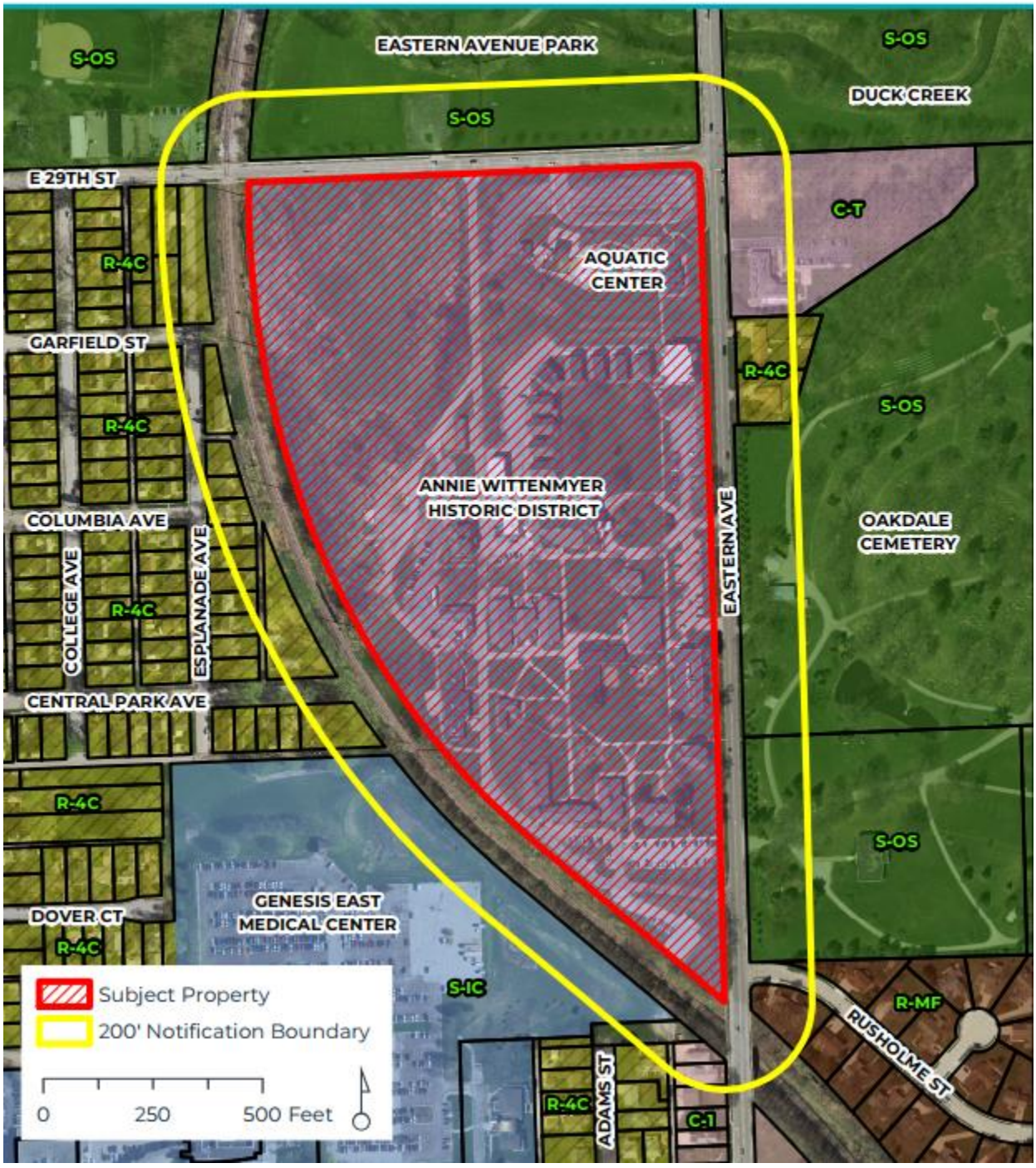
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

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

THE CITY OF DAVENPORT
IOWA | USA

Rezoning Request | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



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

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property located at 2800 Eastern Avenue

Neighborhood Meeting
Date: 1/11/2024 Time: 6:00 PM Location: Council Chambers | City Hall | 226 West 4th Street

Plan & Zoning Commission Public Hearing Meeting
Date: 1/16/2024 Time: 5:00 PM Location: Council Chambers | City Hall | 226 West 4th Street

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 Rezoning Request. The subject property is currently zoned S-IC Institutional Campus District. The City of Davenport is requesting a rezoning to C-T Commercial Transitional District and Planned Unit Development. The purpose is to identify an adaptive reuse and preserve the historic structures at the Annie Wittenmyer Campus.

Request/Case Description
Case REZ24-01: Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]

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 16, 2024. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on February 6, 2024. 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.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

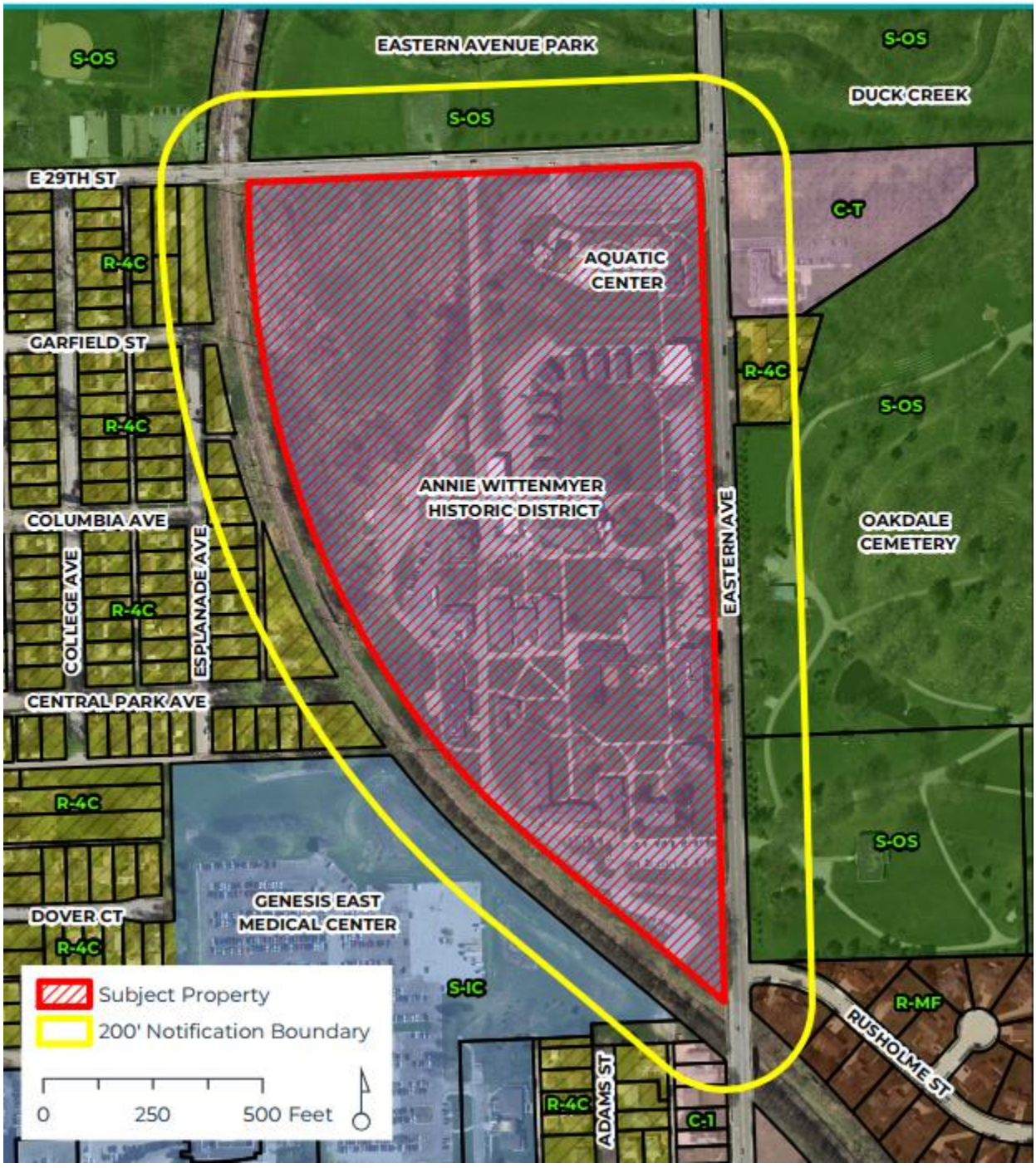
Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos 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 in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

THE CITY OF DAVENPORT
IOWA | USA

Rezoning Request | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



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

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

Neighborhood Meeting Attendance List

Date: 01/11/2024 Time: 6:00 pm Location: Council Chambers | City Hall | 226 W 4th ST

Case:

REZ24-01 | City of Davenport | Rezone 31.9 acres at 2800 Eastern Ave from S-IC Institutional to C-T Commercial Transitional Planned Unit Development

The purpose of this meeting is to provide an **informal setting to allow courteous discussion** between the developer and adjacent owners, and to answer any questions and concerns about the proposed action. This meeting does not replace the Public Hearing.

	NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1	Ann McGlynn	annmcglynn@gmail.com	563-370-0004	3009 Grand Ave Davenport, IA
2	Matt Wissing	wissingm@yahoo.com	563-265-9353	1916 E. 13th St.
3	Ann Garton	texasgarton@aol.com	5639407374	204 E Rushholme
4	Scott Tunnicliff	hcyscott@gmail.com	563-370.2098	718 Holmes St (Bettendorf)
5	LaShanna Dixon	dixonlashanna2@yahoo.com	563-499-2178	2939 Dubuque 4Plex St.
6	Bill Peterson	bill.m.peterson@gmail.com	319-430-7820	2637 Esplanade
7	Jessica Nides	jnides1320@gmail.com	(563)-370-2459	
8	Chloe Roche	cmbenson46@gmail.com	309-229-3807	
9	Meagan Moran	meagan.moran27@gmail.com	309-643-3533	
10	Kathleen Fisel	Kap61201@yahoo.com	309-236-6313	
11	Carol Metzger	carol.metzger1@verizon.net	563-888-1688	1916 East Rushholme St
12	MICHAEL METZGER	MICHAEL.METZGER1@VERIZON.NET	"	"
13	Brenda VonDran	BVondran123@gmail.com		
14	James Freske	JAMESFRESKE@MCHSI.COM	507-340-8922	2312 Hyde Park
15				
16				
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23				
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25				

Werderitch, Matt

From: Kristine Clevenger <kmclev@hotmail.com>
Sent: Thursday, January 11, 2024 12:00 PM
To: Planning
Subject: [EXT] Annie Wittenmyer rezoning

ATTENTION: This is an external email.

Hello, I am writing this email to express concerns about the rezoning of this facility. We live at 1823 East Rusholme Street and are worried about the property value effect of adding low income housing to our area. Also the additional traffic through our neighborhood. We were not notified of this but found out through another one of our neighbors. I don't understand why we did not receive any notification of this and ask for additional time before the zoning meeting is held. My husband will be attending the neighborhood the neighborhood meeting tonight to express our concerns. Thank you Kristine Clevenger
Get Outlook for Android

Werderitch, Matt

From: Max M <molinemaxa@gmail.com>
Sent: Thursday, January 11, 2024 11:26 AM
To: Planning
Subject: [EXT] Affordable Housing Initiative

ATTENTION: This is an external email.

Greetings,

I'm emailing you all to discuss my major concerns with the plans to convert the Annie Wittenmeyer complex. My primary concern is the displacement of Davenport Junior Theatre.

As a former employee of the City of Davenport, I know the value Davenport Junior Theatre specifically as a program has had on me as an individual and the multitudes of students that I have seen go through the program. It has created better students, artists, and citizens in it's 70+ years of existence and to displace the program again makes me anxious as to the city's plan to accommodate them.

There is currently no plan I see with the city to move the program to a reasonable and sustainable location. My first thought is that the city would try to house the program in various schools within the district. This should not happen. It will create confusion with parents and students all over the city, make it difficult for non-Davenport residents to find out where to go and when, and will invade the space of other students. My second thought is that there would be no rehousing of the program, and that is an absolute travesty that you would do well to avoid.

As one of the few city-funded arts programs in the nation, Davenport Junior Theatre is an organization that any city would be proud to keep funding, and it has proven to be something the city is proud of. With multiple successful fundraisers, in-person classes returning to pre-1st wave pandemic numbers (something very few organizations around the country have done yet), and consistent growth in their Spring and Summer Break camps, Davenport Junior Theatre is something Davenport and the Greater QC Metro area as a whole believes in, and you as a committee must as well.

If you intend to go through with converting the complex to affordable housing without investing time into establishing rent control in the city, so be it. But you must find a consistent and suitable home for Davenport Junior Theatre.

Max Moline
Director/Theatre Artist/Theatre Educator
maxmoline.com
(he/him/his)

Werderitch, Matt

From: Alexandra Olsen <olsenalexandraw@gmail.com>
Sent: Thursday, January 11, 2024 1:17 PM
To: Planning
Subject: [EXT] Davenport Junior Theater deserves to stay.

ATTENTION: This is an external email.

To whom it may concern,

I am an alum of Davenport Junior Theater and I have just read the tentative plan to convert the Annie Whittenmeyer complex into housing. I am incredibly concerned for the future of Davenport Junior Theatre and about the impact this will have on our arts community.

Davenport Junior Theater is the second-oldest children's theater in the country and has helped thousands of students thrive through the power of performance art. This program is unlike any other and is something the city of Davenport should be incredibly proud of and vehemently protecting. In a world where it is becoming increasingly difficult for children to have the space to just be kids, away from screens and online influences, I hope DJT can continue to be a safe space for all of the QC's young artists.

I understand the need for affordable housing, but is forcing a nonprofit like DJT out really the best that Davenport can do?

What is the cost of converting these buildings into housing, compared to building a new structure?

How will we know if these structures are even safe enough to be converted into full-time housing?

In my opinion, it would be shameful for this council to bring about the demise of a historic organization such as Davenport Junior Theater. The Annie Whittenmeyer complex has been home to DJT since the 1970s and forcing them out of this space would certainly be a stain in Davenport's history.

Again, I understand the importance of affordable housing. But I also know the importance of culturally enriching spaces and experiences for our children, so I beg you to reconsider your plan.

Sincerely,
Alexandra Olsen

Werderitch, Matt

From: Joie Stoefen <joiestoefen13@gmail.com>
Sent: Thursday, January 11, 2024 5:26 PM
To: Planning
Subject: [EXT] Annie Wittenmeyer Complex

ATTENTION: This is an external email.

Hello,
My name is Joie Stoefen, and I am a former resident of the Quad Cities area. I have been fortunate to experience all the area offers, including Davenport Junior Theatre.

Davenport Junior Theatre is the place that nurtured my love for the arts. At DJT, I took my first acting class, made lifelong friendships, and found a home away from home. I could not imagine my life without this amazing organization-- it was my savior during the most challenging times in childhood. By selling the property and temporarily displacing the organization, Davenport officials suggest that the arts are not valuable to the community. It would also deny future generations-- composed of *various* economic, gender, and racial backgrounds-- opportunities to learn and grow through artistic endeavors.

I understand that there is a possibility that DJT could remain in the complex and or find a new home. While this seems reasonable, it would erase decades of history. **Davenport Junior Theatre is the SECOND oldest children's theatre in America.** This is something worth celebrating and preserving. The historical and social implications of Davenport Junior Theatre's presence in the Annie Wittenmyer Complex cannot be understated. The lack of clarity and transparency about this process is incredibly confusing. Additionally, the timeline of fundraising and rehoming for this project threatens the sustainability of DJT. A well-developed plan would prevent the downfall of one of the Quad Cities' most beloved theatrical organizations.

Affordable housing is necessary for the diverse population of Davenport; however, I do not believe it is worth sacrificing a successful organization. Please consider clarifying these plans and ensuring that Davenport Junior Theatre continues to serve the community. Thank you for your time and consideration.

Best,
Joie Stoefen
563-484-9055 | joiestoefen13@gmail.com

Werderitch, Matt

From: Katie Styrt <katiestyrt@gmail.com>
Sent: Thursday, January 11, 2024 2:12 PM
To: Planning
Subject: [EXT] Annie Wittenmyer Proposal Plan

ATTENTION: This is an external email.

Hello,

I am not able to attend the upcoming town halls, but I wanted to say that I am very in favor of redeveloping the Annie Wittenmyer complex!

The proposal allows space for the Davenport Junior Theater to move or continue in place, which preserves a wonderful community resource. I also appreciated that the developer hopes to keep some of the original buildings, which are part of the charm of the neighborhood. However, the most exciting part of this proposal is the addition of 100 affordable housing units to the neighborhood. This would be a great asset for our community!

I would absolutely love to have more seniors and families in stable, high-quality housing they can afford. This is a great location for more units. My family lives nearby and often plays at Garfield Park in the summer - it would be fun to have more kids nearby, and I'm sure the families would enjoy having the park so close to them. Davenport is also in dire need of affordable housing, and so adding this many units would benefit our whole city. I hope the proposal passes and the development can happen.

Thank you,
Rev. Katie Styrt
1115 Grand Ct, Davenport.

Werderitch, Matt

From: Abbie Carpenter <abbiejcarpenter@gmail.com>
Sent: Tuesday, January 16, 2024 8:55 AM
To: Planning
Subject: [EXT] Concerns about Annie Whittenmyer Complex Project

ATTENTION: This is an external email.

Dear City Planning Committee,

I am writing to share my concerns regarding the potential sale and development of the Annie Whittenmyer campus. I first want to state that I unequivocally support the development of affordable housing in the Quad Cities. I am a social work student, about to graduate with my Masters of Social Work, so I understand more than most the severity and importance of this need. I believe access to safe and affordable housing is a human right, and therefore am thrilled that the city wants to create more affordable housing.

My concern, however, is the impact of this project on Davenport Junior Theatre. You see, I grew up in those cottages, beginning theatre classes at the age of six. My mom was a social worker at Family Resources for many years, and her office was in one of the cottages, so I would go there after school and wait for my acting class to start, at which time I'd simply walk next door and sign in.

At that time, I believe, DJT was only using three cottages and the theatre, but the program grew as I grew up alongside it, and it now is housed in ten cottages, plus the scene shop and the Nighswander Theatre. I had the privilege of working at DJT, starting as a teaching assistant and junior staffer in middle and high school, and eventually as a theatre instructor, jobs which taught me the value of giving back to the community that raised you. I have taught hundreds of students in those cottages, and every class reminded me of my young self, in those same cottages, learning to be confident in who I am and what I stand for.

Now, as a former DJT teacher of mine turned friend, Megan Rieck said, DJT was never about a place. It is about the community we have created. I fully agree with that sentiment, which is why I am not here to ask you not to develop these buildings into affordable housing. I am simply here to ask you to give DJT more time to create a path forward.

The theatre and dance programs as they are can NOT function with only the theatre building. The theatre building may be where students perform and share their newly acquired skills, but it simply is not enough to house the massive program this has become. For example, one of the best parts of DJT as an alumni and former staff member is summer camp. Each summer, DJT hosts several performing arts camps, which take up each and every available space the program currently has, and even that is not enough! Kids have to be turned away from camp every year because there just isn't enough room for more of them.

So how, I ask, can this wonderful and extremely well attended program be expected to function without the cottages? I have heard whisperings of partnering with the Davenport Schools, which I must say, as a former teacher, is absolutely unfeasible. If the program is spread out across the city, it will be much harder for parents to locate the correct place for their child's class, for one.

Another point is the lack of support staff if the program is spread out. Currently, if a teacher is in need of support in their classroom for any reason, for anything from behavioral issues to a medical emergency, they can contact the front desk and someone will be there to help within minutes or even seconds. If these needs arise and a teacher is alone with their class with no support staff nearby, what is that teacher meant to do? This plan is a logistical nightmare and a disaster waiting to happen.

If I could describe the best possible outcome of this situation, it would be that DJT has the time, support, and funding to seek out another facility which could perhaps provide an even better home for its programming. Whether that facility exists or needs to be built, the city of Davenport must help DJT find this new home, should it be removed from its current one.

All I am asking for is that proper consideration be given to Davenport Junior Theatre and its future. After all it has done for the greater Quad Cities community, that is the least you can do for it.

Sincerely,
Abigail Carpenter, DJT Alumn and Former Staff Member

Werderitch, Matt

From: Cynthia Smysor <csmysor@yahoo.com>
Sent: Tuesday, January 16, 2024 12:44 PM
To: Planning; Gripp, Kyle; Newton, Jazmin; Kelly, Tim; Dunn, Rick; Dunn, Tim; Meginnis, Marion; Burkholder, Jade; Reinartz, Paul; Lynch, Mhisho; Jobgen, Ben
Subject: [EXT] Concerns for the futures of Davenport Junior Theatre

ATTENTION: This is an external email.

To our community leaders-

I know you have been hearing from many concerned citizens about the future of Davenport Junior Theatre. We all agree that affordable housing is important and that moving the theatre program isn't necessarily a bad thing- but the carelessness and thoughtless actions of our leaders are highly concerning. Before this all started, was the full scope of space used and what the program needs explained enough to make an educated decision on behalf of your constituents?

Where I am coming from is the fact that I am an alumni, current parent of a student in the program, and have signed on to direct the final show this season, making me staff once again. I can honestly say Junior Theatre saved my life as a teenager when every other system around me was failing. I started when I was seven and it was my first job as a teen. My son recently started class and when I hosted a foreign exchange student in 2017-2018, she was taken in is a volunteer and given a wonderful experiences. I directed my first show in 2005 and this upcoming show will be my 6th time directing a production and I taught classes for many years. I have seen countless students mirror my experience and grow into respectable adults. I tell people all the time that what sets JT apart from the rest is the fact that it's not there to be a place where kids learn to compete... it's there to help kids grow into confident adults who know how to work on a team and communicate effectively (which you are seeing through the many emails, calls, social media posts, and speeches to come). I have had people approach since all of this started who were never involved with the program but have seen it's power and want to help. This program is more than the space, it's the whole entire community. This is the legacy it leaves behind as it moves forward.

The scope of the program has only grown. Even in my time with the program as an adult I have watched it grow beyond the space it held when I was a teen. We went from 3 cottages to 10. A parking lot was put in. Spaces were reworked; storage expanded. An actual scene shop to build sets in was born. And the thing is- ALL THIS SPACE IS BEING USED. Not to mention the fact that I can bring my kids to ANY show regardless of our finances because they are free. And the addition of a free show with an ASL interpreter just continues to show the impact the arts have on us as humans. When our leaders want to take something so meaningful to so many and not move forward with a plan to secure it's future, faith in those leaders can fade quickly.

Please take the time to understand how this timeline effects the kids currently involved with the program. Moving too quickly will have consequences. Please understand what you are doing and develop a timeline that shows this 72 year partnership respect. Communicate that plan in a way that shows up for this meaningful program. Thank you.

With respect,
Cynthia Taylor

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Bruce Berger | 563-326-7769 **2/21/2024**

Subject:
Public Hearing on the proposed conveyance of City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners. [Ward 4]

Recommendation:
Hold the Hearing.

Background:
As part of the Urban Homestead Program funded with a variety of Federal housing grants, the City has acquired and rehabilitated a single family home with the intention of selling to an income-eligible household in Davenport. This program is part of the City's CDBG Five-Year Consolidated Plan and Annual Plan and renovates vacant and often abandoned properties and improves neighborhoods while providing eligible working households with affordable homeownership opportunities.

The petitioners have applied for and been approved as federally eligible to acquire this property from the City. The property is being sold at the appraised value of $138,000.

In accordance with State Code, notice of this Public Hearing was published in the *Quad-City Times*.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/15/2024 - 9:14 AM

Customer Ad Proof

128-60067429 CITY OF DAVENPORT - LEGALS Order Nbr 175654

Publication	**Quad-City Times**

Contact	CITY OF DAVENPORT - LEGALS	PO Number	Julie Graham
Address 1	226 W 4TH ST	Rate	Legal
Address 2		Order Price	43.83
City St Zip	DAVENPORT IA 52801	Amount Paid	0.00
Phone	5638882074	Amount Due	43.83
Fax	5633286742		
Section	Notices & Legals	Start/End Dates	02/15/2024 - 02/15/2024
SubSection		Insertions	1
Category	2520 Miscellaneous Notice	Size	36
Ad Key	175654-1	Salesperson(s)	Legals 211
Keywords	Notice Quad City Times - Public Hearing - 1413 W	Taken By	Christina Palma
Notes			

Ad Proof

NOTICE OF PUBLIC HEARING ON A RESOLUTION REGARDING THE CONVEYANCE URBAN HOMESTEAD PROPERTY OWNED BY THE CITY TO THE FOLLOWING PETITIONER FOR THE FOLLOWING PROPERTY:
1413 W 13th Street, Davenport, Iowa to Kyle Beals and Samantha Beals.
Notice is hereby given that there is on file in the office of the City Attorney, City Hall, Davenport, Iowa a RESOLUTION proposing to convey the above property owned by the City of Davenport to the proposed Petitioner. The property has the following legal description:
The East 40 feet of Lot 3, Block 13, Sturdevant's Second Addition to the City of
Davenport, Scott County, Iowa.
Parcel H0026-26, commonly known as 1413 W 13th Street, Davenport, Iowa 52804.
The above-described parcel contains 6,000 square feet or 0.14 acres, more or less.
This Resolution will come on for a Public Hearing before the Davenport City Council, City Hall, Davenport Iowa at 5:30 p.m. Local Time, on Wednesday, February 21, 2024 at the Committee of the Whole meeting. At said hearing, interested parties may appear and be heard for or against said Resolution.
Community & Economic Development
CED.info@davenportiowa.com
563-326-7765

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/21/2024

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the FY 2025 State Patching Program, CIP #35045. [Wards 1, 2, 3, 6, & 7]

Recommendation:
Hold the Hearing.

Background:
This program is an Iowa DOT reimbursable program that is administered by the City to repair pavement on State routes. Construction is expected to begin late summer of 2024. The program contains $150,000 for FY 2025, which is anticipated to be 100% reimbursable.

Funding for the FY 2025 State Patching Program is established within CIP #35045.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:20 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:20 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 5:54 PM

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Brian Schadt | 563-326-7923 **2/21/2024**

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Lorton Place Intersection Reconstruction project, CIP #35062. [Ward 6]

Recommendation:
Hold the Hearing.

Background:
This is a street reconstruction project from the intersection of Lorton Avenue, Lorton Place, and East Lombard Street north towards East Central Park Avenue. This project will be funded the Capital Improvement Program for streets projects. The proposed improvements include, but are not limited to, the furnishing of all labor, materials and equipment for the reconstruction of the existing concrete roadway, partial street intersection removal, sidewalk ADA compliant ramps drainage improvements, patching, reset all existing utility surface features to finish grade, replacement of the adjacent driveway approaches, topsoil, sodding, and erosion control.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:20 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:20 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 5:55 PM

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/21/2024

Subject:
Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project, CIP #35062. [Ward 6]

Recommendation:
Hold the Hearing.

Background:
This is a street reconstruction project of Forest Road from the intersection of East Kimberly Road to East 39th Street. This project will be funded through the Capital Improvement Program for streets projects. The proposed improvements include, but are not limited to, the furnishing of all labor, materials and equipment for the reconstruction of the existing concrete roadway, subdrain installation, sidewalk ADA compliant ramps, reset all existing utility surface features to finish grade, replacement of the adjacent driveway approaches, topsoil, sodding, and erosion control.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:19 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:19 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 5:59 PM

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/28/2024**

Subject:
Third Consideration: Ordinance for Case REZ23-06 being the request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

Recommendation:
Adopt the Ordinance.

Background:
The subject property was recently annexed into the City of Davenport and is currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development. The area of the rezoning request is approximately 25.84 acres.

At its January 2, 2024 meeting, the Plan and Zoning Commission recommended Case REZ23-06 be forwarded to the City Council with a recommendation for approval subject to the listed findings. The vote was 9 in favor and 0 opposed.

Findings

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

The staff report from the January 2, 2024 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Staff Report- P&Z 1-2-24
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Application
🗋	Backup Material	Public Hearing Notice: P&Z
🗋	Backup Material	Public Hearing Notice: COW

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	1/11/2024 - 11:39 AM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ23-06 BEING THE REQUEST OF LARRY EDWARD STOLTENBERG TRUST TO REZONE APPROXIMATELY 25.84 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF SLOPERTOWN ROAD AND HILLANDALE ROAD FROM S-AG AGRICULTURAL DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT.

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

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

Parcel #932819003:

The Southeast Quarter of the Northwest Quarter of Section 28, Township 79 North, Range 3 East of the 5th P.M., Scott County, Iowa, south of W. Slopertown Road. Except part for roads. Also except that part conveyed to the City of Davenport, Iowa, by Warranty Deed recorded as Document #2020-25092 in the office of the Recorder of Scott County, Iowa.

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

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.

2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.

3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.

4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.

5. The proposed amendment will not create any nonconformities following development.

Section 3. At its January 2, 2024 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-06 to the City Council with a recommendation for approval subject to the listed findings.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services **Date**
Contact Info: Matt Werderitch 563.888.2221 **1/2/2024**

Subject:
Case REZ23-06: Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

Recommendation:
Staff recommends Case REZ23-06 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Findings:
1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

Background:
The subject property was recently annexed into the City of Davenport and is currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development. The area of the rezoning request is approximately 25.84 acres.

Why is a Zoning Map Amendment Required?
The land is currently being used for agriculture, but is being marketed as a shovel-ready site suitable for industrial development. This is part of an overall strategy to promote industrial development north of Interstate-80. The owner intends to continue farming the land until the property can be sold.

Comprehensive Plan:
City Council adopted a Future Land Use Map amendment at its June 28, 2023 meeting to better prepare this substantial growth area for future development. The approximately 475 acres of land roughly bounded by Slopertown Road, Hillandale Road, Northwest Boulevard, and 130th Avenue was amended from Urban Fringe to Industry. In addition, the Urban Service Boundary was extended north to Slopertown Road.

Future Land Use Designation:
1. **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 subject property is currently zoned **S-AG Agricultural District**. This district is intended to address existing agricultural land uses. The standards of the S-AG District promote the continuation of farming, and protect agricultural land uses from encroachment of incompatible developments.

The applicant is requesting a rezoning 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 reviewed the proposed Zoning Map Amendment Application for compliance with city ordinances and impacts to regional systems.

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: As a result of voluntary annexations, the City of Davenport has expanded its corporate limits to Slopertown Road. To better prepare for future growth, the City initiated an amendment to the Future Land Use Map.

At its June 6, 2023 meeting, the Plan and Zoning Commission forwarded a recommendation to City Council amending the subject properties from Urban Fringe to Industry. In addition, the Urban Service Boundary was recommended to extend north to Slopertown Road. City Council approved this map amendment at its June 28, 2023 meeting.

It is staff's opinion the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.

b. The compatibility with the zoning of nearby property.

Staff Response: The surrounding land north of Interstate-80 is zoned I-1 Light Industrial District. City Council adopted Ordinance 2023-380 amending the zoning classification of the approximately 231.26 acres of land located to both the east and west of the subject property from S-AG Agricultural District to I-1 Light Industrial District. Despite being largely undeveloped, the adjacent properties are being marketed as shovel-ready sites suitable for industrial development. Rezoning the subject property to an industrial classification will create consistency with the surrounding area.

It is staff's opinion the proposed zoning amendment to I-1 Light Industrial District is compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The established neighborhood character south of Slopertown Road, within City limits, consists of developed industrial properties as well as land planted in row crops. Large manufacturing facilities include Fair Oaks Foods, Kraft Heinz, and Sterilite Corporation.

This 25.84 acre tract of land is currently used for farming. There are no structures on the subject property. However, the owner is positioning the property for future industrial development. Staff anticipate the land will continue to be farmed until the land is sold for development.

It is staff's opinion the proposed zoning district 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: Permitted principal uses in the I-1 Light Industrial District consist of light manufacturing, fabricating, processing, distributing, and warehousing. The Zoning Ordinance requires businesses to be enclosed, low-intensity uses that have minimal, if any, outside impacts.

The industrial district dimensional standards regulate building height and setbacks to mitigate any negative impacts onto adjacent properties. There are also façade, roof, and site design standards in City Code that applies to new development.

To date, a potential industrial use has not been identified for the site. However, staff believe the existing zoning requirements will ensure new development complies with City standards.

Given the acreage of the subject property, staff anticipate the land may be further subdivided to facilitate orderly development. The Plan and Zoning Commission will have additional opportunities to address street connectivity and impacts to the regional transportation network.

It is staff’s opinion that the proposed zoning map amendment will promote the public health, safety, and welfare of the City.

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

Staff Response: The City of Davenport has processed three voluntary annexation petitions from 2022-2023. The subject property is approximately 25.84 acres located south of Slopertown Road, adjacent to Hillandale Road. Upon annexation, land is zoned S-AG Agricultural District, which is intended to address existing agricultural land uses.

The land is currently being used for agriculture, but is adjacent to land being marketed as a site suitable for industrial development. This is part of an overall strategy to promote industrial

development north of Interstate-80. A rezoning to a light industrial district will enable the property to be built-out at a scale more aligned with the surrounding industrial park.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner consistent with Davenport's industrial developments.

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

Staff Response: The undeveloped site is currently being used for farming. If rezoned to an industrial district, the agricultural use will be considered nonconforming until the site is developed. In addition, there are no structures on the subject property.

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 following development.

Public Input:
Letters were sent to property owners within 200 feet of the proposed request notifying them of the December 5, 2023 Plan and Zoning Commission Public Hearing. To date, no public comments have been received. Staff will apprise the Commission of any correspondence at the January 2, 2024 Plan and Zoning Commission meeting.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Application
🗋	Backup Material	Public Hearing Notice-Plan & Zoning Commission

Staff Workflow Reviewers

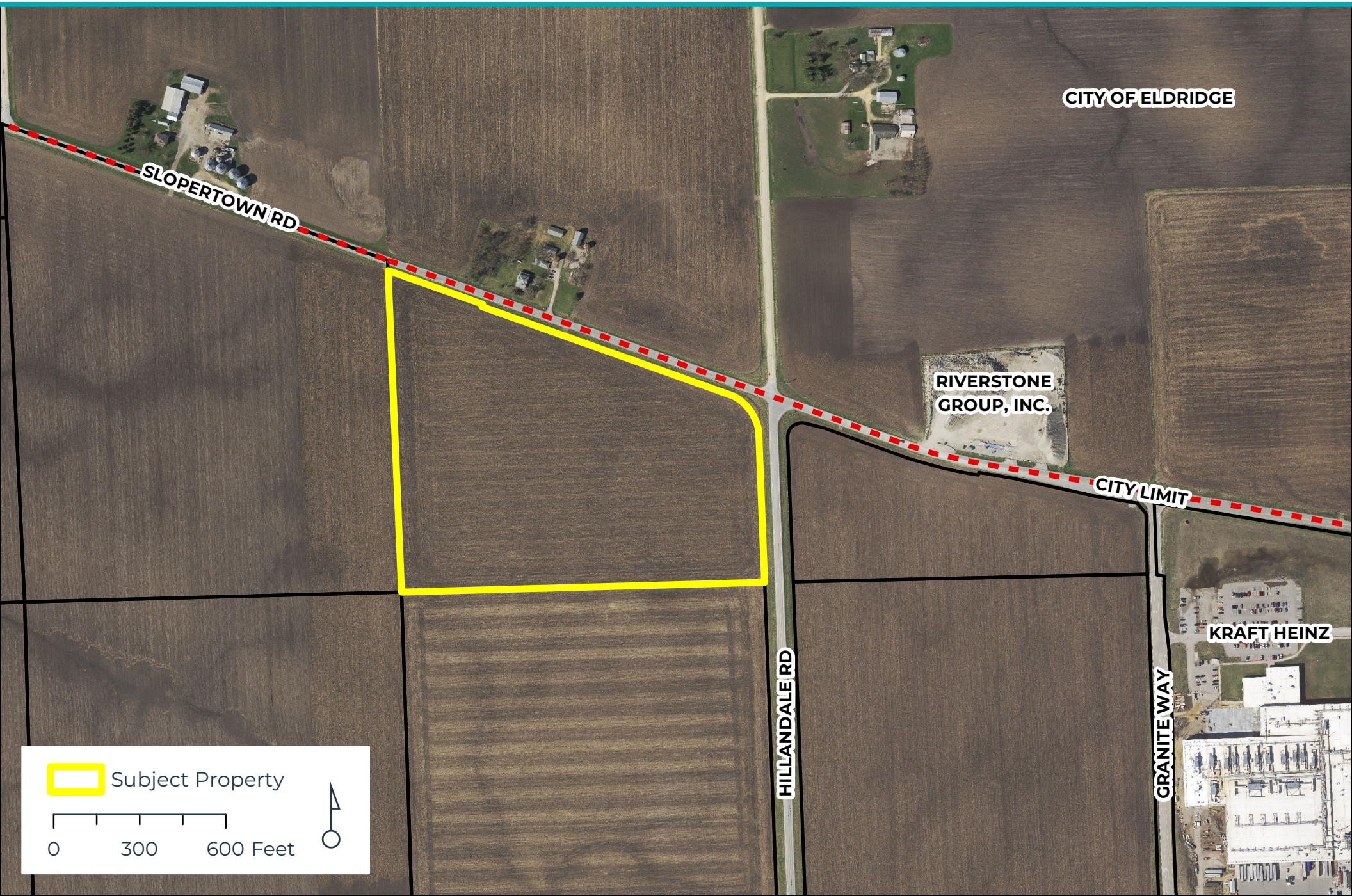
REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	12/29/2023 - 10:47 AM

THE CITY OF DAVENPORT
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Vicinity Map | Case REZ23-06

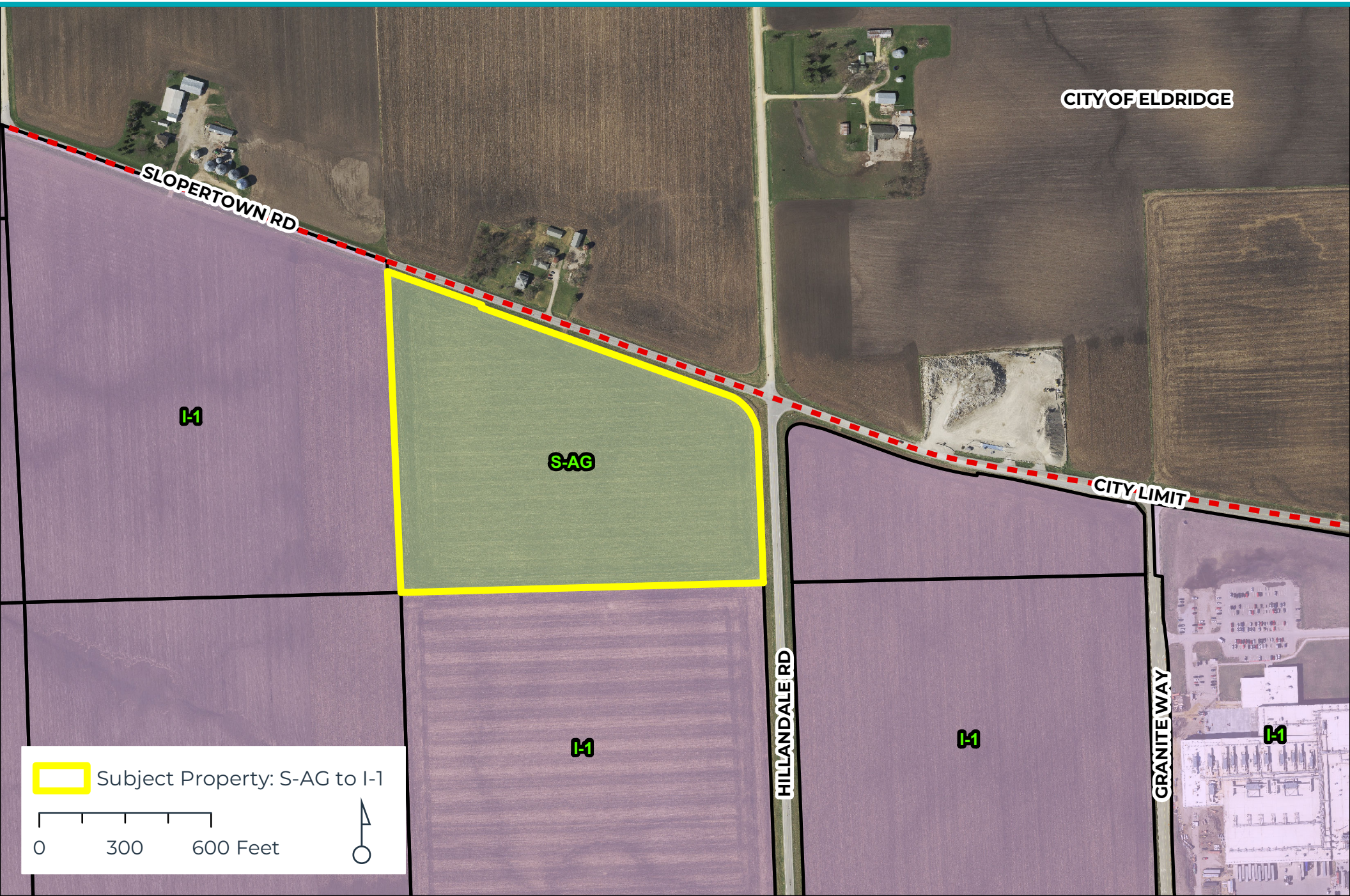
Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



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Zoning Map | Case REZ23-06

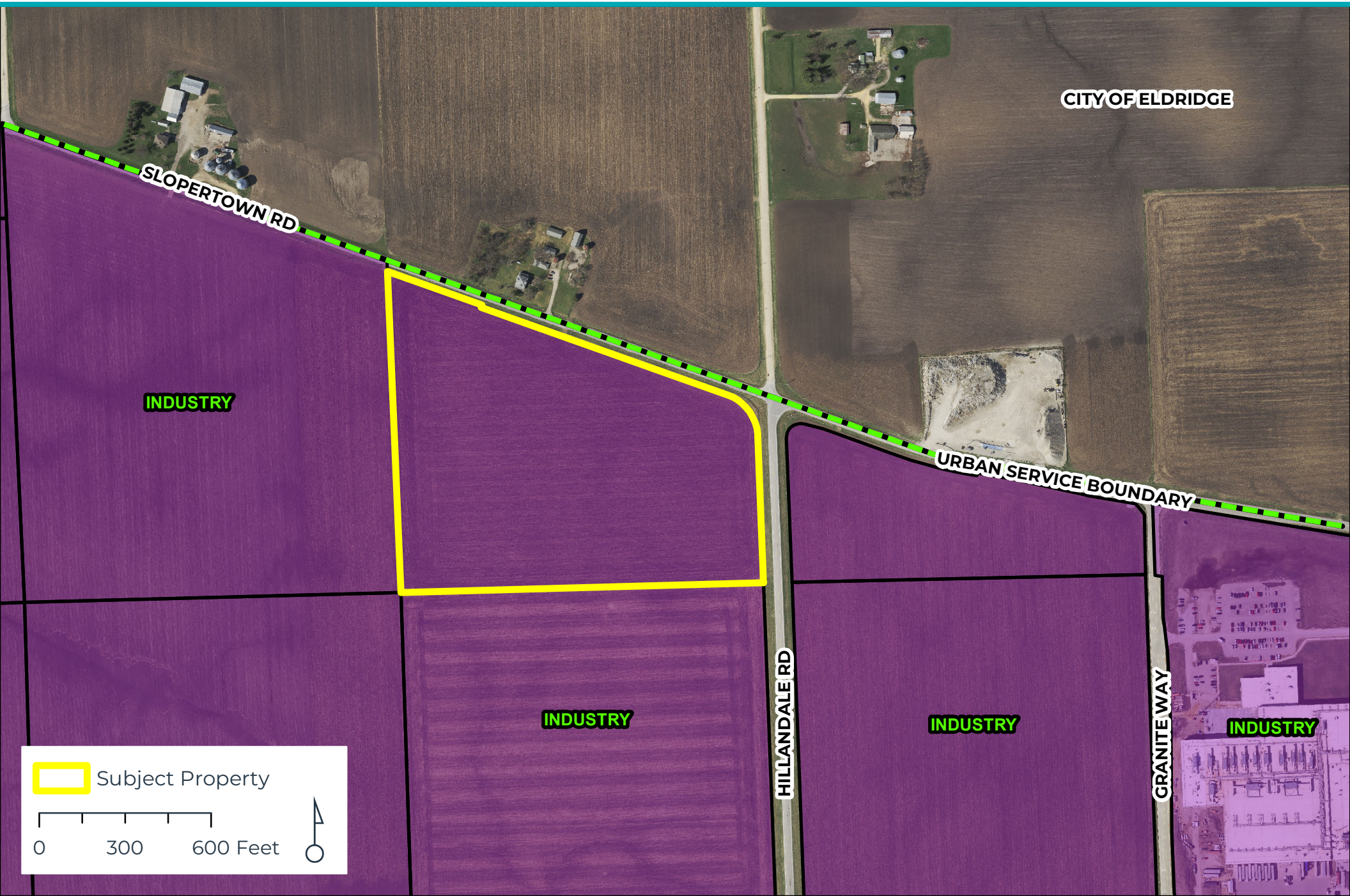
Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



THE CITY OF DAVENPORT
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Future Land Use Map | Case REZ23-06

Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



CITY OF DAVENPORT
Development & Neighborhood Services – Planning
1200 W. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
REZONING
(MAP AMENDMENT)

DATES: PRE-APP | SUBMITTAL | PUBLIC HEARING

PROJECT TITLE

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICTS	EXISTING	PROPOSED	SQ. AREA

APPLICANT INFORMATION

APPLICANT NAME
Mary Stoltenberg

ADDRESS
3924 King Charles Rd

CITY, STATE, ZIP
Durham, NC 27707

PHONE
(919) 491-9393

SECONDARY PHONE
(919) 491-8638

E-MAIL ADDRESS
lestolten@msn.com

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.

Mary Stoltenberg
Type Applicant's Name
for Larry E Stoltenberg Trust
Mary Stoltenberg, Trustee 10/30/23
Applicant's Signature Date

DEVELOPMENT TEAM

Property Owner
Larry Stoltenberg Trust
Address
3924 King Charles Rd
Phone (919) 491-9393 Secondary Phone (919) 491-8638
E-Mail Address
lestolten@msn.com

Project Manager/Other
Address

Phone Secondary Phone

E-Mail Address

COMPLETE SUBMITTALS SHALL INCLUDE:

	SUBMITTED
Concept/Development Plan	☐
Authorization to Act as Applicant* *only needed if the Applicant is different than the owner	☐
Legal Description* (bearing & distance) * shall include a MS Word or Text file	☐
Legal Description Dimensioned Sketch	☐
Application Fee* (REQUIRED) * (check payable to 'City of Davenport')	☐

Rezoning Fee Schedule

Land Area	Fee
Less than 1 acre	$400
1 to less than 10 acres	$750 plus $25/acre
10 acres or more	$1,000 plus $25/acre

1 to 3 site notice signs are required based on lot size; $10 each

PROJECT NARRATIVE: (submit separate sheet if needed)

Zone light industrial
Own 25 acres with use of rental of farmland on the 25 acres we own on the corner of Slopertown Rd and Hillandale Rd.

Submit the first two pages of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property located at the southwest corner of Slopertown Road and Hillandale Road.

Plan & Zoning Commission Public Hearing Meeting
Date: 12/5/2023 Time: 5:00 PM Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?
This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The subject property was recently annexed into the City of Davenport and is currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development.

Request/Case Description
Case REZ23-06: Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

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 December 5, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on December 19, 2023. 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.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

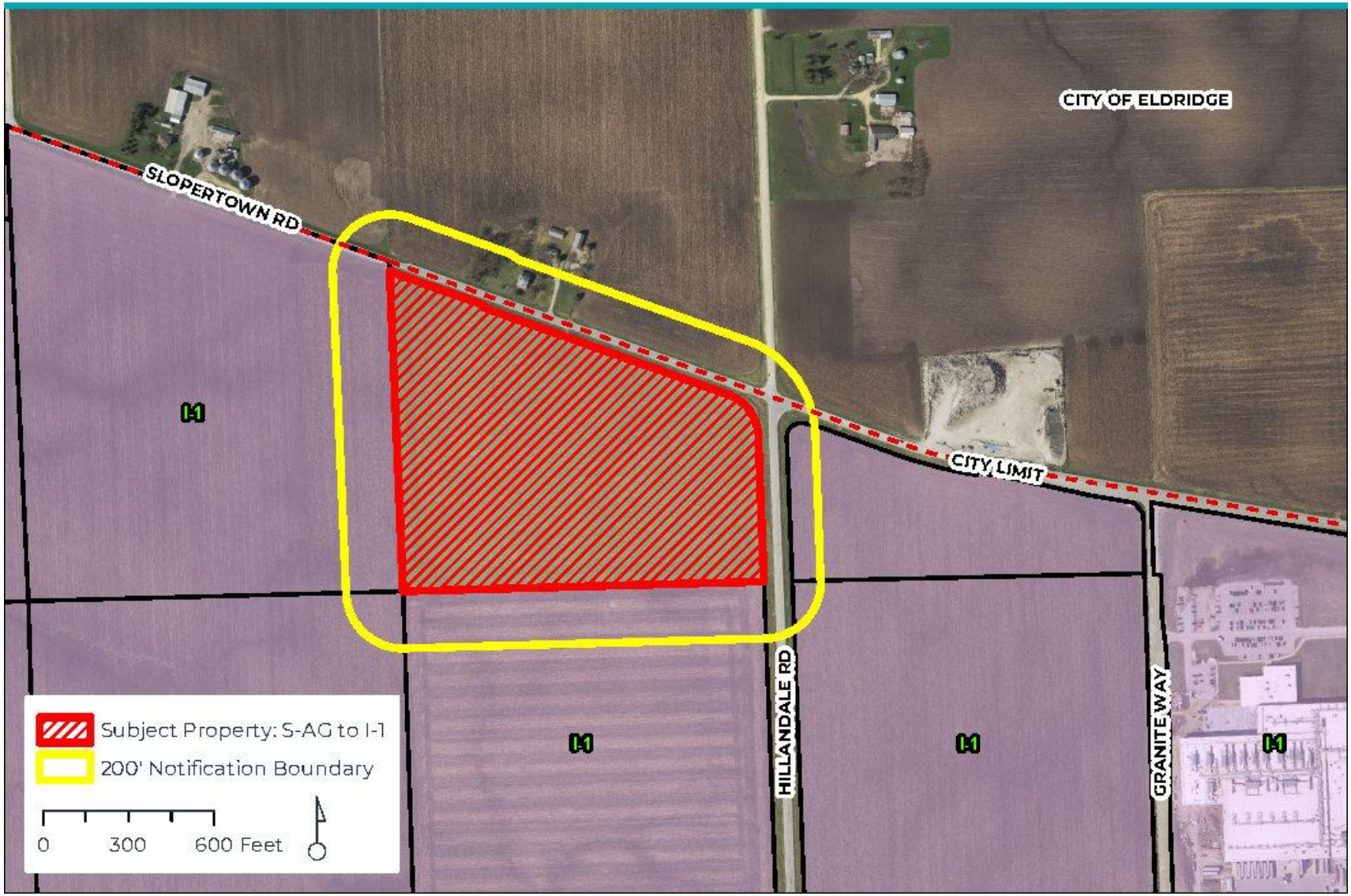
Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos 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 in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

THE CITY OF
DAVENPORT
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Rezoning Request | Public Hearing Notice | Case REZ23-06

Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807
T | 563.326.6198
E | planning@davenportiowa.com
davenportiowa.com/DNS

DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property located at the southwest corner of Slopertown Road and Hillandale Road.

Plan & Zoning Commission Public Hearing Meeting
Date: 1/17/2024 Time: 5:30 PM Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?
This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The subject property was recently annexed into the City of Davenport and is currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to I-1 Light Industrial District. The purpose of the request is to market the site for future industrial development.

Request/Case Description
Case REZ23-06: Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]

Plan and Zoning Commission Action:
At its January 2, 2024 meeting, the Plan and Zoning Commission recommended Case REZ23-06 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Findings:
1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Industry.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning of nearby developed property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities following development.

What are the Next Steps?
The public hearing on the above matter is scheduled for 5:30 pm or as soon thereafter on Wednesday, January 17, 2024 in the Council Chambers of the Davenport City Hall, 226 West 4th Street.

Would You Like to Submit an Official Comment?
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.

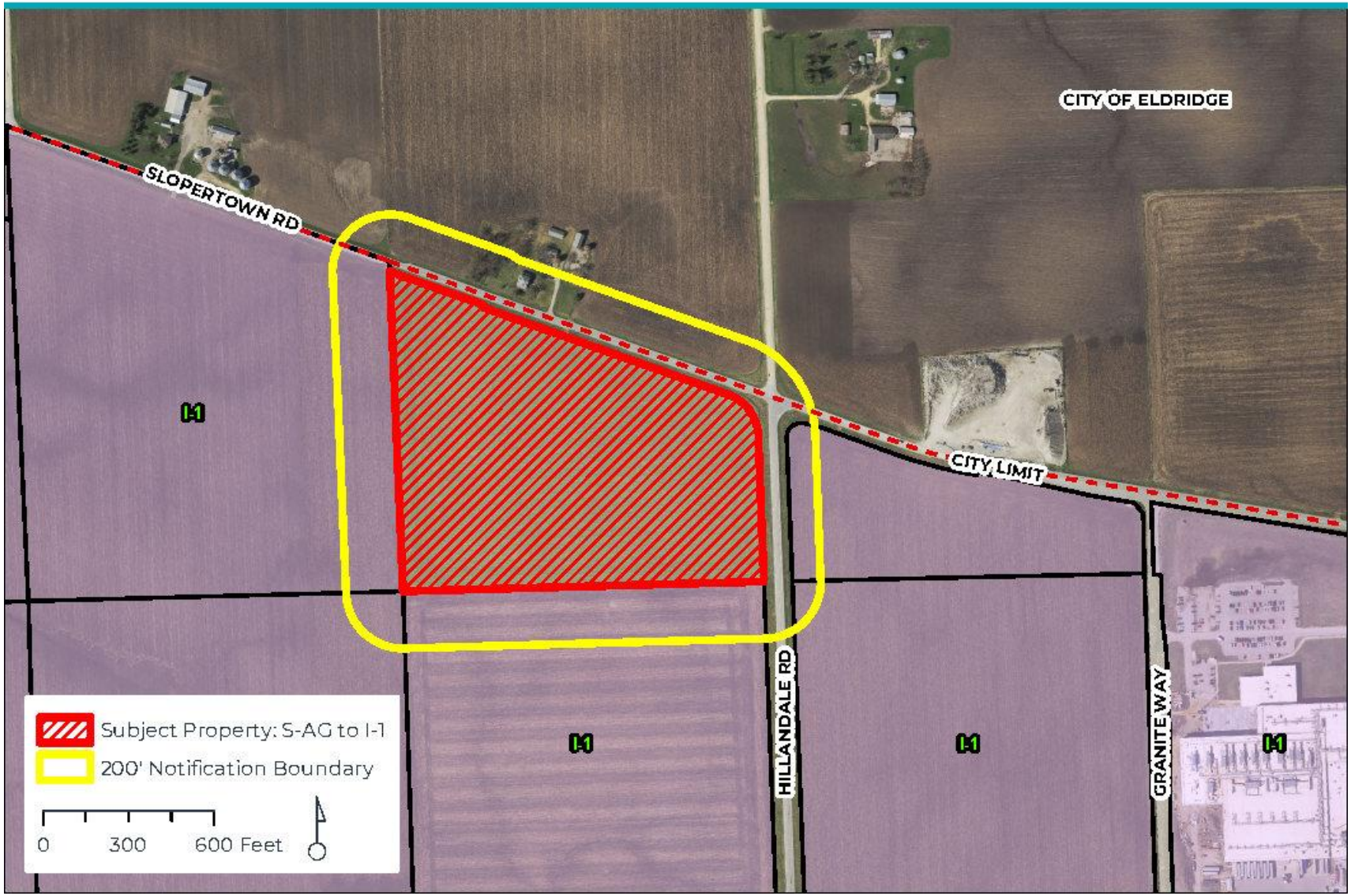
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

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

THE CITY OF
DAVENPORT
IOWA | USA

Rezoning Request | Public Hearing Notice | Case REZ23-06

Request of Larry Edward Stoltenberg Trust to rezone approximately 25.84 acres of land located at the southwest corner of Slopertown Road and Hillandale Road from S-AG Agricultural District to I-1 Light Industrial District. [Ward 8]



Development and Neighborhood Services
1200 East 46th St. Davenport, Iowa 52807
T | 563.326.6198
E | planning@davenportiowa.com
davenportiowa.com/DNS

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/21/2024**

Subject:
First Consideration: Ordinance for Case ORD24-01 amending Chapter 17 of the Municipal Code of Davenport, Iowa entitled "Zoning" by amending Table 17.08-1: Use Matrix to allow “Bed and Breakfast” and “Reception Facility” as a special use in the C-T Commercial Transitional Zoning District. [All Wards]

Recommendation:
Adopt the Ordinance.

Background:
City staff received an application for a Zoning Text Amendment from a property owner requesting an amendment to allow "Bed and Breakfast" and "Reception Facility" as permitted uses in the C-T Commercial Transitional Zoning District. The proposed zoning text amendment will impact all properties throughout Davenport zoned C-T Commercial Transitional District.

At its February 6, 2024 meeting, the Plan and Zoning Commission unanimously recommended Case ORD24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings and condition.

Findings

1. The proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed amendment promotes the public health, safety, and welfare of the City.
3. The proposed amendment is consistent with the intent and general regulations of the Zoning Ordinance.
4. The amendment reflects a change in policy and development trends.
5. The proposed amendment eliminates any existing nonconformities.

Condition

1. Amend Table 17.08-1: Use Matrix of the City of Davenport Zoning Ordinance to allow “Bed and Breakfast” and "Reception Facility" as a Special Use in the C-T Commercial Transitional Zoning District.

The staff report from the February 6, 2024 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Staff Report-P&Z 2-6-24
🗋	Backup Material	Use Matrix-Proposed Amendment
🗋	Backup Material	Application

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/14/2024 - 11:06 AM

ORDINANCE NO. 2024-

AN ORDINANCE FOR CASE ORD24-01 AMENDING CHAPTER 17 OF THE MUNICIPAL CODE OF DAVENPORT, IOWA ENTITLED "ZONING" BY AMENDING TABLE 17.08-1: USE MATRIX TO ALLOW "BED AND BREAKFAST" AND "RECEPTION FACILITY" AS A SPECIAL USE IN THE C-T COMMERCIAL TRANSITIONAL ZONING DISTRICT.

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

Section 1. That section 17.08.020 Table 17.08-1 entitled Use Matrix of the Municipal Code of Davenport, Iowa be the same, and is hereby amended to add "Bed and Breakfast" and "Reception Facility" as Special Use in the C-T Commercial Transitional Zoning District.

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 _____

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services **Date**
Contact Info: Matt Werderitch 563.888.2221 **2/6/2024**

Subject:
Case ORD24-01: Request of Chris Kretz to amend Table 17.08-1: Use Matrix of the City of Davenport Zoning Ordinance to allow “Bed and Breakfast” and “Reception Facility” as permitted uses in the C-T Commercial Transitional Zoning District. [All wards]

Recommendation:
Staff recommend the Plan & Zoning Commission accept the listed findings and forward Case ORD24-01 to the City Council with a recommendation for approval, subject to the following condition:

1. Amend Table 17.08-1: Use Matrix of the City of Davenport Zoning Ordinance to allow “Bed and Breakfast” and "Reception Facility" as a Special Use in the C-T Commercial Transitional Zoning District.

Findings:

1. The proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed amendment promotes the public health, safety, and welfare of the City.
3. The proposed amendment is consistent with the intent and general regulations of the Zoning Ordinance.
4. The amendment reflects a change in policy and development trends.
5. The proposed amendment eliminates any existing nonconformities.

Background:
City staff received an Application for a Zoning Text Amendment from a property owner requesting an amendment to allow "Bed and Breakfast" and "Reception Facility" as permitted uses in the C-T Commercial Transitional Zoning District. The proposed zoning text amendment will impact all properties throughout Davenport zoned C-T Commercial Transitional District.

City staff explored options with the petitioner, including rezoning their property. However, a Zoning Text Amendment was deemed the most appropriate option as there are existing residential dwellings in commercial districts throughout the city. Staff consider this to be a city-wide issue, rather than specific to the petitioner's property.

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

Zoning Ordinance Use Definitions:

1. **Bed and Breakfast**: A single-family dwelling where a resident/owner provides lodging for a daily fee in guest rooms with no in-room cooking facilities, and prepares meals for guests. A bed and breakfast may include dining facilities.
2. **Reception Facility**: A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Bed and Breakfast Principal Use Standards (Section 17.08.030.D)

1. The exterior of a bed and breakfast must maintain its original appearance as a single-family dwelling. No parking may be located in front of the front building façade.
2. Cooking equipment is prohibited in individual guest rooms. However, a mini-refrigerator and/or a microwave is allowed.
3. No retail sales are permitted with the exception of ancillary retail of related items such as souvenirs, postcards, and snack items.
4. No bed and breakfast may operate a restaurant. Meals may only be served to registered guests and at private events.
5. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to six feet in height and must be a minimum of five feet from any lot line.

Reception Facility Principal Use Standards (Section 17.08.030.X)

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.
2. When allowed in the residential districts and S-AG District, a minimum lot size of two acres is required. Fifty foot minimum setbacks are required along all lot lines.

Use Matrix (Table 17.08-1)

The principal use "Bed and Breakfast" is allowed in the following zoning districts:

1. Permitted Use:
    - S-AG Agricultural District
2. Special Use (Reviewed and Approved by the Zoning Board of Adjustment):
    - R-1 Single-Family Residential District
    - R-2 Single-Family Residential District
    - R-3 Single-Family and Two-Family Residential District
    - R-3C Single-Family and Two-Family Central Residential District
    - R-4 Single-Family and Two-Family Residential District
    - R-4C Single-Family and Two-Family Central Residential District
    - R-MF Multi-Family Residential District

The principal use "Reception Facility" is allowed in the following zoning districts:

1. Permitted Use:
    - C-3 General Commercial District
    - C-C City Centre District
    - C-E Elmore Corners District
    - I-MU Industrial Mixed-Use District
2. Special Use (Reviewed and Approved by the Zoning Board of Adjustment):

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single-Family and Two-Family Residential District
- R-3C Single-Family and Two-Family Central Residential District
- R-4 Single-Family and Two-Family Residential District
- R-4C Single-Family and Two-Family Central Residential District
- C-1 Neighborhood Commercial District
- C-2 Corridor Commercial District
- C-D Downtown District
- C-V Village of East Davenport District
- S-AG Agricultural District

Approval Standards for Text Amendments

1. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
2. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
3. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
4. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.
5. The extent to which the proposed amendment creates nonconformities.

Special Use Permit:

City staff are recommending "Bed and Breakfast" and "Reception Facility" be allowed in the C-T Commercial Transitional District as a Special Use. The Zoning Ordinance recognizes that there are certain uses that require individual consideration to mitigate any potential impacts upon neighboring land. Special Use Permits are reviewed and approved by the Zoning Board of Adjustment, whom evaluate the following criteria:

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

Given the C-T Commercial Transitional District serves as a buffer between residential neighborhoods and higher intensity commercial corridors, requiring a Special Use Permit will ensure additional oversight and prevent conflicts between incompatible land uses.

Public Input:

A Notice of Public Hearing was published in the Quad City Times informing the community of the January 16, 2024 Plan and Zoning Commission Public Hearing. To date, staff has not received any public comments in favor or opposition to the request. Staff will apprise the Commission of any correspondence at the February 6, 2023 Plan and Zoning Commission Public Hearing.

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Adult Use																S	S					Sec. 17.08.030.A
Agriculture																			P			
Amusement Facility - Indoor									P	P	P		P	P	P	P		P				
Amusement Facility - Outdoor										S	S				S	P		S				
Animal Care Facility - Large Animal																			P			
Animal Care Facility - Small Animal							S	S	P	P	P		S	S	P	P		P	P			Sec. 17.08.030.B
Animal Breeder																			P			Sec. 17.08.030.B
Art Gallery							P	P	P	P	P		P	P	P			P				
Arts and Fitness Studio							P	P	P	P	P		P	P	P			P				
Bar									P	P	P		P	P	P			P				
Bar – Neighborhood								P														Sec. 17.08.030.C
Bed and Breakfast	S	S	S	S	S		S												P			Sec. 17.08.030.D
Billboard									P	P						P	P					Sec. 17.08.030.E
Body Modification Establishment								P	P	P	P		P		P			P				
Broadcasting Facility TV/Radio								P	P	P		P	P	P	P	P	P	P			P	
Campground																			S	P		Sec. 17.08.030.F
Car Wash									P	P					S			P				Sec. 17.08.030.G
Casino															P							
Cemetery																				P		
Children's Home					P				P	P					P			S			P	Sec. 17.08.030.H
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Community Center	P	P	P	P	P		P	P	P	P	P		P	P	P			P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.030.I
Conservation Area																			P	P		
Country Club																				P		
Cultural Facility							P	P	P	P	P		P	P	P			P		P	P	
Day Care Center					P		P	P	P	P	P	P	P	P	P	S		P			P	Sec. 17.08.030.J
Day Care Home	P	P	P	P	P														P			Sec. 17.08.030.K
Drive-Through Facility									P	P	S		S		P	P	P					Sec. 17.08.030.K
Drug/Alcohol Treatment Facility, Residential									S	S					S			S			S	Sec. 17.08.030.L
Drug Treatment Clinic									S	S					S			S			S	Sec. 17.08.030.L
Domestic Violence Shelter					P			P	P	P					P			P			P	Sec. 17.08.030.H
Dwelling - Accessory Dwelling Unit	P	P	P	P																		Sec. 17.08.030.M
Dwelling - Manufactured Home						P													S			Sec. 17.08.030.N

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Dwelling - Multi-Family					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.O
Dwelling - Townhouse					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.P
Dwelling - Single-Family	P	P	P	P	P		P	P	P					P								Sec. 17.08.030.P
Dwelling - Single-Family Semi-detached		P	P	P	P		P	P	P		S			P								Sec. 17.08.030.P
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P		S			P								Sec. 17.08.030.P
Dwelling - Two-Family (Conversion)					P		P	P	P					P								Sec. 17.08.030.P
Educational Facility - Primary or Secondary	P	P	P	P	P																P	
Educational Facility - University or College										P	P	P	P		P						P	
Educational Facility - Vocational							S	S	S	P	P	P	P	S	P	P	P	P			P	
Equine Keeping/Equestrian Facility	P																		P			Sec. 17.08.030.Q
Fairground																			S	S	P	
Financial Institution							P	P	P	P	P	P	P	P	P			P				
Financial Institution, Alternative									S	S					S			P				Sec. 17.08.030.R
Food Bank																P	P	P				
Food Pantry									P	S					S			S				
Funeral Home							S	S	S	P					P			P				
Gas Station								S	P	P	S				P	P	P	P				Sec. 17.08.030.S
Golf Course/Driving Range																				P		
Government Office/Facility							P	P	P	P	P	P	P	P	P	P	P	P		P	P	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Greenhouse/Nursery - Retail										P					P			P	S			
Group Home	P	P	P	P	P																	Sec. 17.08.030.T
Halfway House									S	S					S			S			S	Sec. 17.08.030.L
Healthcare Institution																					P	
Heavy Rental and Service																P		P				
Heavy Retail										S					S	P		P				
Homeless Shelter									S	S					S			S			S	Sec. 17.08.030.L
Hotel									P	P	P	P	P	S	P			P				
Industrial - General																	P					
Industrial - Light												P				P	P	P				
Industrial Design								P	P	P		P	P		P	P	P	P				
Live Performance Venue										P	P		P	P	P	P		P				

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TABLE 17.08-1: USE MATRIX																						
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.030.U
Manufactured Home Park						P																
Medical/Dental Office							P	P	P	P	P	P	P	P	P			P			P	
Micro-Brewery/Distillery/Winery									P	P	P		P	P	P	P		P				
Neighborhood Commercial Establishment		S	S	S	S																	Sec. 17.08.030.V
Office							P	P	P	P	P	P	P	P	P	P	P	P			P	
Outdoor Dining							P	P	P	P	P	P	P	P	P	P	P	P			P	Sec. 17.08.030.W
Parking Lot (Principal Use)								S	S	S	S	S	S	S	S	P	S	S			P	Chapter 17.10
Parking Structure (Principal Use)								S	S	P	P	P	S	S	P			P			P	Chapter 17.10
Personal Service Establishment							P	P	P	P	P	P	P	P	P	P		P			P	
Place of Worship	P	P	P	P	P		S	S	P	P	P		P	P	P	P			P		P	
Private Recreation Facility								P	P	P	P	P	P	P	P	P		P			P	
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Works Facility												P				P	P	P	P		P	
Reception Facility	S	S	S	S			S	S	S	P	P		S	S	P			P	S			Sec. 17.08.030.X
Recreational Vehicle (RV) Park																			S	S		Sec. 17.08.030.F
Research and Development												P				P	P	P			P	
Residential Care Facility					P		P	P	P	P	P	P	P		P	P		P			P	Sec. 17.08.030.Y
Restaurant								P	P	P	P	P	P	P	P	P	P	P		P	P	
Retail Goods Establishment							P	P	P	P	P	P	P	P	P	P	P	P			P	
PRINCIPAL USE	**R-1**	**R-2**	**R-3**	**R-4**	**R-MF**	**R-MHP**	**C-T**	**C-1**	**C-2**	**C-3**	**C-C**	**C-OP**	**C-D**	**C-V**	**C-E**	**I-1**	**I-2**	**I-MU**	**S-AG**	**S-OS**	**S-IC**	**USE STANDARD**
Retail Alcohol Sales									P	P	S		S		P	P						
Retail Sales of Fireworks																P	P					Sec. 17.08.030.Z
Salvage Yard																	S					
Self-Storage Facility: Enclosed									S	S					P	P	P	P				Sec. 17.08.030.AA
Self-Storage Facility: Outdoor																P	P	S				Sec. 17.08.030.AA
Social Service Center									P	P					P			P			P	
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB
Specialty Food Service								P	P	P	P		P	P	P	P		P				
Storage Yard - Outdoor																P	P					Sec. 17.08.030.CC
Truck Stop																P	P					
Vehicle Dealership - Enclosed										P		S	P		P	S		P				
Vehicle Dealership - With Outdoor Storage/Display										S					S	S		P				

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

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

CITY OF DAVENPORT
Development & Neighborhood Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

ZONING TEXT AMENDMENT

(CHANGE TO ZONING ORDINANCE LANGUAGE)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

APPLICANT INFORMATION

Applicant Name
Chris Kretz

Address
2110 N Main Street

City | State | Zip
Davenport IA 52803

Phone
(402) 419-0059

Secondary Phone

E-Mail Address
HistoricHeightsLLC@gmail.com

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further studies as necessary.

Chris Kretz
Type Applicant's Name

Applicant's Signature

12/19/2023
Date

ZONING CODE HEADINGS & SECTION NUMBERS IMPACTED
17.08

REASON FOR ZONING CODE TEXT CHANGE
To Allow for Bed & Breakfast and Reception Facility in C-T

EXISTING ZONING CODE LANGUAGE TO BE CHANGED
Table 17.08-01: Use Matrix

PROPOSED ZONING CODE LANGUAGE
No other changes except for the Use Matrix

DEVELOPMENT TEAM

Owner

Address

Phone | Secondary Phone

E-Mail Address

Attorney/Other

Address

Phone | Secondary Phone

E-Mail Address

COMPLETE SUBMITTALS SHALL INCLUDE: ***SUBMITTED***

- Existing & Proposed Text, as a .PDF, if preferred ☐
- Authorization to Act as Applicant, if necessary ☐
- Application Fee: (REQUIRED) **$400*** ☐
  * plus Scott County Recording Office fees at a later date

PROCEDURE SHALL BE AS STATED IN §17.14.040

Submit this form to Planning Staff at:
planning@davenportiowa.com or contact staff with any questions or requests for additional information.

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/28/2024**

Subject:
First Consideration: Ordinance for Case ROW24-01 being the request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

Recommendation:
Adopt the Ordinance.

Background:
The City, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of West 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible. The area to be vacated is approximately 32,193 square feet or .739 acres, more or less.

The intention is to return this area to the Waste Commission of Scott County, since there is landfill within the current right-of-way.

At its February 6, 2024 meeting, the Plan and Zoning Commission recommended Case ROW24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings

1. The existing public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Conditions

1. All existing utilities located in the right-of-way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. That a 20-foot multi-use trail easement shall be established on the western boundary of the land to be vacated.

The staff report from the February 6, 2024 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

Type	Description
Ordinance	Ordinance
Backup Material	Staff Report: P&Z 2-6-24
Backup Material	Application
Backup Material	Vacation Plat
Backup Material	Vicinity, Zoning, & Future Land Use Map

Backup Material		COW Public Hearing Notice
Backup Material		P&Z Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/14/2024 - 11:23 AM

ORDINANCE NO. 2024-

AN ORDINANCE for Case ROW24-01 being the request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

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:

A part of Marquette Street right-of-way, being all that part of the Northwest Quarter of Section 2, Township 78 North, Range 3 East of the 5th Principal Meridian, in Scott County, Iowa lying east of the west line of said Northwest Quarter and west of Lot 18E, more particularly described as follows:

Commencing as a point of reference at the southwest corner of the said Northwest Quarter of Section 2;

Thence North 00°45'23" West 1,313.55 feet along the westerly line of the said Northwest Quarter of Section 2 to the point of beginning;

Thence continuing North 00°45'23" West 776.41 feet along the said westerly line of the said Northwest Quarter of Section 2 to the westerly extension of the northerly line of Lot 18E in the Replat of Lot 11 and Lot 18 of Scott County Regional Industrial Park;

Thence North 87°30'16" East 41.50 feet along the westerly extension of the northerly line of said Lot 18E to the northwest corner of Lot 18E;

Thence South 00°47'17" East 776.50 feet along the westerly line of said Lot 18E and the easterly right-of-way line of Marquette Street to the southerly line of said Lot 18E;

Thence South 87°39'11" West 41.93 feet along the said southerly line of Lot 18E extended westerly to the westerly line of the said Northwest Quarter of Section 2;

This parcel contains 32,193 square feet or 0.739 acres, more or less.

Section 2. At its February 6, 2024 meeting, the City Plan & Zoning Commission voted to forward Case ROW24-01 to the City Council with a recommendation of approval subject to the listed findings and conditions:

Findings:

1. The existing public right-of-way is not required for City purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Conditions:

1. All existing utilities located in the right-of-way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. That a 20-foot multi-use trail easement shall be established on the western boundary of the land to be vacated.

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 _____

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services **Date**
Contact Info: Matt Werderitch 563.888.2221 **2/6/2024**

Subject:
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

Recommendation:
Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the unimproved right-of-way on Emerald Drive in Case ROW24-01 to the City Council with a recommendation for approval, subject to the following findings and conditions:

Findings:
1. The existing public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Condition:
1. All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. That a 20-foot multi-use trail easement shall be established on the western boundary of the land to be vacated.

Background:
The City, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of West 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible. The area to be vacated is approximately 32,193 square feet or .739 acres, more or less.

The intention is to return this area to the Waste Commission of Scott County, since there is landfill within the current right-of-way.

The vacation of public right-of-way is a two step process:
1. Determine if the right-of-way is needed for public purposes.
2. Negotiate and determine terms of conveyance to adjacent property owners. (No Plan and Zoning Commission action is required.)

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

Future Land Use Designation:
The abutting properties are currently designated as Residential General, Industry, and Open Space & Public Land in the Davenport +2035 Future Land Use Map.
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.
3. **Open Space / Public Land (OS)** - Includes undeveloped open space, natural areas, floodplains and wetlands that may be or may not be planned for future park and recreation development.

Abutting Zoning:
The abutting properties are currently zoned R-3 Single-Family and Two-Family Residential District, R-4 Single-Family and Two-Family Residential District, I-1 Light Industrial District, and S-OS Open Space District.

1. **R-3 Single-Family Residential Zoning District**: This district is intended to accommodate residential neighborhoods in the City of Davenport consisting of single-family and two-family homes in a moderately dense urban development pattern. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-3 District.
2. **R-4 Single-Family and Two-Family Residential Zoning District**: This 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.
3. **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.
4. **S-OS Open Space District**: This district is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor, and cemeteries. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments. This district is also intended for governmental agency offices/facilities providing a governmental service to the public.

Technical Review:
The following technical review comments were received from City Departments and Utility Companies:

- Streets: Marquette Street is unimproved from West 76th Street to West 62nd Street. At this time, the City does not have plans to construct Marquette Street. The extension will be spurred by future development of abutting property. There is adequate public right-of-way to the west of the proposed vacation. Engineering requested a 20-foot easement for a future multi-use trail.
- Sanitary Sewer: There is no sewer infrastructure within the proposed area to be vacated. The closest sanitary sewer pipe extends from West 76th Street, through the Scott County

Waste Commission property, south to Goose Creek.

- Other Utilities: Utility poles extend the length of the unimproved Marquette Street right-of-way from 76th Street to the south lot line of the Scott County Waste Commission property. Staff recommend a utility easement be provided to ensure access to this infrastructure.

Public Input:
Letters were sent to property owners within 200 feet of the proposed request notifying them of the January 16, 2024 Plan and Zoning Commission Public Hearing.

To date, staff has not received any written public comments. An abutting property owner spoke in favor of the right-of-way vacation at the January 16, 2024 public hearing. Staff will apprise the Commission of any additional correspondence at the February 6, 2024 Plan and Zoning Commission meeting.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Application
🗋	Backup Material	Vacation Plat
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Public Hearing Notice

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/1/2024 - 11:57 AM

CITY OF DAVENPORT
Development & Neighborhood Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

RIGHT-OF-WAY VACATION

(EASEMENT ABANDONMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

PROJECT TITLE
Old Scott County Landfill Marquette St ROW vacatio

GENERAL LOCATION DESCRIPTION
Portion of Marquette St south of W 76th Street

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

AREA OF VACATION	EXISTING USE	PROPOSED USE	SQUARE AREA
	Landfill	Landfill	32,193

APPLICANT INFORMATION

Applicant Name
City of Davenport

Address
1200 E 46th Street

City | State | Zip
Davenport, IA 52807

Phone

Secondary Phone

E-Mail Address

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.

Brian Schadt
Type Applicant's Name

Applicant's Signature

12/19/23
Date

COMPLETE SUBMITTALS SHALL INCLUDE:	SUBMITTED
Concept/Development Plan, if applicable	☐
Authorization to Act as Applicant	☐
Legal Description* (bearing & distance) * shall include a MS Word or Text file	☑
Legal Description Dimensioned Sketch	☑
Application Fee: (REQUIRED) **$400*** * check payable to 'City of Davenport'	☐

PROJECT NARRATIVE: (submit separate sheet if needed)

The City, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of W 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible.

DEVELOPMENT TEAM

Surveyor
Shive-Hattery

Address
2144 56th Avenue West, Bettendorf, IA 52722

Phone
(563) 635-7300

Secondary Phone

E-Mail Address
jblaine@shive-hattery.com

Attorney/Other

Address

Phone

Secondary Phone

E-Mail Address

Submit the first page of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.

Index Legend	
City:	DAVENPORT
County:	SCOTT
Geoparcel ID:	X0201-3A
Description:	A PART OF MARQUETTE STREET ROW
Proprietor:	CITY OF DAVENPORT
Surveyor:	JONATHON BAILEY
Company:	SHIVE-HATTERY INC
Return To:	2144 56TH AVENUE WEST BETTENDORF, IOWA 52722, PH: 563.635.7300

11/29/2023 8:40:12 AM

VACATION PLAT

LAND DESCRIPTION

A part of Marquette Street right-of-way, being all that part of the Northwest Quarter of Section 2, Township 78 North, Range 3 East of the 5th Principal Meridian, in Scott County, Iowa lying east of the west line of said Northwest Quarter and west of Lot 18E, more particularly described as follows:

Commencing as a point of reference at the southwest corner of the said Northwest Quarter of Section 2;

Thence North 00°45'23" West 1,313.55 feet along the westerly line of the said Northwest Quarter of Section 2 to the point of beginning;

Thence continuing North 00°45'23" West 776.41 feet along the said westerly line of the said Northwest Quarter of Section 2 to the westerly extension of the northerly line of Lot 18E in the Replat of Lot 11 and Lot 18 of Scott County Regional Industrial Park;

Thence North 87°30'16" East 41.50 feet along the westerly extension of the northerly line of said Lot 18E to the northwest corner of Lot 18E;

Thence South 00°47'17" East 776.50 feet along the westerly line of said Lot 18E and the easterly right-of-way line of Marquette Street to the southerly line of said Lot 18E;

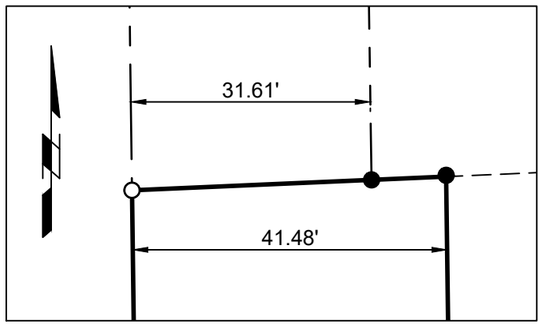
Thence South 87°39'11" West 41.93 feet along the said southerly line of Lot 18E extended westerly to the westerly line of the said Northwest Quarter of Section 2;

This parcel contains 32,193 square feet or 0.739 acres, more or less.

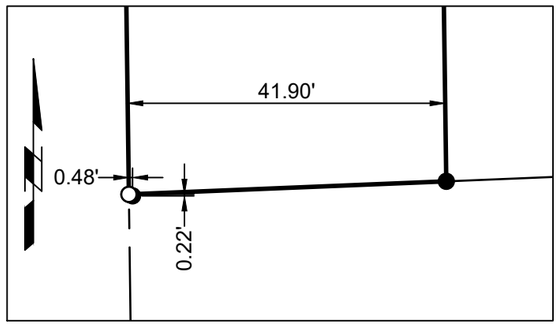
THIS SPACE RESERVED FOR RECORDER'S USE.

LEGEND

●	IRON ROD - FOUND
○	IRON ROD - SET
⊠	CUT "X" - FOUND
▲	CONCRETE MONUMENT - FOUND
(R)	RECORD BEARING/DISTANCE
(M)	MEASURED BEARING/DISTANCE
POR	POINT OF REFERENCE
POB	POINT OF BEGINNING



A DETAIL A
1"=20'



B DETAIL B
1"=20'

LICENSED LAND SURVEYOR
JONATHON S. BAILEY
P12531
IOWA

DRAFT

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: _____

NAME: JONATHON S. BAILEY

DATE: 11/29/2023 LICENSE NUMBER: P12531

MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2024

PAGES, SHEETS OR DIVISIONS COVERED BY THIS SEAL: B1.01, B1.02

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
2144 56TH AVENUE WEST
BETTENDORF, IOWA 52722
563.635.7300 | SHIVE-HATTERY.COM

VACATION PLAT FOR PART OF MARQUETTE STREET
SCOTT COUNTY WASTE COMMISSION
DAVENPORT, IOWA

DATE	11/29/2023	SCALE AS SHOWN
DRAWN BY	JJB	FIELD BOOK
APPROVED BY	JSB	REVISION

2132304560

VACATION PLAT

B1.01

P:\Projects\MO\2132304560\Deliverables\Drawings\1a_Survey\BS-B1-01 North Davenport site Vacation Plat.dwg

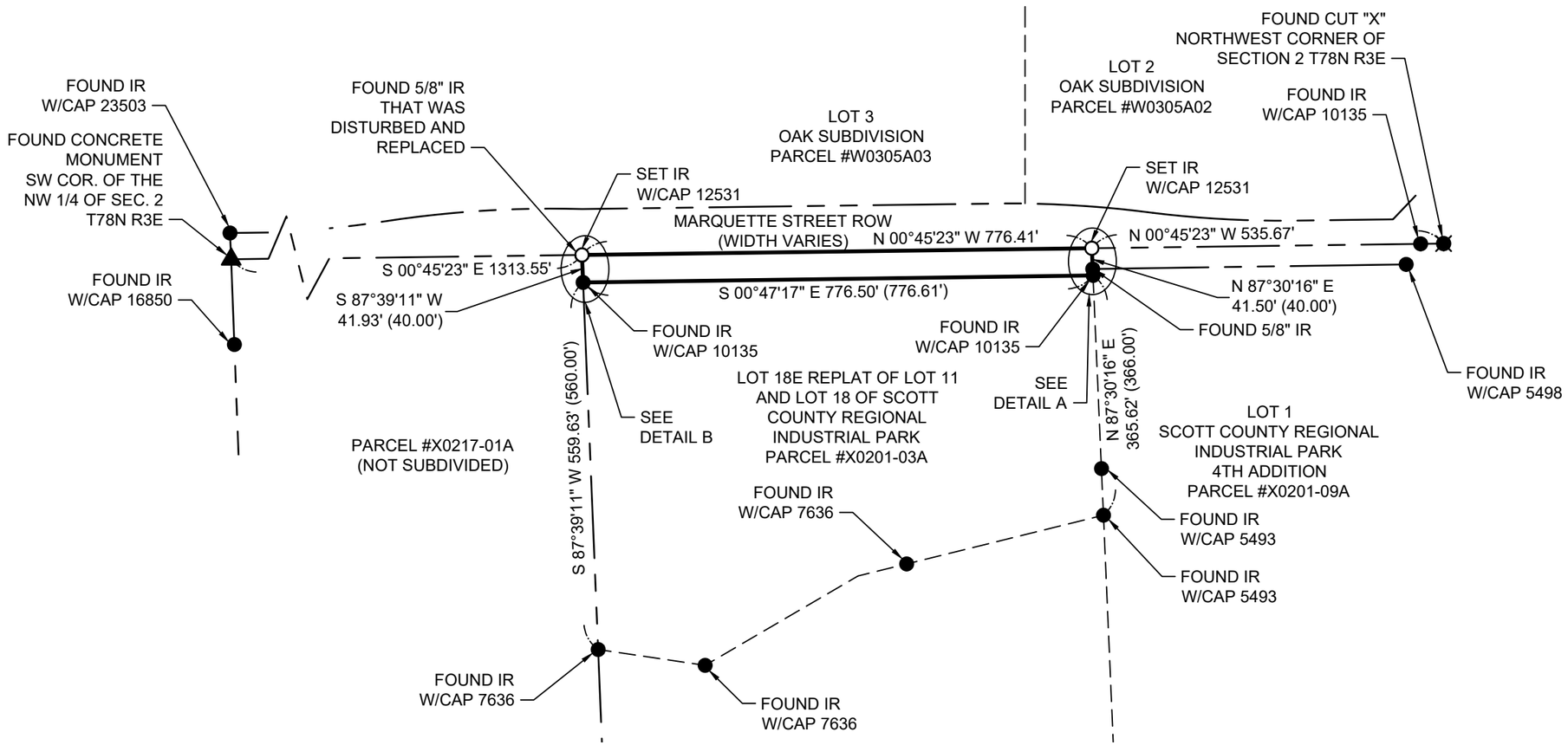
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Return To:	2144 56TH AVENUE WEST BETTENDORF, IOWA 52722, PH: 563.635.7300

VACATION PLAT

BASIS OF BEARING:
IOWA STATE PLANE
SYSTEM SOUTH ZONE,
NAD83 (2011) EPOCH
2010.00

0 100 200 400

SCALE IN FEET



LEGEND

- ● IRON ROD - FOUND
- ○ IRON ROD - SET
- ✕ CUT "X" - FOUND
- ▲ CONCRETE MONUMENT - FOUND
- (R) RECORD BEARING/DISTANCE
- (M) MEASURED BEARING/DISTANCE
- POR POINT OF REFERENCE
- POB POINT OF BEGINNING

SHIVEHATTERY
ARCHITECTURE + ENGINEERING
2144 56TH AVENUE WEST
BETTENDORF, IOWA 52722
563.635.7300 | SHIVE-HATTERY.COM

VACATION PLAT FOR PART OF MARQUETTE STREET

SCOTT COUNTY WASTE COMMISSION
DAVENPORT, IOWA

DATE	11/29/2023	SCALE	AS SHOWN
DRAWN BY	JJB	FIELD BOOK	
APPROVED BY	JSB	REVISION	

2132304560

VACATION PLAT

B1.02

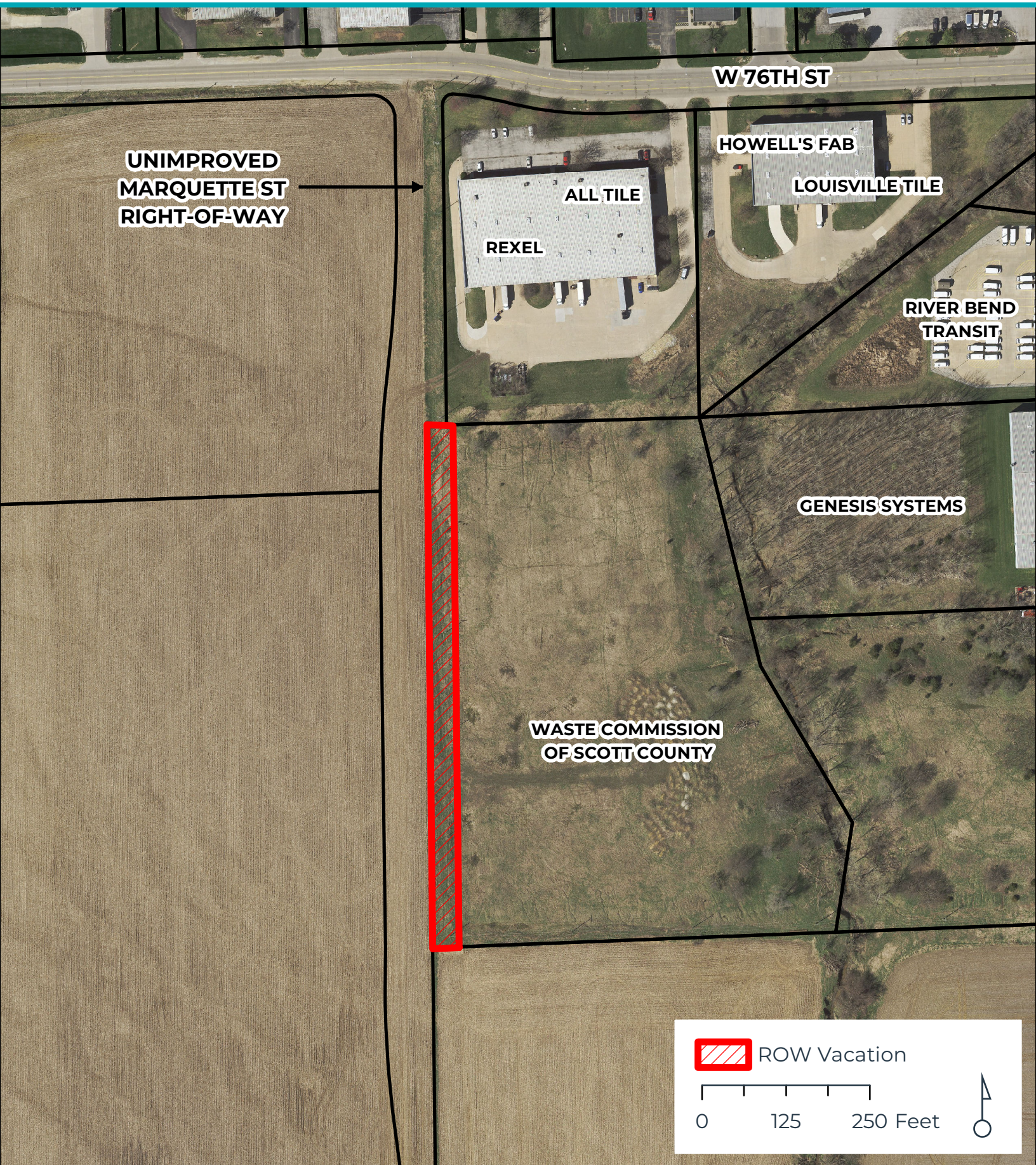
11/29/2023 8:39:09 AM

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THE CITY OF DAVENPORT
IOWA | USA

Vicinity Map | Right-Of-Way Vacation

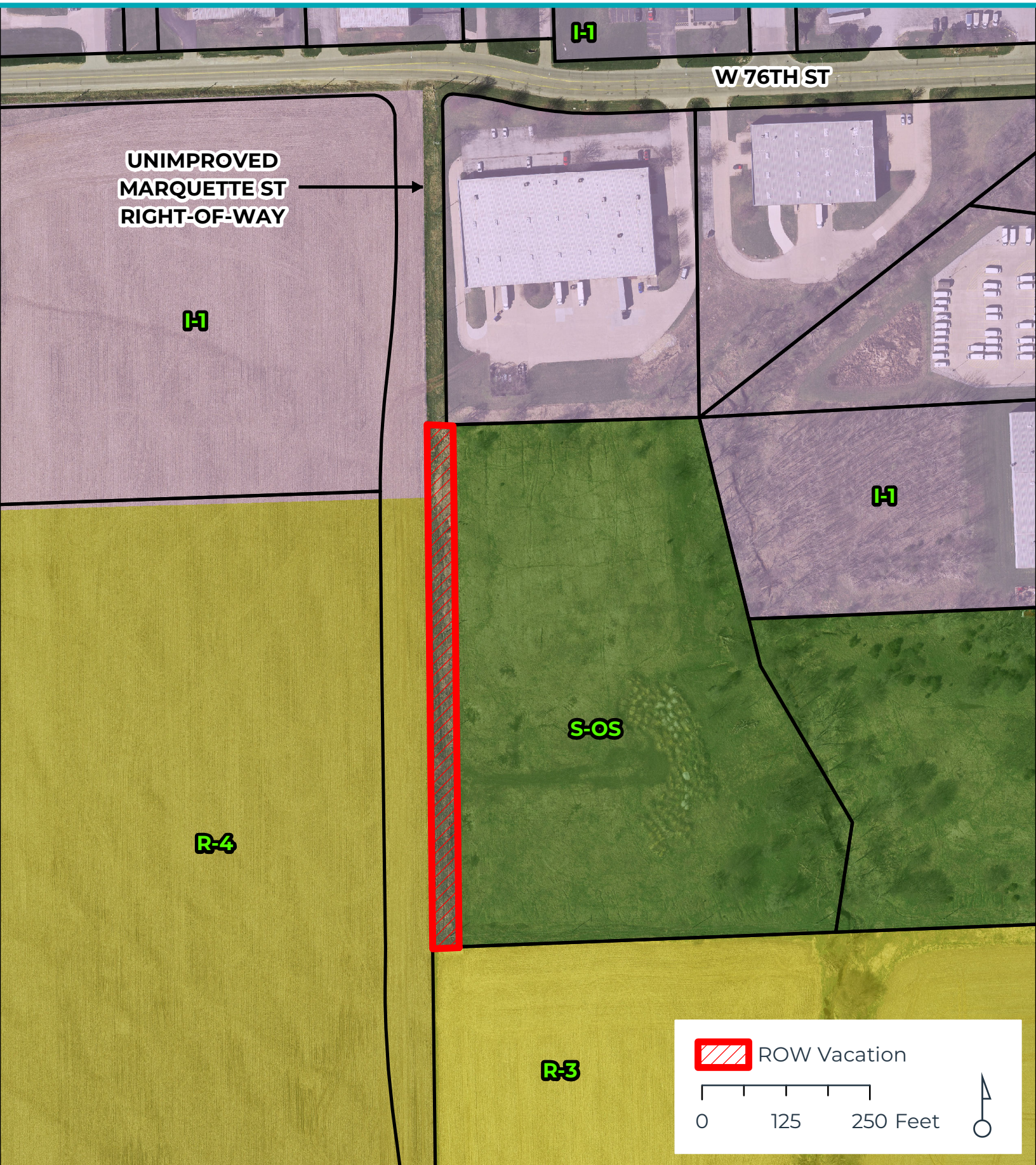
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



THE CITY OF DAVENPORT
IOWA | USA

Zoning Map | Right-Of-Way Vacation

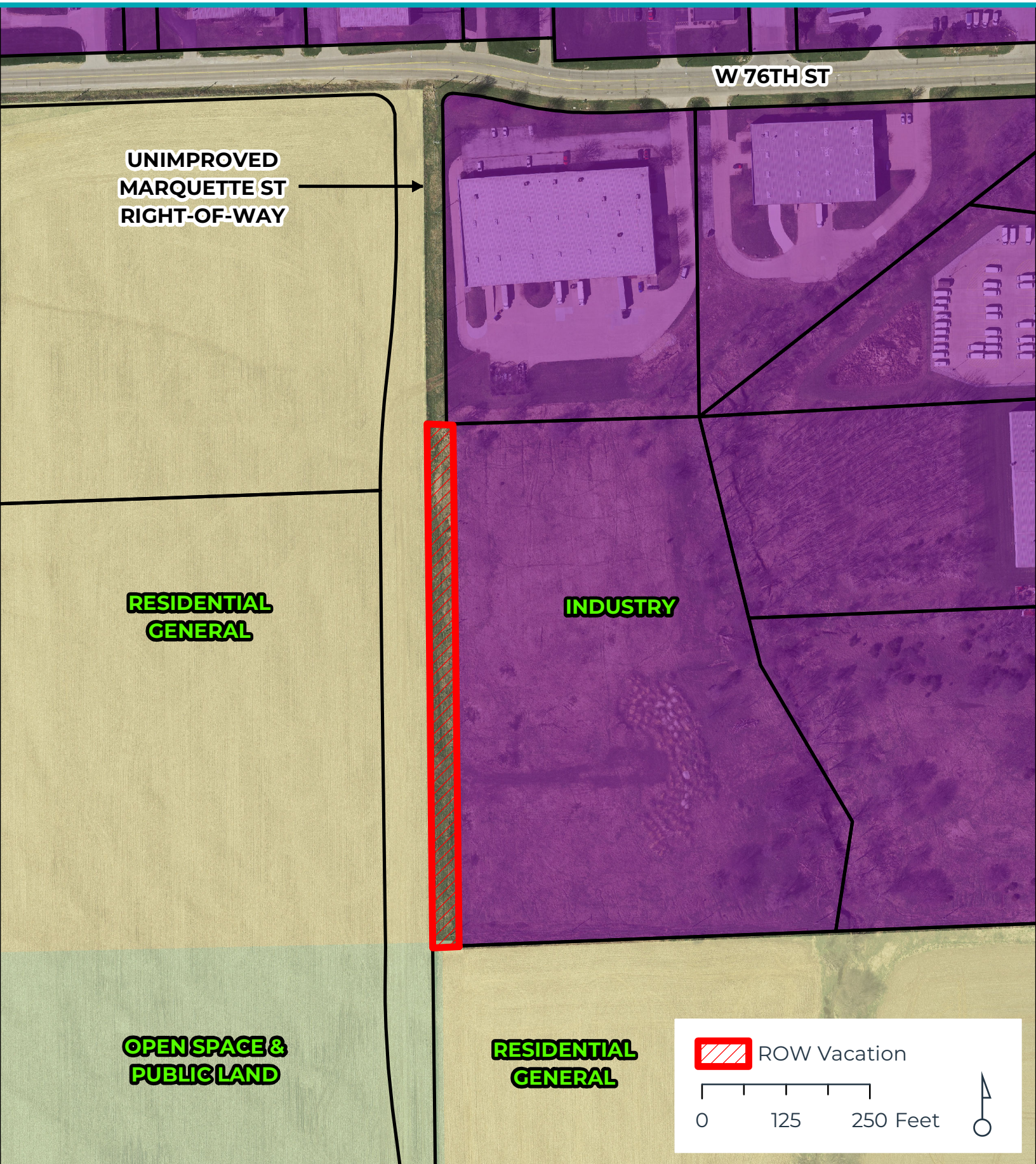
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



THE CITY OF DAVENPORT
IOWA | USA

Future Land Use Map | Right-Of-Way Vacation

Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Committee of the Whole

To: All property owners within 200 feet of the portion of unimproved Marquette Street right-of-way, located south of West 76th Street.

Committee of the Whole Public Hearing Meeting
Date: 2/21/2024 Time: 5:30 PM Location: Council Chambers | City Hall | 226 W. 4th ST.

What is this About?
This notice is being sent to inform you that a public hearing will be held for a request to vacate right-of-way. The City, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of West 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible.

Request/Case Description
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

At its February 6, 2024 meeting, the Plan and Zoning Commission recommended Case ROW24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings:
1. The existing public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Conditions:
1. All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. That a 20-foot multi-use trail easement shall be established on the western boundary of the land to be vacated.

What are the Next Steps?
The public hearing on the above matter is scheduled for 5:30pm or as soon thereafter on Wednesday, February 21, 2024 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

Would You Like to Submit an Official Comment?
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.

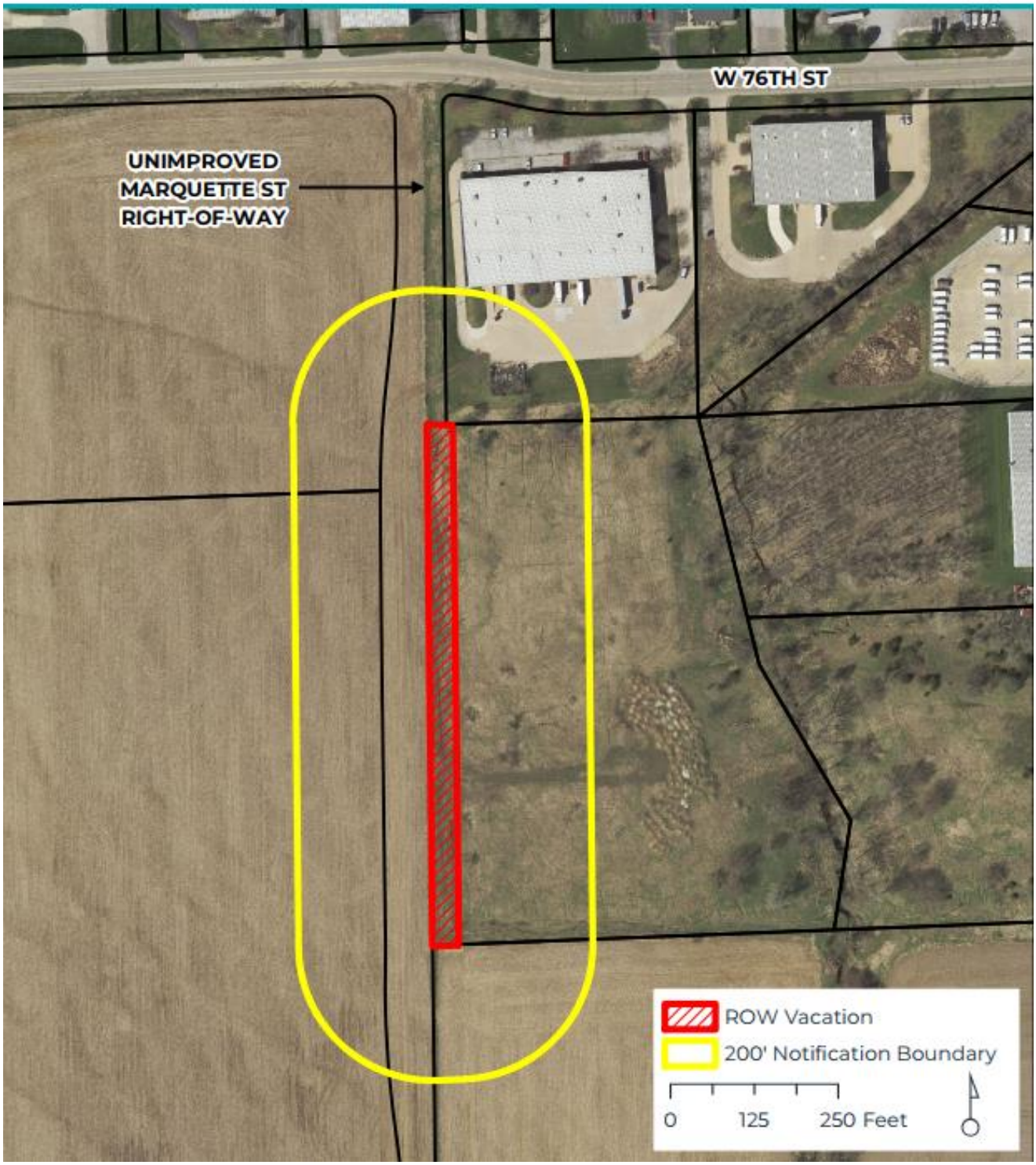
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

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

THE CITY OF DAVENPORT
IOWA | USA

Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



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

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 1/16/2024
Time: 5 PM

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

To: All property owners within 200 feet of the portion of unimproved Marquette Street right-of-way, located south of West 76th Street.

What is this About?
This notice is being sent to inform you that a public hearing will be held for a request to vacate right-of-way. The City, on behalf of the Waste Commission of Scott County, is petitioning that a portion of unimproved Marquette Street south of West 76th Street be vacated. The subject land is part of the landfill that was decommissioned in the 1970s. Due to the restrictions on how this area is treated, the construction of a road and installation of underground utilities is infeasible.

Request/Case Description
Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way located south of West 76th Street. [Ward 8]

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 16, 2024. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on February 6, 2024. 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. The City Council will ultimately decide if the property is no longer needed for City purposes, and is eligible for vacation. At that point, the City Attorney's office will negotiate with adjacent property owners to determine the appropriate way to convey the property, and possibly, purchase price. 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.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": http://www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

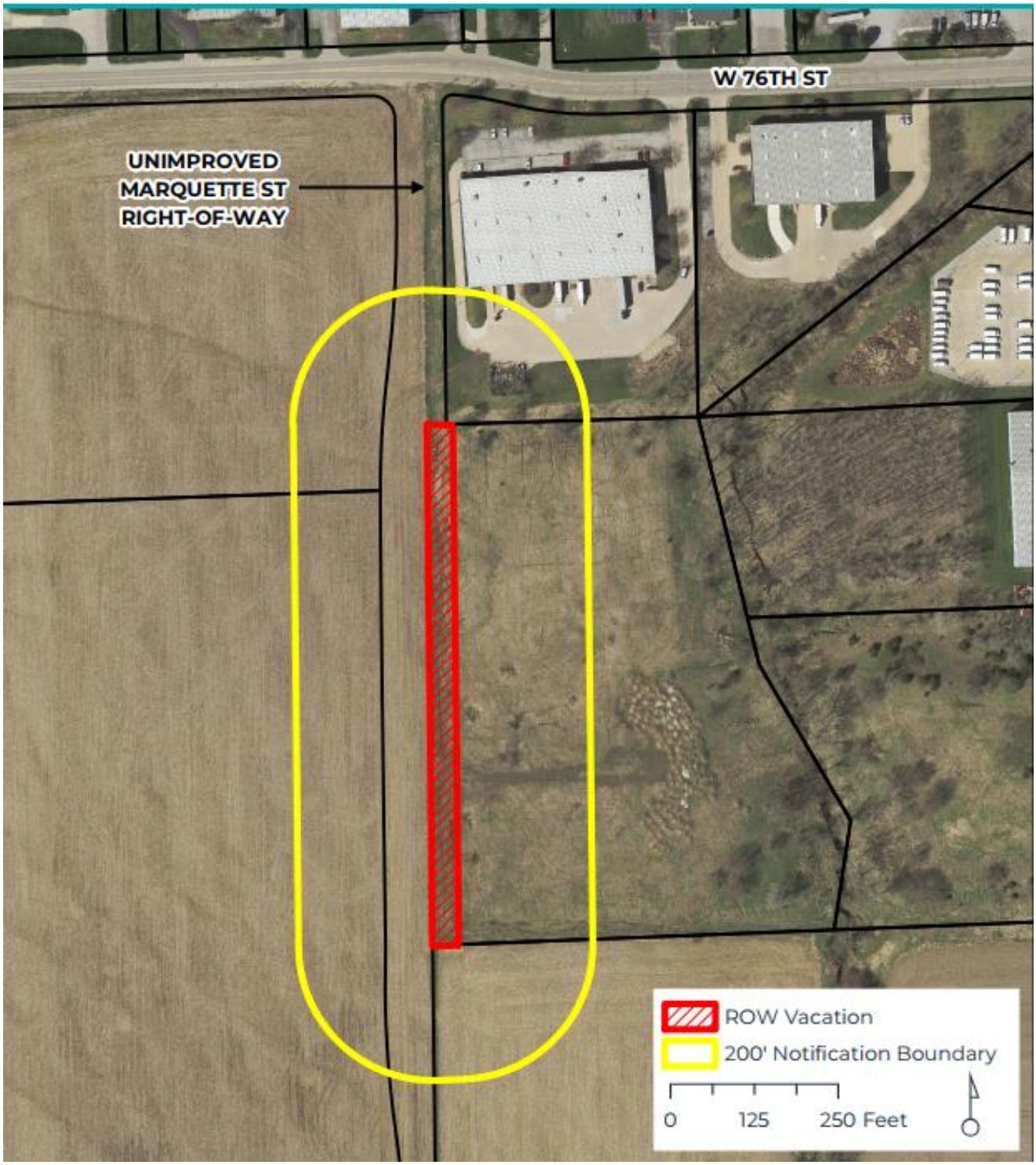
Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos 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.

THE CITY OF DAVENPORT
IOWA | USA

Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-01: Request of the City of Davenport to vacate a portion of unimproved Marquette Street right-of-way, south of West 76th Street. [Ward 8]



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

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/28/2024**

Subject:
First Consideration: Ordinance for Case REZ24-01 being the request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and establish a Planned Unit Development in accordance with the submitted Preliminary Plan. [Ward 5]

Recommendation:
Adopt the Ordinance.

Background:
The City of Davenport is requesting a rezoning to C-T Commercial Transitional District and Planned Unit Development. The purpose is to identify an adaptive reuse and to preserve the historic structures at the Annie Wittenmyer Campus.

At its February 6, 2024 meeting, the Plan and Zoning Commission recommended Case REZ24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Zoning Map Amendment Findings

1. The zoning map amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with existing on-site uses and the zoning of nearby developed property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment will not negatively impact the public health, safety, and welfare of the City.
5. The zoning map amendment facilitates the adaptive redevelopment of a national and local historic landmark.
6. The nonconformities created by the zoning map amendment will be mitigated through the planned unit development process.

Planned Unit Development Findings

1. The preliminary development plan provides a public benefit to the City.
2. The proposed preliminary plan meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. A traffic study is not required.
5. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

The staff report from the February 6, 2024 Plan and Zoning Commission meeting is attached.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Staff Report- P&Z 2-6-24
🗋	Backup Material	Application
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Planned Unit Development Preliminary Plan
🗋	Backup Material	Planned Unit Development Narrative
🗋	Backup Material	Summary of Land Uses at Annie Wittenmyer Complex
🗋	Backup Material	COW Public Hearing Notice
🗋	Backup Material	P&Z Public Hearing and Neighborhood Meeting Notice
🗋	Backup Material	Neighborhood Meeting Attendance List
🗋	Backup Material	Public Comments

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/14/2024 - 11:35 AM

ORDINANCE NO. 2024-

AN ORDINANCE FOR CASE REZ24-01 BEING THE REQUEST OF THE CITY OF DAVENPORT TO REZONE APPROXIMATELY 31.9 ACRES OF LAND AT 2800 EASTERN AVENUE FROM S-IC INSTITUTIONAL CAMPUS DISTRICT TO C-T COMMERCIAL TRANSITIONAL DISTRICT AND ESTABLISH A PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH THE SUBMITTED PRELIMINARY PLAN.

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-T Commercial Transitional District." A Planned Unit Development is established in accordance with the submitted Preliminary Plan.

Part of the E14 of Section 24, Township 78 North, Range 3 East of the 5th P.M., being more particularly described as follows: Commencing at the SE. comer of the N.R W of said Section 24; thence East 30.0 ft. along the South line of the N.E. 14 of said Section 24 to the point of beginning; thence S00° 44'W 602.14 ft. to the point of intersection of the West R.O.W. line of Eastern Avenue with the Northeasterly R.O.W. line of the CM & St. P. Railroad; thence Northwesterly 128.89 ft. along the Northeasterly R.O.W. line of said Railroad being a curve concave southwesterly with a radius of 3870,0 ft. and having a long chord bearing N. 46° 52'W; thence N. 47° 50'W 454.00 ft. along said Railroad R.O.W, line; thence Northwesterly 526.28 ft. along said Railroad R.O.W. being a curve concave Northeasterly with a radius of 1587.14 ft. and having a long chord bearing N. 38y 20'W 523.91 ft.; thence Northerly 1146.95 ft along said Railroad R.O.W. being a curve concave Northeasterly with a radius of 2084,16 ft, having a long chord bearing N. 13° 04TW 1132.62 ft. to a point on the South R.O.W. line of 29th St.; thence S.890 57'E. 1101,03 ft. along the said South line of 29th St; thence Southerly 31,58 ft. along a curve concave Westerly with a radius of 20.0 ft. to a point on the Westerly line of Eastern Ave.; thence S00° 31'W 1284.30 ft. along the West line of Eastern Ave, to the point of beginning containing 31,90 acres more or less. Commonly known as 2800 Eastern Avenue.

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

Zoning Map Amendment Findings:

1. The zoning map amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with existing on-site uses and the zoning of nearby developed property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment will not negatively impact the public health, safety, and welfare of the City.
5. The zoning map amendment facilitates the adaptive redevelopment of a national and local historic landmark.
6. The nonconformities created by the zoning map amendment will be mitigated through the planned unit development process.

Planned Unit Development Findings:

1. The preliminary development plan provides a public benefit to the City.
2. The proposed preliminary plan meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. A traffic study is not required.
5. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

Section 3. At its February 6, 2024 meeting, the City Plan and Zoning Commission voted to forward Case REZ24-01 to the City Council with a recommendation for approval subject to the listed zoning map amendment and planned unit development findings.

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 _____

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services **Date**
Contact Info: Matt Werderitch 563.888.2221 **2/6/2024**

Subject:
Case REZ24-01: Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and establish a Planned Unit Development in accordance with the submitted Preliminary Plan. [Ward 5]

Recommendation:
Staff recommend Case REZ24-01 be forwarded to the City Council with a recommendation for approval, subject to the following findings.

Zoning Map Amendment Findings:

1. The zoning map amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with existing on-site uses and the zoning of nearby developed property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment will not negatively impact the public health, safety, and welfare of the City.
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Planned Unit Development Findings:

1. The preliminary development plan provides a public benefit to the City.
2. The proposed preliminary plan meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. A traffic study is not required.
5. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

Background:
Background:
The City of Davenport is requesting a rezoning to C-T Commercial Transitional District and Planned Unit Development. The purpose is to identify an adaptive reuse and to preserve the historic structures at the Annie Wittenmyer Campus.

Why is a Zoning Map Amendment Required?
Since the City is positioning the Annie Wittenmyer Campus for private redevelopment, the allowed uses in the S-IC Institutional Campus District limits adaptive reuse of the property. The C-T Commercial Transitional District was identified as the most appropriate zoning classification to enable residential development while concurrently ensuring the existing social services tenants can continue to operate. The C-T District is the least intense commercial district, which allows for mixed-uses that are sympathetic to existing adjacent neighborhoods.

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

Future Land Use Designations:
The property is designated as Civic and Institutional in the Davenport +2035 Future Land Use Map.

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

Zoning:
The applicant is proposing a rezoning from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development.

1. **S-IC Institutional Campus District**: This district is 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
2. **C-T Commercial Transitional District**: This district is intended to accommodate low intensity limited office, service, and retail uses that may serve as a transition between residential areas and more intensely developed commercial or light industrial areas of the City. Low intensity mixed-use is allowed.

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 as Civic and Institutional in the Davenport +2035 Land Use Plan. This designation is reserved for major governmental or non-profit

developments located outside the downtown. The proposed planned unit development will continue to provide a public benefit to the community through the addition of housing, social services, the city's retention of the aquatic center, and the preservation of a local landmark.

The established Annie Wittenmyer Complex will maintain its existing characteristics in terms of land use mix, while also converting historic structures into senior and affordable housing.

Rezoning the property to C-T Commercial Transitional District does not require an amendment to the Future Land Use Map. Many of the existing uses on the property will continue to operate in a similar manner, including the numerous non-profit organizations and the city-owned aquatic center. Maintaining the existing land use designation will protect the institutional uses on the site.

It is staff's opinion the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.

b. The compatibility with the zoning of nearby property.

Staff Response: The following zoning districts abut the Annie Wittenmyer Complex:

- North: S-OS Open Space District
- South: S-IC Institutional Campus District | C-1 Neighborhood Commercial District
- East: S-OS Open Space District | C-T Commercial Transitional District | R-4C Single-Family & Two-Family Central Residential District | R-MF Multi-Family Residential District
- West: R-4C Single-Family & Two-Family Central Residential District

The C-T Commercial Transitional District was identified as the most appropriate zoning classification due to its ability to accommodate office, social services, residential, and recreational uses. This is also the lowest intensity commercial zoning classification in Davenport. Permitted uses in the C-T District have minimal, if any, outside impacts on adjacent properties. In addition, the commercial district dimensional standards are intended to protect residential neighborhoods by imposing more restrictive building heights and setbacks than Davenport's other commercial districts.

There is also an abutting 3.6-acre property at 2805 Eastern Avenue zoned C-T Commercial Transitional District. The property is currently developed as a multi-tenant office and retail center. Rezoning the Annie Wittenmyer Complex will create compatibility with an already established district.

Due to the close proximity of nearby property zoned C-T Commercial Transitional District and the substantial size of the site, it is staff's opinion the proposed zoning amendment is not considered spot zoning. The request is compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: Given the history of the property as both a Civil War training camp and children's orphanage, the Annie Wittenmyer Complex has a character that is truly unique. Many structures on the campus were built pre-1900 and are in a state of deterioration. To address these challenges, the City of Davenport approved a conditional purchase agreement with a developer whom has experience in historic preservation. The rezoning to C-T Commercial Transitional District, along with the Planned Unit Development, are intended to accommodate adaptive reuse of the property in

a manner that is sympathetic to the historic campus and the surrounding neighborhoods.

The subject property is surrounded by open space in the form of Eastern Avenue Park to the north and Oakdale Cemetery to the east. The preliminary plan submitted by the developer includes preservation of the green space at the northwest corner of the property. This area contains floodplain and will remain undeveloped. In addition, the master planned campus will be preserved under this proposal. Due to the historic nature of the site, no new buildings are proposed.

While the developer does not intend to construct new buildings, it should be noted that the C-T Commercial Transitional District has dimensional standards that mitigate impacts on surrounding residential properties. The maximum district height is 35 feet, which is the same as Davenport's R-4C Single-Family & Two-Family Central Residential District. Interior and rear setbacks are also increased in the C-T District when abutting a residential district. However, the existing railroad tracks will continue to serve as a barrier between the campus and the adjacent neighborhood to the west.

If the property were to be redeveloped, the current Zoning Ordinance contains design standards that ensure compatibility with the neighborhood character. The standards require facades to incorporate a unifying architectural theme, including windows, prominent entrances, projections, and quality building materials. In addition, the Annie Wittenmyer Complex is a local landmark. Therefore, any exterior alterations to the buildings or site improvements will require approval from the Historic Preservation Commission.

It is staff's opinion the proposed zoning district and the planned unit development will ensure compatibility 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: City staff evaluated the preliminary plan and proposed uses for impacts on the regional transportation network. The site plan shows three access points onto Eastern Avenue, a minor arterial, and one access drive onto East 29th Street, a collector. From a cursory look at the proposed site plan, it appears like the development may generate an extra 200 trips per day, which may equate to approximately 20 trips during the peak hours. Since these trips will be divided among four different access locations, no traffic disruptions are expected, and a traffic study will not be needed.

Rezoning the property to create multi-family dwellings will not be detrimental to the surrounding area, which currently has a mixture of housing types. No new structures are proposed in the preliminary plan. Instead, existing buildings will be retrofitted for new residential uses and amenities. The density of housing is limited to the existing square footage within each historic structure. Any deviation from the approved plan will require an amendment to the planned unit development, which is an action item at City Council.

Residents have expressed both support and opposition for the proposed housing mix, which includes senior, affordable, and market-rate units. It should be noted that the Zoning Ordinance does not regulate price points or owner occupancy of dwelling units.

It is staff’s opinion that the proposed zoning map amendment will not negatively impact 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: The Annie Wittenmyer campus includes roughly 32 acres in the 2800 block of Eastern Avenue. Many of the structures are from the 1800s when the property was built as an orphanage coming out of the Civil War era. In the 1950s, it was converted primarily for use in behavioral services and counseling for youth. The property was acquired by the City in the 1970s when the facility closed as funding was no longer sufficient to fund operations.

Since then, nonprofit operations (such as Family Resources) and Junior Theatre began using portions of the campus. The City converted outdoor fields to the current Aquatic Center on the north side of the campus; however, many of the buildings have sat vacant or been underused over the past decades. Lease revenue has been insufficient for routine maintenance and, as a result, the campus has suffered significant deferred maintenance.

Last year, a developer team (including Chris Ales) indicated interest in the site and began working on a concept plan that would preserve the historic buildings on the campus. Ales has substantial experience in completing historic redevelopment projects including several in Davenport. Their plan would be to convert many of the structures to affordable rental housing, including 52 units for seniors and 47 units for families. None of the structures on campus would be demolished per his plan.

To accomplish this, the property requires a rezoning to C-T Commercial Transitional District as the current zoning classification does not allow housing. The S-IC Institutional Campus District is no longer appropriate as ownership of the property will be transferred from the City to a private developer (with the exception of the aquatic center). Over the coming months, the Developer will work with existing tenants and the anticipated timeline of redevelopment.

It is staff's opinion that the present zoning district impedes the feasibility of redeveloping the historic Annie Wittenmyer Complex.

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

Staff Response: The existing 32-acre triangular property far exceeds the minimum lot area requirement of 10,000 square feet and lot width requirement of 60 feet. However, staff has identified several nonconformities that will be created if the site is rezoned to C-T Commercial Transitional District. The dimensional and use nonconformities include:

1. The C-T Commercial Transitional District has a minimum front build-to-zone of 0-20 feet. Since the aquatic center facility has a substantial setback from East 29th Street, this requirement is considered legal nonconforming.
2. There is a minimum corner build-to-zone of 0-15 feet. A minimum of 60% of a structure must be located within this zone. While buildings C, D, and the Davenport Junior Theater Building abut Eastern Avenue, none are within the corner build-to-zone. Therefore, the property is considered legal nonconforming to this standard.
3. While architectural plans are not available, staff believe the three-story administration building and chapel bell tower may exceed the district height requirement of 35 feet.
4. While the historic structures on the campus were built with quality materials, there may be

deficiencies in meeting the Commercial District Design Standards outlined in Table 17.05-2 of the Zoning Ordinance. Davenport's code was adopted in 2019 to address modern development practices, rather than pre-1900s construction. The flexibility in the planned unit development will enable preservation of the architectural facades while addressing nonconformities.

5. The existing social services offered at the property will be allowed to continue operation, despite not being traditionally permitted in the C-T Commercial Transitional District.

Planned unit developments are a special approval intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations. Exceptions from district regulations may be granted for planned unit developments, if the exceptions:

1. Enhance the overall merit of the planned unit development.
2. Promote the objectives of both the City and the development.
3. Enhance the quality of the design of the structures and the site plan.
4. Will not cause excessive adverse impact.
5. Are compatible with adopted City land use policies.
6. Provide a public benefit to the City.

Staff believe the preliminary plan satisfies the criteria outlined in Section 17.14.080.D.2. of the Zoning Ordinance for granting an exception to the C-T Commercial Transitional District dimensional, design, and use standards. The degree of nonconformities will have minimal impact, if any, on surrounding land uses. Instead, the planned unit development process will facilitate the adaptive reuse of a historic district.

Any redevelopment of the site shall be in accordance with applicable city codes and meet the standards of the C-T Commercial Transitional District and the approved final development plan.

It is staff's opinion the nonconformities created by the proposed amendment will be mitigated through the planned unit development process.

Planned Unit Development:

Planned Unit Developments (PUD) are a special approval intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the City.

Through the flexibility of the planned unit development technique, a PUD is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.

6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
7. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

A planned unit development is subject to the underlying district regulations, including use, unless an exception is specifically granted. The Plan and Zoning Commission may recommend and the City Council may grant exceptions to the zoning district regulations, including use, for a planned unit development.

The underlying zoning district regulations, including use, apply unless an exception is granted as part of the planned unit development approval. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the City.

Preliminary Plan:
A site plan has been provided as the preliminary development plan associated with the rezoning request. The City owned and operated Annie Wittenmyer Aquatic Center will continue without interruption. The chapel currently used by Junior Theatre will remain. In addition, the City has the option of leasing additional cottages for classroom space. Building A, C, D, G-M, O and P are proposed as residential. In total there are approximately 99 proposed residential dwelling units.

Additional building uses include residential amenities and social services. No new buildings are being proposed, and no demolitions are proposed (save for two which have already commenced with HPC approval). Additional parking areas are generally located in previously developed areas. The functional general circulation of pedestrians and vehicles throughout the campus will not change other than the addition of a few new parking areas.

Local & National Historic Landmark:
The Iowa Soldiers' Orphan's Home Historic District (Annie Wittenmyer Complex) is both a locally and nationally designated landmark. The Historic Preservation Commission will retain review authority over proposed exterior and site alterations following the proposed rezoning and planned unit development. The National Register of Historic Places Inventory-Nomination Form and statement of significance can be accessed at the following link: https://catalog.archives.gov/id/75340094

Davenport Junior Theatre:
In the next several months, the Developer will communicate the anticipated development timeline to existing tenants. In particular, the Junior Theatre Program will continue, either on-site or at a new location. Staff has begun to explore a potential partnership with the Davenport Community School District. The developer has offered to allow the City to lease (for $1) and potentially buy-back (for $1) the current Theatre building if more time is needed. The City recognizes the value the theatre program brings to the community and is committed to its long term success.

Technical Review:
City Departments reviewed the proposed Zoning Map Amendment Application for compliance with City ordinances and impacts to regional systems.

Public Input:
Letters were sent to property owners within 200 feet of the proposed request notifying them of the

January 11, 2024 neighborhood meeting and the January 16, 2024 Plan and Zoning Commission Public Hearing.

Approximately thirty members of the public attended the neighborhood meeting. City staff, the potential developer, and elected officials were also in attendance to answer questions and facilitate discussion. Comments were generally related to the following items:

- Concerns over the future of Davenport Junior Theatre.
- The ability to safely convert historic structures into quality affordable housing.
- Redevelopment should be sympathetic to the historic character of the local landmark.
- Housing types: affordable, senior, market-rate.
- Density and number of residential dwelling units.
- Increases in traffic through local residential neighborhoods.
- Opposition to additional housing units.
- Impacts on local property values and tax base.
- Impacts the adaptive reuse may have on existing neighborhoods.
- Ownership of the campus following redevelopment.

To date, staff have received several responses from the public, both in favor and in opposition to the request. Written comments received as of February 2nd at 1pm, are attached.

Staff will apprise the Commission of any additional correspondence at the February 6, 2024 Plan and Zoning Commission meeting.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Application
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Planned Unit Development Preliminary Plan
🗋	Backup Material	Planned Unit Development Narrative
🗋	Backup Material	Summary of Land Uses at Annie Wittenmyer Complex
🗋	Backup Material	Public Hearing & Neighborhood Meeting Notice
🗋	Backup Material	Neighborhood Meeting Attendance List
🗋	Backup Material	Public Comments

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/1/2024 - 10:57 AM

CITY OF DAVENPORT
Development & Neighborhood Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

PLANNED UNIT DEVELOPMENT

AND SUBSTANTIAL PUBLIC BENEFIT

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

BRIEFLY DESCRIBE THE PROJECT AND PUBLIC BENEFIT

APPLICANT INFORMATION

Applicant Name

Address

City | State | Zip

Phone

Secondary Phone

E-Mail Address

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.

Type Applicant's Name

Applicant's Signature

Date

DEVELOPMENT TEAM

Property Owner

Address

Phone | Secondary Phone

E-Mail Address

Project Manager/Other

Address

Phone | Secondary Phone

E-Mail Address

COMPLETE SUBMITTALS SHALL INCLUDE: ***SUBMITTED***

Detailed PUD Narrative and Concept Plan*
*Must address **ALL** Sections of 17.14.080

Authorization to Act as Applicant*
*only needed if the Applicant is different than the owner

Application Fee* $1,000 over 1 acre or $250 ≤ 1 acre
* (check payable to 'City of Davenport')

Narrative & Concept Plan shall address:

17.14.080.A.1. to A.7. Purpose

17.14.080.D.1. Exceptions from Regulations

17.14.080.D.2.a. to D.2.f. Exceptions

17.14.080.D.3.a. to D.3.h. Substantial Benefits

17.14.080.E.2.d. Prelim. Plan Approval Standards

17.14.080.E.3.a. Final Plan Conditions

17.14.080.E.2.d. PUD Approval Standards

The recommendation of the Plan and Zoning Commission and decision of the City Council must make a finding that the following standards for a planned unit development have generally been met:

i. The proposed planned unit development meets the purpose of a planned unit development including provision of a substantial public benefit.

ii. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.

iii. There is provision for adequate utilities and infrastructure, drainage, off-street parking & loading, pedestrian access, and all other necessary facilities.

iv. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. A traffic study may be required to provide evidence that the circulation system is adequate.

v. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

Submit the first two pages of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.

THE CITY OF DAVENPORT
IOWA | USA

Vicinity Map | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



THE CITY OF DAVENPORT
IOWA | USA

Zoning Map | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



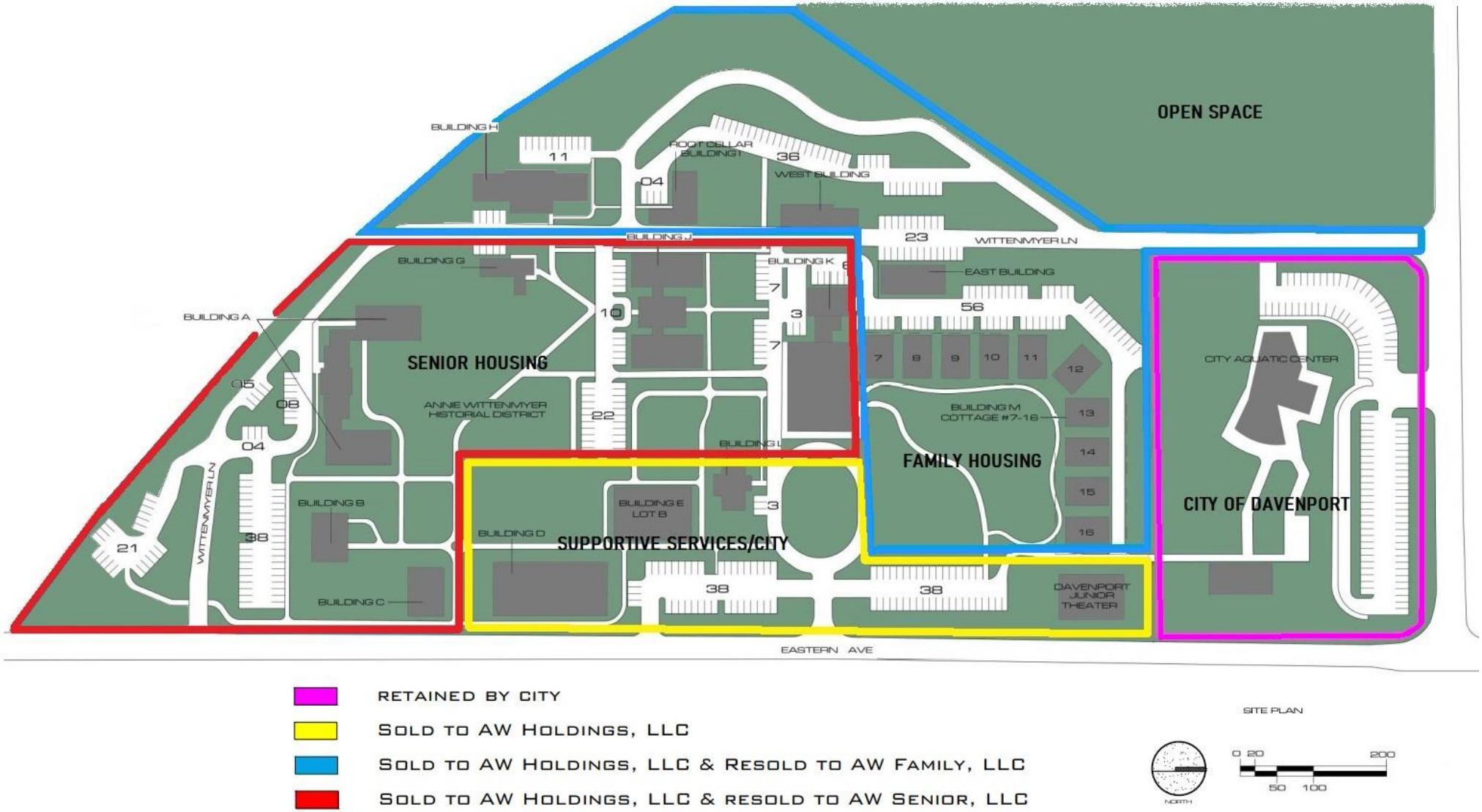
THE CITY OF DAVENPORT
IOWA | USA

Future Land Use Map | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAN
ANNIE WITTENMYER COMPLEX – 2800 EASTERN AVENUE



RETAINED BY CITY

SOLD TO AW HOLDINGS, LLC

SOLD TO AW HOLDINGS, LLC & RESOLD TO AW FAMILY, LLC

SOLD TO AW HOLDINGS, LLC & RESOLD TO AW SENIOR, LLC

SITE PLAN

NORTH

0 20 50 100 200

Planned Unit Development

Purpose:

This application is to rezone the Annie Wittenmyer campus, which is comprised of approximately 30 acres of land at 2800 Eastern Avenue, from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development (PUD). The City of Davenport is petitioning the rezoning request to achieve the following objectives:

- As a campus with 27 buildings of varying sizes and past uses, a rezoning to C-T District provides flexibility to convert 20 structures into housing units. The Planned Unit Development encourages the adaptive reuse of campus structures with compatible land uses that may not be traditionally permitted within the C-T District.
- The remaining buildings would be available to support the housing use (i.e., fitness center and community center) or use by nonprofits for community benefit. The site plan would become part of the rezoning to truly reflect the uniqueness of this historic campus.
- The plan includes maintaining community amenities, preservation of historic features, open space preservation, adaptive reuse of buildings and affordable housing.

To best position the campus for future redevelopment, the city intends to sell the land south of the Annie Wittenmyer Aquatic Center to a private developer with experience in historic preservation. Since the land would no longer be city-owned in its entirety, the existing S-IC Institutional Campus Zoning District is no longer appropriate as residential units are not permitted under this designation.

The request to rezone the property to a Planned Unit Development offers flexibility to maintain existing uses, provides amenities to future housing, ensures the property can be maintained as a cohesive campus, and preserves the rich historic character of this Local Landmark. Development under standard zoning parameters would render adaptive re-use of historic resources infeasible. There is also added assurance that a Planned Unit Development provides more specific uses for the campus and allows for City review of any proposed changes to the plan in the future.

Site Plan Overview:

A site plan has been provided as the preliminary development plan associated with the rezoning request. The city owned and operated Annie Wittenmyer Aquatic Center will continue without interruption. The chapel currently used by Junior Theater will remain. In addition, the city has the option of leasing additional cottages for classroom space. Building A, C, D, G-M, O and P are planned for housing. In total there are 99 proposed residential dwelling units.

Additional building uses include a residential amenity center, fitness center, and social services. No new buildings are being proposed, and no demolitions are proposed (save for two which have already commenced with Historic Preservation Commission approval). Additional parking spaces are generally located in previously developed areas. The functional general circulation of pedestrians and vehicles throughout the campus will not change other than the addition of a few new parking areas.

Affordable Housing:
The city anticipates the conversion of existing structures into residential units with the assistance of Low-Income Housing Tax Credits. This funding source, administered through the State of Iowa, has specific requirements related to the income levels of those living in the residential units. This ensures a certain number of units will be available as affordable housing.

Local & National Historic Landmark:
The Iowa Soldiers' Orphan's Home Historic District (Annie Wittenmyer Complex) is both a locally and nationally designated landmark. While the history of this area is extensive, a brief summary of its significance is been provided here.

The grounds for the Orphans' Home were developed over 15 decades beginning with the establishment of the Civil War Camp Roberts/Camp Kinsman and shifted into various orphanage uses by 1865. The campus's significance is due to several factors. It is associated with an important social welfare effort – a state-operated orphanage for the children of Civil War veterans and indigent families.

This is the first statewide orphanage to open in the country in the post-war period. Annie Wittenmyer, the founder and first matron, became a national figure serving as a major promoter of orphans' homes. The orphanage also pioneered progressive child welfare initiatives including the Cottage System of orphanage operation, an early foster care placement program, and one of Iowa's first Montessori nursery school programs.

The residential cottages are examples of simplified Queen Anne Style while the larger buildings are designed in the Romanesque Revival, Colonial Revival and PWA Moderne Styles. There are also examples of English Period Cottages. In addition, the complex contains archeological significance dating from the early to middle Woodland Period (800 BC – 400 AD).

Davenport's Historic Preservation Commission will retain review authority over proposed exterior and site alterations following the proposed rezoning and planned unit development. The city anticipates that the developer will utilize both state and federal historic preservation tax credits to help finance the project. This provides an additional level of oversight regarding historic preservation of the campus.

Conclusion:
The overall exceptions in the uses applied in a Planned Unit Development help enhance the merit of the project. The development will help promote the City's objectives and provide several public benefits by enabling adaptive reuse of facilities better suited for residential; providing additional affordable housing, ensuring historic preservation, and maintaining open space.

Summary of Land Uses at Annie Wittenmyer Site

BUILDINGS		
	Existing Use	**Proposed Use**
Building A	Family Resources	Residential (8) units and social services
Building B	Parks Department	Fitness Center
Building C	Vacant	Residential (4) units
Building D	Community Action	Residential (12) units
Building E	Family Resources	Social Services
Building F	Vacant	Ongoing demolision - approved by HPC
Building G	Tapestry Farms	Residential (2) units
Building H	Vacant	Residential (10) units
Building I		Residential (4) units
Building J	Vacant	Residential Amenities
Building K	Vacant	Residential (25) units
Building L	Community Action	Residential (2) units
Building M (Cottages 7-16)	Cottages 7-16 and Junior Theater uses	Residential (20) units
Building N (Chapel)	Junior Theater	Theater
Building O (West Building)	Storage (Park Department)	Residential (4) units
Building P (East Building)	Carpentry Shop (Park & Rec)	Residential (8) units
Building Q (Pool House)	Pool House	Pool House
Building R (Aquatic Center)	Aquatic Center	Aquatic Center
Building S (garage)	Storage	Ongoing demolition - emergency HPC approval
Total Residential Units		**99**

PARKING AREAS		
	Existing Spaces (#)	**Proposed Spaces (#)**
Parking Area 1 (Aquatic Center)	90	102
Parking Area 2 (new)	n/a	23
Parking Area 3	56	56
Parking Area 4 (Junior Theater)	35	38
Parking Area 5	50	36
Parking Area 6	7	6
Parking Area 7	5	7
Parking Area 8 (new)	n/a	3
Parking Area 9 (new)	n/a	7
Parking Area 10 (new)	n/a	3
Parking Area 11	39	38
Parking Area 12 (new)	n/a	4
Parking Area 13 (new)	n/a	11
Parking Area 14	2	10
Parking Area 15 (new)	n/a	10
Parking Area 16 (new)	n/a	22
Parking Area 17	5	5
Parking Area 18	9	8
Parking Area 19	3	4
Parking Area 20	37	38
Parking Area 21	20	21
Total Parking Spaces	**358**	**452**

DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | COMMITTEE OF THE WHOLE

To: All property owners within 200 feet of the subject property located at 2800 Eastern Avenue

Committee of the Whole Public Hearing Meeting
Date: 2/21/2024 Time: 5:30 PM Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?
This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The subject property is currently zoned S-IC Institutional Campus District. The City of Davenport is requesting a rezoning to C-T Commercial Transitional District and Planned Unit Development. The purpose is to identify an adaptive reuse and preserve the historic structures at the Annie Wittenmyer Campus.

Request/Case Description
Case REZ24-01: Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and establish a Planned Unit Development in accordance with the submitted Preliminary Plan. [Ward 5]

At its February 6, 2024 meeting, the Plan and Zoning Commission recommended Case REZ24-01 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Zoning Map Amendment Findings:

1. The zoning map amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed zoning map amendment to C-T Commercial Transitional District is compatible with existing on-site uses and the zoning of nearby developed property.
3. The rezoning request is compatible with the established neighborhood character.
4. The proposed amendment will not negatively impact the public health, safety, and welfare of the City.
5. The zoning map amendment facilitates the adaptive redevelopment of a national and local historic landmark.
6. The nonconformities created by the zoning map amendment will be mitigated through the planned unit development process.

Planned Unit Development Findings:

1. The preliminary development plan provides a public benefit to the City.
2. The proposed preliminary plan meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. A traffic study is not required.
5. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

What are the Next Steps?
The public hearing on the above matter is scheduled for 5:30pm or as soon thereafter on Wednesday, February 21, 2024 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa.

Would You Like to Submit an Official Comment?
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.

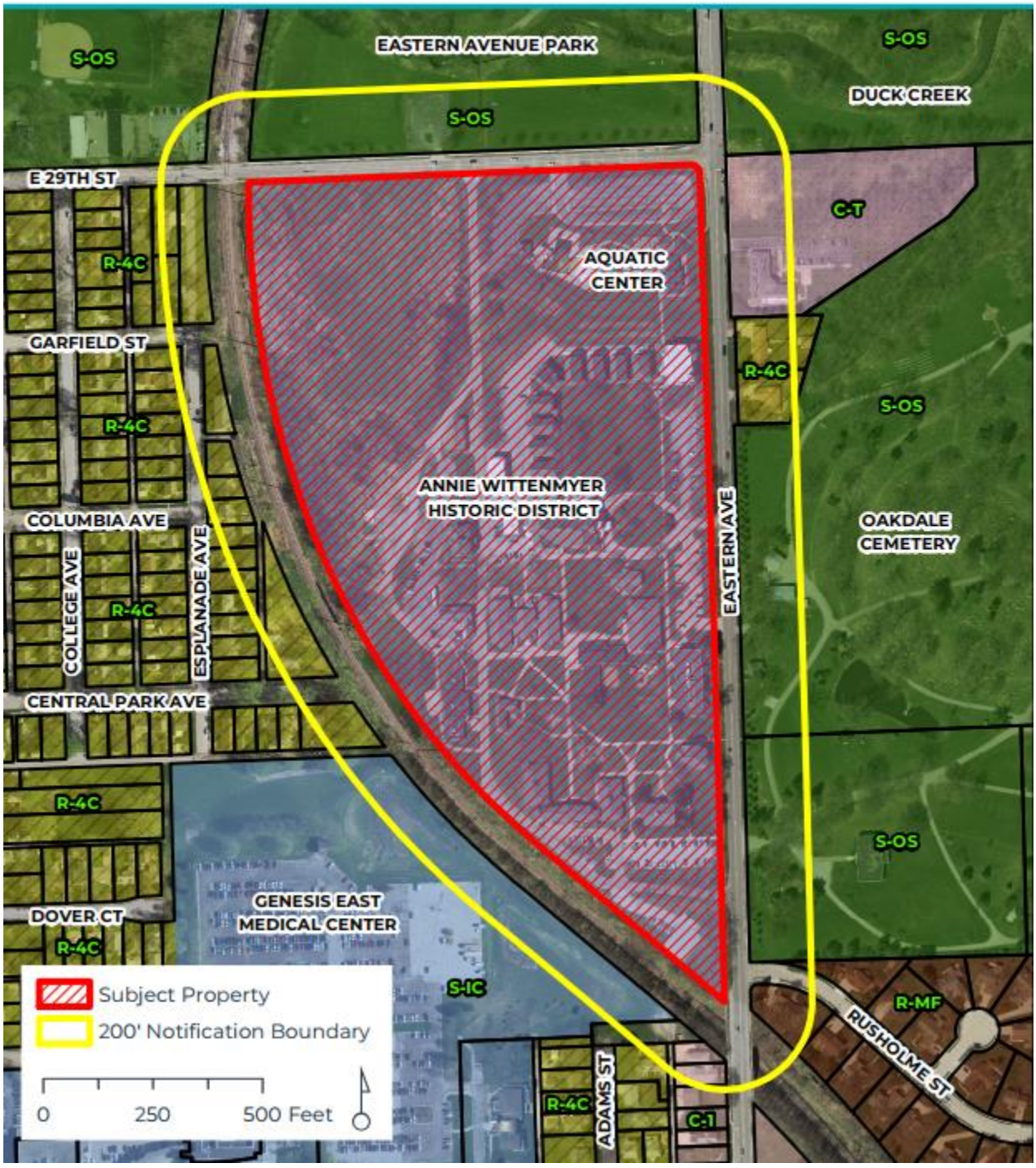
All written comments and protests already received will be forwarded to the Committee of the Whole. The Committee of the Whole meeting can be viewed live at www.davenportiowa.com/watchlive.

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

THE CITY OF DAVENPORT
IOWA | USA

Rezoning Request | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



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

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

DAVENPORT
DEVELOPMENT &
NEIGHBORHOOD SERVICES

PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property located at 2800 Eastern Avenue

Neighborhood Meeting
Date: 1/11/2024 Time: 6:00 PM Location: Council Chambers | City Hall | 226 West 4th Street

Plan & Zoning Commission Public Hearing Meeting
Date: 1/16/2024 Time: 5:00 PM Location: Council Chambers | City Hall | 226 West 4th Street

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 Rezoning Request. The subject property is currently zoned S-IC Institutional Campus District. The City of Davenport is requesting a rezoning to C-T Commercial Transitional District and Planned Unit Development. The purpose is to identify an adaptive reuse and preserve the historic structures at the Annie Wittenmyer Campus.

Request/Case Description
Case REZ24-01: Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]

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 16, 2024. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on February 6, 2024. 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.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

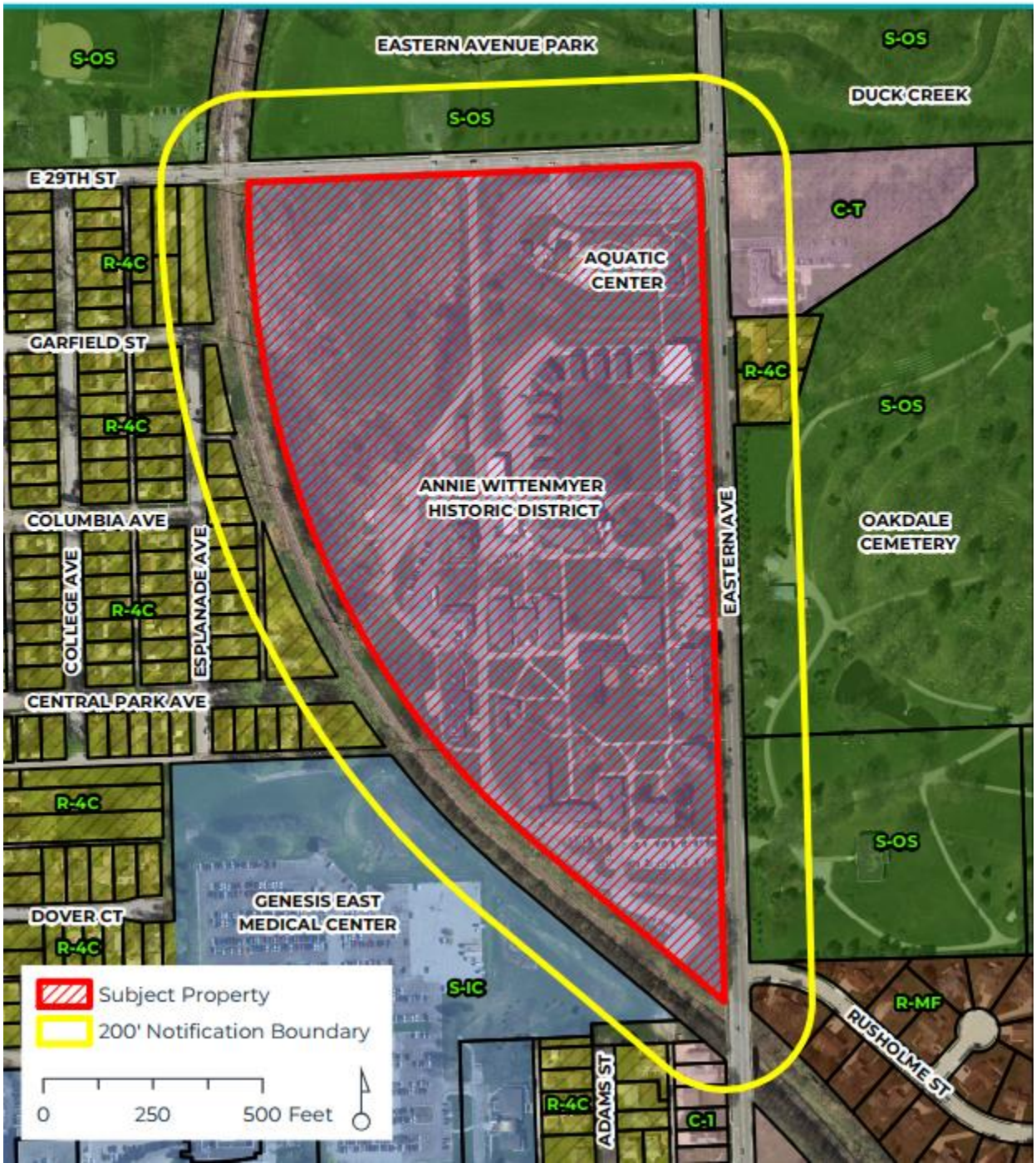
Do You Have Any Questions?
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos 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 in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

THE CITY OF DAVENPORT
IOWA | USA

Rezoning Request | Case REZ24-01

Request of the City of Davenport to rezone approximately 31.9 acres of land at 2800 Eastern Avenue from S-IC Institutional Campus District to C-T Commercial Transitional District and Planned Unit Development. [Ward 5]



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

T | 563.326.6198
E | planning@davenportiowa.com

davenportiowa.com/DNS

Neighborhood Meeting Attendance List

Date: 01/11/2024 Time: 6:00 pm Location: Council Chambers | City Hall | 226 W 4th ST

Case:

REZ24-01 | City of Davenport | Rezone 31.9 acres at 2800 Eastern Ave from S-IC Institutional to C-T Commercial Transitional Planned Unit Development

The purpose of this meeting is to provide an **informal setting to allow courteous discussion** between the developer and adjacent owners, and to answer any questions and concerns about the proposed action. This meeting does not replace the Public Hearing.

	NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1	Ann McGlynn	annmcglynn@gmail.com	563-370-0004	3009 Grand Ave Davenport, IA
2	Matt Wissing	wissingm@yahoo.com	563-265-9353	1916 E. 13th St.
3	Ann Garton	texasgarton@aol.com	5639407374	204 E Rushholme
4	Scott Tunnicliff	hcyscott@gmail.com	563-370.2098	718 Holmes St (Bettendorf)
5	LaShanna Dixon	dixonlashanna2@yahoo.com	563-499-2178	2939 Dubuque 4Plex St.
6	Bill Peterson	bill.m.peterson@gmail.com	319-430-7820	2637 Esplanade
7	Jessica Nides	jnides1320@gmail.com	(563)-370-2459	
8	Chloe Roche	cmbenson46@gmail.com	309-229-3807	
9	Meagan Moran	meagan.moran27@gmail.com	309-643-3533	
10	Kathleen Fisel	Kap61201@yahoo.com	309-236-6313	
11	Carol Metzger	carol.metzger1@verizon.net	563-888-1688	1916 East Rushholme St
12	MICHAEL METZGER	MICHAEL.METZGER1@VERIZON.NET	"	"
13	Brenda VonDran	BVondran123@gmail.com		
14	James Freske	JAMESFRESKE@MCHSI.COM	507-340-8922	2312 Hyde Park
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

Werderitch, Matt

From: Kristine Clevenger <kmclev@hotmail.com>
Sent: Thursday, January 11, 2024 12:00 PM
To: Planning
Subject: [EXT] Annie Wittenmyer rezoning

ATTENTION: This is an external email.

Hello, I am writing this email to express concerns about the rezoning of this facility. We live at 1823 East Rusholme Street and are worried about the property value effect of adding low income housing to our area. Also the additional traffic through our neighborhood. We were not notified of this but found out through another one of our neighbors. I don't understand why we did not receive any notification of this and ask for additional time before the zoning meeting is held. My husband will be attending the neighborhood the neighborhood meeting tonight to express our concerns. Thank you Kristine Clevenger
Get Outlook for Android

Werderitch, Matt

From: Max M <molinemaxa@gmail.com>
Sent: Thursday, January 11, 2024 11:26 AM
To: Planning
Subject: [EXT] Affordable Housing Initiative

ATTENTION: This is an external email.

Greetings,

I'm emailing you all to discuss my major concerns with the plans to convert the Annie Wittenmeyer complex. My primary concern is the displacement of Davenport Junior Theatre.

As a former employee of the City of Davenport, I know the value Davenport Junior Theatre specifically as a program has had on me as an individual and the multitudes of students that I have seen go through the program. It has created better students, artists, and citizens in it's 70+ years of existence and to displace the program again makes me anxious as to the city's plan to accommodate them.

There is currently no plan I see with the city to move the program to a reasonable and sustainable location. My first thought is that the city would try to house the program in various schools within the district. This should not happen. It will create confusion with parents and students all over the city, make it difficult for non-Davenport residents to find out where to go and when, and will invade the space of other students. My second thought is that there would be no rehousing of the program, and that is an absolute travesty that you would do well to avoid.

As one of the few city-funded arts programs in the nation, Davenport Junior Theatre is an organization that any city would be proud to keep funding, and it has proven to be something the city is proud of. With multiple successful fundraisers, in-person classes returning to pre-1st wave pandemic numbers (something very few organizations around the country have done yet), and consistent growth in their Spring and Summer Break camps, Davenport Junior Theatre is something Davenport and the Greater QC Metro area as a whole believes in, and you as a committee must as well.

If you intend to go through with converting the complex to affordable housing without investing time into establishing rent control in the city, so be it. But you must find a consistent and suitable home for Davenport Junior Theatre.

Max Moline
Director/Theatre Artist/Theatre Educator
maxmoline.com
(he/him/his)

Werderitch, Matt

From: Alexandra Olsen <olsenalexandraw@gmail.com>
Sent: Thursday, January 11, 2024 1:17 PM
To: Planning
Subject: [EXT] Davenport Junior Theater deserves to stay.

ATTENTION: This is an external email.

To whom it may concern,

I am an alum of Davenport Junior Theater and I have just read the tentative plan to convert the Annie Whittenmeyer complex into housing. I am incredibly concerned for the future of Davenport Junior Theatre and about the impact this will have on our arts community.

Davenport Junior Theater is the second-oldest children's theater in the country and has helped thousands of students thrive through the power of performance art. This program is unlike any other and is something the city of Davenport should be incredibly proud of and vehemently protecting. In a world where it is becoming increasingly difficult for children to have the space to just be kids, away from screens and online influences, I hope DJT can continue to be a safe space for all of the QC's young artists.

I understand the need for affordable housing, but is forcing a nonprofit like DJT out really the best that Davenport can do?

What is the cost of converting these buildings into housing, compared to building a new structure?

How will we know if these structures are even safe enough to be converted into full-time housing?

In my opinion, it would be shameful for this council to bring about the demise of a historic organization such as Davenport Junior Theater. The Annie Whittenmeyer complex has been home to DJT since the 1970s and forcing them out of this space would certainly be a stain in Davenport's history.

Again, I understand the importance of affordable housing. But I also know the importance of culturally enriching spaces and experiences for our children, so I beg you to reconsider your plan.

Sincerely,
Alexandra Olsen

Werderitch, Matt

From: Joie Stoefen <joiestoefen13@gmail.com>
Sent: Thursday, January 11, 2024 5:26 PM
To: Planning
Subject: [EXT] Annie Wittenmeyer Complex

ATTENTION: This is an external email.

Hello,
My name is Joie Stoefen, and I am a former resident of the Quad Cities area. I have been fortunate to experience all the area offers, including Davenport Junior Theatre.

Davenport Junior Theatre is the place that nurtured my love for the arts. At DJT, I took my first acting class, made lifelong friendships, and found a home away from home. I could not imagine my life without this amazing organization-- it was my savior during the most challenging times in childhood. By selling the property and temporarily displacing the organization, Davenport officials suggest that the arts are not valuable to the community. It would also deny future generations-- composed of *various* economic, gender, and racial backgrounds-- opportunities to learn and grow through artistic endeavors.

I understand that there is a possibility that DJT could remain in the complex and or find a new home. While this seems reasonable, it would erase decades of history. **Davenport Junior Theatre is the SECOND oldest children's theatre in America.** This is something worth celebrating and preserving. The historical and social implications of Davenport Junior Theatre's presence in the Annie Wittenmyer Complex cannot be understated. The lack of clarity and transparency about this process is incredibly confusing. Additionally, the timeline of fundraising and rehoming for this project threatens the sustainability of DJT. A well-developed plan would prevent the downfall of one of the Quad Cities' most beloved theatrical organizations.

Affordable housing is necessary for the diverse population of Davenport; however, I do not believe it is worth sacrificing a successful organization. Please consider clarifying these plans and ensuring that Davenport Junior Theatre continues to serve the community. Thank you for your time and consideration.

Best,
Joie Stoefen
563-484-9055 | joiestoefen13@gmail.com

Werderitch, Matt

From: Katie Styrt <katiestyrt@gmail.com>
Sent: Thursday, January 11, 2024 2:12 PM
To: Planning
Subject: [EXT] Annie Wittenmyer Proposal Plan

ATTENTION: This is an external email.

Hello,

I am not able to attend the upcoming town halls, but I wanted to say that I am very in favor of redeveloping the Annie Wittenmyer complex!

The proposal allows space for the Davenport Junior Theater to move or continue in place, which preserves a wonderful community resource. I also appreciated that the developer hopes to keep some of the original buildings, which are part of the charm of the neighborhood. However, the most exciting part of this proposal is the addition of 100 affordable housing units to the neighborhood. This would be a great asset for our community!

I would absolutely love to have more seniors and families in stable, high-quality housing they can afford. This is a great location for more units. My family lives nearby and often plays at Garfield Park in the summer - it would be fun to have more kids nearby, and I'm sure the families would enjoy having the park so close to them. Davenport is also in dire need of affordable housing, and so adding this many units would benefit our whole city. I hope the proposal passes and the development can happen.

Thank you,
Rev. Katie Styrt
1115 Grand Ct, Davenport.

Werderitch, Matt

From: Abbie Carpenter <abbiejcarpenter@gmail.com>
Sent: Tuesday, January 16, 2024 8:55 AM
To: Planning
Subject: [EXT] Concerns about Annie Whittenmyer Complex Project

ATTENTION: This is an external email.

Dear City Planning Committee,

I am writing to share my concerns regarding the potential sale and development of the Annie Whittenmyer campus. I first want to state that I unequivocally support the development of affordable housing in the Quad Cities. I am a social work student, about to graduate with my Masters of Social Work, so I understand more than most the severity and importance of this need. I believe access to safe and affordable housing is a human right, and therefore am thrilled that the city wants to create more affordable housing.

My concern, however, is the impact of this project on Davenport Junior Theatre. You see, I grew up in those cottages, beginning theatre classes at the age of six. My mom was a social worker at Family Resources for many years, and her office was in one of the cottages, so I would go there after school and wait for my acting class to start, at which time I'd simply walk next door and sign in.

At that time, I believe, DJT was only using three cottages and the theatre, but the program grew as I grew up alongside it, and it now is housed in ten cottages, plus the scene shop and the Nighswander Theatre. I had the privilege of working at DJT, starting as a teaching assistant and junior staffer in middle and high school, and eventually as a theatre instructor, jobs which taught me the value of giving back to the community that raised you. I have taught hundreds of students in those cottages, and every class reminded me of my young self, in those same cottages, learning to be confident in who I am and what I stand for.

Now, as a former DJT teacher of mine turned friend, Megan Rieck said, DJT was never about a place. It is about the community we have created. I fully agree with that sentiment, which is why I am not here to ask you not to develop these buildings into affordable housing. I am simply here to ask you to give DJT more time to create a path forward.

The theatre and dance programs as they are can NOT function with only the theatre building. The theatre building may be where students perform and share their newly acquired skills, but it simply is not enough to house the massive program this has become. For example, one of the best parts of DJT as an alumni and former staff member is summer camp. Each summer, DJT hosts several performing arts camps, which take up each and every available space the program currently has, and even that is not enough! Kids have to be turned away from camp every year because there just isn't enough room for more of them.

So how, I ask, can this wonderful and extremely well attended program be expected to function without the cottages? I have heard whisperings of partnering with the Davenport Schools, which I must say, as a former teacher, is absolutely unfeasible. If the program is spread out across the city, it will be much harder for parents to locate the correct place for their child's class, for one.

Another point is the lack of support staff if the program is spread out. Currently, if a teacher is in need of support in their classroom for any reason, for anything from behavioral issues to a medical emergency, they can contact the front desk and someone will be there to help within minutes or even seconds. If these needs arise and a teacher is alone with their class with no support staff nearby, what is that teacher meant to do? This plan is a logistical nightmare and a disaster waiting to happen.

If I could describe the best possible outcome of this situation, it would be that DJT has the time, support, and funding to seek out another facility which could perhaps provide an even better home for its programming. Whether that facility exists or needs to be built, the city of Davenport must help DJT find this new home, should it be removed from its current one.

All I am asking for is that proper consideration be given to Davenport Junior Theatre and its future. After all it has done for the greater Quad Cities community, that is the least you can do for it.

Sincerely,
Abigail Carpenter, DJT Alumn and Former Staff Member

Werderitch, Matt

From: Cynthia Smysor <csmysor@yahoo.com>
Sent: Tuesday, January 16, 2024 12:44 PM
To: Planning; Gripp, Kyle; Newton, Jazmin; Kelly, Tim; Dunn, Rick; Dunn, Tim; Meginnis, Marion; Burkholder, Jade; Reinartz, Paul; Lynch, Mhisho; Jobgen, Ben
Subject: [EXT] Concerns for the futures of Davenport Junior Theatre

ATTENTION: This is an external email.

To our community leaders-

I know you have been hearing from many concerned citizens about the future of Davenport Junior Theatre. We all agree that affordable housing is important and that moving the theatre program isn't necessarily a bad thing- but the carelessness and thoughtless actions of our leaders are highly concerning. Before this all started, was the full scope of space used and what the program needs explained enough to make an educated decision on behalf of your constituents?

Where I am coming from is the fact that I am an alumni, current parent of a student in the program, and have signed on to direct the final show this season, making me staff once again. I can honestly say Junior Theatre saved my life as a teenager when every other system around me was failing. I started when I was seven and it was my first job as a teen. My son recently started class and when I hosted a foreign exchange student in 2017-2018, she was taken in is a volunteer and given a wonderful experiences. I directed my first show in 2005 and this upcoming show will be my 6th time directing a production and I taught classes for many years. I have seen countless students mirror my experience and grow into respectable adults. I tell people all the time that what sets JT apart from the rest is the fact that it's not there to be a place where kids learn to compete... it's there to help kids grow into confident adults who know how to work on a team and communicate effectively (which you are seeing through the many emails, calls, social media posts, and speeches to come). I have had people approach since all of this started who were never involved with the program but have seen it's power and want to help. This program is more than the space, it's the whole entire community. This is the legacy it leaves behind as it moves forward.

The scope of the program has only grown. Even in my time with the program as an adult I have watched it grow beyond the space it held when I was a teen. We went from 3 cottages to 10. A parking lot was put in. Spaces were reworked; storage expanded. An actual scene shop to build sets in was born. And the thing is- ALL THIS SPACE IS BEING USED. Not to mention the fact that I can bring my kids to ANY show regardless of our finances because they are free. And the addition of a free show with an ASL interpreter just continues to show the impact the arts have on us as humans. When our leaders want to take something so meaningful to so many and not move forward with a plan to secure it's future, faith in those leaders can fade quickly.

Please take the time to understand how this timeline effects the kids currently involved with the program. Moving too quickly will have consequences. Please understand what you are doing and develop a timeline that shows this 72 year partnership respect. Communicate that plan in a way that shows up for this meaningful program. Thank you.

With respect,
Cynthia Taylor

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **2/28/2024**

Subject:
Resolution approving Case F23-13 being the request of Calvin Bolkema for a final plat of West Silver Creek 2nd Addition, a two-lot subdivision on 4.25 acres located at 5605 Wisconsin Avenue. [Ward 2]

Recommendation:
Adopt the Resolution.

Background:
The property owner submitted a final plat to subdivide approximately 4.65 acres of land on Wisconsin Avenue, north of Kimberly Road. The property is zoned S-AG Agricultural and currently contains a farmed area and two agricultural buildings to the rear.

The Plan and Zoning Commission reviewed Case F23-13 at its September 19, 2023 meeting and have recommended approval subject to the listed findings and conditions:

Findings

1. The final plat conforms with the comprehensive plan Davenport 2035+.
2. The final plat accommodates efficient use of the properties.
3. The final plan, as conditioned, will achieve consistency with subdivision requirements.

Conditions

1. Surveyor shall sign the plat.
2. Utility provider shall sign the plat after easement needs are met.

Comprehensive Plan

Within Existing Urban Service Area: No
Within Urban Service Area 2035:No

Future Land Use Designation | Urban Fringe (UF). This land use category is area that are currently outside of the Urban Service Boundary but may be considered for inclusion later within the planning timeframe. Appropriate land use categories should be determined at that time.

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

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

Zoning

The subject property is zoned S-AG Agricultural District. This district is intended to address existing agricultural land uses and promote the continuation of farming, and project agricultural land uses from encroachment of incompatible developments.

Technical Review

1. Zoning: The S-AG Agricultural District minimum lot area is one acre for agricultural uses.
2. Streets: No new streets are proposed.
3. Storm Water: No new development is proposed with this subdivision.
4. Other Utilities: This property is currently on a septic system. If public sanitary sewer is constructed in the future, any house or building within 200 feet of any public sewer will be required to connect.
5. Parks/Open Space: There are no impacts to parks/open space

Public Input

No Public Hearing or public notification is required for a final plat.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Exhibit	Application
🗋	Exhibit	Plat
🗋	Exhibit	Vicinity Map
🗋	Exhibit	Zoning Map
🗋	Exhibit	Davenport 2035+ Land Use

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	2/14/2024 - 11:24 AM

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving Case F23-13 being the request of Calvin Bolkema for a final plat of West Silver Creek 2nd Addition, a two-lot subdivision on 4.25 acres located at 5605 Wisconsin Avenue.

WHEREAS, the Plan & Zoning Commission reviewed Case F23-13 at the September 19, 2023 regularly scheduled meeting with a recommendation for approval subject to the following two conditions:

1. Surveyor shall sign the plat;

2. Utility providers shall sign the plat when their easement needs have been met; and

WHEREAS, the conditions will be added to the plat and/or provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the final plat of West Silver Creek 2nd Addition, an addition to the City of Davenport, Scott County, Iowa as filed with the City Clerk, by Calvin Bolkema, be and the same is hereby approved and accepted; and the dedication for public street purposes and the granting of easements as shown on said plat are accepted and confirmed by the Mayor and Deputy City Clerk of said City; and

BE IT FURTHER RESOLVED that the Mayor and Deputy City Clerk are hereby authorized and directed to certify to the adoption of this Resolution on said plat as required by law.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT
Development & Neighborhood Services – Planning
1200 W. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

SUBDIVISON PLAT

(LAND DIVISION)

SUBDIVISION NAME		
West Silver Creek 2nd Addition		
LOCATION DESCRIPTION		SUBMITTED
5605 Wisconsin Ave.		08/24/2023
NUMBER OF LOTS BY USE TYPE	ACRES	STREETS ADDED
2	4.25	0

APPLICANT INFORMATION

Applicant Name
Calvin Bolkema

Address
5805 Wisconsin Ave.

City | State | Zip
Davenport, IA 52806

Phone
(563) 210-1339

Secondary Phone

E-Mail Address
cal@silvercreekcommodities.com

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for all development review costs, including but not limited to a traffic study.

Calvin Bolkema
Print Applicant's Name

Applicant's Signature

08/24/2023
Date

PLAT TYPE SUBMITTED:

PRELIMINARY PLAT: §16.16 Requirements ☐
FINAL PLAT: §16.20 Requirements ☐

PRELIMINARY PLAT REQUIREMENTS:
Preliminary Plat ☐
Contours (2') & Infrastructure (pre/post) ☐

FINAL PLAT REQUIREMENTS:
Platting Certificates per §354.11 State Code ☑
Final Plat ☑

GENERAL REQUIREMENTS:
Authorization to Act as Applicant, if needed ☐
Application Fee (REQUIRED) ☐

Subdivision Platting Fee Schedule	
Number of Lots	**Fee**
1 lot to 10 lots	$400 plus $25/lot
11 to 25 lots	$700 plus $25/lot
26 or more lots	$1,000 plus $25/lot

Submit this form, and any questions, to DNS Planning Division at planning@davenportiowa.com .

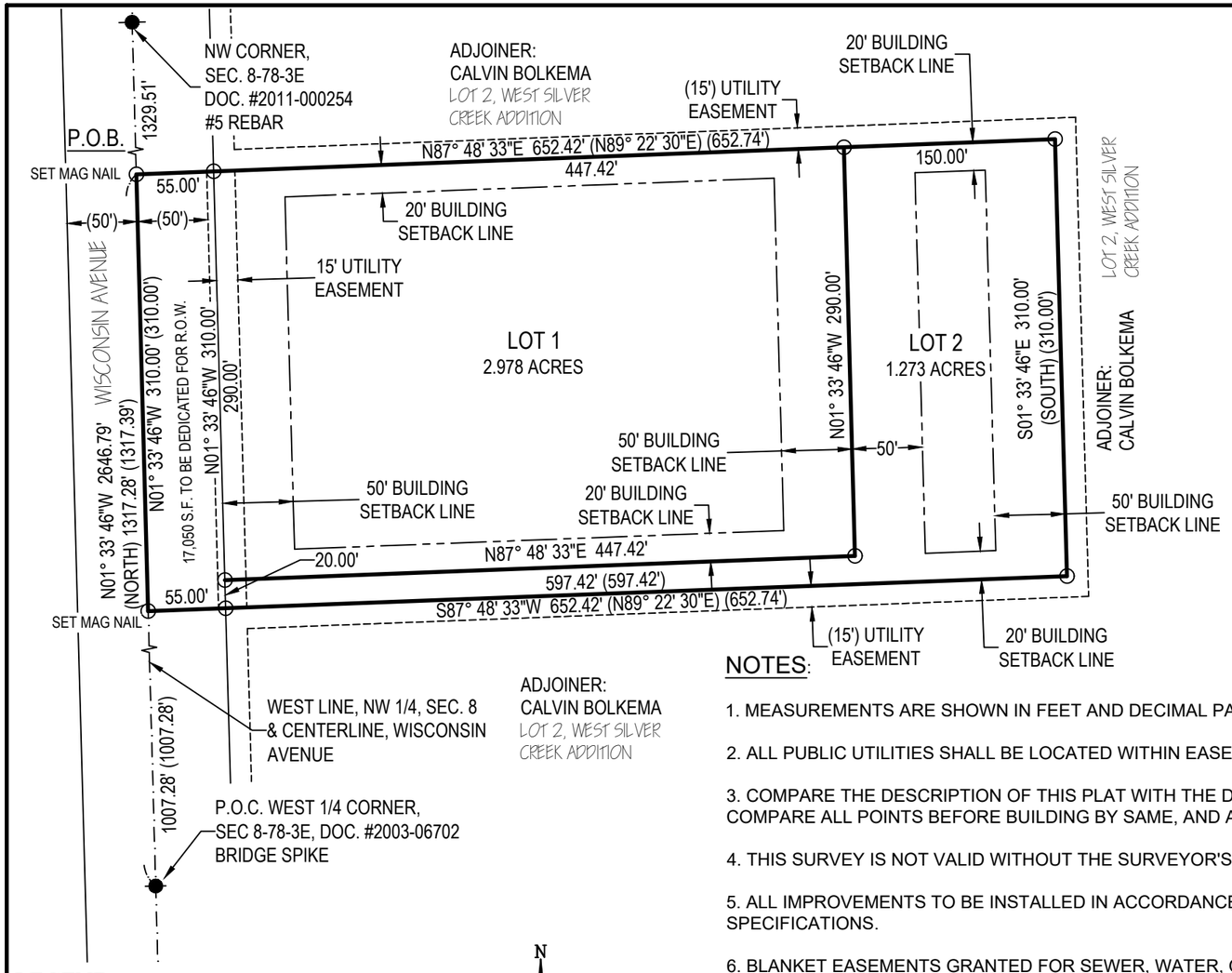
DEVELOPMENT TEAM

Developer / Project Manager
Calvin Bolkema
Address
5805 Wisconsin Ave., Davenport, IA 52806
Phone: (563) 210-1339 | Secondary Phone:
E-Mail Address
cal@silvercreekcommodities.com

Engineer
Chris Townsend of Townsend Engineering
Address
2224 E. 12th St., Davenport, IA 52803
Phone: (563) 386-4236 | Secondary Phone:
E-Mail Address
chris@townsendengineering.net

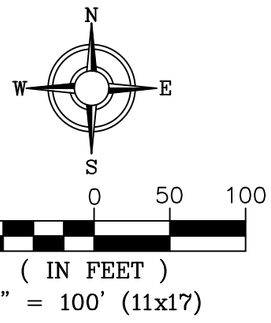
Owner
Calvin Bolkema
Address
5805 Wisconsin Ave., Davenport, IA 52806
Phone: (563) 210-1339 | Secondary Phone:
E-Mail Address
cal@silvercreekcommodities.com

Attorney
Mike Gorsline, 5119 Utica Ridge Rd., Dav., IA 52807
Address
Mike Gorsline, 5119 Utica Ridge Rd., Dav., IA 52807
Phone: (563) 324-0441 | Secondary Phone:
E-Mail Address
mike@vb-law.com



LEGEND:

DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
AS NOTED =
MONUMENTS SET:
#5 REBAR W/ PINK CAP #8860 =
BOUNDARY LINE =
FENCE LINE =
EASEMENT LINE =
SETBACK LINE=
SECTION LINE=



FINAL PLAT

WEST SILVER CREEK 2ND ADDITION

TO THE CITY OF DAVENPORT, IOWA,
BEING PART OF THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 78 NORTH,
RANGE 3 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA

Owner:
Calvin Bolkema
5605 Wisconsin Avenue
Davenport, IA 52806

Surveyor:
Jerry D. Rogers
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236

Attorney:
Michael Gorsline
5119 Utica Ridge Road
Davenport, Iowa 52807
Ph: (563) 324-0441

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.

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.

METRONET DATE:

NOTES:

1. MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

2. ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.

3. 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.

4. THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.

5. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS.

6. BLANKET EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.

7. THE SUBJECT PROPERTY IS ZONED S-AG, AGRICULTURAL DISTRICT.

8. 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 #19163C0370G EFFECTIVE DATE MARCH 23, 2021.

9. NO SITE DEVELOPMENT IS PROPOSED WITH THIS SUBDIVISION.

10. STORMWATER DETENTION AND WATER QUALITY TREATMENT WILL NOT BE REQUIRED FOR THIS SUBDIVISION BUT WILL BE REQUIRED UPON FURTHER DEVELOPMENT OF THE PROPERTY.

LICENSED LAND SURVEYOR
JERRY D. ROGERS
8860
IOWA

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.

JERRY D. ROGERS Date
Iowa License Number: 8860
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

TOWNSEND ENGINEERING
CIVIL • STRUCTURAL • LAND DEVELOPMENT
563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DATE: 8/23/2023
DRAWN BY: KLC
CHECKED BY: JDR
DRAWING LOCATION
S:\BOLKEMA-CALVIN

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT
FINAL PLAT
WEST SILVER CREEK 2ND ADDITION
DAVENPORT, IOWA

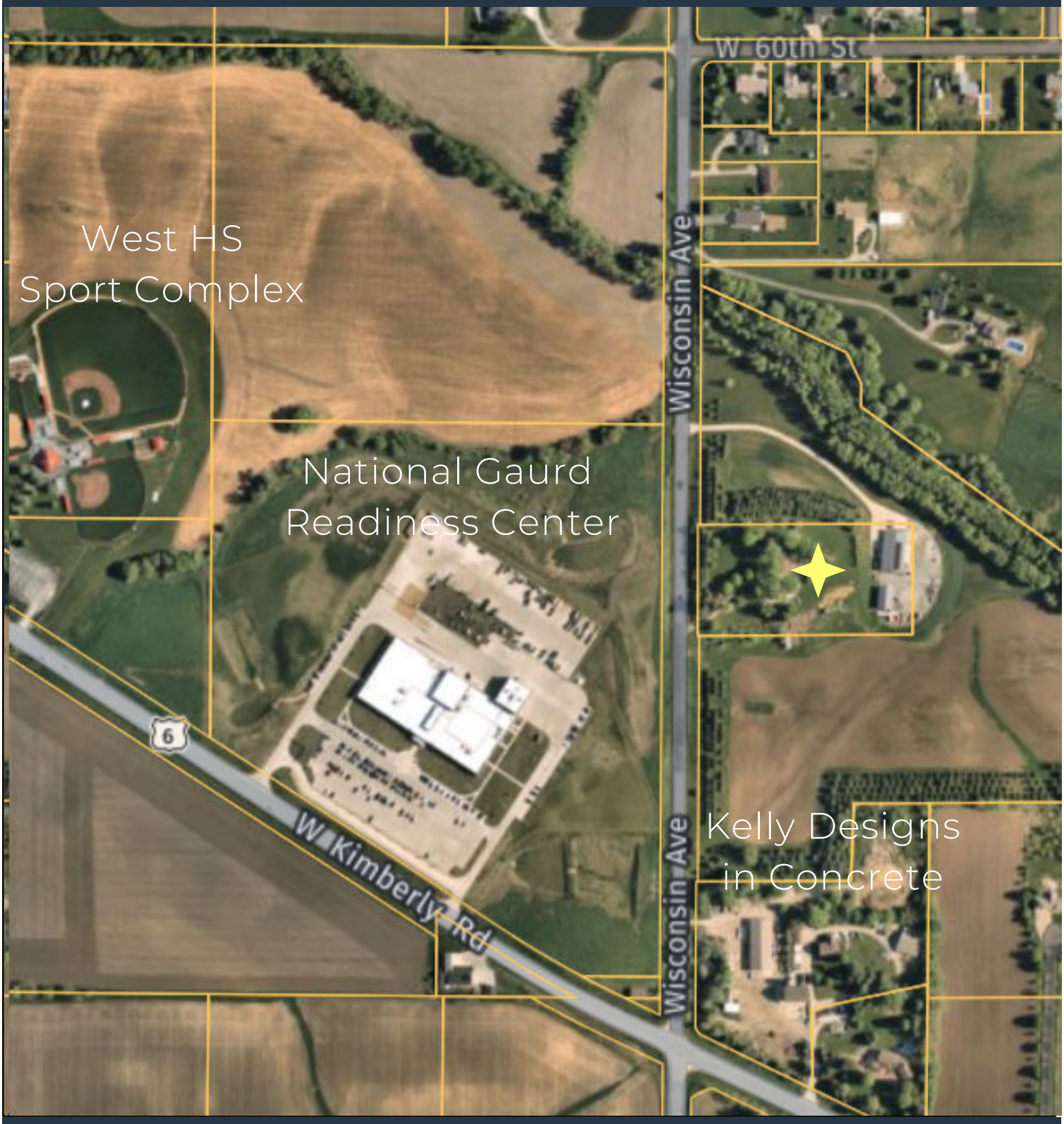
OWNER:
CALVIN BOLKEMA
5605 WISCONSIN AVENUE
DAVENPORT, IA 52806

SHEET NO. 1 OF 1

PREPARED BY / RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803 (563) 386-4236

THE CITY OF DAVENPORT
IOWA | USA

Vivinity Map
F23-13



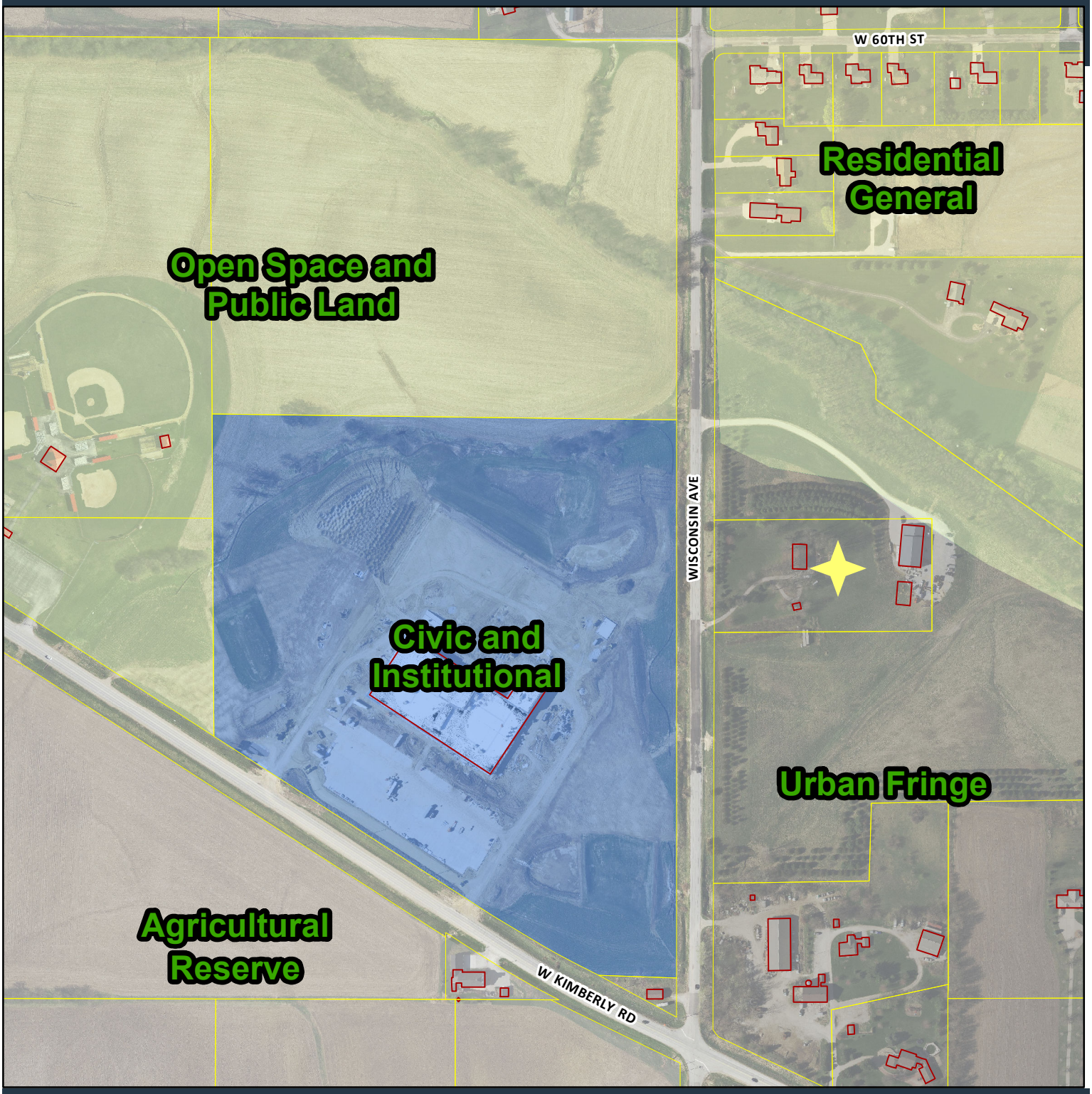
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Zoning Map
F23-13



THE CITY OF DAVENPORT
IOWA | USA

Davenport 2035+
F23-13



City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Bruce Berger | 563-326-7769 **2/28/2024**

Subject:
Resolution authorizing the conveyance of City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners. [Ward 4]

Recommendation:
Adopt the Resolution.

Background:
As part of the Urban Homestead Program funded with a variety of Federal housing grants, the City has acquired and rehabilitated a single-family home with the intention of selling the property to an income eligible household in Davenport. This program is part of the City's CDBG Five-Year Consolidated Plan and Annual Plan and renovates vacant and often abandoned properties and improves neighborhoods while providing eligible working households with affordable homeownership opportunities.

The petitioners have applied for and have been approved as federally eligible to acquire this property from the City. The property is being sold at the appraised value of $138,000.

A Public Hearing on this matter was held on February 21, 2024 in accordance with Iowa law. Adoption of this Resolution will authorize the Mayor and staff to execute closing documents and convey the property to the petitioner.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/15/2024 - 9:19 AM

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION to convey City-owned property located at 1413 West 13th Street to Kyle and Samantha Beals, Petitioners.

WHEREAS, the City of Davenport is the legal owner of certain property legally described as:

> The East 40 feet of Lot 3, Block 13, Sturdevant's Second Addition to the City of Davenport, Scott County, Iowa (also known as 1413 West 13th Street, Parcel ID H0026-26); and

WHEREAS, the City has operated the Urban Homestead Program since the 1980s to acquire abandoned or vacant houses, rehabilitate them with Federal funding, and to convey them to income qualifying homebuyers; and

WHEREAS, this program helps revitalize and stabilize neighborhoods, often increasing homeownership and encouraging reinvestment; and

WHEREAS, the property referenced is the latest home that has been completed via the Urban Homestead Program; and

WHEREAS, the petitioner has applied for the program, met all of the requirements, and was selected to acquire the home; and

WHEREAS, per State requirements, notification of the Public Hearing was published and the Public Hearing was held on February 21, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the conveyance of 1413 West 13th Street to Kyle and Samantha Beals is hereby approved, and the Mayor and staff are hereby authorized to execute documents necessary to accomplish the transfer.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

Customer Ad Proof

128-60067429 CITY OF DAVENPORT - LEGALS Order Nbr 175654

Publication	**Quad-City Times**

Contact	CITY OF DAVENPORT - LEGALS	PO Number	Julie Graham
Address 1	226 W 4TH ST	Rate	Legal
Address 2		Order Price	43.83
City St Zip	DAVENPORT IA 52801	Amount Paid	0.00
Phone	5638882074	Amount Due	43.83
Fax	5633286742		
Section	Notices & Legals	Start/End Dates	02/15/2024 - 02/15/2024
SubSection		Insertions	1
Category	2520 Miscellaneous Notice	Size	36
Ad Key	175654-1	Salesperson(s)	Legals 211
Keywords	Notice Quad City Times - Public Hearing - 1413 W	Taken By	Christina Palma
Notes			

Ad Proof

NOTICE OF PUBLIC HEARING ON A RESOLUTION REGARDING THE CONVEYANCE URBAN HOMESTEAD PROPERTY OWNED BY THE CITY TO THE FOLLOWING PETITIONER FOR THE FOLLOWING PROPERTY:
1413 W 13th Street, Davenport, Iowa to Kyle Beals and Samantha Beals.
Notice is hereby given that there is on file in the office of the City Attorney, City Hall, Davenport, Iowa a RESOLUTION proposing to convey the above property owned by the City of Davenport to the proposed Petitioner. The property has the following legal description:
The East 40 feet of Lot 3, Block 13, Sturdevant's Second Addition to the City of
Davenport, Scott County, Iowa.
Parcel H0026-26, commonly known as 1413 W 13th Street, Davenport, Iowa 52804.
The above-described parcel contains 6,000 square feet or 0.14 acres, more or less.
This Resolution will come on for a Public Hearing before the Davenport City Council, City Hall, Davenport Iowa at 5:30 p.m. Local Time, on Wednesday, February 21, 2024 at the Committee of the Whole meeting. At said hearing, interested parties may appear and be heard for or against said Resolution.
Community & Economic Development
CED.info@davenportiowa.com
563-326-7765

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Bruce Berger | 563-326-7769 **2/28/2024**

Subject:
Resolution approving the 2024 Urban Revitalization Tax Exemption (URTE) projects. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The objective of the Urban Revitalization Tax Exemption (URTE) program is to encourage private investment by providing an exemption on the increase in property taxes resulting from improvements. The City has two Urban Revitalization areas: Central City and North.

The attached list provides the following information for each property: classification as residential, multi-residential, commercial or industrial; petitioner's name; property address; schedule of exemption selected; and the cost of improvements reported on the application. The exemption percentage is applied to the actual value of the improvements as determined by the City Assessor. The term of the exemption is either three or ten years. Once the exemption period expires, the property will rise to the full taxable valuation. This year's applications represent a total private investment of over $235 million spread over 154 projects. The attached map shows the location of both completed and in progress URTE projects.

The URTE program continues to be one of the City's best economic development tools. This program directly helps the City's taxpayers by lessening the burden of higher property taxes that often come with home or business improvements.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution Sheet
🗋	Backup Material	URTE Map
🗋	Backup Material	URTE LIst of Projects

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	2/15/2024 - 9:54 AM

Resolution No._____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the 2024 Urban Revitalization Tax Exemption Projects.

WHEREAS, in the City of Davenport, an urban revitalization plan under the provisions of Urban Renewal has been in effect since 1980; and

WHEREAS, this plan provides incentives in the form of property tax exemption for both new construction and rehabilitation in order to encourage private investment and to help reverse the trend toward disinvestment; and

WHEREAS, the attached list of projects meet the requirements of the urban revitalization plan; and

WHEREAS the tax exemption programs, together with the other economic development programs of the City, have been used to increase assistance for projects which otherwise would not occur; and

WHEREAS, projects within the downtown area will be required to comply with the Downtown Davenport Streetscape Improvement Plan as administered by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the 2024 Urban Revitalization Tax Exemption projects are hereby approved.

Passed and approved this 28th day of February, 2024.

Approved:

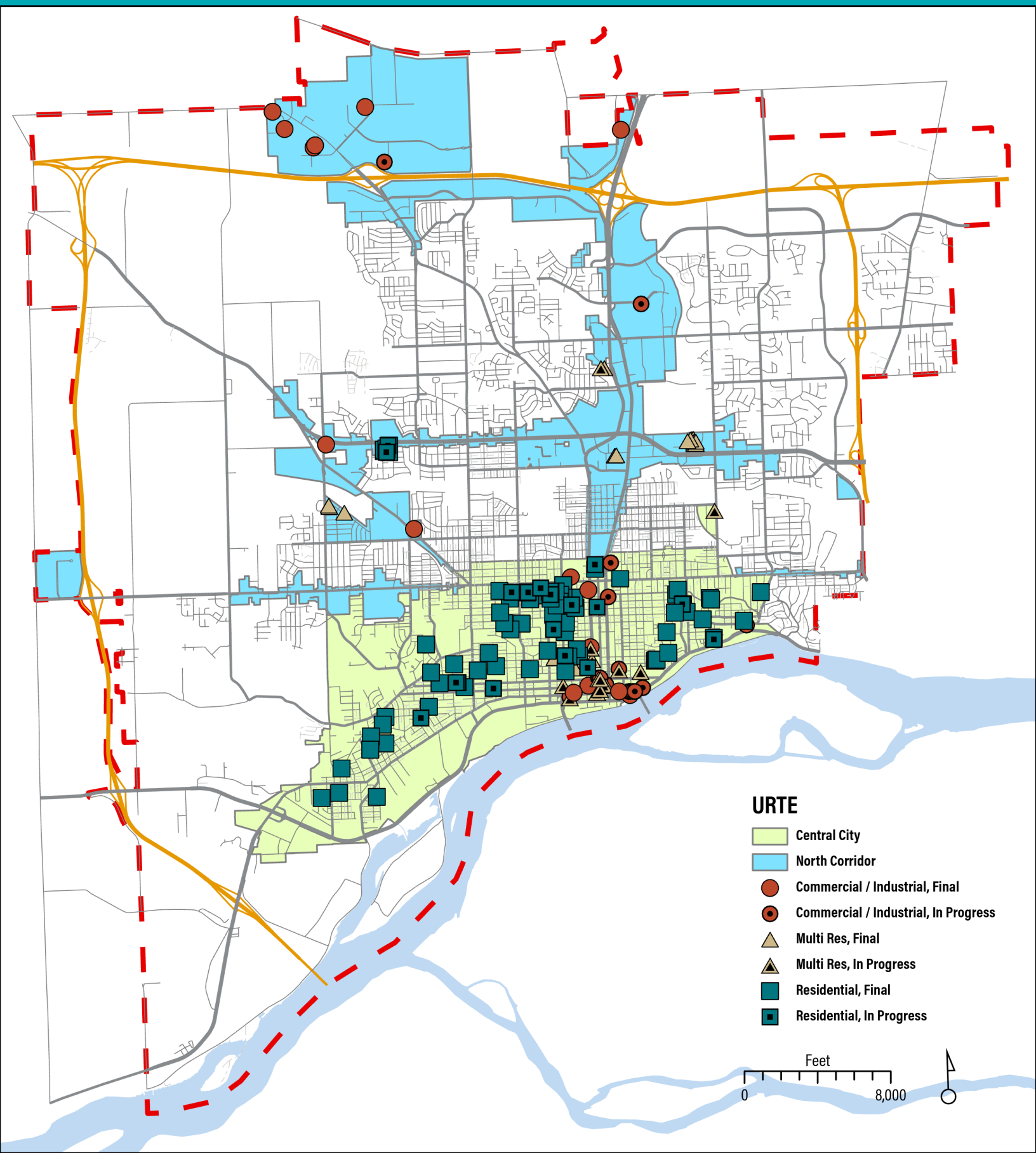
_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

THE CITY OF DAVENPORT
IOWA | USA

URTE Project Locations 2024



2024 Urban Revitalization Tax Exemption (URTE) Applications

Final Applications

Type	Petitioner	Address	Parcel	Area	Schedule	Improvements Cost
C	Michael Slyter	1704 N. Harrison	G0006-03	Central	C1	$ 40,000
C	Jason Cousineau	207 Western St	L0012-01	Central	C1	$ 400,000
C	Urbane 210 LLC	210 E 2nd Street	L0009B105	Central	C1	$ 209,554
C	Urbane 210 LLC	210 E 2nd Street	L0009B106	Central	C1	$ 698,513
C	NaRhea & Jason Salzbrenner	2627 Hickory Grove Rd	O2105B33	North	N2	$ 750,000
C	325 Partners LLC	325 E 2nd Street	L0016A11	Central	C1	$ 4,500,000
C	New Kahl Commercial, LLC	326 W 3rd Street	L0006-17G	Central	C1	$ 6,600,000
C	ALDI, Inc.	3643 W Kimberly Rd	O1617-01A & O1617-02A	North	N1	$ 4,300,000
C	Ambrose & LeClaire Halls, LLC	518 W Locust Street	B0060-01A	Central	C2	$ 9,000,000
C	Vera French Community Mental Health Center	808 Harrison	G0043-37B	Central	C2	$ 887,000
C	JL Real Estate Holdings LLC	8420 N Fairmount Street	V3223A02	North	N1	$ 1,000,000
C	JL Real Estate Holdings LLC	8450 N Fairmount Street	V3223A03	North	N1	$ 1,209,798
C	Diamond W Two, LLC	8511 Brady St	X3617A02	North	N2	$ 3,000,000
I	BV Russell RFIP B6 Owner, LLC	4302 W 89th Street	V3205A01	North	N1	$ 6,266,784
I	BV Russell RFIP B6 Owner, LLC	8605 N Zenith Ave	V3205A03	North	N1	$ 18,068,230
I	Hillandale Properties LLC	8700 Hillandale Rd	W3303-09A	North	N1	$ 3,500,000
MR	Hawthorne 96B LLC	1304 E 38TH Street	P1312A10	North	N2	$ 125,017
MR	Hawthorne 96B LLC	1312 E 38TH Street	P1312A11	North	N2	$ 125,017
MR	Hawthorne 96B LLC	1315 E 38TH Street	P1312A07	North	N2	$ 381,053
MR	Hawthorne 96B LLC	1316 E 37TH Street	P1312A03	North	N2	$ 381,053
MR	Vera French Housing	211 E 37th Street	P1309-11	North	N2	$ 4,500
MR	Vera French Housing	227 E 37th Street	P1309-01F	North	N2	$ 3,000
MR	EHB Real Estate Investment LLC	3424 Heatherton Drive	O2101C26	North	N2	$ 175,773
MR	Heatherton 30 LLC	3547 Heatherton Dr	O2101A13	North	N2	$ 311,546
MR	Heatherton 30 LLC	3553 Heatherton Dr	O2101A14	North	N2	$ 311,546
MR	Hawthorne 96B LLC	3706 Esplanade Ave	P1312A04A	North	N2	$ 381,053
MR	Hawthorne 96B LLC	3722 Esplanade Ave	P1312A05A	North	N2	$ 381,053
MR	Hawthorne 96B LLC	3728 College Ave	P1312A09	North	N2	$ 125,017
MR	Hawthorne 96B LLC	3805 Bridge Ave	P1311B05	North	N2	$ 385,053
MR	Peter Theis	521 W 6th Street	G0053-09	Central	C3	$ 18,000
MR	Ecumenical Housing Development Group	804 W 7th Street	G0046-06	Central	C3	$ 130,000
R	Hickory Homes LLC	1003 Arlington	F0037-09	Central	C3	$ 250,000
R	Urban Rehab LLC	1016 E 13th Street & 1304 C	F0021-11	Central	C3	$ 35,000
R	Lori Serrano	1032 W 16th Street	G0015-13	Central	C3	$ 30,000
R	Jeanne and Thomas Holuba	1033 Gaines Street	G0036-13	Central	C3	$ 20,800
R	Susan Frembgen	1033 Kirkwood BLVD	F0012-02	Central	C3	$ 20,450
R	Samatha Johnson	1107 W 16th Street	G0016-15	Central	C3	$ 80,000
R	Kimberly Morrell	1108 Kirkwood	F0006-01	Central	C3	$ 27,814
R	Snakes & Sparks LLC	1114 Mound Street	E0030-01A	Central	C3	$ 60,000

R	Jeremy Fuller/Riverstone Rental Properties LLC	1117 W. 6th Street	G0049-20	Central	C3	$	35,000
R	Veronica Raya	1119 W 17Th St	G0001-30	Central	C3	$	35,163
R	Bernice Grice	1134 E 14th Street	F0022-06	Central	C3	$	50,750
R	Elmer Walker	1141 Gaines Street	G0029-32	Central	C3	$	20,000
R	Tenante Group, LLC	1152 E 13Th St	F0022-36	Central	C3	$	70,000
R	Dorothy Craig	1221 Marquette Street	G0032-15	Central	C3	$	19,975
R	Roque and Felma Sanchez	1314 Brown Street	G0019-32	Central	C3	$	50,000
R	Top Notch Real Estate LLC/Alex Bock	1333 E 12th Street	F0026-27	Central	C3	$	103,925
R	Vera French Housing	1344 W 16th Street	H0009-26	Central	C3	$	25,000
R	Urban Rehab LLC	1347 W 12th & 1347 1/2 W	H0025-10	Central	C3	$	40,000
R	City of Davenport	1413 W 13th Street	H0026-26	Central	C3	$	300,000
R	Shanna Bernauer	1423 Mississippi	F0009-35	Central	C3	$	130,000
R	Kayla Fuller	1432 W 14th Street	H0023-28	Central	C3	$	30,000
R	Sandra Scribner	1437 Gaines Street	G0013-04	Central	C3	$	50,000
R	David Hensler	1454 W. 6th Street	H0054-33	Central	C3	$	19,930
R	Noel & Amber Woods	1512 Kirkwood Blvd	F0009-37	Central	C3	$	15,000
R	Robin and Donna Palmer	1520 W. 8th Street	H0043-39	Central	C3	$	37,387
R	Don Mayes	1521 Gaines	G0013-51	Central	C3	$	49,000
R	Willie & Linda Bailey	1709 W 6TH Street	H0053-09	Central	C3	$	24,650
R	John & Erika Hancock	1716 Fillmore Lane	H0007-25	Central	C3	$	19,600
R	William G Schaeffer	1721 & 1719 Gaines Street	G0004-09	Central	C3	$	19,750
R	Urban Rehab LLC	1921 W 7th Street	H0051-12	Central	C3	$	25,000
R	Charles Holt	2018 N Main Street	B0055-21	Central	C3	$	9,963
R	Jennifer Avarello	2018 W 4th Street	H0063-36	Central	C3	$	44,649
R	Mylox Med David Garcia	206 Prospect Ter	F0041-14	Central	C3	$	525,000
R	Calvin Brownlow Jr.	2105-2107 W. 6th Street	H0064-39	Central	C3	$	80,000
R	Rick Vesole/ First Financial Group LLC	2202 W 1st Street	K0016-05	Central	C3	$	30,000
R	H2Holdings	2313 - 2315 East Street	E0013-11	Central	C3	$	50,000
R	Judith Evans	250 E Locust	C0064-16	Central	C3	$	18,550
R	Kelly Lovell	2643 Whitewood Ave	J0021-09	Central	C3	$	35,060
R	Kellie Lopez	2709 Redwood Ave	J0028-14	Central	C3	$	20,000
R	Jerome H Moeller	2710 McKinley Ave	J0037-33	Central	C3	$	20,600
R	Corey and Monica Jager	2716 W 38th Place	O1637A15	North	N1	$	275,000
R	Earl Kuhn & Paula Roberts	2912 Hobson Ave	J0036-19	Central	C3	$	19,000
R	Wanda Gomez	3113 Pearl Ave	R0413-31	Central	C3	$	20,000
R	Urban Rehab LLC	323 Wilkes	K0004-09	Central	C3	$	25,000
R	Valerie Coday	3606 Pearl	R0401-41	Central	C3	$	19,996
R	Alex and Cassandra Miller	3717 Joyce Ln	O1637A19	North	N1	$	50,000
R	Tu Vo & Thuy Tran	3805 N Birchwood Ave	O1637A29	North	N1	$	483,989
R	Cuong Nguyen & Thu Nguyen	3808 Joyce Ln	O1637A25	North	N1	$	350,000
R	An Van Le & Tam Thi Phan	3809 N Birchwood Ave	O1637A28	North	N2	$	350,000
R	Brandon Corpman	3812 Joyce Lane	O1637A26	North	N2	$	298,700
R	Billy Wright	3831 Pearl Avenue	R0509-09	Central	C3	$	19,349
R	Don & Joan Wagner	436 W 7th Street	G0044-31	Central	C3	$	48,500
R	David Leiva	506 W 8th Street	G0044-15	Central	C3	$	50,000
R	Joel Serrano	508 W 14th Street	G0021-27	Central	C3	$	48,000

R	Shirley M Oliver	511 W 16th Street	G0012-05	Central	C3	$	50,000
R	Van & Patricia Willows	518 S Dittmer Street	J0045-23	Central	C3	$	19,300
R	Eugene McCallister	612 W 7th Street	G0045-25	Central	C3	$	85,000
R	Lori Berg	623 S Nevada Ave	J0049-18	Central	C3	$	20,000
R	Robert & Carol Border	629 W 16th Street	G0013-52	Central	C3	$	49,500
R	Duane Timm & jeffrey Gomez	630 W 5th Street	G0052-03	Central	C3	$	42,533
R	Sarah Ross / Habitat for Humanity QC	647 E 6th Street	F0051-44	Central	C3	$	222,104
R	Balkiss Fousseni & Abdounazirou Adamou / Habitat for H	651 E 6th Street	F0051-43	Central	C3	$	219,575
R	Ayi Amavi & Vidjinnagi Tossou / Habitat for Humanity QC	701 E 6th Street	F0052-37A	Central	C3	$	202,164
R	Charles Scott / Chasco LLC	706 W 16TH Street	G0013-21D	Central	C3	$	20,000
R	Sierra Morgan	710 W 15th Street	G0013-37	Central	C3	$	50,000
R	Javin Lovelady	725 W 15th Street	G0013-13	Central	C3	$	23,723
R	Genevieve Ruggles	727 W 17th Street	G0004-29	Central	C3	$	50,000
R	Amando Aguilar / Habitat for Humanity QC	813 E 6th Street	F0053-09	Central	C3	$	180,467
R	John L & Janice M Myers	817 W 17th Street	G0003-33	Central	C3	$	48,428
R	Raymond & Jamie Ramirez	821 W 17th Street	G0003-32	Central	C3	$	43,250
R	Christopher Kraft	823 W 16th Street	G0014-19	Central	C3	$	50,000
R	Susie K Truninger (Thompson)	902 W 8th Street	G0046-22A	Central	C3	$	39,558
R	Craig A Anderson	946 Belmont Street	H0033-25	Central	C3	$	12,680

In Progress Applications

Type	Petitioner	Address	Parcel	Area	Schedule	Improvements Cost
C	Ponds Real Estate Holding, LC	643 E 59th Street	X1203-08A	North	N1	$ 472,425
C	Mad Properties / Dave Miller	1029 Mound St	E0035-03	Central	C1	$ 1,850,000
C	M3 Companies LLC	112 W 3rd Street	L0007-35	Central	C1	$ 200,000
C	Susan Ramsett & Christopher Kretz	1527 Brady Street	G0009-25	Central	C2	$ 180,000
C	206 Partners LLC	206 E 5th Street	F0064-24A	Central	C1	$ 2,200,000
C	Kerr Enterprises LLC	210 W 4th Street	G0058-16	Central	C3	$ 150,000
C	The Outing Club	2109 Brady Street	B0056-08	Central	C1	$ 3,000,000
C	227 LeClaire LLC	227 LeClaire Street	L0015A01	Central	C1	$ 20,000,000
C	AFS GRB 322 Real Estate Holdings	322 E 2nd Street	L0016A06	Central	C2	$ 250,000
C	AFS GRB 322 Real Estate Holdings	332 E 2nd Street	L0016A07	Central	C3	$ 250,000
C	Kerr Enterprises LLC	400 Main Street	G0058-12A	Central	C3	$ 250,000
C	311 Partners LLC	402 E 2nd Street	L0015A09	Central	C1	$ 200,000
C	William Sheeder	418 E 2nd Street	L0015A04	Central	C2	$ 1,800,000
C	Davenport 601 LLC	601 W 2nd Street	L0013-08 & L0013-09	Central	C1	$ 500,000
C	Ryan Hintze	8360 Research Drive	W3337-05A	North	N1	$ 5,198,000
C	Ryan Hintze	8370 Research Drive	W3337-05A	North	N1	$ 3,118,800
MR	M3 Companies LLC	112 W 3rd Street	L0007-35	Central	C1	$ 600,000
MR	AOM LLC	128 W 3rd Street	L0007-29	Central	C3	$ 10,500,000
MR	MP Investments LLC	201 N Harrison Street	L0010-09B	Central	C3	$ 6,000,000
MR	Financial District Properties WF, LLC	203 W 3rd Street	L0007-11A	Central	C3	$ 1,500,000
MR	206 Partners LLC	206 E 5th Street	F0064-24A	Central	C3	$ 2,200,000
MR	Kerr Enterprises LLC	210 W 4th Street	G0058-16	Central	C3	$ 150,000
MR	Annie Wittenmyer Senior, LLC	2828 Eastern Ave	Subdivided	Central	C3	$ 20,000,000
MR	Annie Wittenmyer Family, LLC	2828 Eastern Ave	Subdivided	Central	C3	$ 20,000,000
MR	Jamey Licandro	314 Gaines Street	L0004-40	Central	C3	$ 1,414,000
MR	Kerr Enterprises LLC	400 Main Street	G0058-12A	Central	C3	$ 250,000
MR	TWG Davenport, LP	450 LeClaire Street	F0062A02	Central	C3	$ 38,364,165
MR	Davenport 601 LLC	601 W 2nd street	L0013-08 & L0013-09	Central	C3	$ 4,000,000
MR	Vision 2021	628 Harrison Street	G0054-14	Central	C3	$ 1,200,000
MR	Vera French Housing	808 Harrison	G0043-37B	Central	C3	$ 8,000,000
MR	Commonwealth Real Estate Acquisitions, LLC	TBD	P1113-01A & P1113-08	North	N1	$ 9,000,000
R	Tenante Group, LLC	1108 Brown St	G0030-24	Central	C3	$ 40,000
R	Andrew and Kimerly Varner	1115 W 17th Street	G-0001-29	Central	C3	$ 60,000
R	Urban Rehab LLC	1128 E 14th Street	F0022-05	Central	C3	$ 15,000
R	Urban Rehab LLC	1336 W 17th Street	H0008-15	Central	C3	$ 30,000
R	Michele M Prins	1416 N. Main Street	G0023-48	Central	C3	$ 55,000
R	Anthony Dodd/ A Series of Events	1510 W 3rd Street	K0006-33	Central	C3	$ 120,000
R	City of Davenport	1826 W 4th Street	H0062-04	Central	C3	$ 315,000
R	City of Davenport	1838 W 4th Street	H0062-06	Central	C3	$ 342,000
R	Prospect Park Partners	204 Prospect Terrace	F0041-07	Central	C2	$ 600,000
R	Susan Ramsett & Christopher Kretz	2104 Main Street	B0055-25	Central	C3	$ 135,000
R	City of Davenport	228 S Hancock Ave	J0024-39	Central	C3	$ 326,498

R	C & L Plaza	2720 W 38th Place	O1637A14	North	N1	$	275,000
R	C&L Plaza	3716 Joyce Lane	O1637A23	North	N1	$	350,000
R	Alex Bock	517 Ripley Street	G0054-20	Central	C3	$	80,000
R	Rejuvenate Housing Inc	527 W 15th Street	G0012-30	Central	C3	$	248,071
R	Jack Haberman	709 Gaines	G0045-03A	Central	C3	$	125,000
R	Jack Haberman	711 Gaines	G0045-04A	Central	C3	$	17,500
R	Neltner Properties LLC	820 W 16th Street	G0014-06	Central	C3	$	20,000
R	Eric Brookhart & Linda Cohan Brookhart	934 W 17th Street	G0002-19	Central	C1	$	100,000

C=Commercial, I=Industrial, MR=Multi-Residential, R=Residential

City of Davenport

Department: Public Safety **Action / Date**
Contact Info: Brian Krup | 563-326-6163 **2/28/2024**

Subject:
Resolution approving street, lane, or public ground closure requests for the listed dates and times.

Quad City Symphony Orchestra; Symphony Day; RiverCenter/Adler Theatre | 136 East 3rd Street; 8:00 a.m. - 2:30 p.m. Thursday, February 29, 2024; **Closure:** northernmost parking lane and two travel lanes on East 3rd Street from Brady Street to Iowa Street. [Ward 3]

Mac's Tavern, Daiquiri Factory, Carriage Haus, and Kilkenny's; St. Patrick's Day Celebration; Downtown; approximately 2:00 p.m. (after the parade) Saturday, March 16, 2024 - 6:00 a.m. Sunday, March 17, 2024; **Closure:** West 3rd Street from Ripley Street to Harrison Street. [Ward 3]

Davenport Community School District; Intermediate and High School Track Meets; Brady Street Stadium | 3603 Brady Street; 3:30 p.m. - 9:30 p.m. various dates in April 2024 (see attached schedule); **Closure:** 36th Street from Brady Street to west of Davenport Avenue. [Ward 7]

Cornbelt Running Club; Bix at 6 Training Runs; 5:00 p.m. - 8:00 p.m. Thursday, June 13, 2024; Thursday, June 20, 2024; Thursday, June 27, 2024; and Thursday, July 11, 2024; **Closures:** East 4th Street from Pershing Avenue to River Drive; Pershing Avenue from East 4th Street to Kirkwood Boulevard; Kirkwood Boulevard from Pershing Avenue to Jersey Ridge Road; Jersey Ridge Road from Kirkwood Boulevard to Middle Road; Middle Road from Jersey Ridge Road to McClellan Boulevard; McClellan Boulevard from Middle Road to River Drive. [Wards 3 & 5]

Daiquiri Factory; Summer Street Games; 303 West 3rd Street; 9:00 a.m. Friday, June 14, 2024 - 7:00 p.m. Saturday, June 15, 2024; **Closure:** West 3rd Street from Ripley Street to Harrison Street. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
Per the City's Special Events Policy, City Council will approve street, lane, and public ground closure requests based on the recommendation of the Special Events Committee.

Symphony Day | A closure for Wednesday, February 28, 2024 was approved at the January 24 City Council Meeting. The sponsor advised the Deputy City Clerk on February 12, 2024 via email that the date of the event is actually Thursday, February 29, 2024.

Summer Street Games | Sponsor has communicated with the businesses on the block regarding the closure. This is the same CrossFit event Daiquiri Factory hosted last year but under a new name.

ATTACHMENTS:

Type	Description

Resolution Letter	Resolution
Backup Material	Symphony Day Closure Map
Backup Material	St. Pat's Post-Parade Celebration Map
Backup Material	DCSD Track Meet Closure Map
Backup Material	DCSD Track Meet Schedule
Backup Material	Bix at 6 Info
Backup Material	Bix 7 Route
Backup Material	Summer Street Games Closure Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Admin, Default	Approved	2/16/2024 - 10:25 AM

Resolution No. _____

Resolution offered by Alderman Jobgen.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving street, lane, or public ground closure requests for the listed dates and times.

Quad City Symphony Orchestra; Symphony Day; RiverCenter/Adler Theatre | 136 East 3rd Street; 8:00 a.m. - 2:30 p.m. Thursday, February 29, 2024; ***Closure:*** *northernmost parking lane and two travel lanes on East 3rd Street from Brady Street to Iowa Street. [Ward 3]*

Mac's Tavern, Daiquiri Factory, Carriage Haus, and Kilkenny's; St. Patrick's Day Celebration; Downtown; approximately 2:00 p.m. (after the parade) Saturday, March 16, 2024 - 6:00 a.m. Sunday, March 17, 2024; ***Closure:*** *West 3rd Street from Ripley Street to Harrison Street. [Ward 3]*

Davenport Community School District; Intermediate and High School Track Meets; Brady Street Stadium | 3603 Brady Street; 3:30 p.m. - 9:30 p.m. various dates in April 2024 (see attached schedule); ***Closure:*** *36th Street from Brady Street to west of Davenport Avenue. [Ward 7]*

Cornbelt Running Club; Bix at 6 Training Runs; 5:00 p.m. - 8:00 p.m. Thursday, June 13, 2024; Thursday, June 20, 2024; Thursday, June 27, 2024; and Thursday, July 11, 2024; Closures: East 4th Street from Pershing Avenue to River Drive; Pershing Avenue from East 4th Street to Kirkwood Boulevard; Kirkwood Boulevard from Pershing Avenue to Jersey Ridge Road; Jersey Ridge Road from Kirkwood Boulevard to Middle Road; Middle Road from Jersey Ridge Road to McClellan Boulevard; McClellan Boulevard from Middle Road to River Drive. [Wards 3 & 5]

Daiquiri Factory; Summer Street Games; 303 West 3rd Street; 9:00 a.m. Friday, June 14, 2024 - 7:00 p.m. Saturday, June 15, 2024; ***Closure:*** *West 3rd Street from Ripley Street to Harrison Street. [Ward 3]*

WHEREAS, the City, through its Special Events Policy, has accepted the above applications for events on the listed date and time that are requesting street, lane, or public ground closures; and

WHEREAS, upon review of the applications, it has been determined that streets, lanes, or public grounds will need to be closed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the above street, lane, or public ground closure requests are hereby approved and staff is directed to proceed with the closures.

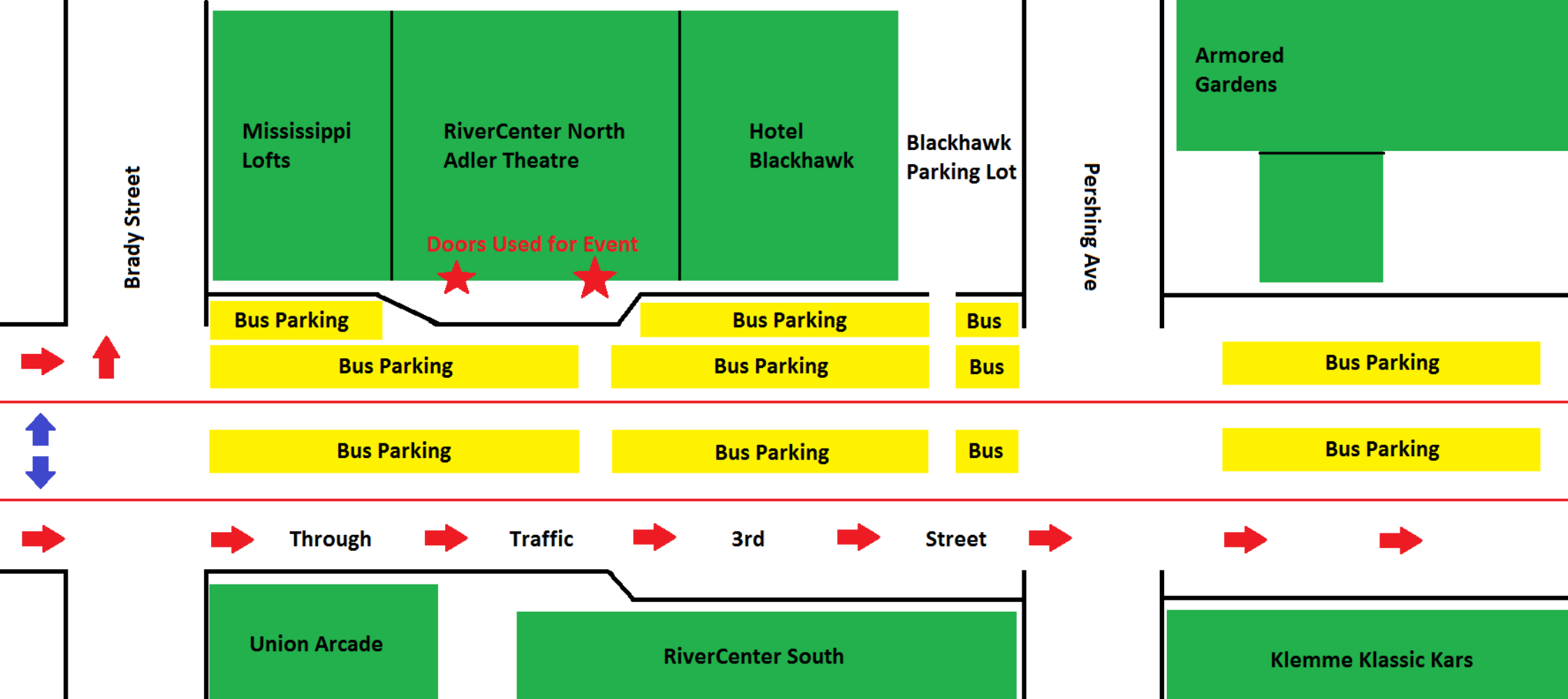
Passed and approved this 28th day of February, 2024.

Approved: Attest:

_____ _____

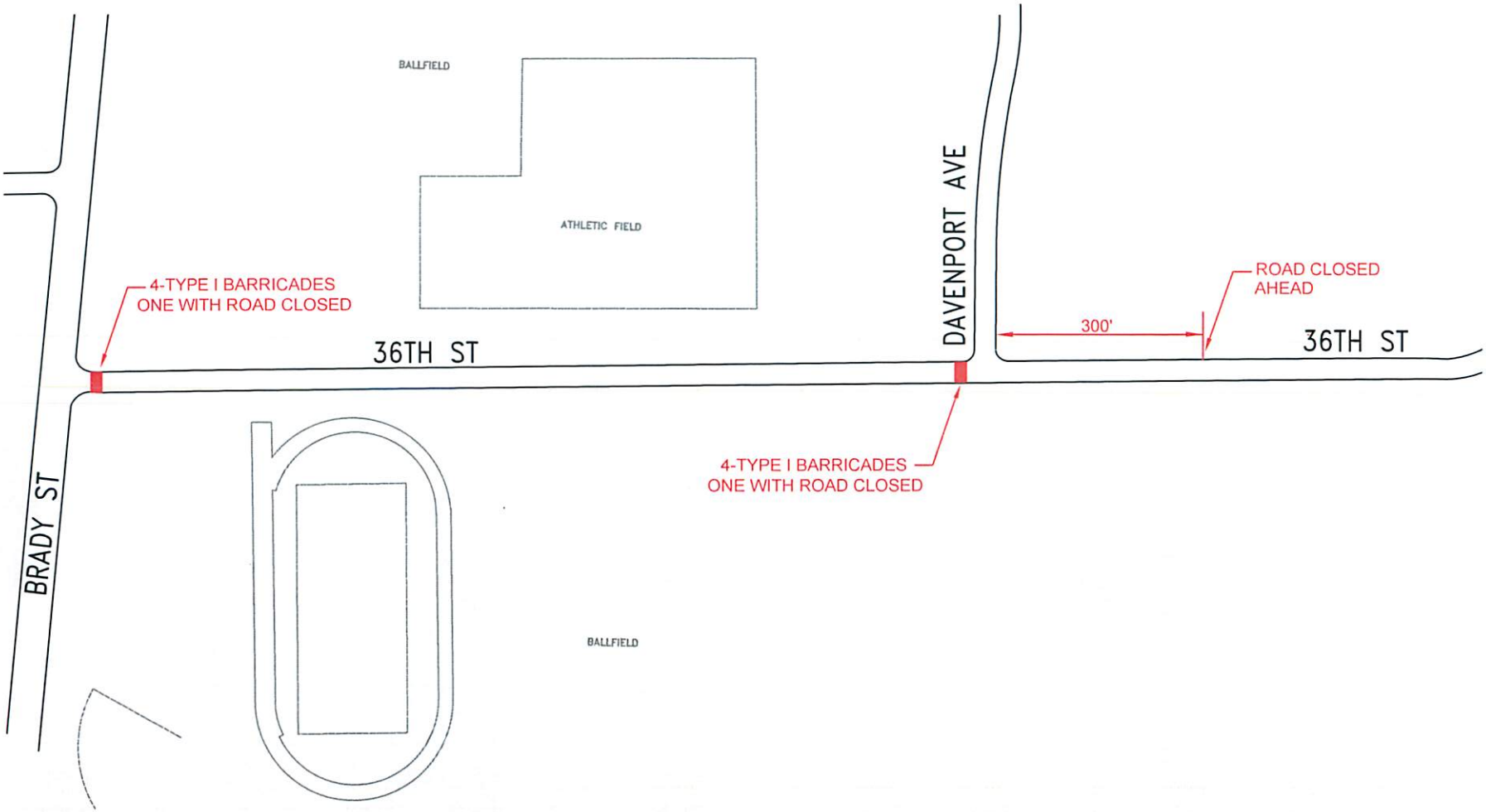
Mike Matson
Mayor

Brian Krup
Deputy City Clerk


Mississippi Lofts
RiverCenter North Adler Theatre
Hotel Blackhawk
Blackhawk Parking Lot
Armored Gardens
Brady Street
Pershing Ave
Doors Used for Event
Bus Parking
Bus Parking
Bus Parking
Bus
Bus Parking
Bus Parking
Bus Parking
Bus
Bus Parking
Through
Traffic
3rd
Street
Union Arcade
RiverCenter South
Klemme Klassic Kars


Barricades
Level 1
Kahl Lofts
318
Mac's Tavern
Carriage Haus
314
309
Kilkenny's Pub
Grill · $
302
304
W 3rd St
Quad Cities Chamber
of Commerce
321
317
Pastrnak Law Firm
Daiquiri Factory
St. Patrick's Day Post-Parade Celebration

DAVENPORT SCHOOLS
STREET CLOSURE



Davenport Community School District

2024 Intermediate and High School Track Meet Schedule

Monday, April 1, 2024

Tuesday, April 2, 2024

Thursday, April 4, 2024

Wednesday, April 10, 2024

Thursday, April 11, 2024

Monday, April 15, 2024

Wednesday, April 17, 2024

Monday, April 22, 2024

Thursday, April 25, 2024

Friday, April 26, 2024

2024 Iowa American Water "Bix at 6"

Training runs:

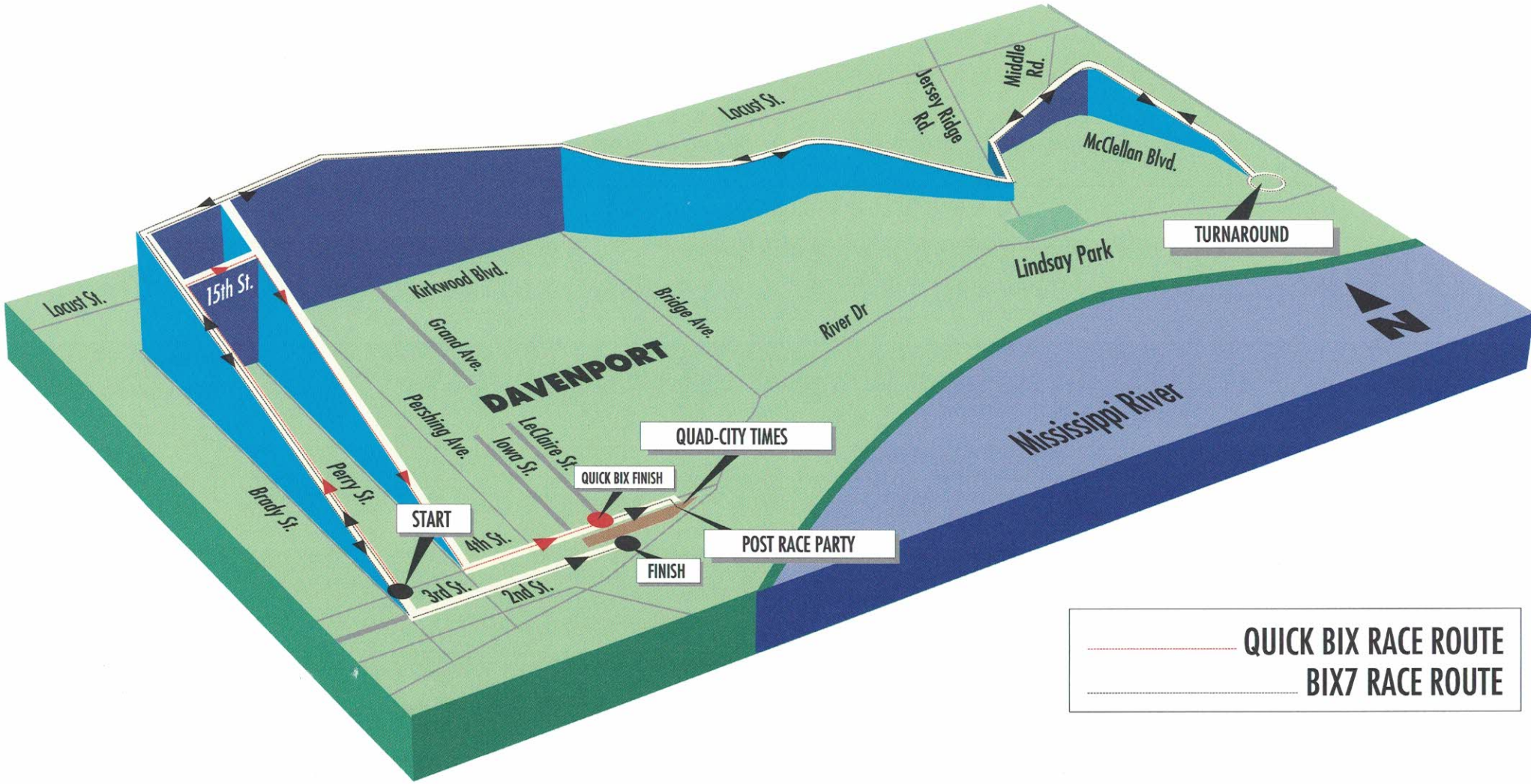
The Cornbelt Running Club is requesting to have the Bix 7 race course police monitored as it was in 2023. We request that 4th Street be closed each Thursday, starting June 13, 2024 and for the following period, June 20, June 27, and ending Thursday, July 11, 2024. There will not be a training run on July 4, 2024.

We will need the assistance of the Davenport Police Dept. to provide the traffic protection as was the case in 2023.

We will again start and finish the training runs as the City has requested in the past, with 4th Street and Le Claire street as the starting and finishing point. The training runs will go up Pershing Street, instead of Brady Street.

The dates of the training runs will be as follows:

Thursday, June 13, 2024
Thursday, June 20, 2024
Thursday, June 27, 2024
Thursday, July 11, 2024


Locust St.
Jersey Ridge Rd.
Middle Rd.
McClellan Blvd.
TURNAROUND
Lindsay Park
15th St.
Kirkwood Blvd.
Grand Ave.
Bridge Ave.
River Dr
DAVENPORT
Pershing Ave.
LeClaire St.
Iowa St.
QUAD-CITY TIMES
QUICK BIX FINISH
Mississippi River
Perry St.
Brady St.
START
4th St.
POST RACE PARTY
FINISH
3rd St.
2nd St.
N
QUICK BIX RACE ROUTE
BIX7 RACE ROUTE


Barricades
314
Capitol Theatre
Mac's Tavern
318
Kahl Lofts
Shazam Atm
Carriage Haus
Kilkenny's Pub
Grill • $
302
304
W 3rd St
Quad Cities Chamber
of Commerce
321
Pastrnak Law Firm
Daiquiri Factory

City of Davenport

Department: City Clerk
Contact Info: Brian Krup | 563-326-6163

Action / Date
2/28/2024

Subject:
Motion approving noise variance requests on the listed dates and times for outdoor events.

Kilkenny's; St. Patrick's Day Celebration; 300 West 3rd Street; 8:00 a.m. Saturday, March 16, 2024 - 12:00 a.m. Sunday, March 17, 2024; Outdoor music, over 50 dBA. [Ward 3]

Daiquiri Factory; Summer Street Games; 303 West 3rd Street; 4:00 p.m. - 8:30 p.m. Friday, June 14, 2024 and 8:00 a.m. - 5:00 p.m. Saturday, June 15, 2024; Outdoor music/DJ, over 50 dBA. [Ward 3]

Recommendation:
Pass the Motion.

Background:
These requests for a noise variance have been received pursuant to the Municipal Code of Davenport, Iowa Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

Summer Street Games | The sponsor has indicated that a DJ will be playing music while the athletes are competing.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	2/15/2024 - 9:49 AM

City of Davenport

Department: Finance **Action / Date**
Contact Info: Jamie Swanson | 563-326-7795 **2/28/2024**

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

Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street - Extended Outdoor Area March 16-17 - License Type: Class C Liquor (On-Premises)

Daiquiri Factory (DaqFac, LLC) - 303 West 3rd Street - Extended Outdoor Area March 16 - License Type: Class C Liquor (On-Premises)

Kilkenny's Pub & Eatery (Kilkenny's Pub, Inc) - 300 West 3rd Street - Extended Outdoor Area March 15-18 - License Type: Class C Liquor (On-Premises)

Mac's Tavern (Failte, Inc) - 316 West 3rd Street - Extended Outdoor Area March 16-17 - License Type: Class C Liquor (On-Premises)

The Office (Local 563 Cocktail Lounge, LLC) - 116 West 3rd Street - Extended Outdoor Area March 16-17 - License Type: Class C Liquor (On-Premises)

Rodriguezhope (Alfredo Rodriguez) - 226 West 3rd Street - Extended Outdoor Area March 14-18 - License Type: Class C Liquor (On-Premises)

Ward 5

Hilltop Campus Village (Hilltop Campus Village) - 1527 Brady Street - Temporary Event March 8 - License Type: Class C Liquor (On-Premises)

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

Ward 4

Hy-Vee Market Café (Hy-Vee, Inc) - 2351 West Locust Street (Café Area) - License Type: Class C Liquor (On-Premises)

The Pour House (Boss Lady, Inc) - 1502 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 5

Brew in the Village (3 Blessings, Inc) - 1104 Jersey Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Los Primos Mexican Grill (Los Primos Mexican Grill, LLC) - 1143 East Locust Street - License Type: Class C Liquor (On-Premises)

Ward 6

QC Mart (Bethany Enterprises, Inc) - 2415 East 53rd Street - License Type: Class C Beer (Carry-Out)

Ward 8

Davenport Chapter Izaak Walton League of America (Davenport Chapter IWLA) - 8402 North Harrison Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Recommendation:
Pass the Motion.

Background:
These applications have been reviewed by the Police, Fire, and Zoning Departments.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	2/16/2024 - 12:16 PM
Finance Committee	Merritt, Mallory	Approved	2/16/2024 - 12:16 PM
City Clerk	Admin, Default	Approved	2/16/2024 - 1:42 PM

City of Davenport

Department: Public Works - Admin
Contact Info: Laura Berkley | 563-888-3553

Action / Date
2/28/2024

Subject:
Second Consideration: Ordinance amending Chapter 15.44 entitled "Flood Damage Prevention" of the Davenport Municipal Code to adopt the new Flood Insurance Study and flood maps, and to align the Ordinance with Iowa Department of Natural Resources and FEMA standards and regulations. [All Wards]

Recommendation:
Adopt the Ordinance.

Background:
On July 16, 2021, the Federal Emergency Management Agency (FEMA) notified the City of Davenport of proposed modifications to the Flood Insurance Study and Flood Insurance Rate Maps for the City of Davenport. FEMA has determine that the proposed modifications are now considered final and will be effective as of April 11, 2024.

As a condition of continued eligibility of the National Flood Insurance Program, the City must amend the regulations in Chapter 15.44 entitled Flood Damage Prevention to meet the standards of the National Flood Insurance Act of 1968, as amended. The Iowa Department of Natural Resources has reviewed Chapter 15.44 and provided amendments that would ensure Davenport remains in compliance with both FEMA and State of Iowa regulations.

The amendments include:

- Adopting the new Flood Insurance Study and Flood Insurance Rate Maps
- Addition and amendments to definitions in Section 15.44.070
- Clarification on the standards for flood hazard reduction in all flood zones
- Deletion of Section 15.44.100 related to shallow flooding AO Zones - there are no AO Zones within the City of Davenport

The regulations are required to be adopted and effective prior to April 11, 2024.

A Public Hearing prior to City Council action on amendments in Chapter 15.44 is required. A notice was published in the Quad City Times on January 20, 2024.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Ordinance with Amendments Strike-through Version

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Moses, Trish	Approved	2/1/2024 - 8:08 AM

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15.44 ENTITLED "FLOOD DAMAGE PREVENTION" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ADOPT THE NEW FLOOD INSURANCE STUDY AND FLOOD MAPS, AND TO ALIGN THE ORDINANCE WITH IOWA DEPARTMENT OF NATURAL RESOURCES AND FEMA STANDARDS AND REGULATIONS.

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

Section 1. That section 15.44.060 **Basis for establishing the areas of special flood hazard** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

> The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED April 11, 2024," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C0335H, 0340H, 0345H, 0355H, 0360H, 0365H, 0367H, 0370H, 0376H, 0378H, 0460H, 0476H; dated April 11, 2024 and 0456G, 0458G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained in the Flood Insurance Study are also declared to be a part of this chapter.

Section 2. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa be and the same is hereby amended to incorporate the following terms and definitions to read as follows:

> ENCLOSED AREA BELOW LOWEST FLOOR – Shall mean the floor of the lowest enclosed area in a building when all the following criteria are met:
>
> A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of SECTION 15.44.080 (R)(1) of this Ordinance, and
> B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low-damage potential uses such as building access, parking or storage, and
> C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
> D. The enclosed area is not a "basement" as defined in this section.

FACTORY-BUILT HOME - Shall mean any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

Section 3. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to revise the following terms and definitions to read as follows:

FACTORY-BUILT HOME PARK OR SUBDIVISION - Shall mean a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

FLOOD INSURANCE RATE MAP (FIRM) - Shall mean the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - Shall mean a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

FLOODWAY FRINGE - Shall mean those portions of the Special Flood Hazard Area outside the floodway.

LOWEST FLOOR - Shall mean the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Shall mean those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

REPETITIVE LOSS – Shall mean a building covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

SUBSTANTIAL DAMAGE - Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of

the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

SUBSTANTIAL IMPROVEMENT – Shall mean any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Section 4. That subsection 15.44.080(M) **General Standards for flood hazard reduction** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

M. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

1. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
2. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
6. The structure's walls shall include openings that satisfy the provisions of (SECTION 15.44.080 (R)(1) of this Ordinance.
7. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

Section 5. That subsection 15.44.080(R)(5) **All New and Substantially Improved Structures** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 6. That section 15.44.100 **Standards for areas of shallow flooding (AO zones)** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 7. That subsection 15.44.110(D) **Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

> Base flood elevation data shall be provided for all subdivision proposals (regardless of size) and other proposed development which is intended for the construction of any structure.

Section 8. That subsection 15.44.140(F) **Permit Procedures** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

> Elevation of the base flood in relation to NAVD;

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

Chapter 15.44
FLOOD DAMAGE PREVENTION
Amendments with Strike-Through

15.44.010. Statutory authorization. [Ord. 2011-04 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-1]

The Legislature of the state has in Section 364.1 of the 2009 Iowa Code delegated the responsibility to local government units to adopt regulations designed to protect and preserve the rights, privileges and property of the City and its residents and to preserve, improve and promote the peace, health, safety, comfort and general welfare of the citizenry.

15.44.020. Findings of fact. [2-24-2021 by Ord. No. 2021-77; Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-2]

A. The flood hazard areas of Davenport are subject to periodic inundation which results in the potential for loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being adequately elevated or otherwise protected from flooding and the cumulative effect of obstructions in floodplains causing increases in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.

15.44.030. Statement of purpose. [Ord. 2011-04 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-3]

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or result in an increase in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development which may increase

erosion of flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;

F. Maintain eligibility in the National Flood Insurance Program thereby assuring the eligibility of property owners, business owners, and tenants in the community to purchase flood insurance and to aid in the City's participation in the Community Rating System (CRS).

15.44.040. Objectives. [Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-4]

The objectives of this chapter are to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

G. Insure that potential home buyers are notified that property is in a flood area.

15.44.050. Lands to which this chapter applies. [Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-6]

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City. The provisions of this chapter shall apply to all lands within the jurisdiction of the City of Davenport that are subject to special flood hazards as shown on the Flood Insurance Rate Maps or as may be subject to special flood hazard as determined through accepted hydraulic and hydrologic analysis. The Flood Insurance Rate Map panels adopted by reference in Section 15.44.060 may include floodplain areas outside the corporate limits of Davenport at the time of adoption of this chapter, the newly annexed floodplain lands shall be subject to the provisions of this chapter immediately upon the date of the annexation into Davenport.

15.44.060. Basis for establishing the areas of special flood hazard. [2-24-2021 by Ord. No. 2021-77; Ord. 2011-4 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-7]

~~The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for~~

~~Scott County, Iowa No. 19163CV000CA DATED March 23, 2021," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C00335G, 0340G, 0345G, 0355G, 0360G, 0365G, 0367G, 0370G, 0376G, 0378G, 0433G, 0434G, 0453G, 0454G, 0456G, 0458G, 0460G, and 0476G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.~~

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED April 11, 2024," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C0335H, 0340H, 0345H, 0355H, 0360H, 0365H, 0367H, 0370H, 0376H, 0378H, 0460H, 0476H; dated April 11, 2024 and 0456G, 0458G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained in the Flood Insurance Study are also declared to be a part of this chapter.

15.44.070. Definitions. [2-24-2021 by Ord. No. 2021-77; 12-4-2019 by Ord. No. 2019-530; Ord. 2011-4 § 1 (part); Ord. 95-55 § 1; Ord. 90-146 §§ 16; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-5]

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

ACCESSORY STRUCTURE — Shall mean a nonhabitable structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

APPEAL — Shall mean a request for a review of the code enforcement coordinator interpretation of any provision of this chapter or a request for a variance.

APPROPRIATE USE — Shall mean only those uses permissible in the regulatory floodway that will be considered for permit issuance.

APPURTENANT STRUCTURE — Shall mean a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SHALLOW FLOODING — Shall mean a designated AO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

BASE FLOOD — Shall mean the flood having a 1% probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event.

BASE FLOOD ELEVATION (BFE) — Shall mean the highest water surface elevation that can be expected during the base flood in relation to mean sea level. The base flood

elevation (BFE) is also known as the 100-year frequency flood elevation and as a 1% probability of being equaled or exceeded in any given year.

BASEMENT — Shall mean any enclosed area of a structure which has its flood or lowest level below ground level (subgrade) on all sides. See also "lowest floor."

BEST MANAGEMENT PRACTICES (BMPS) — Shall mean practices or measures typically developed as part a stormwater management program that reduce nonpoint source pollution that enter the waterways.

BUILDING — Shall mean a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

CHANNEL — Shall mean any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainage way, which has a definite bed and banks or shoreline, into which surface or groundwater flows, either perennially or intermittently.

CHANNEL MODIFICATION — Shall mean the alteration of a channel by changing the physical dimensions or materials of its bed or banks and includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining or significant removal of bottom or woody vegetation. Modification does not include the clearing of dead or dying vegetation, debris or trash from the channel.

COMPENSATORY STORAGE — Shall mean an artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the flood plain. The uncompensated loss of natural flood plain storage can increase off-site floodwater elevations and flows.

CRITICAL FACILITY — Shall mean any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to a critical facility can impact delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Critical facilities include but may not be limited to emergency services, schools, retirement or senior care facilities, major roads and bridges, utility sites and hazardous materials storage sites.

CRITICAL FEATURE — Shall mean an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DAM — Shall mean any obstruction, wall embankment or barrier, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included. Dams may include weirs, restrictive culverts or impoundment structures.

DESIGN STORM — Shall mean a selected storm event, described in terms of probability of occurrence for which flood mitigation protection elevations are determined.

DEVELOPMENT — Shall mean any man-made change to improved or unimproved real estate, including, but not limited to:

A. Construction, reconstruction, repair, addition to or replacement of a building or structure.

B. Installing a manufactured home on a site, preparing a site for a manufactured home, or

installing a travel trailer on a site for more than 180 days.

C. Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.

D. Demolition of a structure or redevelopment of a site.

E. Clearing of land as an adjunct of construction.

F. Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving or other non- agricultural alterations of the ground surface; storage of equipment or materials; deposit of solid or liquid waste.

G. Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal. Development does not include maintenance of existing buildings and facilities such as reroofing or resurfacing of roads when there is no increase in elevation, or gardening, plowing, cultivation, and similar agricultural practices that do not involve filling, grading, or construction of levees.

ELEVATION CERTIFICATE — Shall mean a form used by FEMA to certify building elevations, confirm compliance with the Village floodplain management ordinance, determine proper insurance premium rates, and to support a request for a Letter of Map Amendment (LOMA) or a Letter of Map Revisions based on fill (LOMR-F).

ENCLOSED AREA BELOW LOWEST FLOOR – Shall mean the floor of the lowest enclosed area in a building when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of SECTION 15.44.080 (R)(1) of this Ordinance, and;

B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low-damage potential uses such as building access, parking or storage, and;

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and;

D. The enclosed area is not a “basement” as defined in this section.

EROSION — Shall mean the general process whereby soils are moved by flowing water or wave action.

EXISTING CONSTRUCTION — Shall mean any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION — Shall mean a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION — Shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site

grading or the pouring of concrete pads.

500-YEAR FLOOD — Shall mean a flood, the magnitude of which has a 0.2% chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.

FACTORY-BUILT HOME - Shall mean any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

FACTORY-BUILT HOME PARK OR SUBDIVISION - Shall mean a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

~~FACTORY-BUILT HOME PARK — Shall mean a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.~~

FEMA — Shall mean the Federal Emergency Management Agency and its regulations at 44 CFR 59-79, specifically the regulations within CFR 44 Section 60.3d which are adopted by this reference. FEMA is the independent Federal agency that, in addition to carrying out other activities, administers the NFIP.

FLOOD OR FLOODING — Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland rivers or streams or tidal waters and the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FREQUENCY — Shall mean a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

FLOOD FRINGE — Shall mean that portion of the flood plain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM) - Shall mean the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

~~FLOOD INSURANCE RATE MAP (FIRM) — Shall mean a map prepared by FEMA that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and flood plains and may or may not depict floodway.~~

FLOOD INSURANCE STUDY (FIS) - Shall mean a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

~~FLOOD INSURANCE STUDY — Shall mean the official report provided by the Federal Insurance Administration. The report contains flood profiles and the water surface elevation of the base flood.~~

FLOOD PLAIN — Shall mean any land area susceptible to being inundated by water as a result of a flood. The land is typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood

plains may also include detached special flood hazard areas, ponding areas, etc. The flood plain is also known as the special flood hazard area (SFHA).

FLOOD PLAIN DEVELOPMENT PERMIT — Shall mean a permit required for any development occurring below the base flood elevation.

FLOOD PLAIN MANAGEMENT — Shall mean an overall program of corrective and preventive measures (mitigation) for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

FLOOD PROTECTION ELEVATION (FPE) — Shall mean the elevation of the base flood or 100-year frequency flood plus one foot of freeboard at any given location in the SFHA. Outside of the floodplain limits, the 100-year design water surface elevation of any adjacent stormwater facility or the 100-year storm elevation on non-NFIP mapped floodplain plus two feet of freeboard.

FLOODPROOFING — Shall mean any combination of structural or nonstructural changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

FLOODPROOFING CERTIFICATE — Shall mean a form used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOODWAY — Shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (design storm) so that confinement of flood flows within the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

FLOODWAY FRINGE - Shall mean those portions of the Special Flood Hazard Area outside the floodway.

~~FLOODWAY FRINGE — Shall mean those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing higher flood levels or flow velocities.~~

FREEBOARD — Shall mean an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations (development outside the communities control), unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

FUNCTIONALLY DEPENDENT USE — Shall mean a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term shall include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE — Shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of the structure.

HISTORIC STRUCTURE — Shall mean any structure that is:

a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on the State Inventory of Historic Places which inventory is part of a historic preservation program approved by the Secretary of the Interior; or

d. Individually listed on the local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

HYDRAULICALLY EQUIVALENT COMPENSATORY STORAGE — Shall mean compensatory storage either adjacent to the floodplain fill or not located adjacent to the development but can be shown by hydrologic and hydraulic analysis to be equivalent to compensatory storage located adjacent to the development.

HYDROLOGIC AND HYDRAULIC CALCULATIONS — Shall mean an engineering analysis which determines expected flood flows and flood elevations based on land characteristics and rainfall events.

HYDROLOGICALLY DISTURBED — Shall mean an area where the land surface has been cleared, grubbed, compacted, or otherwise modified to change runoff volumes, rates or direction.

IMPERVIOUS SURFACE — Shall mean any hard-surfaced, man-made area that does not readily absorb or retain water including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation surfaces.

INTERMITTENT STREAM — Shall mean a stream whose bed intersects the groundwater table for only a portion of the year on the average or any stream which flows continuously for at least one month out of the year but not the entire year.

LEVEE — Shall mean a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee to provide relief from flood insurance requirements it will need to be a certified level meeting the minimum requirements of 44 CFR 65.

LEVEE SYSTEM — Shall mean a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - Shall mean the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

~~LOWEST FLOOR — Shall mean the lowest floor of the lowest enclosed area, including basement. An exception results when all of the following criteria are met:~~

~~a. The enclosed area is designed to flood, to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 15.44.110CB (please refer to FEMA Technical Bulletin No. 1 entitled "Openings in Foundation Walls and Walls of Enclosures"); and~~

~~b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low~~

~~damage potential uses such as building access, parking or storage; and~~

~~c. Machinery and service facilities contained within the enclosed area are protected from flood water to a height of at least one foot above the base flood elevation; and~~

~~d. The enclosed area is not defined as a "basement" in this section; and~~

~~e. Provided the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.~~

~~In cases where the lowest enclosed area satisfies criteria stated in paragraphs a through d above, the lowest floor is the floor on the next highest enclosed area that does not satisfy the criteria above.~~

MANUFACTURED HOME — As defined by Chapter 414.28 of the Iowa Code shall mean a factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. § 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the sake of this chapter the definition of manufactured home includes factory-built home. "Factory-build home" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "factory-built home" shall also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "factory-built home" does not include park trailers, travel trailers, and other similar devices.

MANUFACTURED HOME PARK OR SUBDIVISION — A tract designed to accommodate manufactured home sites.

MAXIMUM DAMAGE POTENTIAL DEVELOPMENT — Shall mean hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

MEAN SEA LEVEL — Shall mean, for the purposes of the National Flood Insurance Program (NFIP), the National American Vertical Datum of 1988 (NAVD 88) or other datum, to which base flood elevations shown on the community's Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) are referenced.

MINOR PROJECTS — Shall mean small development activities (except for filling, grading, and excavating) valued at less than $500.

MITIGATION — Shall mean those measures necessary to minimize the negative effects which flood plain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure's susceptibility to flooding.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) — Shall mean the Federal program whose requirements are codified in the Title 44 of the Code of Federal Regulations.

NATURAL — When used in reference to channels means those channels formed by the

existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its flood plain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by man through regarding and re vegetation.

NAVD 88 — Shall mean National American Vertical Datum of 1988, which supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

NET WATERSHED BENEFIT — Shall mean a finding that, when compared to the existing condition, the developed project will do one of the following: substantially reduce (more than 10%) downstream peak discharges; reduce downstream flood stages (more than 0.1 foot); or reduce downstream damages to structures occurring in the pre-development condition. The demonstration of one of these conditions must be through detailed hydrologic and hydraulic analysis of the watershed(s) on a regional scale.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Shall mean those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community (March 1, 1978).

~~NEW CONSTRUCTION — Shall mean structures for which the "start of construction" commenced on or after the effective date of the FIRM, 3-1-78, and includes any subsequent improvements to such structures.~~

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION — Shall mean a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

NGVD — Shall mean National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

NO ADVERSE IMPACT (NAI) — Shall mean a managing principle that includes both structural and nonstructural measure of floodplain management established by the Association of State Floodplain Manager (ASFPM) that provide a higher level of protection for a community and its citizens and to prevent increased flooding now and in the future.

NON-CONVERSION AGREEMENT — Shall mean an agreement binding on the current and future homeowners that the enclosure located below the base flood elevation will not be converted into living space.

NON-RIVERINE — Shall mean areas not associated with a stream or river such as isolated depressional storage areas, ponds and lakes.

NPDES II — Shall mean that program mandated by Congress under the Clean Water Act, the NPDES Stormwater Program is a comprehensive two-phased national program for addressing the nonagricultural sources of stormwater discharges which adversely affect the quality of our nation's waters. The program uses the National Pollutant Discharge

Elimination System (NPDES) permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by stormwater runoff into local water bodies.

ORDINARY HIGH WATER MARK (OHWM) — Shall mean the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

PERENNIAL STEAMS — Shall mean riverine watercourses whose thalweg generally intersects the groundwater table elevation and flows throughout the year.

PROGRAM DEFICIENCY — Shall mean a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the standards in Section 60.3 and 60.6 of the National Flood Insurance Program.

PUBLIC BODIES OF WATER — Shall mean all open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the state of Iowa, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

PUBLIC FLOOD CONTROL PROJECT — Shall mean a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

PUBLICLY NAVIGABLE WATERS — Shall mean all streams and lakes capable of being navigated by watercraft.

REASONABLY SAFE FROM FLOODING — Shall mean methods and standards of foundation protection, such as the placement, compaction and protection of fill when used to elevate a building, that base flood waters will not inundate or damage a structure(s) to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings. Please refer to FEMA Technical Bulletin No. 10-1 "Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding."

RECREATIONAL VEHICLE — Shall mean a vehicle which is: (a) built on a single chassis; (b) 400 feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, traveling or seasonal use.

REGISTERED LAND SURVEYOR — Shall mean a land surveyor registered in the state of Iowa as per Chapter 542b of the State Code of Iowa entitled "Professional Engineers and Land Surveyors."

REGISTERED OR LICENSED PROFESSIONAL ENGINEER — Shall mean an engineer registered in the state of Iowa as per Chapter 542b of the State Code of Iowa entitled "Professional Engineers and Land Surveyors."

REGULATORY FLOOD PLAIN — Shall mean the flood plain as depicted on maps recognized by FEMA as defining the limits of the SFHA.

REGULATORY FLOODWAY OR DESIGNATED FLOODWAY — Shall mean those portions of the floodplain depicted on the Flood Insurance Rate Map which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no increase in stage due to the loss of flood conveyance or storage, and no increase in velocities.

REMEDY A VIOLATION — Shall mean to bring the structure or other development into compliance with state or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the section or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS – Shall mean a building covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

~~REPETITIVE LOSS — Shall mean flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.~~

RETENTION/DETENTION FACILITY — Shall mean a facility for the purpose of retaining or detaining stormwater. A retention facility stores stormwater runoff without a gravity release for infiltration purposes. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES — Shall mean repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement to the structure or repair of a damaged structure. Such repairs include:

a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.

b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.

c. Basement sealing.

d. Repairing or replacing damaged or broken window panes.

e. Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.

RUNOFF — Shall mean the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

SEDIMENTATION — Shall mean the process that deposits soil, debris, and other materials either on ground surfaces or in bodies of water or water courses.

SPECIAL FLOOD HAZARD AREA — Shall mean the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR and/or A99.

START OF CONSTRUCTION — Shall include substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a permanent foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORMWATER MANAGEMENT — Shall mean a set of actions taken to control stormwater (surface) runoff with the objectives of providing controlled surface drainage, flood control and pollutant reduction.

STREAM OR RIPARIAN BUFFER — Shall mean a best management practice (BMP) that either as a stand-alone practice or in conjunction with other practices seeks to minimize the adverse effects on the quality of water within the adjacent stream by providing or preserving a predominantly vegetation area that acts as a barrier between a particular land use (house, lawn, commercial, etc.) and the water for the purpose eliminating or mitigating adverse run-off effects.

STRUCTURE — Shall mean man-made change to the land constructed on or below grade, including construction, reconstruction or placement of a building or any addition to a building, roads, signs, billboards, etc.; installing a manufactured home on a site; preparing a site for manufactured home or installing a travel trailer on a site for more than 180 days.

SUBSTANTIAL DAMAGE - Shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

~~SUBSTANTIAL DAMAGE — Shall mean damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten-year period, the cost of which equals or exceeds 50% of the market value of the structure before the damage occurred regardless of the actual repair work performed.~~

SUBSTANTIAL IMPROVEMENT – Shall mean any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community (March 1, 1978) shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

~~SUBSTANTIAL IMPROVEMENT — Shall mean any repair, reconstruction, rehabilitation, addition or other improvement of a structure since the City entered the regular program of the NFIP (3-1-1978), the cost of which equals or exceeds 50% of the market of the structure either (a) before the "start of construction" of the improvement, or (b) if the structure has been damaged and is being restored, before the damage occurred regardless of the actual repair work performed. Also any addition which cumulatively increases the original floor area of a structure by 25% or more since the City entered the regular program of the NFIP (3-1-1978). All additions constructed after the effective date of the FIRM for Davenport (3-1-1978) shall be added to any proposed addition in determining whether the total increase in original floor area would exceed 25%. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (b) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."~~

VARIANCE — Shall mean a grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

VIOLATION — Shall mean the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the National Flood Insurance Program is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — Shall mean the height, in relation to the National American Vertical Datum of 1988 or other datum, where specified, of floods of various magnitudes and frequencies in the flood plains of riverine or other areas.

15.44.080. General standards for flood hazard reduction. [Amended 11-22-2022 by Ord. No.

2022-554; 2-24-2021 by Ord. No. 2021-77; Ord. 95-55 § 2; Ord. 92-453 § 1 (part); Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-18 (part)]

A. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine:

   1. Whether the land involved is either wholly or partly within the floodway or floodway fringe; and

   2. The Base Flood Elevation.

B. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one foot. The application will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

   1. The bridge or culvert is located on a stream that drains less than two square miles; and

   2. The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

D. All new construction and substantial improvement including factory-built housing shall be:

   1. Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure;

   2. Constructed with materials and utility equipment resistant to flood damage;

   3. Constructed by methods and practices that minimize flood damage;

   4. Done in a manner that does not cause any net loss of flood plain and any diminishment of flood carrying capacity. This shall be accomplished by matching each cubic yard or fill dirt added to the site with a corresponding yard of fill dirt removed from another area of the property. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

E. All new and replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

F. On-site waste disposal and water supply systems shall be located to avoid impairment to them or contamination from them during flooding.

G. Water supply and/or waste water treatment facilities shall be provided with flood protection equal to or greater than one foot above the 100-year flood elevation.

H. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

I. The storage or processing of materials that are in time of flooding buoyant, flammable,

explosive, or could be injurious to human, animal or plant life is prohibited.

J. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

K. Structural flood control works such as levees, flood walls, etc., shall provide at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. Approval of such structural work shall also be obtained from the Iowa Department of Natural Resources.

L. No use and or development shall affect the capacity of conveyance of the channel or floodway of any tributary to the mainstream, drainage ditch or other drainage facility or system. In addition, such alterations must be approved by the Iowa Department of Natural Resources.

M. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

1. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
2. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
6. The structure's walls shall include openings that satisfy the provisions of (SECTION 15.44.080 (R)(1) of this Ordinance.
7. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

~~Detached garages, sheds, fences, flag poles and similar structures are exempted from the requirements of this chapter when all of the following conditions are met:~~

~~1. The structure is not used for habitation;~~

~~2. The structure has been designed to have a low flood damage potential;~~

~~3. The structure is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;~~

~~4. The structure is firmly anchored to prevent flotation which may result in damage to other structures and/or downstream; and~~

~~5. The structure's service facilities such as electrical and heating are elevated or floodproofed a minimum of one foot above the base flood elevation.~~

~~6. The structure shall be designed to how low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot~~

~~above the Base Flood Elevation must be constructed of flood-resistant materials.~~

N. Any permanent exposed slopes or fills and any cut faces of earth excavation which are to be vegetated shall be no steeper than three feet horizontal to one-foot vertical.

O. Any and all development or man-made changes to improved or unimproved real estate shall utilize the principle of no net loss of flood plain with all fill being offset by corresponding grade reductions or cuts. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

P. Require that recreational vehicles placed on sites within Zones A1 - A30, AH and AE on a community's FIRM either: (i) be on the site for fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; (iii) meet the requirements of Section 15.44.120. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Q. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated to a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make such determinations.

R. All New and Substantially Improved Structures. **[Added 11-22-2022 by Ord. No. 2022-554]**

1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or meet and/or exceed the following criteria:

    a. A minimum of two openings having a total net opening of not less than one square inch for every square foot of enclosed area subject to flooding.

    b. The bottom of all openings shall be no higher than one foot above grade.

    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and similar machinery and equipment elevated or floodproofed to a minimum of one foot above Base Flood Elevation.

4. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated or floodproofed to a minimum of one foot above Base Flood Elevation or designed to be watertight and withstand inundation to such a level.

~~5. All nw and substantially improved structures.~~

S. Residential Construction. **[Added 11-22-2022 by Ord. No. 2022-554]**

All new or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation at least 18 feet beyond the limits of any structure erected thereon. All fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain. Alternate methods of elevating may be allowed subject to favorable consideration by both the City plan and zoning commission and the Iowa Department of Natural Resources. The alternative method selected shall be adequate to support the structure as well as withstand the various forces and hazards associated with flooding, increased flood heights and/or erosion, and shall meet the requirements of this chapter.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided a means of access that will be passible by wheeled vehicles during the Base Flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time. Consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

T. Nonresidential Construction. **[Amended 11-22-2022 by Ord. No. 2022-554]**

1. All new construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

    a. A registered professional engineer or architect shall develop and/or review structural design specifications, and plans for the construction, and shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting the applicable standards.

    b. Such certification shall be provided to and maintained by the official as set forth in Section 15.44.180.

2. If the structure is elevated through the use of fill, all fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards; however, the requirement stated in the preceding sentence shall have

no application to the Mississippi River flood plain.

3. All new construction or substantial improvement that contains fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or meet and/or exceed the following criteria:

    a. A minimum of two openings having a total net opening of not less than one square inch for every square foot of enclosed area subject to flooding.

    b. The bottom of all openings shall be no higher than one foot above grade.

    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

5. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and similar machinery and equipment elevated or floodproofed to a minimum of one foot above Base Flood Elevation.

6. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated or floodproofed to a minimum of one foot above Base Flood Elevation or designed to be watertight and withstand inundation to such a level.

U. Factory-Built Housing. **[Amended 11-22-2022 by Ord. No. 2022-554]**

1. No factory-built housing shall be placed in a floodway and shall meet the requirements of this chapter.

2. All factory-built homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

    a. Over-the-top ties be provided at each of the four corners of the factory-built home, with two additional ties per side;

    b. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

    c. Any additions to the factory-built home be similarly anchored.

3. All factory built housing to be placed or substantially improved including those placed in a factory-built home park or subdivision in existence prior to the effective date of the chapter shall be elevated on a permanent foundation such that the lowest floor of the factory built home is a minimum one foot above the base elevation. If this grade is achieved through the use of fill, all fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards. However, this requirement stated in the preceding sentence shall have no application to

the Mississippi River flood plain.

15.44.090. Flood hazard reduction — Floodways. [2-24-2021 by Ord. No. 2021-77; Ord. 92-453 § 1 (part); Old. 87-206; Ord. 78-128 (part); prior code § 14001-18(d)]

In addition to the General Floodplain Standards, development within the floodway must meet the following applicable standards. The floodway is the portion of the floodplain which must be protected from development encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Iowa Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make such determination.

A. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

B. All development within the floodway shall:

   1. Be consistent with the need to minimize flood damage.

   2. Use construction methods and practices that will minimize flood damage.

   3. Use construction materials and utility equipment that are resistant to flood damage.

C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility system.

D. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.44.080 and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed in readily removable from the floodway within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or related portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.

H. Any fill allowed within the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary. All fill shall be offset by corresponding grade reductions or cuts in order that there be no net loss of flood plain as measured in net cubic yards. However, the requirement stated in the preceding sentence shall have no application to the Mississippi River flood plain.

I. Pipeline river or stream/creek crossings shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and

meandering or due to the action of flood waters.

J. Any permanent exposed slopes of fills and any cut faces of earth which are to be vegetated shall not be steeper than three feet horizontal to one-foot vertical.

~~**15.44.100. Standards for areas of shallow flooding (AO zones). [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-19]**~~

~~Located within the areas of special flood hazard established in Section 15.44.070 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:~~

~~A. All new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to at least one foot above the depth number specified on the community's FIRM.~~

~~B. All new construction and substantial improvements of nonresidential structures shall:~~

~~1. Have the lowest floor, including basement, elevated above the crown of the nearest street to at least one foot above the depth number specified on the FIRM; or~~

~~2. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

15.44.110. Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001.20]

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

D. Base flood elevation data shall be provided for all subdivision proposals (regardless of size) and other proposed development which is intended for the construction of any structure. ~~Base flood elevation data shall be provided for all subdivision proposals and other proposed development which is intended for the construction of any structure.~~

E. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood.

15.44.120. Nonconforming uses. [2-24-2021 by Ord. No. 2021-77; Ord. 90-146 § 8; Ord. 87-206; Ord. 78-128 (part); prior code 14.001-21]

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expanded, changed,

enlarged, or altered in a way which increases its non-conformity.

2. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The department of construction and engineering shall notify the Administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.

3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is re-constructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety code specifications or regulations which have been identified by the Administrator and which are the minimum necessary to assure safe living conditions, or the cost of any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

15.44.130. Development permit. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-8]

A development permit shall be required in conformance with the provisions of this chapter.

15.44.140. Permit procedures. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.04-15]

A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes. Application for a development permit shall be made to the Administrator designated official on forms furnished by the Administrator and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required but not limited to:

A. Elevation in relation to mean sea level (NAVD88), of the lowest floor (including basement) of all structures and/or the elevation (NAVD88) to which any nonresidential structure has been floodproofed;

B. Provide a certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the flood-proofing criteria in Section 15.44.110;

C. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

D. Description of the work to be done and all necessary site and/or construction plans;

E. The legal description of the property and the street address if assigned;

F. Elevation of the base flood in relation to NAVD; ~~Elevation of the 100-year flood in relation to NGVD;~~

G. For a structure being improved or rebuilt the square footage of the improvement and the original structure and/or the estimated cost of the improvement and market value prior to the improvement or damage; and

H. An indication of the occupancy or use of the structure.

I. The designated official shall within a reasonable time, make determination as to whether the proposed flood plain development meets the applicable standards as set forth in this chapter and shall approve or disapprove the application. Upon disapproval, the applicant shall be informed in writing of the specific reasons for the disapproval.

J. Actual construction and/or development at variance with the approved and/or authorized plans shall be deemed a violation of the permit and the regulations of this chapter.

15.44.150. Variance procedures. [2-24-2021 by Ord. No. 2021-77; Ord. 90-146 § 9; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001 — 16]

A. The City Plan and Zoning Commission as established by the City shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The City Plan and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this chapter.

C. Any person aggrieved by the decision of the City Plan and Zoning Commission or any taxpayer may appeal such decision to the district court of Scott County as provided by law.

D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

E. In passing upon such applications, the City Plan and Zoning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands or downstream to the injury of others;

2. The danger to life and property due to flooding, increased flood heights or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The proposed water supply and sanitation systems and the ability of the systems to prevent contamination, disease and unsanitary conditions;

5. The importance of the services provided by the proposed facility to the community;

6. The necessity to the facility of a flood plain and or waterfront location;

7. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the community and that area;

10. The safety of access to the property in times of flood for ordinary and emergency vehicles;

11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;

13. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections E1 through E12 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors listed above and the purposes of this chapter, the City plan and zoning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. Such conditioning may include but not be limited to:

    1. Modification of the water supply and/or waste disposal systems;

    2. Limitation of the periods of use and operation;

    3. Imposition of operational controls, sureties and/or deed restrictions;

    4. Requirements for channel modification, dikes, levees and/or other protective measures provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieve the stated purposes of this chapter.

G. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.

H. Conditions for Variances.

    1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

    2. Variances shall only be issued upon:

        a. Showing of good and sufficient cause;

        b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and

        c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given a written notice that the

cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction increases the risk to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

5. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

15.44.160. Administration. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-13]

The Development & Neighborhood Services Director shall administer and implement the provisions of this chapter and will herein be referred to as the Administrator.

15.44.170. Duties and responsibilities of the Administrator. [2-24-2021 by Ord. No. 2021-77; Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-14]

Duties of the Administrator shall include, but not be limited to:

A. Review of all permit applications to determine whether proposed building sites will be reasonably safe from flooding;

B. Review of all permit applications for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

C. Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency;

D. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

E. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) of the lowest floor including basement of all new or substantially improved structures;

F. Verify and record the actual elevation (in relation to mean sea level - NAVD 88) to which the new or substantially improved structures have been floodproofed;

G. When floodproofing is utilized for a particular structure, the Administrator shall obtain certification from a registered professional engineer or architect;

H. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 15.44.180 through 15.44.210;

I. When base flood elevation data has not been provided in accordance with Section 15.44.070, then the Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of Sections 15.44.080 through 15.44.210.

J. All records pertaining to the provisions of this chapter shall be maintained in the office of the Administrator and shall be open for public inspection.

15.44.180. Compliance. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-9]

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

15.44.190. Violation — Penalty. [Ord. 87-206; Ord. 78-128 (part); prior code 14.001-22][1]

A. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $100, or imprisoned for not more than 30 days, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

B. Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

15.44.200. Interpretation. [Ord. 87-206; Ord. 78-128(part); prior code § 14.001-11]

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

15.44.210. Abrogation and greater restrictions. [Ord. 87-206; Ord. 78-128 (part);

Editor's Note: There were two sections with the same number, i.e., § 14.001-22. prior code § 14.001-10]

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and no ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.44.220. Warning and disclaimer of liability. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-12]

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man- made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

15.44.230. Amendments. [Ord. 87-206; Ord. 78-128 (part); prior code § 14.001-22][2]

The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided, however that no such action may be taken until after public hearing in relation thereto, at which interested parties and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. The regulations of this chapter are in compliance with the National Flood insurance Program Regulations as published in the Federal Register Volume 41, Number 207, dated October 26. 1976.

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1. **Editor's Note: There were two sections with the same number, i.e., § 14.001-22.**

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/28/2024

Subject:
Resolution accepting work completed under the 2023 Sidewalk Repair Program by Collins Concrete LTD of Davenport, Iowa in the amount of $130,563.76, CIP #28028. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
The Sidewalk Repair Program repairs existing sidewalks throughout the City. Locations were based upon citizens that elected to utilize the 50/50 cost share program areas where City trees had caused problems and property owner requests.

Funding for this contract was from the sale of General Obligation Bonds. The contract of $130,563.76 was budgeted in CIP #28028.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:20 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:21 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 6:50 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the 2023 Sidewalk Repair Program by Collins Concrete LTD of Davenport, Iowa in the amount of $130,563.76, CIP #28028.

WHEREAS, the City of Davenport entered into a contract with Collins Concrete Ltd of Davenport, Iowa for the 2023 Sidewalk Repair Program; and

WHEREAS, work on the project has been satisfactorily completed; and

WHEREAS, the final cost of the contract was $130,563.76.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the 2023 Sidewalk Repair Program by Collins Concrete LTD of Davenport, Iowa in the amount of $130,563.76 is hereby accepted.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/28/2024**

Subject:
Resolution accepting work completed under the 3rd and Brady Streetscaping project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of $469,420.25, CIP #60035. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
This streetscaping project included the north side of West 3rd Street between 116 West 3rd Street (The Office Cocktail Bar & Lounge) and Brady Street, and on the west side of Brady Street between West 3rd Street and the alley. The project created ADA-accessible sidewalks at most building entrances, brick banding, ornamental lights, and street trees where possible. Due to the poor condition of the basement ceiling beneath the sidewalk at 302 Brady Street, one area of the basement was walled off and filled with a flowable concrete material, and remaining basement ceilings were reconstructed to properly protect the utility areas and to properly support the sidewalk.

The total cost of the project was $469,420.25, which was budgeted in CIP #60035. Per the June 2020 Streetscape Improvement Plan, costs will be partially reimbursed by property owners and the Downtown Davenport Partnership.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:21 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:21 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 6:51 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the 3rd and Brady Streetscaping project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of $469,420.25, CIP #60035.

WHEREAS, the City entered into a contract with Centennial Contractors of the Quad Cities of Moline, Illinois for the 3rd and Brady Streetscaping project; and

WHEREAS, the sidewalks were replaced to meet ADA standards, and brick banding, ornamental lighting, and street trees were added; and

WHEREAS, a portion of the basement at 302 Brady Street was walled off and filled in with flowable concrete material and the remaining basement ceilings were reconstructed to properly support the sidewalk; and

WHEREAS, the work of constructing the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract; and

WHEREAS, the final cost of the contract was $469,420.25.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the 3rd and Brady Streetscaping project by Centennial Contracts of the Quad Cities of Moline, Illinois in the amount of $469,420.25.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/28/2024

Subject:
Resolution awarding a contract for the Lorton Avenue Overlay and Drainage Improvement project to Manatts, Inc of Camanche, Iowa in the amount of $635,684, CIP #35062. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on January 16, 2024 and sent to contractors. On February 5, 2024, the Purchasing Division opened and read five (5) responsive and responsible bids. See attached bid tab. Manatts, Inc of Camanche, Iowa was the lowest responsive and responsible bidder.

This project is located along Lorton Avenue, from 46th Street to 53rd Street, 51st Street, from Lorton Avenue to Fairhaven, and Fairhaven from 51st Street North to end of pavement. The proposed improvements include, but are not limited to, the furnishing of all labor, materials and equipment for the HMA Overlay of the existing asphalt roadway, culvert replacement, patching, reset all existing utility surface features to finish grade, replacement of the adjacent driveway approaches, topsoil, sodding, and erosion control.

Funding for this project is from CIP #35062 | CY23 Neighborhood Program.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	2/14/2024 - 11:39 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:39 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 6:52 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the Lorton Avenue Overlay and Drainage Improvement project to Manatts, Inc of Camanche, Iowa in the amount of $635,684, CIP #35062.

WHEREAS, the City needs to contract for the Lorton Avenue Overlay and Drainage Improvement project; and

WHEREAS, Manatts, Inc of Camanche, Iowa of was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Lorton Avenue Overlay and Drainage Improvement project is hereby awarded to Manatts, Inc of Camanche, Iowa in the amount of $635,684.

Passed and approved this 28th day of February, 2024.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Lorton Avenue Overlay Project

BID NUMBER: 24-65

OPENING DATE: February 5, 2024

FUNDING: 70636684 530350 35062 | CY23 Neighborhood Program

RECOMMENDATION: Award the contract to Manatts, Inc of Camanche, Iowa in the amount of $635,684.

VENDOR NAME	PRICE
Manatts, Inc of Camanche, IA	**$635,684.00**
Langman Construction, Inc of Rock Island, IL	$644,667.64
CDMI Concrete Contractors, Inc of Port Byron, IL	$649,031.50
Brandt Construction Company of Milan, IL	$685,199.50
Valley Construction Company of Rock Island, IL	$754,212.00

Approved By [redacted] 2/13/24
Purchasing Date

Approved By [redacted] 2-13-24
Dept. Director Date

Approved By [redacted] 2-13-24
Budget/CIP Date

Approved By [redacted] 2/13/2024
Interim City Administrator/CFO Date

City of Davenport

Department: Public Works - Admin
Contact Info: Ron Hocker | 563-327-5169

Action / Date
2/28/2024

Subject:
Resolution awarding a contract for the 2024 Pedestrian Curb Ramp Retrofit Program to Americore LLC of Blue Grass, Iowa in the amount of $229,088, CIP #35063. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on January 17, 2024 and sent to contractors. On February 7, 2024 the Purchasing Division opened and read four (4) responsive and responsible bids. Americore LLC of Blue Grass, Iowa was the lowest responsive and responsible bidder and is recommended for award.

This contract consists of retrofitting of ADA pedestrian curb ramps in conjunction with the Street Maintenance Division's neighborhood street resurfacing program. Work will include removing sections of sidewalks, curb and gutter, driveway approaches, and other surfaces as required to facilitate the installation of ADA pedestrian ramps and detectable warning panels.

Funding for this contract is from CIP #35063 | CY 23 Neighborhood Internal Street.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	2/14/2024 - 11:21 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:21 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 6:57 PM

Resolution No. _____

Resolution offered by Alderwoman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the 2024 Pedestrian Curb Ramp Retrofit Program to Americore LLC of Blue Grass, Iowa in the amount of $229,088, CIP #35063.

WHEREAS, the City needs to contract for the 2024 Pedestrian Curb Ramp Retrofit Program; and

WHEREAS, Americore LLC submitted the lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the contract for the 2024 Pedestrian Curb Ramp Retrofit Program is hereby awarded to Americore LLC in the amount of $229,088.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: 2024 Pedestrian Curb Ramp Retrofit Program

BID NUMBER: 24-67

OPENING DATE: February 7, 2024

FUNDING: 70086675 530350 35063 | CY 23 Neighborhood Internal Street

RECOMMENDATION: Award the contract to Americore LLC of Blue Grass, Iowa in the amount of $229,088.

VENDOR NAME	BID PRICE
Americore LLC of Blue Grass, IA	**$229,088**
Collins Concrete LTD of Davenport, IA	$232,792.65
Emery Construction Group Inc. of Moline, IL	$324,066
Centennial Contractors of the Quad Cities of Moline, IL	$386,874

Approved By [redacted] 02/13/2004
Purchasing Date

Approved By [redacted] 2-13-24
Dept. Director Date

Approved By [redacted] 2-13-24
Budget/CIP Date

Approved By [redacted] 2/14/2024
Interim City Administrator Date

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/28/2024

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the FY 2025 State Patching Program, CIP #35045. [1, 2, 3, 6, & 7]

Recommendation:
Adopt the Resolution.

Background:
This program is an Iowa DOT reimbursable program that is administered by the City to repair pavement on State routes.Construction is expected to begin late summer of 2024. The program contains $150,000 for FY 2025, which is anticipated to be 100% reimbursable.

Funding for the FY 2025 State Patching Program is established within CIP #35045.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	page 2
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:38 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:38 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 6:57 PM

Resolution No._____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the plans, specifications, forms of contract and estimated cost for the FY2025 State Patching Program, CIP #35045.

WHEREAS, the City of Davenport has a maintenance agreement with the Iowa Department of Transportation regarding State routes within city limits;

WHEREAS, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the FY2025 State Patching Program, CIP #35045; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for said FY2025 State Patching Program.

Passed and approved this 28th day of February, 2024.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the FY 2025 State Patching Program, CIP #35045.

WHEREAS, the City of Davenport has a maintenance agreement with the Iowa Department of Transportation regarding State routes within City limits; and

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the FY 2025 State Patching Program; and

WHEREAS, notice of Hearing on plans, specifications, and form of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the FY 2025 State Patching Program.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Brian Schadt | 563-326-7923

Action / Date
2/28/2024

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the Lorton Place Intersection Reconstruction project, CIP #35062. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
This is a street reconstruction project from the intersection of Lorton Avenue, Lorton Place, and East Lombard Street north towards East Central Park Avenue. This project will be funded the Capital Improvement Program for streets projects. The proposed improvements include, but are not limited to, the furnishing of all labor, materials and equipment for the reconstruction of the existing concrete roadway, partial street intersection removal, sidewalk ADA compliant ramps drainage improvements, patching, reset all existing utility surface features to finish grade, replacement of the adjacent driveway approaches, topsoil, sodding, and erosion control.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:39 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:39 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 7:00 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Lorton Place Intersection Reconstruction project, CIP #35062.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Lorton Place Intersection Reconstruction project; and

WHEREAS, notice of Hearing on the plans, specifications, and form of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Lorton Place Intersection Reconstruction project.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/28/2024

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project, CIP #35062. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
This is a street reconstruction project of Forest Road from the intersection of East Kimberly Road to East 39th Street. This project will be funded through the Capital Improvement Program for streets projects. The proposed improvements include, but are not limited to, the furnishing of all labor, materials and equipment for the reconstruction of the existing concrete roadway, subdrain installation, sidewalk ADA compliant ramps, reset all existing utility surface features to finish grade, replacement of the adjacent driveway approaches, topsoil, sodding, and erosion control.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:33 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:33 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 7:01 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project, CIP #35062.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project; and

WHEREAS, notice of Hearing on the plans, specifications, and form of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/28/2024**

Subject:
Resolution amending the Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]

Recommendation:
Adopt the Resolution.

Background:
The City offers an annual cost-share program to residential and commercial property owners for the repair and/or replacement of alleys throughout the city. This program is administered by the Engineering and Capital Project's Department. The upcoming CY 2024 program began in the summer of CY 2023 by receiving petitions from interested property owners. This requires a signed petition from 30% of the property owners on that block face. Staff then provides cost estimates based on the following updated cost share:

- Residential | 25% property owner/75% City
- Commercial | 50% property owner/50% City

If more than 50% of the property owners wish to 'opt out' of the program, then the alley does not move forward in the process. This 'opt out' period has occurred and the following residential alleys have met all city requirements to be included in the upcoming program:

- east-west alley from Farnam Street to Grand Avenue alley between Kirkwood Boulevard and East 15th Street.
- north-south alley from East 29th Street to East 30th Street between Grand Avenue and Davenport Avenue.
- east-west alley from Forest Road to its terminus between East River Drive and Wood Lane.
- east-west alley from Gaines Street to Western Avenue between West 5th Street and West 6th Street.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:22 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:32 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 7:02 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

Resolution amending the Resolution of Necessity covering the 2024 Alley Resurfacing Program.

WHEREAS, this Council heretofore provisionally adopted a Resolution of Necessity for the construction of the 2024 Alley Resurfacing Program; and

WHEREAS, this Council, after full investigation, deems it advisable to amend the proposed Resolution of Necessity for the said project.

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

A. the resolution of necessity provisionally adopted by this Council for the improvement project referred to in the preamble hereof be amended as follows:

- None -

B. the plat and schedule of assessments are hereby amended to conform to Part A hereof, and the engineers are instructed to make necessary changes therein.

C. except as hereinabove determined, all objections are found to be without merit and are denied.

Passed and approved this 28th day of February, 2024.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/28/2024**

Subject:
Resolution overruling objections for the Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]

Recommendation:
Adopt the Resolution.

Background:
The City offers an annual cost-share program to residential and commercial property owners for the repair and/or replacement of alleys throughout the city. This program is administered by the Engineering and Capital Project's Department. The upcoming CY 2024 program began in the summer of CY 2023 by receiving petitions from interested property owners. This requires a signed petition from 30% of the property owners on that block face. Staff then provides cost estimates based on the following updated cost share:

- Residential | 25% property owner/75% City
- Commercial | 50% property owner/50% City

If more than 50% of the property owners wish to 'opt out' of the program, then the alley does not move forward in the process. This 'opt out' period has occurred and the following residential alleys have met all city requirements to be included in the upcoming program:

- east-west alley from Farnam Street to Grand Avenue alley between Kirkwood Boulevard and East 15th Street.
- north-south alley from East 29th Street to East 30th Street between Grand Avenue and Davenport Avenue.
- east-west alley from Forest Road to its terminus between East River Drive and Wood Lane.
- east-west alley from Gaines Street to Western Avenue between West 5th Street and West 6th Street.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:40 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:40 AM
City Clerk	Admin, Default	Approved	2/14/2024 - 7:04 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION overruling objections for the Resolution of Necessity covering the 2024 Alley Resurfacing Program.

WHEREAS, this Council heretofore provisionally adopted a Resolution of Necessity for the construction of the 2024 Alley Resurfacing Program; and

WHEREAS, this Council, after full investigation, has determined that it is in the best interest of the municipality to construct such improvement, all as described in the said Resolution as amended.

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

A. any objections against the making of the aforementioned improvement, the boundaries of the district, the cost, the assessment against any lot, or the final adoption of a resolution of necessity are found by this Council to be without merit, and that the said objections be and the same are hereby denied and overruled.

B. all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/28/2024**

Subject:
Resolution adopting the Resolution of Necessity covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]

Recommendation:
Adopt the Resolution.

Background:
The City offers an annual cost-share program to residential and commercial property owners for the repair and/or replacement of alleys throughout the city. This program is administered by the Engineering and Capital Project's Department. The upcoming CY 2024 program began in the summer of CY 2023 by receiving petitions from interested property owners. This requires a signed petition from 30% of the property owners on that block face. Staff then provides cost estimates based on the following updated cost share:

- Residential | 25% property owner/75% City
- Commercial | 50% property owner/50% City

If more than 50% of the property owners wish to 'opt out' of the program, then the alley does not move forward in the process. This 'opt out' period has occurred and the following residential alleys have met all city requirements to be included in the upcoming program:

- The east-west alley from Farnam Street to Grand Avenue alley between Kirkwood Boulevard and East 15th Street.
- The north-south alley from East 29th Street to East 30th Street between Grand Avenue and Davenport Avenue.
- The east-west alley from Forest Road to its terminus between East River Drive and Wood Lane.
- The east-west alley from Gaines Street to Western Avenue between West 5th Street and West 6th Street.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:22 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:22 AM
City Clerk	Admin, Default	Approved	2/15/2024 - 9:26 AM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION adopting the Resolution of Necessity covering the 2024 Alley Resurfacing Program.

WHEREAS, this Council heretofore provisionally adopted a Resolution of Necessity covering the 2024 Alley Resurfacing Program; and

WHEREAS, this Council held a Public Hearing, as required by law, and heard all objections to the 2024 Alley Resurfacing Program; and

WHEREAS, this Council previously amended the proposed Resolution of Necessity, as deemed necessary; and

WHEREAS, this Council has overruled all objections regarding the 2024 Alley Resurfacing Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the Resolution of Necessity for the 2024 Alley Resurfacing Program, as provisionally adopted on October 25, 2023, and as previously amended, is hereby adopted; and

BE IT FURTHER RESOLVED that this Council hereby directs the Clerk to certify assessments and deficiencies to the County Treasurer and Chief Building Inspector.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Engineering **Action / Date**
Contact Info: Clay Merritt | 563-326-7734 **2/28/2024**

Subject:
Resolution ordering preparation of detailed plans, specifications, notice of Hearing, notice to bidders, form of contract, and publication of the notice to bidders and notice of Hearing covering the 2024 Alley Resurfacing Program. [Wards 3 & 5]

Recommendation:
Adopt the Resolution.

Background:
The City offers an annual cost-share program to residential and commercial property owners for the repair and/or replacement of alleys throughout the city. This program is administered by the Engineering and Capital Project's Department. The upcoming CY 2024 program began in the summer of CY 2023 by receiving petitions from interested property owners. This requires a signed petition from 30% of the property owners on that block face. Staff then provides cost estimates based on the following updated cost share:

- Residential | 25% property owner/75% City
- Commercial | 50% property owner/50% City

If more than 50% of the property owners wish to 'opt out' of the program, then the alley does not move forward in the process. This 'opt out' period has occurred and the following residential alleys have met all city requirements to be included in the upcoming program:

- The east-west alley from Farnam Street to Grand Avenue alley between Kirkwood Boulevard and East 15th Street.
- The north-south alley from East 29th Street to East 30th Street between Grand Avenue and Davenport Avenue.
- The east-west alley from Forest Road to its terminus between East River Drive and Wood Lane.
- The east-west alley from Gaines Street to Western Avenue between West 5th Street and West 6th Street.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	2/14/2024 - 11:39 AM
Public Works Committee	Moses, Trish	Approved	2/14/2024 - 11:40 AM
City Clerk	Admin, Default	Approved	2/15/2024 - 9:27 AM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION ordering preparation of detailed plans, specifications, notice of Hearing, notice to bidders, form of contract, and publication of the notice to bidders and notice of Hearing covering the 2024 Alley Resurfacing Program.

WHEREAS, this Council has adopted the final Resolution of Necessity in connection with the 2024 Alley Resurfacing Program; and

WHEREAS, detailed plans and specifications, notice of Hearing, notice to bidders, and form of contract should be prepared and filed with the Clerk; and

WHEREAS, said notice of Hearing should now be published and the Hearing held; and

WHEREAS, said notice to bidders should now be published for the letting date determined.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa as that:

A. the Project Engineer be, and is hereby, instructed to prepare and file with the Clerk detailed plans and specifications covering the aforementioned Improvement Project.

B. the Project Engineer and the City's Attorney be, and are hereby, instructed to prepare, file with the Clerk notice of Hearing, notice to bidders, and form of contract covering the aforementioned Improvement Project; publish said notice of Hearing and notice to bidders; and hold the Hearing and the letting.

C. all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/28/2024

Subject:
Resolution authorizing and approving the use of condemnation and commencement of condemnation proceedings, if necessary, for easements associated with the West Loop Trail Phase I project (Wisconsin Avenue to existing trail at Emeis Park), CIP #28029. [Ward 1]

Recommendation:
Adopt the Resolution.

Background:
The intention of the project is to construct a multiuse path from the existing trail at Emeis Park going south along Emeis Park Drive to West Locust Street, then west along West Locust Street to Wisconsin Avenue. The work includes, but is not limited to survey, culvert construction, multiuse trail construction, sidewalk and ADA ramp construction, driveway approaches and sodding.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/31/2024 - 3:15 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:15 PM
City Clerk	Admin, Default	Approved	1/31/2024 - 4:39 PM

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving and authorizing the use of condemnation and commencement of condemnation proceedings, if necessary, for temporary construction easements associated with West Loop Trail Phase I Project, CIP #28029.

WHEREAS, City Council has authorized the West Loop Trail Phase I project in the Capital Improvements Program and budgeted money for said project; and

WHEREAS, this project requires that additional temporary construction easements be acquired in accordance with the design plans and the associated construction for said project; and

WHEREAS, Section 6B.2C of the Code of Iowa requires that the governing body specifically provide and confer prior authority and approval to the acquiring agency to condemn and/or commence with the condemnation proceedings associated with such public improvement project; and

WHEREAS, by passing this Resolution, in accordance with Section 6A.5 of the Code of Iowa, authority and approval is automatically conferred, unless otherwise declared, upon the acquiring agency to also purchase property at its fair market value for rights-of-way and/or easements necessary for this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the City Engineer or his representative is hereby authorized and approved to acquire the necessary property and property interest as additional rights-of-way and/or easements required for the construction of said public improvement project by means of condemnation, and may commence with condemnation proceedings, as may be necessary.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Ron Hocker | 563-327-5169

Action / Date
2/28/2024

Subject:
Motion accepting work completed under the CY 2023 Contract Milling Program by Manatt's Inc – Eastern Iowa Division of Camanche, Iowa in the amount of $88,470.63, CIP #35041. [All Wards]

Recommendation:
Pass the Motion.

Background:
This program is a partnership effort with local contractors to provide pavement scarification ahead of the City's in-house asphalt resurfacing crew. All work has been satisfactorily completed. The total cost was $88,470.63 paid from CIP #35041.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	2/14/2024 - 10:40 AM

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
2/28/2024

Subject:
Motion approving a waiver of sidewalk installation on either side of the newly constructed American Water Way from the south end of Lot 1 Iowa American Water Company First Addition to the north end of Lot 1 Iowa American Water Company First Addition, and that said waiver is valid as long as certain conditions remain in effect. [Ward 1]

Recommendation:
Pass the Motion.

Background:
Section 12.12.030 of the Davenport Municipal Code requires that public sidewalks be constructed along the right-of-way of each public street prior to building occupancy unless a waiver is granted by City Council.

The owner of the subject properties has requested a waiver. No other public sidewalk exists in this corridor and is zoned Industrial I-1 with no residential connections. A copy of the request message from Iowa American Water Company is included.

If the waiver request is denied, the property owner will be required to construct the sidewalk at the present time, prior to the occupancy permit.

If the waiver is granted, the property owner will be allowed to postpone sidewalk construction until such time as construction is ordered by Council. The property owner would remain financially obligated for the cost of installation when it takes place.

ATTACHMENTS:

	Type	Description
🗋	Backup Material	Property Owner Request
🗋	Backup Material	Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	1/31/2024 - 3:09 PM
Public Works Committee	Moses, Trish	Approved	1/31/2024 - 3:10 PM
City Clerk	Admin, Default	Approved	1/31/2024 - 4:33 PM

Blandin, Geoff

From: Scott Hinton <Scott.Hinton@amwater.com>
Sent: Thursday, January 11, 2024 8:39 AM
To: Blandin, Geoff
Cc: Mike Goben
Subject: [EXT] 3409 Research Parkway Sidewalks

Follow Up Flag: Follow up
Flag Status: Flagged

ATTENTION: This is an external email.

Good Morning Geoff-

Please consider this email to be Iowa-American Water's official request to not install sidewalks at this time adjacent to our new Operations Facility located at 3409 Research Parkway. There are currently no sidewalks on Research Parkway or Hillandale Road in the Industrial Park. As such, installing sidewalks at 3409 Research Parkway would not connect to and existing sidewalk or serve to further the City's sidewalk network.

Please let me know if you have any questions or would like to discuss further.

Thanks.

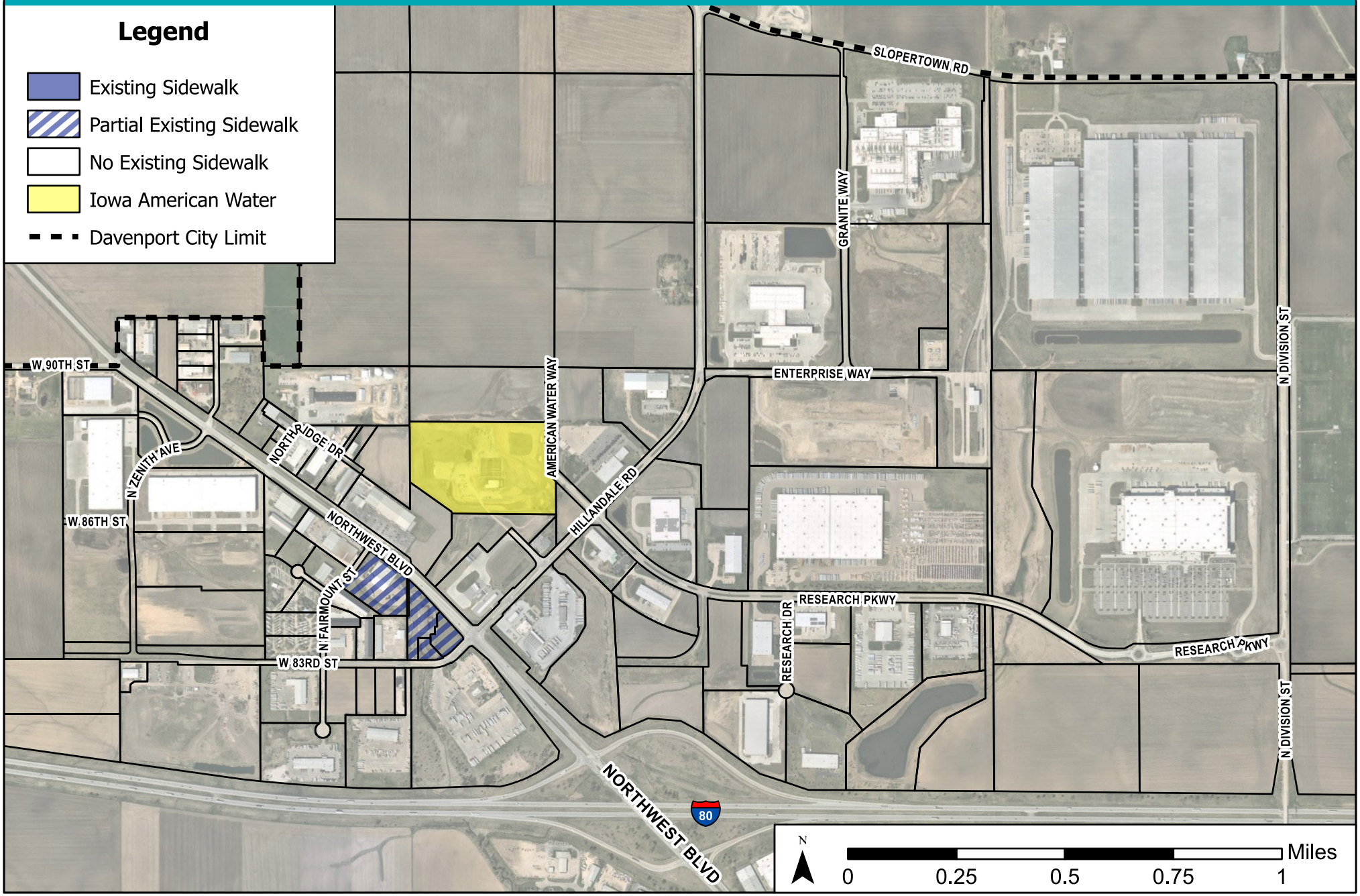
Scott Hinton
Engineering Manager
Iowa American Water Company
3409 Research Parkway
Davenport, IA 52807
scott.hinton@amwater.com

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THE CITY OF DAVENPORT
IOWA | USA

Eastern Iowa Industrial Center Area

Properties with Existing Sidewalk



City of Davenport

Department: Finance
Contact Info: Mallory Merritt | 563-326-7792

Action / Date
2/28/2024

Subject:
Resolution setting a Public Hearing for the FY 2025 proposed property tax levy rate and amount. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
This Resolution sets a Public Hearing for the March 27, 2024 Special City Council Meeting beginning at 5:00 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, for the purpose of receiving public comment on the City of Davenport's proposed property tax levy rate and amount for the FY 2025 Budget.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	2/16/2024 - 12:16 PM
Finance Committee	Merritt, Mallory	Approved	2/16/2024 - 12:16 PM
City Clerk	Admin, Default	Approved	2/16/2024 - 1:41 PM

Resolution No. _____

Resolution offered by Alderwoman Newton.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION setting a Public Hearing for the FY 2025 proposed property tax levy rate and amount.

WHEREAS, a Public Hearing is required for the purpose of receiving public comment on the City of Davenport's proposed property tax levy rate and amount for the FY 2025 Budget.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Davenport that the Public Hearing for the FY 2025 proposed property tax levy rate and amount will be held at the March 27, 2024 Special City Council Meeting beginning at 5:00 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance
Contact Info: Jamie Brown | 563-326-7787

Action / Date
2/28/2024

Subject:
Resolution awarding a five-year contract for taser hardware, software, and training to Axon Enterprise, Inc of Scottsdale, Arizona in the amount of $452,447.94 using OMNIA Partners contract 3544-21-4615. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
OMNIA Partners is a cooperative purchasing program that provides access to group purchasing contracts with leading national suppliers, allowing for a streamlined procurement process for thousands of products and services. Axon Enterprise, Inc of Scottsdale, Arizona was awarded OMNIA Partners contract #3544-21-4615 for Body Worn Cameras and Related Products and Services via a competitive solicitation process.

This purchase will allow for replacement of the current taser models which have reached end of life. The new model incorporates technology and safety improvements such as an increased maximum deployment range of 45 feet creating more time and space for de-escalation and yellow coloring to reduce change of weapon confusion.

Annual payments will be in the amount of $90,489.59. The first year will be paid in two installments: the first, in the amount of $19,999.93, will be funded through CIP #63020 | PD Tasers and subsequent payments will be funded through the Special Public Safety Fund.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	2/16/2024 - 12:16 PM
Finance Committee	Merritt, Mallory	Approved	2/16/2024 - 12:16 PM
City Clerk	Admin, Default	Approved	2/16/2024 - 1:41 PM

Resolution No. _____

Resolution offered by Alderwoman Newton.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a five-year contract for taser hardware, software, and training to Axon Enterprise, Inc of Scottsdale, Arizona in the amount of $452,449.94 using OMNIA Partners contract 3544-21-4615.

WHEREAS, the City needs to contract for the purchase of new tasers to replace aging equipment; and

WHEREAS, Axon Enterprise, Inc of Scottsdale, Arizona was awarded contract 3544-21-4615 for Body Worn Cameras and Related Products and Services via a competitive solicitation by the purchasing cooperative OMNIA Partners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a five-year contract for taser hardware, software, and training is hereby awarded to Axon Enterprise, Inc in the amount of $452,449.94 using OMNIA Partners contract 3544-21-4615.

Passed and approved this 28th day of February, 2024.

Approved:

_____

Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance
Contact Info: Cory Smith | 563-888-2162

Action / Date
2/28/2024

Subject:
Resolution awarding a three-year contract for the renewal of the Microsoft Enterprise License Agreement to Insight Public Sector of Chandler, Arizona in the amount of $731,259.36 using OMNIA Partners contract 23-6692-03. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
OMNIA Partners is a cooperative purchasing program that provides access to group purchasing contracts with leading national suppliers, allowing for a streamlined procurement process for thousands of products and services. Insight Public Sector was awarded OMNIA Partners contract #23-6692-03 for Technology Products, Solutions and Services via a competitive solicitation process.

This contract will provide business critical software over the next three years. All City departments currently use the Microsoft software applications and suite of office productivity tools.

Annual payments will be in the amount of $243,753.12. This contract is funded through 50450530 560530 | IT Software.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	2/16/2024 - 12:14 PM
Finance Committee	Merritt, Mallory	Approved	2/16/2024 - 12:14 PM
City Clerk	Admin, Default	Approved	2/16/2024 - 1:41 PM

Resolution No. _____

Resolution offered by Alderwoman Newton.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a three-year contract for the renewal of the Microsoft Enterprise License Agreement to Insight Public Sector of Chandler, Arizona in the amount of $731,259.36 using OMNIA Partners contract 23-6692-03.

WHEREAS, the City needs to renew the Microsoft Enterprise License Agreement; and

WHEREAS, Insight Public Sector was awarded contract 23-6692-03 for Technology Products, Solutions and Services via a competitive solicitation by the purchasing cooperative OMNIA Partners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa the three-year renewal of the Microsoft Enterprise License Agreement is hereby awarded to Insight Public Sector in the amount of $731,259.36.

Passed and approved this 28th day of February, 2024.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance
Contact Info: Chad Dyson | 563-326-7275

Action / Date
2/28/2024

Subject:
Resolution awarding a contract for the Cork Hill Park Splash Pad project to Hagerty Earthworks LLC of Muscatine, Iowa in the amount of $112,840, CIP #ARP10. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on January 22, 2024 and sent to contractors. On February 12, 2024 the Purchasing Division opened and read five (5) responsive and responsible bids. Hagerty Earthworks LLC of Muscatine, Iowa was the lowest responsive and responsible bidder and is recommended for award.

The installation of a new splash pad at Cork Hill Park was approved as part of the ARPA funded capital improvement recommendations. Work under this contract includes site clearing; earthwork; water, sanitary, and electrical utility connections; installation of splash pad equipment; concrete paving; and restoration.

Funding for this contract is from ARP10 | Neighborhood Parks - Play Features.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Cover Memo	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Merritt, Mallory	Approved	2/16/2024 - 12:14 PM
Finance Committee	Merritt, Mallory	Approved	2/16/2024 - 12:14 PM
City Clerk	Admin, Default	Approved	2/16/2024 - 1:42 PM

Resolution No. _____

Resolution offered by Alderwoman Newton.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the Cork Hill Park Splash Pad project to Hagerty Earthworks LLC of Muscatine, Iowa in the amount of $112,840, CIP #ARP10.

WHEREAS, the City needs to contract for the Cork Hill Park Splash Pad project; and

WHEREAS, Hagerty Earthworks LLC of Muscatine, Iowa submitted the lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Cork Hill Park Splash Pad project is hereby awarded to Hagerty Earthworks LLC of Muscatine, Iowa in the amount of $112,840.

Passed and approved this 28th day of February, 2024.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Cork Hill Park Splash Pad Project

BID NUMBER: 24-66

OPENING DATE: February 12, 2024

FUNDING: 54624010 530398 ARP10 | Neighborhood Parks – Play Features

RECOMMENDATION: Award the contract to Hagerty Earthworks LLC of Muscatine, Iowa in the amount of $112,840.

VENDOR NAME	BID PRICE
Hagerty Earthworks LLC of Muscatine, IA	**$112,840**
Ihrig Works LLC of Long Grove, IA	$203,216
The Henley Group, LLC of Muscatine, IA	$220,825
MCON Constructors, Inc. of Bettendorf, IA	$269,679
Langman Construction, Inc. of Rock Island, IL	$269,945.50

Approved By [redacted] 02/14/2024
Purchasing Date

Approved By [redacted] 2/13/24
Dept. Director Date

Approved By [redacted] 2/14/24
Budget/CIP Date

Approved By [redacted] 2/14/2024
Interim City Administrator Date