

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, JANUARY 19, 2021; 5:00 PM

COUNCIL CHAMBERS CITY HALL, 226 W 4TH STREET

A PARTIALLY ELECTRONIC MEETING IS BEING HELD BECAUSE A FULLY "IN PERSON" MEETING IS IMPRACTICAL DUE TO CONCERNS FOR THE HEALTH AND SAFETY OF COUNCIL MEMBERS, STAFF, AND THE PUBLIC PRESENTED BY COVID-19, AND TO FOLLOW THE GOVERNOR'S PROCLAMATION AND THE MAYOR'S EXECUTIVE ORDER DIRECTING SOCIAL DISTANCING AND PLACING RESTRICTIONS ON GATHERINGS. IN PERSON ATTENDANCE BY THE GENERAL PUBLIC AT ANY CITY OF DAVENPORT PUBLIC MEETING WITHIN ITS FACILITIES SHALL BE LIMITED TO 10 PERSONS.

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

I. New Business

- A. ORD20-02: Request of Palmer College of Chiropractic to amend a section of the Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing [Ward 3].
- B. Case ROW20-02 being the request of Palmer College of Chiropractic to vacate East 11th Street between Perry Street and Pershing Avenue and portions of alley in Blocks 89 and 96 of LeClaire's 8th Addition. [Ward 3]
- C. REZ20-09: Request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District. The purpose of the rezoning is to lift the existing land use and development restrictions on the property, adjust the commercial zoning boundary, and allow for townhouse and multi-family development [Ward 6].

II. Next Public Hearing: February 2, 2021

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

III. Secretary's Report

- A. Consideration of the January 5, 2021 meeting minutes.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

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

VI. Subdivision Activity

A. Old Business

B. New Business

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Matt Werderitch 563.888.2221

Date
1/19/2021

Subject:

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

Recommendation:

Hold the Public Hearing.

Background:

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

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

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

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

The request is currently under technical review. A staff report will be provided at the February 2, 2021 Plan & Zoning Commission meeting.

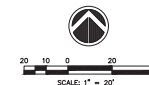
ATTACHMENTS:

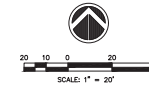
Type	Description
▢ Backup Material	Major Modification Area current and proposed
▢ Backup Material	Master Plan with Incorporated Changes
▢ Backup Material	Application
▢ Backup Material	Narrative

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning &			





NOTES

- 1) PROPOSED STUDENT HOUSING BUILDING ADDED.
- 2) PROPOSED PARKING LOT ADDED.
- 3) PROPOSED COURTYARD FOR STUDENT HOUSING ADDED.
- 4) PROPOSED DETENTION POND ADDED.
- 5) 11TH STREET CORRIDOR LAYOUT UPDATED.
- 6) STORAGE BUILDING AND PATIO ADDED FOR ATHLETIC FIELD.

- PROPOSED SPORTS FIELD
- PROPOSED LANDSCAPE
- PROPOSED STRUCTURE
- PROPOSED PARKING
- PROPOSED ENHANCED CAMPUS CORRIDOR

DATE		
REVISIONS		
DESCRIPTION		
NO.		
		
PALMER PID STUDENT HOUSING AMMENDMENT		
DAVENPORT, IOWA		
PROPOSED S-1C		
IMEG Project No.: 19005343.05 File Name: 19005343.05 Drawing Number: 19005343.05 Field Book No.: 19005343.05 Drawn By: LKS Checked By: AEK Date: 1/4/2021		
EX-2		
Sheet 2 of 2		

Landscape & Site :

As part of the 2015 Master Plan update and this PID, Palmer College has established a new campus aesthetic for the campus exterior spaces. This aesthetic can be seen in the currently under construction of the North Campus Site Improvements. With this project, campus standards have been established for the following site features for future campus site improvements identified in the 2015 Master Plan update and this PID.

HARDSCAPE

Hardscape pavement will primarily consist of Portland Cement Concrete (PCC) and with concrete pavers at key areas around campus.

LIGHTING

Campus lighting will comprise of a mix of pedestrian poles lights, bollard lights and accent lighting and tree up-lighting. Lighting will be designed first with safety in mind, with an emphasis on the aesthetic and energy conversation.

PARKING

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

LANDSCAPE

Campus landscape improvements will include quality trees, shrubs, perennials and groundcovers. Irrigation will be provided for most areas, but the plantings should also be designed to be drought tolerance in mind. Other landscape features include benches, trash receptacles, tables and chairs. The North Campus Site Improvements have established the primary campus aesthetic for there elements.

CAMPUS EDGE & SCREENING

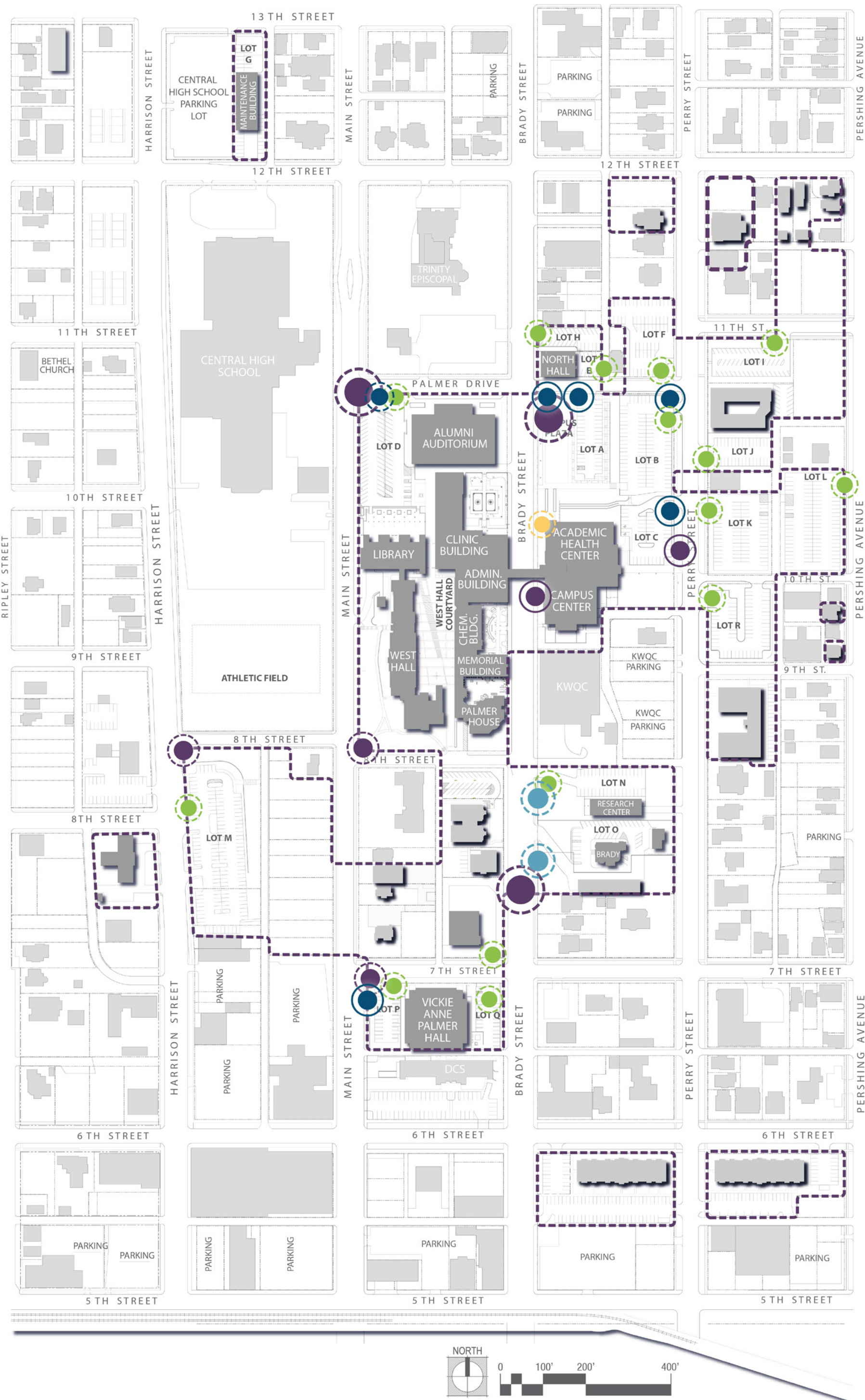
As shown on page MP-3, Palmer intends to include an enhanced campus edge that will comprise of ornamental fence with masonry piers at the corners and periodically along the fence line. Shade trees and a mix of deciduous and evergreen shrubs will provide screening of the parking lots and other service type areas around campus.

Gateways & Wayfinding :

As part of the 2015 Master Plan update, campus Gateways & Wayfinding sign locations were preliminarily identified. As the campus master plan is moved ahead, some of the proposed locations may need to be revisited. A series of campus gateways are planned to help establish the campus edge, welcome visitors to campus and improve campus visibility to those traveling through the area. Wayfinding signs have been added over the past few years and future signs will utilize the same design as new wayfinding locations are identified.

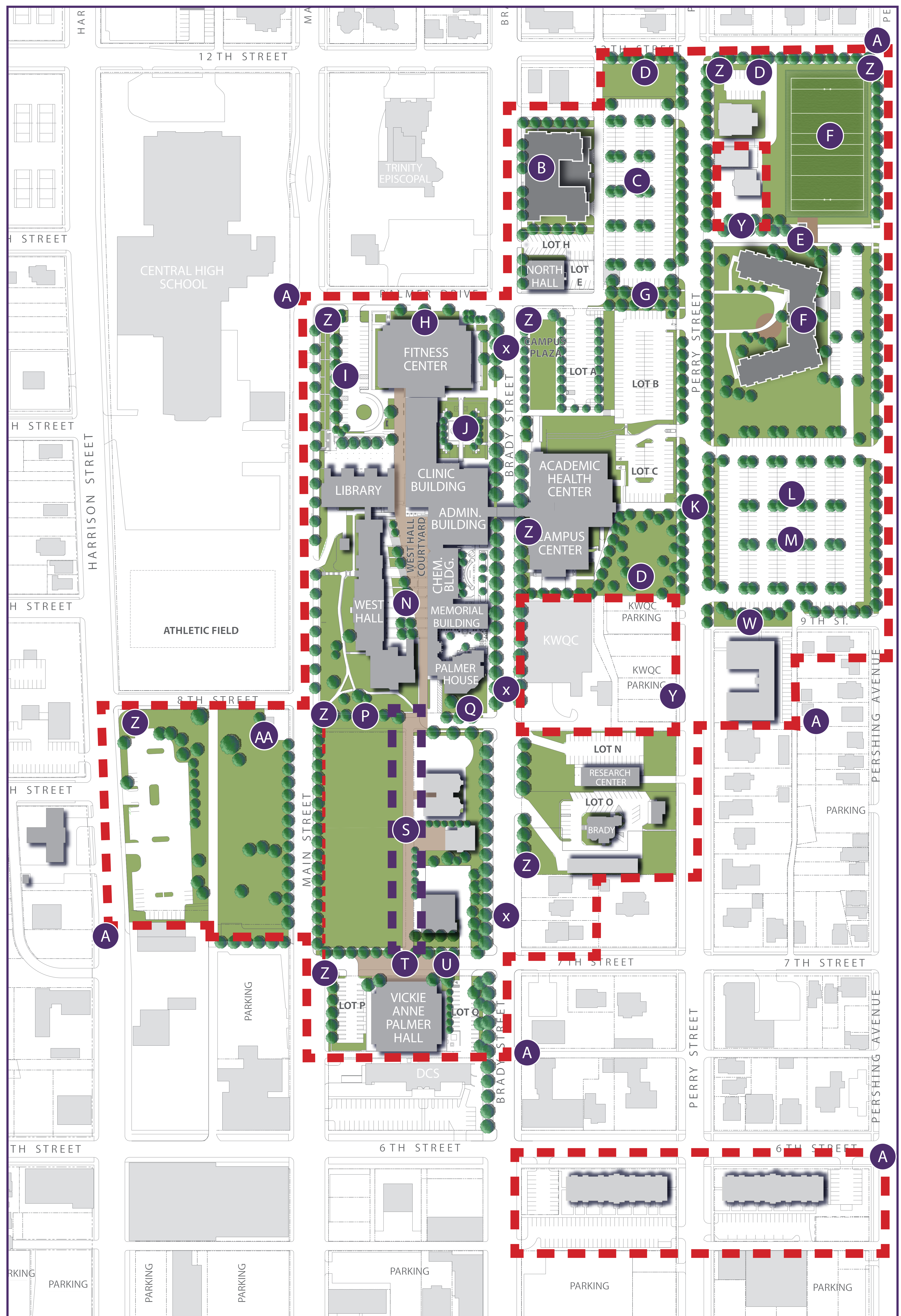
LEGEND

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

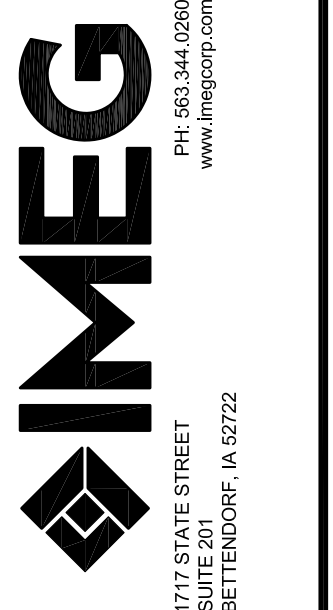


MASTER PLAN KEYNOTES

- A** PROPOSED P.I.D. BOUNDARY
- B** NEW MIXED USE DEVELOPMENT
- C** NEW PARKING - P1
- D** NEW GREEN SPACE
- E** CONVERT 11TH ST TO PEDESTRIAN WALKWAY/ FIRE ACCESS
- F** NEW STUDENT HOUSING
- G** CLOSE EAST HALF OF PALMER DRIVE
- H** NEW FITNESS CENTER
- I** NEW CAMPUS GATEWAY & PARKING
- J** RENOVATED CLINIC GARDENS
- K** ENHANCED PEDESTRIAN CROSSING
- L** CLOSE 10TH STREET
- M** NEW PARKING - P2
- N** RENOVATED WEST HALL COURTYARD
- O** NOT APPLICABLE
- P** PARTIALLY CLOSE 8TH STREET
- Q** MAINTAIN ACCESS FOR SERVICE
- R** NOT APPLICABLE
- S** EXISTING ALLEY IMPROVEMENTS
- T** NEW VICKIE ANNE PALMER HALL PLAZA
- U** PARTIALLY CLOSE 7TH STREET
- V** NOT APPLICABLE
- W** PARTIALLY CLOSE 9TH STREET
- X** BRADY STREETScape ENHANCEMENTS
- Y** EXCLUDED FROM PID BOUNDARY
- Z** CAMPUS GATEWAY SIGN
- AA** EXISTING VACANT SERVICE STATION
- BB** NOT APPLICABLE



REVISIONS		DATE
NO.	DESCRIPTION	



PALMER PLANNED INSTITUTIONAL DISTRICT
DAVENPORT, IOWA
CAMPUS MASTER PLAN

RDG Project #:
R3001.734.00
File Name:
IMEG CAD BOARDER (003).dwg
COPYRIGHT
ALL RIGHTS RESERVED

Drawn By: JMA
Checked By: JMA
DATE: 12/15/2020

MP-1



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

Property Address*

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

Applicant (Primary Contact) **

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Administrative

Administrative Exception
Health Services and Congregate
Living Permit

Attorney (if applicable)

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

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

Request:

Existing Zoning:

Proposed Zoning Map Amendment:

Purpose of the Request:

Total Land Area:

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

Submittal Requirements:

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

Formal Procedure:

(1) Application:

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

(2) Plan and Zoning Commission public hearing:

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

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

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

Formal Procedure (continued):

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

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

Applicant:

Date:

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

Received by:

Date:

Planning staff

Date of the Public Hearing:

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

Authorization to Act as Applicant

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

Signature(s)

State of _____ ,
County of _____ .
Sworn and subscribed to before me

This day of 20

Form of Identification

Notary Public

My Commission Expires:

2020 DEVELOPOMENT CALENDAR

CITY PLAN & ZONING COMMISSION SCHEDULE

CITY COUNCIL SCHEDULE

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

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



PALMER COLLEGE OF CHIROPRACTIC

December 14, 2020

#19001956.03

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

NARRATIVE

Narrative of intent and compatibility with surrounding area.

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

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

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

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

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

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

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

City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Laura Berkley, 563-888-3553

Date
1/19/2021

Subject:

Case ROW20-02 being the request of Palmer College of Chiropractic to vacate East 11th Street between Perry Street and Pershing Avenue and portions of alley in Blocks 89 and 96 of LeClaire's 8th Addition. [Ward 3]

Recommendation:

Hold the Public Hearing

Background:

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

The Historic Preservation Commission reviews the removal of historic brick streets. The Commission recommended a conditional approval of the removal of East 11th Street between Perry Street and Pershing Avenue at its August 8, 2017. Those conditions were incorporated into the rezoning conditions of the Planned Institutional District.

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

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

Condition 4: In the event that East 11th Street between Perry Street and Pershing Avenue is vacated and conveyed to Palmer, that a pedestrian walkway be constructed from Perry Street to Pershing Avenue in the general location of East 11th Street utilizing existing bricks from the roadway surface and that historical markers be located at its intersection with Perry Street and Pershing Avenue.

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

- 11th Street between Pershing and Perry: 19,545 square feet, more or less.
- Alley in Block 89 of LeClaire's 8th Addition: 5,604 square feet, more or less.
- Alley in Block 96 of LeClaire's 8th Addition: 4,091 square feet, more or less.

Surrounding property owners were notified of the request of the right-of-way vacation. A neighborhood meeting was held on January 11, 2021 and a notice was published in the Quad City Times.

ATTACHMENTS:

Type	Description
Backup Material	ROW vacation map

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

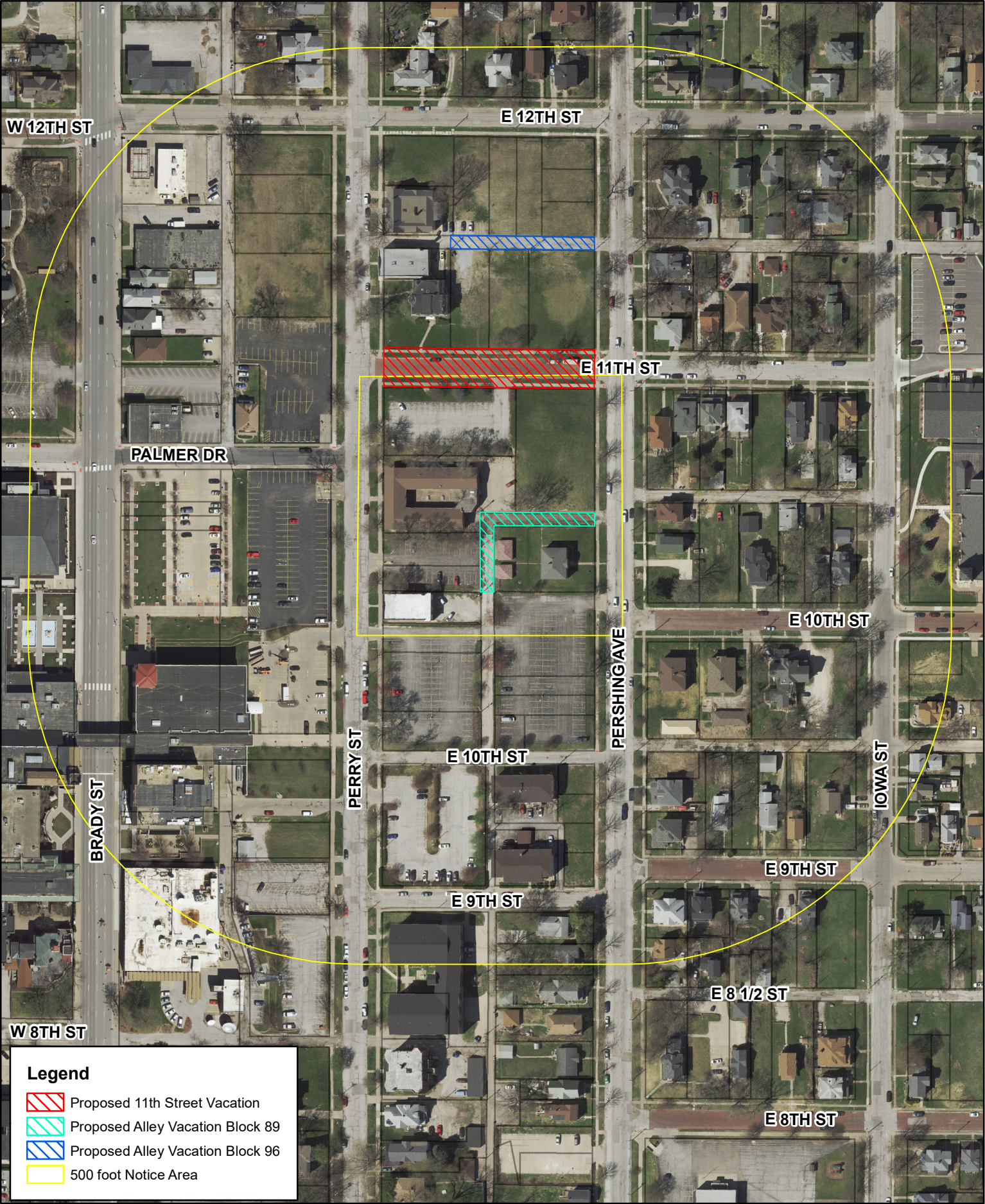
11th Street Vacation description
 Alley Block 89 vacation description
 Alley Block 96 vacation description
 HPC meeting minutes
 Ordinance 2018-107

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	1/15/2021 - 12:51 PM

Request for Right-of-Way Vacation
Adjacent Property Owner Notice Area
Case ROW20-02



LEGAL DESCRIPTION

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

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

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

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

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

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

The above-described parcel contains 19,545 square feet, more or less as shown by the attached Right of Way Vacation Plat.

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

LEGAL DESCRIPTION

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

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

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

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

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

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

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

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

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

The above-described parcel contains 5,604 square feet, more or less as shown by the attached Alley Vacation Plat.

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

LEGAL DESCRIPTION

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

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

Thence South $01^{\circ}53'25''$ East along the east line of said Block 96, a distance of 20.00 feet to the south line of said alley;

Thence South $88^{\circ}25'19''$ West along said south line, a distance of 204.63 feet;

Thence North $01^{\circ}30'45''$ West, a distance of 20.00 feet to the north line of said alley;

Thence North $88^{\circ}25'19''$ East along said north line, a distance of 204.50 feet to the Point of Beginning.

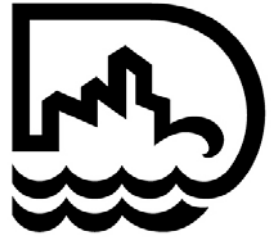
The above-described parcel contains 4,091 square feet, more or less as shown by the attached Alley Vacation Plat.

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



HISTORIC PRESERVATION COMMISSION Meeting Minutes

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



I. Call to Order

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

Staff Present: Ryan Rusnak, Planner III

II. Commission Secretary's Report

Consideration of the July 11, 2017 regular meeting minutes.

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

Motion to approve was unanimous by voice vote (4-0).

III. Communications

There was none.

IV. Old Business

1. Removal of East 11th Street between Pershing Street and Perry Street from the list of maintained brick streets. Palmer College of Chiropractic, petitioner.

Aaron Christopher stated that they submitted a revised plan, which was to construct a pedestrian path in the general location of East 11th Street utilizing the bricks from East 11th Street. He also stated that they would erect historical markers commemorating the East 11th Street brick street at the path's intersection with Perry Street and Pershing Avenue. He stated that Palmer agrees to make the approval contingent upon its rezoning request to Planned Institutional District.

Rusnak stated that staff supports the request.

Motion by McGivern, second by Wonio to recommend removal of East 11th Street between Pershing Street and Perry Street from the list of maintained brick streets subject to the following conditions:

1. That the removal be contingent up the approval of Palmer College of Chiropractic's Planned Institutional District rezoning request;
2. That the path be made from bricks from the existing East 11th Street; and
3. That historical markers be erected in the location where the path intersections Perry Street and Pershing Street.

Motion to recommend approval was unanimous by roll call vote (4-0).

V. New Business

1. Case No: COA17-12: Certificate of Appropriateness to remove and replace loose damaged stucco at 627 Ripley Street. Louis P. and Clara L. (Krause) Best House is located in the Local Historic Hamburg District. David Cordes, petitioner.

Rusnak stated that staff recommends approval of COA17-12 as presented.

Cordes summarized the request and presented a brief history of building material and changes that have occurred its history.

Motion by McGivern, second by Wonio to approve COA17-12 in accordance with the work write up.

Motion to approve was unanimous by roll call vote (4-0).

VI. Other Business

1. Election of Vice-Chairperson.

Motion by Curoe, second by Wonio to nominate Robert McGivern as Vice-Chairperson.

Motion to approve was unanimous by roll call vote (4-0).

VII. Open Forum for Comment

No one from the audience spoke.

VIII. Adjournment

The meeting adjourned at 5:45 pm.

ORDINANCE NO. 2018-107

ORDINANCE for Case No. ROW17-08: Request of Palmer College of Chiropractic to rezone 37.63 acres, more or less, of property generally located between Harrison Street and Pershing Avenue and between East 12th and 5th Streets from: "R-4" Moderate Density Dwelling District, "R-6M" High Density Dwelling District, "C-1" Neighborhood Commercial District, "C-2" General Commercial District, "C-4" Central Business District and "M-1" Light Industrial District to "PID" Planned Institutional District [3rd Ward]

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

Section 1. The following described property in Scott County, Iowa real estate is hereby rezoned from: "R-4" Moderate Density Dwelling District, "R-6M" High Density Dwelling District, "C-1" Neighborhood Commercial District, "C-2" General Commercial District, "C-4" Central Business District and "M-1" Light Industrial District to "PID" Planned Institutional District:

Part of the Northwest Quarter of Section 25, Township 78 North, Range 3 East and the Northeast and Southeast Quarter Section 26, Township 28 North, Range 3 East of the 5th Principal Meridian, Scott County, Iowa, more particularly described as follows:

Beginning at the intersection of the centerlines of Main Street and Palmer Drive; thence east along said centerline of Palmer Drive to the centerline of Brady Street; thence North along said centerline of said Brady Street to the south property line of 1139 Brady Street extended westerly to the centerline of Main Street; thence East along said south property line and its extensions westerly and easterly to the centerline of a public alley; thence North along said centerline of said public alley to the centerline of East 12th Street; thence East along said centerline of East 12 Street to the centerline of Pershing Avenue; thence South along said centerline of Pershing Avenue to the south property line of 826 Pershing Avenue extended easterly to the centerline of Pershing Avenue; thence West along said south property line and its extensions easterly and westerly to the centerline of a public alley; thence South along said centerline of a public alley to the south property line of 809 Perry Street extended easterly; thence West along said south property line to the southwest corner of 809 Perry Street; thence north to the south line of 809 Perry Street; thence west along the south line of 809 Perry Street and its extension westerly to the centerline of Perry Street; thence South along said centerline of Perry Street to the north property line of 702 Perry Street extended easterly to the centerline of Perry Street; thence west along said north property line and its easterly extension to the west property line of 702 Perry Street; thence south along said west property line of 702 Perry Street and its southerly extension to the centerline of East 7th Street; thence West along said centerline of East 7th Street to the

centerline of Brady Street; thence South along said centerline of Brady Street to the centerline of a public alley extended easterly to centerline of Brady Street; thence West along said centerline of a public alley and its westerly extension to the centerline of Main Street; thence North along said centerline of Main Street to the north property line of 614 Main Street (Devries Halligan McCabe Funeral Home) extended easterly to the centerline of Main Street; thence west along said north property line and its extensions easterly and westerly to the centerline of a public alley; thence North along said centerline of a public alley to the north property line of 703 Harrison Street extended easterly to the centerline of a public alley; thence West along said north property line and its extensions easterly and westerly to the centerline of Harrison Street; thence North along said centerline of Harrison Street to the centerline of West 8th Street extended westerly to centerline of Harrison Street; thence East along said centerline of West 8th Street to the centerline of Main Street; thence North along said centerline of Main Street to the Point of Beginning.

Properties excluded from the above described PID boundary are as follows: 805 Brady Street, 1111 Perry Street, and 208 East 11th Street.

Four additional properties included in the PID boundary but not attached to the above described boundary are described as follows:

Beginning at the intersection of the centerlines of Brady Street and East 6th Street; thence east along the centerline of East 6th Street to the centerline of Pershing Avenue; thence south along said centerline of Pershing Avenue to the centerline of a public alley extended easterly to the centerline of Pershing Avenue; thence west along said centerline of a public alley and its extensions easterly and westerly to the west right of way line of Perry Street; thence south along said west right of way line to the south line of 520 Perry Street; thence west along said south line and its westerly extension to the centerline of Brady Street; thence north along said centerline of Brady Street to the Point of Beginning.

The boundaries of the legal descriptions contain 48.58 acres, more or less.

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

1. That any property rendered non-conforming by the adoption of the "PID" Planned Institutional District not be subject to Section 17.46.020 entitled Discontinuance-Conformance required;
2. That the buildings achieve consistency with the required 25 foot front yard setback if a "PID" Planned Institutional District ordinance amendment is not adopted to allow setback reductions as depicted on the adopted Land Use Plan;
3. That Palmer College of Chiropractic formally requests the vacation/abandonment of the public streets and alleys depicted on the Land Use Plan as private use by Palmer College of Chiropractic. These areas on the Land Use are descriptive only with respect to the future use of the property and does not compel approval of any vacation/abandonment request; and
4. In the event that East 11th Street between Perry Street and Pershing Avenue is vacated and conveyed to Palmer College of Chiropractic, a pedestrian walkway be constructed from Perry Street to Pershing Avenue in the general location of East 11th Street utilizing existing bricks from the roadway surface and that historical markers be located at its intersection with Perry Street and Pershing Avenue. The cost of removing the roadway

material, curbs and sidewalks and the installation of the pedestrian walkway and historical markers shall be the expense of Palmer College of Chiropractic.

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

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

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

First Consideration February 28, 2018

Second Consideration March 14, 2018

Approved March 28, 2018




Frank Klipsch
Mayor

Attest:


Jackie Holecek, MMC
Deputy City Clerk

Published in the *Quad City Times* on April 10, 2018

City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Matt Werderitch 563.888.2221

Date
1/19/2021

Subject:

REZ20-09: Request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District. The purpose of the rezoning is to lift the existing land use and development restrictions on the property, adjust the commercial zoning boundary, and allow for townhouse and multi-family development [Ward 6].

Recommendation:

Hold the Public Hearing.

Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

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

1. **Regional Commercial (RC)** – Are the most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; although some residential, service and institutional uses may also be located within RC. Most people will drive or take transit to areas designated RC. However, good pedestrian systems should serve these areas and focus on connectivity from the street, through parking lots and between individual uses. Connectivity to nearby neighborhoods is desirable but less important.
2. **Residential General (RG)** – Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Zoning:

The northern portion of the property is currently zoned C-2 Corridor Commercial District. This district is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along arterial streets and collector streets adjacent to arterials streets in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport's commercial corridors.

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

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

Technical Review:

The case is under technical review. Further comments will be provided at the February 2, 2021 Plan and Zoning Commission meeting.

Public Input:

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

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

To date, staff has received several protest petitions from adjacent property owners. Staff will include any additional comments in the information for the February 2, 2021 Plan and Zoning Commission meeting.

Discussion:

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

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

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

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

Why is a Zoning Map Amendment Required?

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

ATTACHMENTS:

Type	Description
☐ Backup Material	Vicinity Map
☐ Backup Material	Zoning Map
☐ Backup Material	Future Land Use Map
☐ Backup Material	Concept Plan
☐ Backup Material	Ordinance No. 2011-20 and 2011-21
☐ Backup Material	Application
☐ Backup Material	Property Owner Authorization Letter
☐ Backup Material	Property Deed
☐ Backup Material	Commercial Legal Description
☐ Backup Material	Residential Legal Description

- ▣ Backup Material
- ▣ Backup Material
- ▣ Backup Material

Public Notice
Neighborhood Meeting Sign-In Sheet
Protest Petitions

Staff Workflow Reviewers

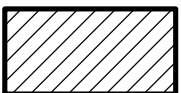
REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	1/15/2021 - 1:40 PM

Plan and Zoning Commission

REZ 20-09

4607 East 53rd Street



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

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

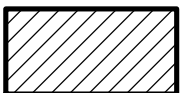
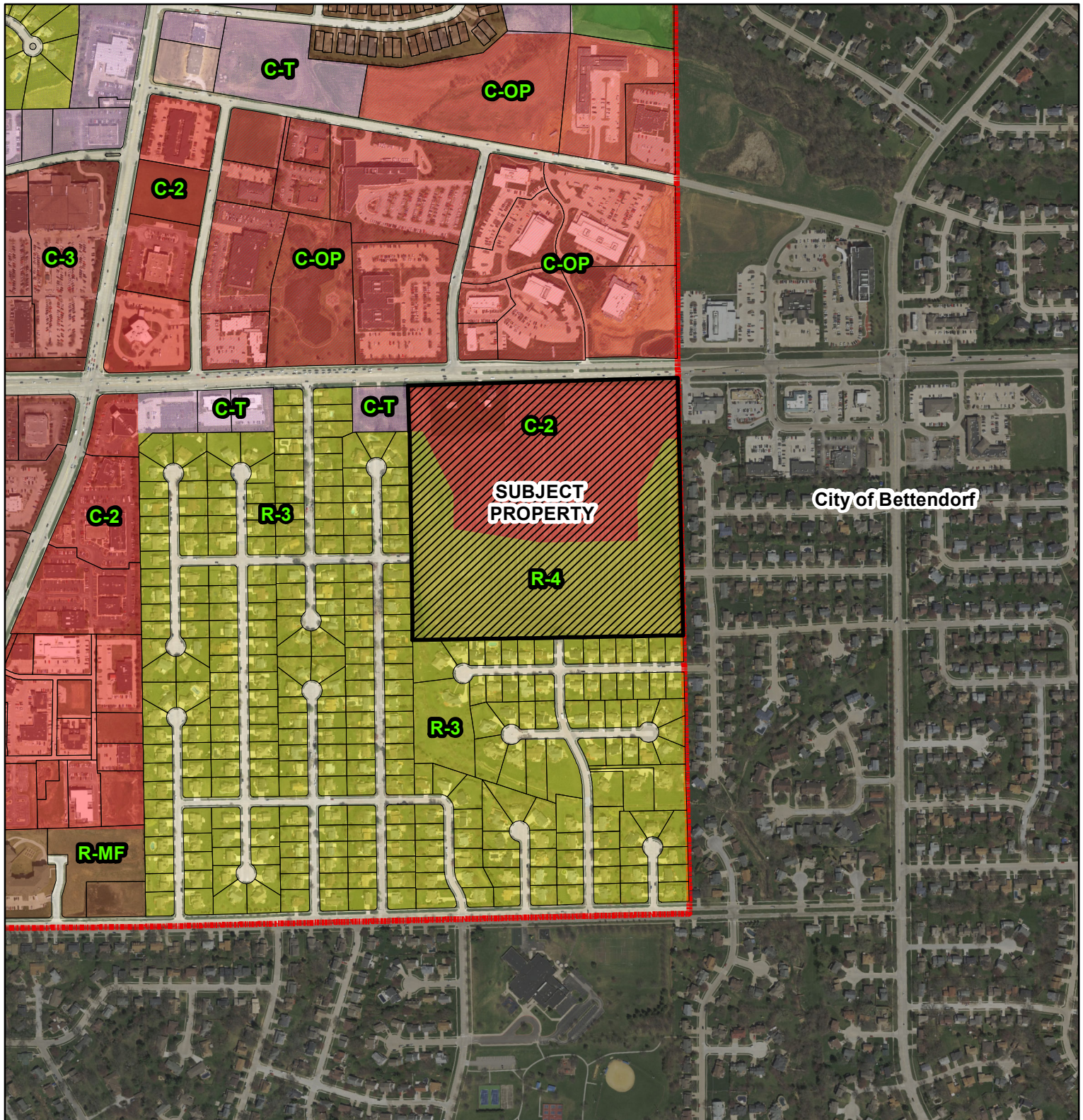
0 250 500 1,000 1,500 2,000 Feet



Zoning Map Amendment (Rezoning) Request

REZ 20-09

4607 East 53rd Street



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

Revise Zoning Areas and Special Conditions

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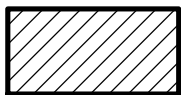
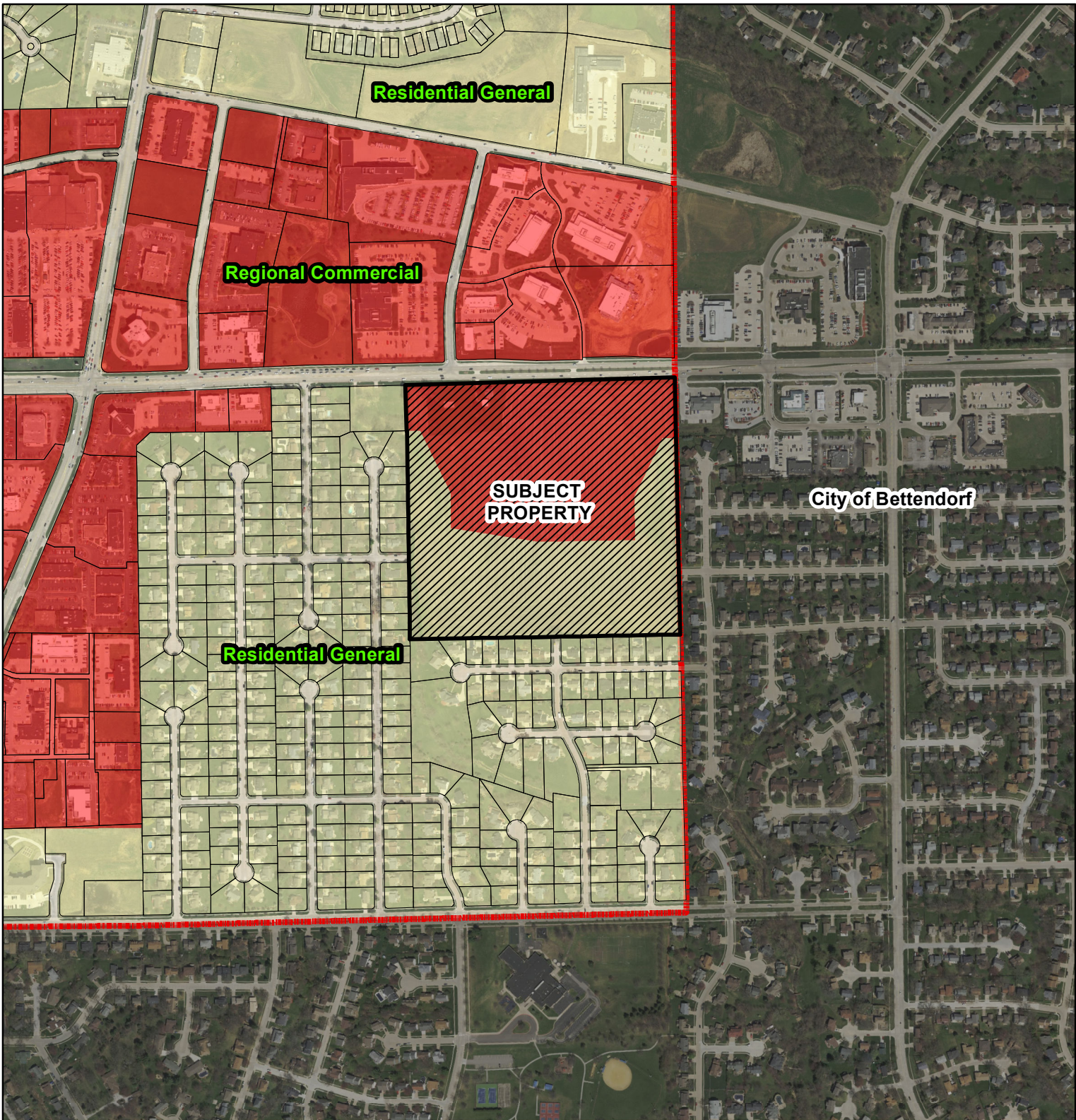
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Future Land Use Map - Davenport +2035

REZ 20-09

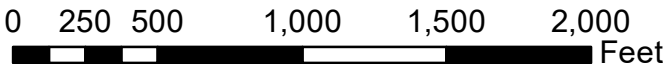
4607 East 53rd Street

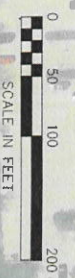


Rezone R-4 to R-MF and C-2

Revise Zoning Areas and Special Conditions

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



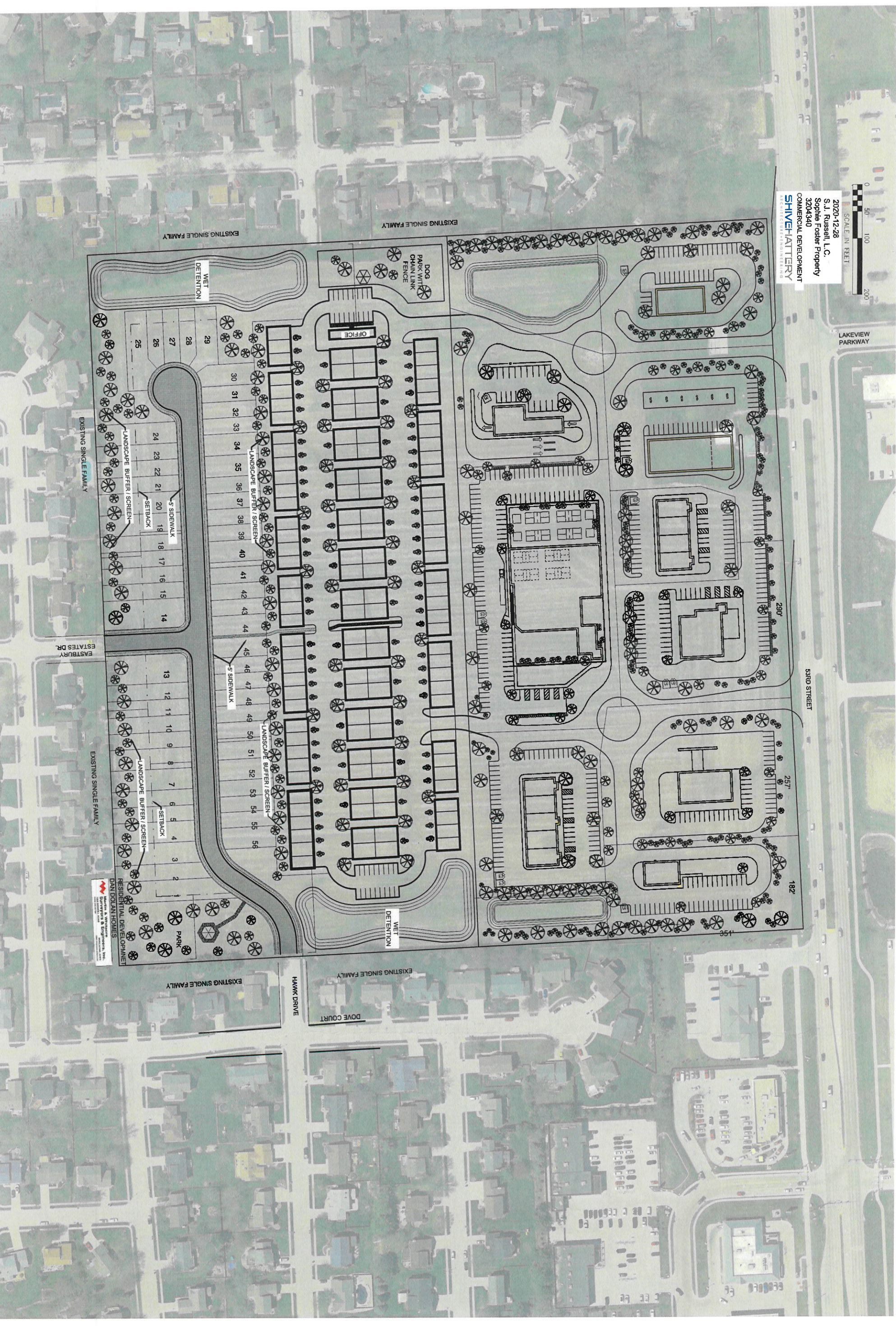


2020-12-28
S.J. Russell, L.C.
Sophie Foster Property
3204340
COMMERCIAL DEVELOPMENT
SHIVEHATTERY
ARCHITECTURAL ENGINEERING

LAKEVIEW PARKWAY

SAND STREET

HAWK DRIVE



Markus & Whitworth
Architectural & Engineering, Inc.
3204340
Residential Development
Dan Dolan Homes

ORDINANCE 2011-20

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

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

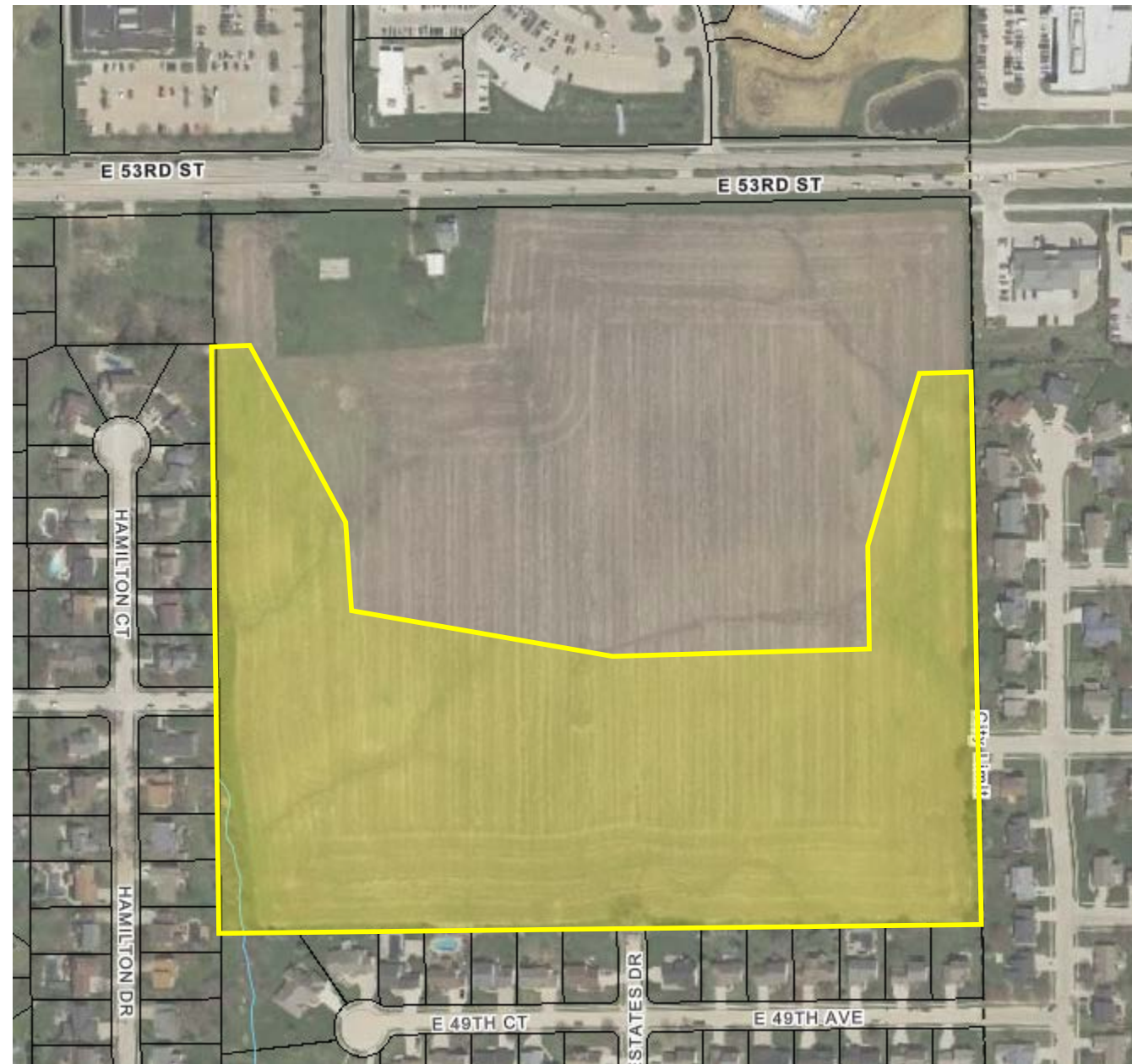


19.86 Acre Area South of 53rd Street, West of Utica Ridge Road

ORDINANCE 2011-21

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

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



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



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

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

Property Address*

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

Applicant (Primary Contact)**

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☐

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Attorney (if applicable)

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

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

Request:Existing Zoning:

C-2 and R-4

Proposed Zoning Map Amendment:

Revise zoning areas and special conditions, change R-4 to R-MF zoning.
--

Purpose of the Request:

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

Total Land Area:

37.928

Acres

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

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

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

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

(2) Plan and Zoning Commission public hearing:

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

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

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

Formal Procedure (continued):

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

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

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Authorization to Act as Applicant

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

Sophie Foster

Sophie Foster

Signature(s)*

*Note, original signature required

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

FOR RECORDER'S USE ONLY

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

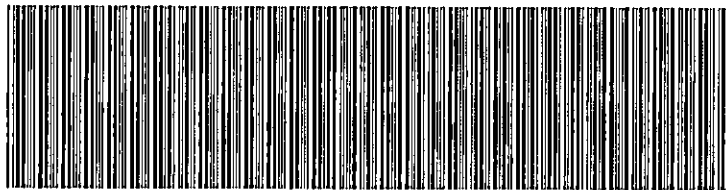
RECORDATION REQUESTED BY:

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

WHEN RECORDED MAIL TO:

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

MODIFICATION OF MORTGAGE



000000100000032068074011162020

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

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

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

**MODIFICATION OF MORTGAGE
(Continued)**

Loan No: 100000032068

Page 2

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

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

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

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

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

Extending Maturity Date to November 16, 2021.

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

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

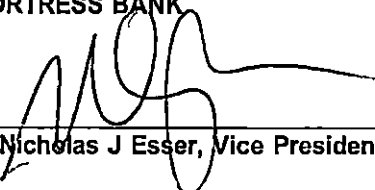
GRANTOR:

SOPHIE FOSTER REVOCABLE TRUST DATED NOVEMBER 14, 2005

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

LENDER:

FORTRESS BANK

X 

Nicholas J Esser, Vice President

MODIFICATION OF MORTGAGE
(Continued)

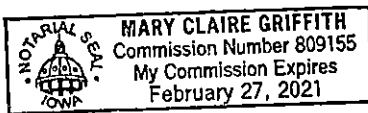
Loan No: 100000032068

Page 3

TRUST ACKNOWLEDGMENT

STATE OF Iowa)
) SS
COUNTY OF Scott)

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



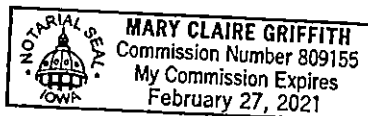
Mary Claire Griffith
Notary Public in and for the State of Iowa

My commission expires 27 Feb 2021

LENDER ACKNOWLEDGMENT

STATE OF Iowa)
) SS
COUNTY OF Scott)

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



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

My commission expires 27 Feb 2021

EXHIBIT A

Part of the Northeast Quarter of the Southwest Quarter of Section 9, T78N, R4E, of the 5th P.M. Davenport, Scott County, Iowa, more particularly described as follows:

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

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

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

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

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

This parcel contains 37.93 acres more or less.

LAND DESCRIPTION

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

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

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

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

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

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

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

THIS PARCEL CONTAINS 17.928 ACRES MORE OR LESS.

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



LAND DESCRIPTION

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

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

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

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

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

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

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

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

THIS PARCEL CONTAINS 20.000 ACRES MORE OR LESS.

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





REZONING REQUEST NOTICE | Plan and Zoning Commission

Rezoning Request

REZ20-09: Request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust to rezone the property located at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District. [Ward 6].

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

Neighborhood Meeting

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

Plan and Zoning Commission Public Hearing

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

What is this About?

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

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

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

Would You Like to Submit an Official Comment?

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

On-line/Telephone Participation at the Plan and Zoning Commission Public Hearing:

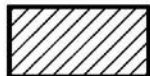
Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/planzoning & at 1-866-899-4679 with access code: 492-653-453. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public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

Do You Have Any Questions?

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

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

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



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

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

0 115 230 460 690 920 Feet



Neighborhood Meeting Sign-In Sheet

	NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / FAX # E-MAIL ADDRESS
28.	Jason Gillaspie	5143 Hamilton Ct	563-940-7044 jason.gillaspie709@gmail.com
29.	Jessy Kelly	4832 E. 49th Ave	563-320-5894 jkelly@jewellgroup.com
30.	Jim Long	4996 Dove Ct	563-332-3493 Susan Long@Q.com
31.	Janel Kelly	5034 Hamilton Dr.	563-449 16191
32.	Michael Ryan	4646 E 49th Ct	563-326-2892 michaelmarioryan@aenail.com
33.	Brion Wales	4835 E 49th Ave	563 332 13101
34.	W.T. Grampp	4750 E 49th Ave	563-343-1900 wgrampp@aol.com
35.	Anthony Ziskovsky	5200 Dove Ct	563 5251 3937 Zikodavich@gmail.com
36.	Maile Burton	2115 Hawk Dr.	(563)349-2757 mludgate@gmail.com
37.	Sue Thompson	2282 Hawk Dr	563-940-4386 theonecruiser@hotmail.com
38.			/
39.			/
			/
			/
			/
			/

Neighborhood Meeting Sign-In Sheet

SHIVEHATTERY
ARCHITECTURE • ENGINEERING

Attendance Sheet

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

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

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

Please Write Clearly

PHONE # / MOBILE #
E-MAIL ADDRESS

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

Neighborhood Meeting Sign-In Sheet

Page 2 of 7

Please Write Clearly

	NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / FAX # E-MAIL ADDRESS
13.	Ben Jobgen	6316 Forest Rd. Davenport 52807	/
14.	Cathy Hettrick	5166 Dove dr Beth	/
15.	Jim Hettrick	" "	/
16.			/
17.			/
18.			/
19.			/
20.			/
21.			/
22.			/
23.			/
			/
			/
			/
			/

Neighborhood Meeting Sign-In Sheet

Page 4 of 7

	NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / FAX # E-MAIL ADDRESS
43.	Kelly Young	Russell 4700 E 5 th 3rd	/ Kjyoung75@gmail.com
44.			/
45.			/
46.			/
47.			/
48.			/
49.			/
50.			/
51.			/
52.			/
53.			/

Neighborhood Meeting Sign-In Sheet

	NAME & TITLE	COMPANY NAME & ADDRESS	PHONE # / FAX #
			E-MAIL ADDRESS
58.	Mark Stevens		/
59.			/
60.			/
61.			/
62.			/
63.			/
64.			/
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70.			/

Protest Petition

City of Davenport
Case No. REZ20-09 of property located at 4607 East 53rd Street to C-2 Corridor
Commercial District and R-MF Multi-Family Residential District

We the undersigned disapprove the proposed Rezoning Case
No. REZ20-09

Printed Name	Address	Date	Signature
1 Mary Clifford	4530 E 49th Court	1/9/21	Mary Clifford
2 Timmie Clifford	4530 E 49th Ct	1/9/21	Timmie Clifford
3 Sara Hussor	4550 E 49 Ct.	1-9-21	Sara Hussor
4 Brent Hussor	4550 E 49 Ct	1-9-21	Brent Hussor
5 Scott Hussor	4610 E 49th Ct	1/9/21	Scott Hussor
6 Janet Hussor	4610 E 49th Ct	1/9/21	Janet Hussor
7 Erik Madarsen	4603 E 49 Ct	1/9/21	Erik Madarsen
8 Long Zhao	4634 E 49th Ct	1/9/21	Long Zhao
9 Michael Ryan	4646 E 49th Ct	1/9/21	Michael Ryan
10 Dawn Ryan	4646 E 49th Ct	1/9/21	Dawn Ryan
11 Dawn Ryan	4658 E 49th Ct	1-9-21	Dawn Ryan
12 Maileena Jorgensen	4718 E 49th Ave.	1-9-21	Maileena Jorgensen
13 Gordon R. Jorgensen	4800 E 49th Ave	1-9-21	Gordon R. Jorgensen
14 Mike Beckman	4835 E 49th Ave	1-9-21	Mike Beckman
15 Mike Beckman	4803 E 49th Ave	1-9-21	Mike Beckman

Protest Petition

City of Davenport
Case No. REZ20-09 of property located at 4607 East 53rd Street to C-2 Corridor
Commercial District and R-MF Multi-Family Residential District

We the undersigned disapprove the proposed Rezoning Case
No. REZ20-09

Printed Name	Address	Date	Signature
1 Troy Sker	4735 E 49th Ave	1/9/21	[Signature]
2 Andrew Carlson	4649 E 49th Ct	1/9/21	[Signature]
3 STEVEN KUNT	4609 E 49th Ct	1/9/21	[Signature]
4 CAROL HOLMES	4919 Hamilton Dr	1/9/21	Carol Holmes
5 Jill French	4923 Hamilton Dr	1/9/21	[Signature]
6 Diane Stanley	5011 Hamilton Dr	1/9/21	Alone Stanley
7 CHRISTOPHER	5011 Hamilton	1/9/21	Chris Stanley
8 David Poole	4507 E 51st Street	1/9/21	David Poole
9 Matt Zarnwell	5113 Hamilton St	1/9/21	[Signature]
10 BRIAN MORRISSEY	5137 Hamilton Ct	1/9/21	[Signature]
11 SARA MORRISSEY	5137 Hamilton Ct	1/9/21	[Signature]
12 JASON GILLISPIE	5143 Hamilton Ct	1/9/21	[Signature]
13 Julie Ivany	5144 Hamilton Ct	1/9/21	[Signature]
14 Nicole Dinnville	5142 Hamilton Ct	1/9/21	[Signature]
15 Jose Villaverde	5142 Hamilton Ct	1/9/21	[Signature]

Protest Petition

City of Davenport
Case No. REZ20-09 of property located at 4607 East 53rd Street to C-2 Corridor
Commercial District and R-MF Multi-Family Residential District

We the undersigned disapprove the proposed Rezoning Case
No. REZ20-09

Printed Name	Address	Date	Signature
1 Stacy Brown	5120 Hamilton Ct	1-9-21	[Signature]
2 David Carpenter	4420 E 51st	1-9-21	[Signature]
3 Rosie Carpenter	4420 E 51st	9 Jan 21	[Signature]
4 Jennifer Nichols	5042 Hamilton Dr	9 Jan 21	[Signature]
5 JAY A RIBLIN	5026 HAMILTON	9 Jan 21	[Signature]
6 Joseph Heiple	5018 Hamilton Dr	9 Jan	[Signature]
7 Patty Knight	5004 Hamilton	1-9-21	[Signature]
8 Nicole Anderson	4928 Hamilton	1-9-21	[Signature]
9 John Holmes	4919 Hamilton Dr	1/9/21	[Signature]
10 John Perocci	4735 E 49th Ave	1/10/21	[Signature]
11 Kevin Mayle	4702 E 49th Ave	1/10/21	[Signature]
12 Josh Leach	5035 Hamilton Drive	1/10/21	[Signature]
13 John Haines III	5121 Hamilton Ct	1/10/21	[Signature]
14 RYAN KELLY	5034 Hamilton Dr	1/10/21	[Signature]
15 Jane Kelly	5034 Hamilton Dr	1/10/21	[Signature]

Protest Petition

City of Davenport
Case No. REZ20-09 of property located at 4607 East 53rd Street to C-2 Corridor
Commercial District and R-MF Multi-Family Residential District

We the undersigned disapprove the proposed Rezoning Case
No. REZ20-09

	Printed Name	Address	Date	Signature
1	Dennis VanDerKam	4545 E 49th St	1-13-20	Dennis VanDerKam
2	Jay Chek	4627 E 49th	1/13/21	Jay Chek
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City of Davenport
Case No. REZ20-09 of property located at 4607 East 53rd Street to C-2 Corridor
Commercial District and R-MF Multi-Family Residential District

We the undersigned disapprove the proposed Rezoning Case
No. REZ20-09

	Printed Name	Address	Date	Signature
1	Jenna Blakeney	4938 Dove St Bettendorf	11/10/21	Jenna Blakeney
2	Kristin Winkler	4978 Dove St Bettendorf	11/10/21	Kristin Winkler
3	JAMES LONG	4996 Dove St Bettendorf	11/10/20	James Long
4	Lowell Hoffer	5050 Dove St Bettendorf	11/10/20	Lowell Hoffer
5	Wendy	5072 Dove St Bettendorf	11/10/20	Wendy
6	Ed Phillips	5090 Dove St Bettendorf	11/10/20	Ed Phillips
7	Jim Scott	5011 Dove St Bettendorf	11/10/21	Jim Scott
8				
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15				

Protest Petition

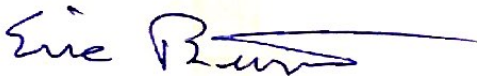
January 14, 2021

To Whom It May Concern,

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

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

Sincerely,



Marie and Eric Burton

2115 Hawk Dr.

Bettendorf, IA 52722

Protest Petition

Berkley, Laura

From: Hunt, Mark <mhunt@bettendorf.org>
Sent: Wednesday, January 13, 2021 9:51 AM
To: Berkley, Laura
Subject: [EXT] FW: Sophie Foster Rezoning

Laura,

I wanted to share the comments of a Bettendorf citizen with you regarding the Sophie Foster Farm development.

Sincerely,

-MDH

Mark D. Hunt, MPA
Community Development Director
(563) 344-4083

From: Jim <jfsrph@aol.com>
Sent: Monday, January 11, 2021 5:12 PM
To: Adamson, Greg
Subject: Sophie Foster Rezoning

My name is Jim Scott and I live at the corner of Hawk & Dove Ct. in Bettendorf.

I am writing to object to the rezoning plan that has been filed. for the Sophie Foster estate.

My main concern is that there will be a major increase in traffic flow since Hawk will be a primary outlet from the new housing area. We are currently a nice, quiet neighborhood and that will end if this project is approved.

I'm also concerned about traffic flow from the commercial establishments onto a very busy 53rd Street. Traffic lights will be a must, especially for those heading West on 53rd.

Other concerns are lighting in the commercial area and collection ponds for water runoff.

I know this rezoning is a Davenport project, but I literally live just across the street. As a longtime Bettendorf resident, I would hope you could support me in this request.

Thank you for giving your attention to this matter.

Jim Scott
5011 Dove Ct
Bettendorf, Iowa 5272
563-349-6702
Sent from my iPhone

Protest Petition

Berkley, Laura

From: Dave Cleveland <clevelandemail@gmail.com>
Sent: Wednesday, January 6, 2021 10:15 AM
To: Werderitch, Matt; Planning
Cc: Jobgen, Ben; Stephanie Cleveland; Berkley, Laura
Subject: Re: [EXT] 4607 E. 53rd Street Meeting

Good morning -

I would like to officially submit my protest to this zoning request.

Many more details need to be provided. Some preliminary questions that need to be answered and documented in a public setting are listed below.

- Wet Detention: Confirm how far off the property line the first lot will be.
- Wet Detention: What calculations were used for this detention (100 year, 500 year?)
- Wet Detention: What is the anticipated level of water for this "Wet Detention"?
- Wet Detention: Will that impact the surrounding properties flood plain designation?
- Wet Detention: Liability of flooding into existing surrounding properties.
- Can additional Landscape Buffer/Screen be added?
- Confirm "Setback" dimension
- Are the numbered lots for Single Family Residential Development?
- Are there any size restrictions for these new homes?
- Confirm the center development will be condo style townhomes. How tall will these units be?
- Explain the Commercial Development. What are the new businesses?
- Commercial Development restrictions?
- What type of consideration has been taken regarding photometrics for the commercial buildings? We want to ensure that there will not be any light pollution from parking lot lighting and wall packs on the buildings.
- If rezoned and not developed, what restrictions are in place for any other future developers?
- Traffic studies for surrounding roads?

Dave Cleveland
5027 Hamilton Drive
Davenport, IA 52807
563-344-8991

On Mon, Jan 4, 2021 at 9:56 AM Werderitch, Matt <Matt.Werderitch@davenportiowa.com> wrote:

Good Morning,

Below is the virtual option for Thursday's neighborhood meeting. This is the same number and access code as the Plan and Zoning Commission meeting.

Protest Petition

Please join my meeting from your computer, tablet or smartphone.

https://www.gotomeet.me/Davenport_Planning/planzoning

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 492-653-453

Attached is the preliminary concept plan for their proposal.

Please let me know if there is any additional information that I can provide.

Sincerely,

Matt Werderitch

Planner II | Development & Neighborhood Services

City of Davenport

T 563-888-2221

226 W 4th St, Davenport, IA 52801

davenportiowa.com

From: Dave Cleveland <clevelandemail@gmail.com>

Sent: Monday, January 4, 2021 8:36 AM

To: Werderitch, Matt <Matt.Werderitch@davenportiowa.com>; Jobgen, Ben <Ben.Jobgen@davenportiowa.com>;

Stephanie Cleveland <stephanie.cleveland77@gmail.com>

Subject: [EXT] 4607 E. 53rd Street Meeting

Hi Matt / Bob -

Protest Petition

Are there plans to setup a virtual neighborhood meeting for the 7th also? Is there a plan that you can share with me via email?

--

David Cleveland

5027 Hamilton Dr, Davenport, IA 52807

clevelandemail@gmail.com

563-344-8991

--

David Cleveland

clevelandemail@gmail.com

563-344-8991

Protest Petition

David Cleveland
5027 Hamilton Dr.
Davenport IA 52807

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

David Cleveland

City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Matt Werderitch 563.888.2221

Date
1/19/2021

Subject:
Consideration of the January 5, 2021 meeting minutes.

Recommendation:
Approve the minutes.

ATTACHMENTS:

Type	Description
▢ Backup Material	Meeting Minutes 1-5-21

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Werderitch, Matt	Approved	1/14/2021 - 11:00 AM

MINUTES

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, January 5, 2021; 5:00 PM

COUNCIL CHAMBERS, CITY HALL 226 WEST 4TH STREET

A partially electronic meeting was held because a fully “in person” meeting is impractical due to the concerns for the health and safety of Commission members, staff and the public presented by COVID-19 and to follow the Governor’s proclamation and Mayor’s Executive Order directing social distancing and placing restrictions on gatherings. In person attendance by the general public at any City of Davenport public meeting within its facilities shall be limited to 10 persons.

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

I. Roll Call

Present: Schneider, Lammers, Medd, Johnson, Tallman, Inghram, Hepner,
Brandsgard, Reinartz, Maness, Garrington
Staff: Berkley, Werderitch

I. New Business

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

Werderitch provided an overview of the case. Dan Parchert, MCC Iowa LLC, was present and gave comments. No members of the public spoke. With no comments, the public hearing closed.

II. Next Public Hearing: 1/19/2021

REGULAR MEETING AGENDA

I. Roll Call

Present: Schneider, Lammers, Medd, Johnson, Tallman, Inghram, Hepner,
Brandsgard, Reinartz, Maness, Garrington
Staff: Berkley, Werderitch

II. Report of the City Council Activity: None

III. Secretary's Report

A. Consideration of the December 22, 2020 Meeting Minutes.

Motion by Tallman, second by Brandsgard to approve the December 22, 2020 meeting minutes. Motion to approve was unanimous by voice vote.

IV. Report of the Comprehensive Plan Committee: None

V. Zoning Activity

A. Old Business

B. New Business

- i. Case REZ20-07: Request of Gravert Auto Sales LLC to rezone 1435 West Locust Street from C-1 Neighborhood Commercial District to C-3 General Commercial District to permit a vehicle dealership [Ward 4].

Werderitch provided an overview of the case. Jason Gravert was present and gave comments. No members of the public spoke.

Staff recommended Case REZ20-07 be forwarded to the City Council with a recommendation for denial.

Findings:

1. The City made a deliberate decision to not allow vehicle dealerships in the C-1 Neighborhood Commercial District under the new Zoning Ordinance.
2. The proposed C-3 General Commercial District is incompatible with the zoning of nearby property.
3. The existing C-1 Neighborhood Commercial District is compatible with the established neighborhood character. The size and scale of commercial properties in this area, its close proximity to residential properties, and the adjacent roadway classification make C-1 Neighborhood Commercial Zoning District compatible and consistent in this area.
4. Rezoning the property to C-3 General Commercial District creates a nonconformity to the minimum lot area requirements. The subject

property is 10,206 SF, which is below the minimum 20,000 SF required in the C-3 General Commercial District.

Motion by Tallman, second by Lammers to approve staff recommendation for denial of Case REZ20-07. Motion to approve staff recommendation passed by a roll call vote 8 to 2. Commissioners Hepner and Garrington voted against.

VI. Subdivision Activity: None

A. Old Business: None

B. New Business

- i. Case F20-14: Request of Musal Tract LC for a Final Plat of Hugo First Addition for a one lot subdivision on 1.67 acres, more or less, located directly north of 2815 N Clark Street. [Ward 2]

Berkely provided an overview of the case.

Findings:

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

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F20-14 to the City Council with a recommendation for approval subject to the following conditions:

- 1. That the surveyor signs the plat; and
- 2. That the utility providers sign the plat when their easement needs have been met.
- 3. That an area to allow for a turn-around is dedicated to the City as right of way.
- 4. That a drainage easement on the east side of Lot 1 be added to maintain the flow of the drainage area into existing City storm sewer.
- 5. That a note be added to the plat stating the standard drainage easement language.
- 6. That a 15 foot utility easement on the west side of Lot 1 added for future utilities.

Motion by Tallman, second by Maness to approve staff recommendation to accept the listed findings and forward Case F20-14 to the City Council subject to conditions. Motion to approve was unanimous by voice vote.

VII. Future Business:

Staff received a zoning application to rezone the property at 4607 East 53rd Street to C-2 Corridor Commercial District and R-MF Multi-Family Residential District. The purpose of the rezoning is to lift the existing land use and development restrictions on the property, adjust the commercial zoning boundary, and allow for townhouse and multi-family development. A public hearing will be held at the January 19, 2021 Plan and Zoning Commission meeting.

Staff received a request from Palmer College of Chiropractic to amend a section of their Campus Master Plan, bounded by East 11th Street and East 10th Street, between Pershing Avenue and Perry Street, from an athletic field to student housing. The request also includes proposed right-of-way vacations. A public hearing will be held at the January 19, 2021 Plan and Zoning Commission meeting.

VIII. Communications: None

IX. Other Business: None

X. Adjourn

The meeting adjourned at 5:43 pm

XI. NEXT MEETING: January 19, 2021

City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Matt Werderitch 563.888.2221

Date
1/19/2021

Subject:

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

Recommendation:

Staff recommends Case REZ20-08 be forwarded to the City Council with a recommendation for approval.

Findings:

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

Condition:

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

Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

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

1. **Residential General (RG)** – Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.
2. **Industry (I)** – Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

Zoning:

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

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

Technical Review:

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

Public Input:

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

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

A Notice of Public Hearing has been published in the Quad City Times.

Staff will apprise the Commission of any correspondence at the January 19, 2021 Plan and Zoning Commission Public Hearing.

Discussion:

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

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

Why is a Zoning Map Amendment Required?

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

Approval Standards for Map Amendments (Chapter 17.14.040)

The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning

Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

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

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

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

- b. The compatibility with the zoning of nearby property.

Staff Response: The subject property is located on the boundary between R-MF Multi-Family Residential District and I-1 Light Industrial District. The abutting properties to the north, east, and west are zoned I-1 Light Industrial District. The rezoning petition will serve as a continuation of industrial property that extends east to the railroad tracks, between 53rd Street and 46th Street.

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

- c. The compatibility with established neighborhood character.

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

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

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

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

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

- e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility

of developing the property in question for one or more of the uses permitted under the existing zoning classification.

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

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

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

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

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

ATTACHMENTS:

Type	Description
▢ Backup Material	Zoning Map
▢ Backup Material	Land Use Map
▢ Backup Material	Site Photographs
▢ Backup Material	Application
▢ Backup Material	Concept Plan
▢ Backup Material	Public Hearing Notice
▢ Backup Material	Ordinance No. 2019-102
▢ Backup Material	Resolution #2019-79

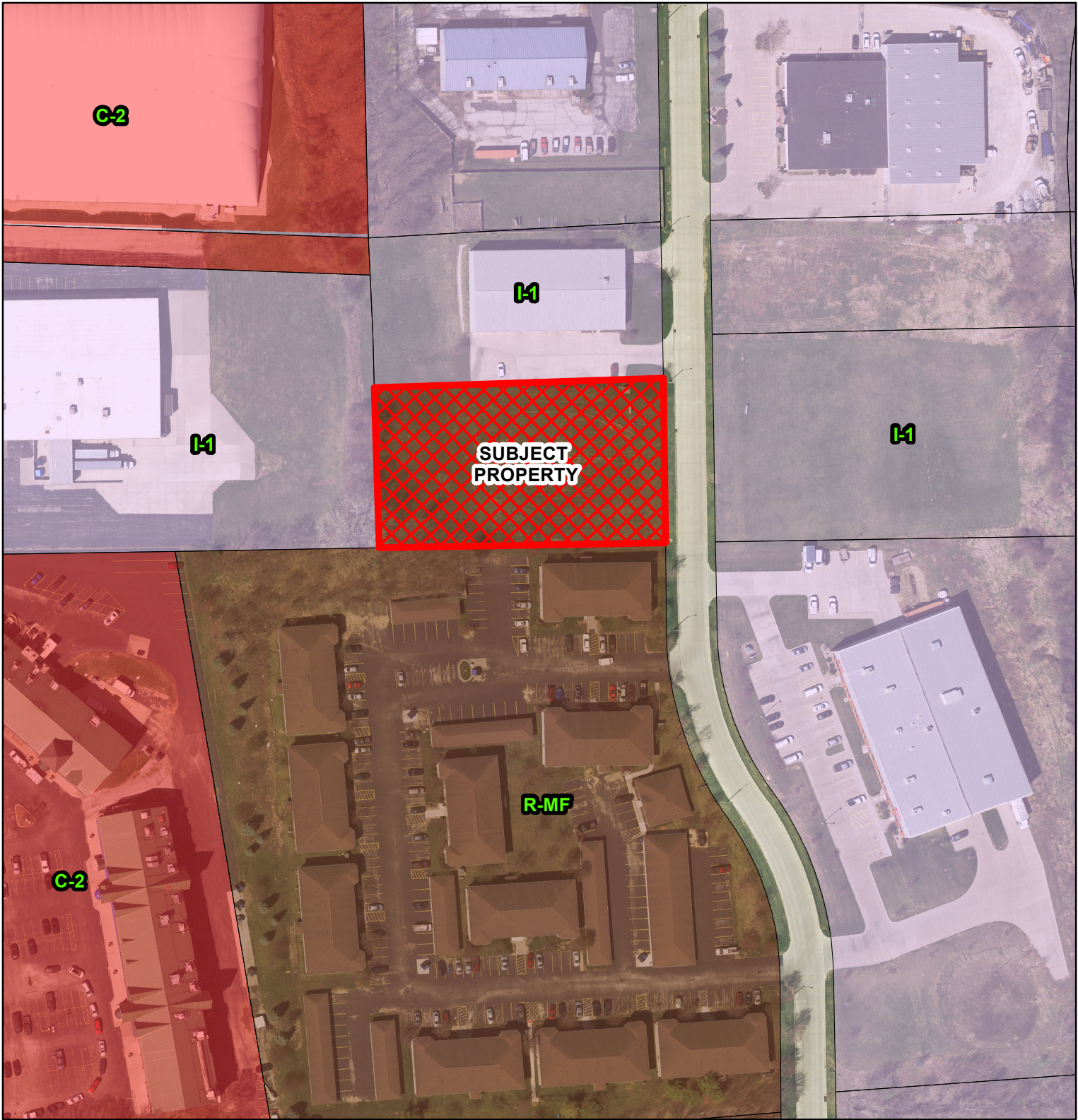
Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	1/15/2021 - 12:56 PM

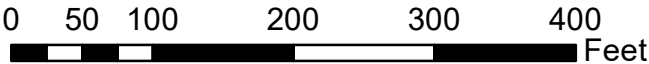
Zoning Map Amendment (Rezoning) Request

REZ20-08 5000 Grand Avenue



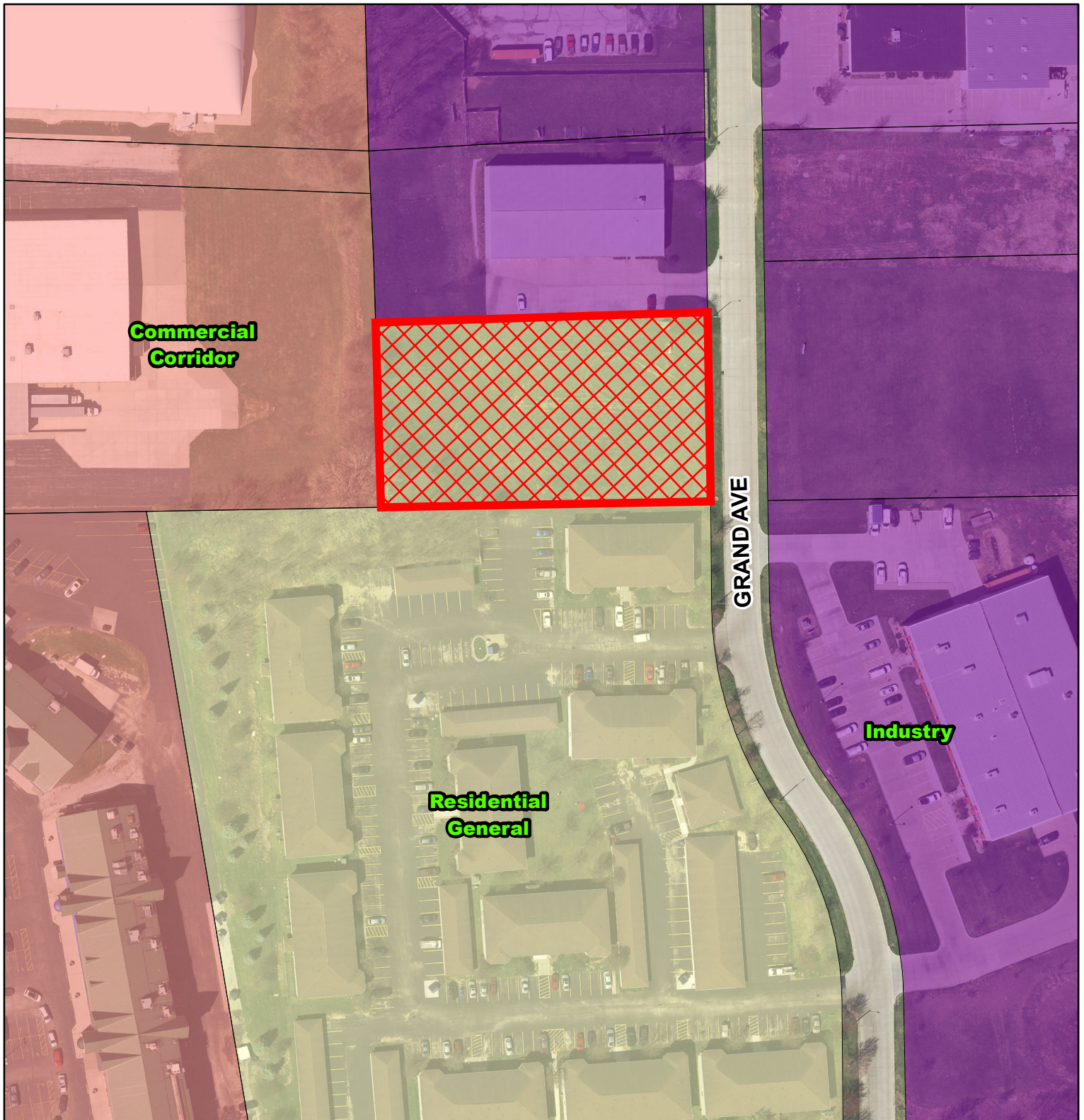
R-MF Multi-Family Residential District to I-1 Light Industrial District

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



Future Land Use Map (Davenport +2035)

REZ20-08 5000 Grand Avenue



General Residential to Industry

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

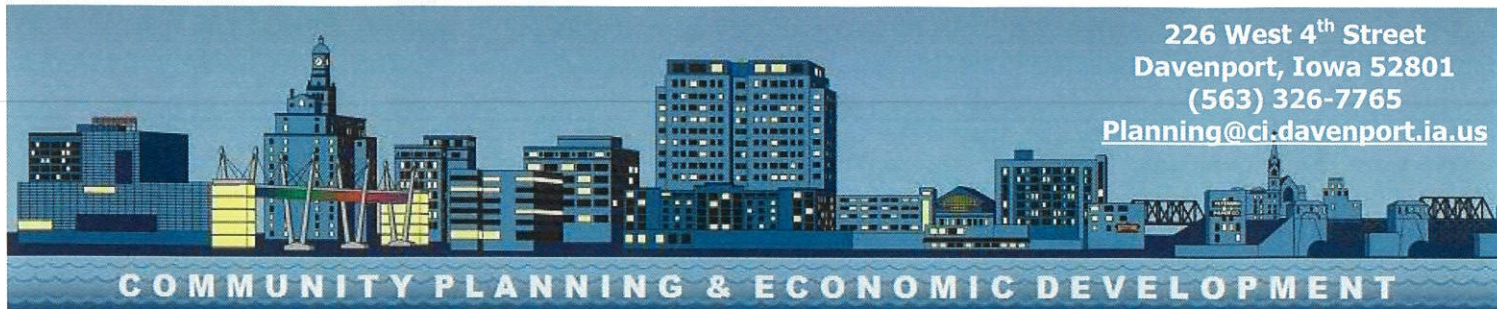
0 50 100 200 Feet



Zoning Map Amendment (Rezoning) Request

REZ 20-08 5000 Grand Avenue





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

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

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

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

Applicant (Primary Contact)**

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☐

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Attorney (if applicable)

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

Administrative

Administrative Exception ☐
Health Services and Congregate Living Permit ☐

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

Request:Existing Zoning: Proposed Zoning Map Amendment:

Purpose of the Request:

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

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

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

Formal Procedure:

(1) Application:

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

(2) Plan and Zoning Commission public hearing:

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

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

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

Formal Procedure (continued):

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

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

Applicant:

Date:

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

Received by:

Date:

Planning staff

Date of the Public Hearing:

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



LETTER OF AUTHORIZATION

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

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

12/9/2020 | 8:26 AM PST

DocuSigned by:

Bruce Gluckman
75187141E93D46A

Date _____

Bruce J. Gluckman

State of New York
County of Orange

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

Notary Public

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

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

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

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

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

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

MEDIACOM BROADBAND LLC

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

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

Dated: AUG 11 2015



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

Unbranded V Tour

Directions: 53rd Street south on Grand Avenue

Branded V Tour

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

FEATURES

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

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

Land and Farm

Land with a House

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

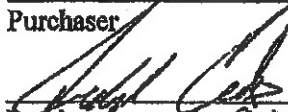
Original Price:	\$115,000	Concessions \$		Days On Market:	84
Sold Price:		Sold Conc Info		Cumulative DOM:	84
Closing Date:		How Sold:			
Agent Owned:	N	Agent Related to Seller:	N	Agent is Designated Managing Broker:	

AGREEMENT FOR SALE OF COMMERCIAL REAL ESTATE

THIS IS A BINDING REAL ESTATE CONTRACT

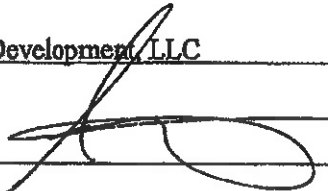
MCC Iowa, LLC

Purchaser


Purchaser Todd Curtis, Grand Ave

MM Development, LLC

Seller


Seller

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

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

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

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

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

INITIAL:




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

OTHER TERMS: _____

2. DUE DILIGENCE AND INSPECTIONS.

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

3. POSSESSION AND CLOSING (choose A or B)

X A. Possession on Closing:

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

_____ B. Possession after closing:

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

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

C. Additional Provisions:

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

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

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

INITIAL:

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

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

4. EVIDENCE OF TITLE

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

5. CONVEYANCE OF TITLE AND DOCUMENTS OF SALE

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

6. PRORATIONS AND ADJUSTMENTS

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

A. Prorations

INITIAL:

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

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

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

B. Adjustments

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

7. ASSESSMENTS

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

8. FIXTURES AND PERSONAL PROPERTY

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

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

9. CONDITION OF PROPERTY

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

X A. "As-Is" Condition.

INITIAL:

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

10. DEFAULT

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

11. CASUALTY CLAUSE

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

12. EXPENSES OF TRANSFER

A. Seller shall pay:

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

B. Purchaser shall pay:

- (1) Recording fee for deed and mortgage;

INITIAL: _____

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

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

13. 1031 EXCHANGE

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

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

14. ESCROW

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

15. REPRESENTATIONS OF SELLER

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

INITIAL:

16. LEASES

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

17. SELLER'S CONSENT TO ASSIGNMENT

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

18. NOTICES AND ELECTRONIC TRANSMISSION

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

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

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

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

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

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

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

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

INITIAL: *CD*
 AF

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

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

19. GENERAL CONDITIONS

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

20. BROKER REPRESENTATIONS

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

21. BROKERS AS AGENTS

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

22. AGENCY

Listing Agent: Thad DenHartog

Purchaser's Agent: Joe Wonio

Company: Mel Foster Commercial

Company: Mel Foster Commercial

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

INITIAL:

CHECK ONE:

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

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

[Signature] 11/18/2020
Purchaser Date

[Signature] 11-30-20
Seller Date

23. RIDERS

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

24. ACCEPTANCE

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

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

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

Purchaser Date

Seller Date

INITIAL:

This Agreement has been prepared by:

Joe Wonio

Agent

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

INITIAL:

CONDITION PRECEDENT RIDER

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

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

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

Purchaser: *MM Development, LLC*
TOBS CURTIS

Dated: *11/18/2020*

Seller: *Mediacom*
Alexandro Mayorga - member

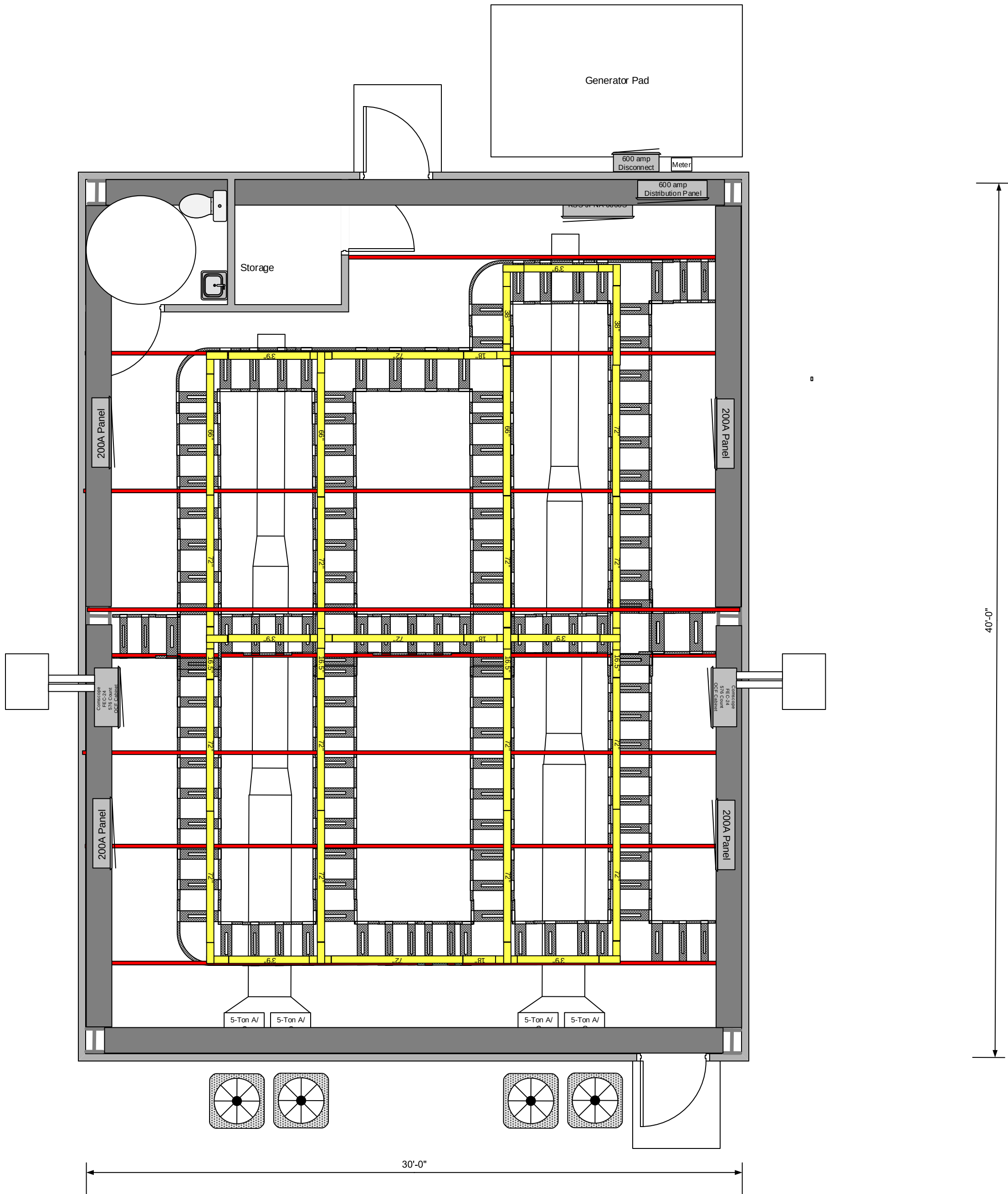
Dated: *11-30-20*

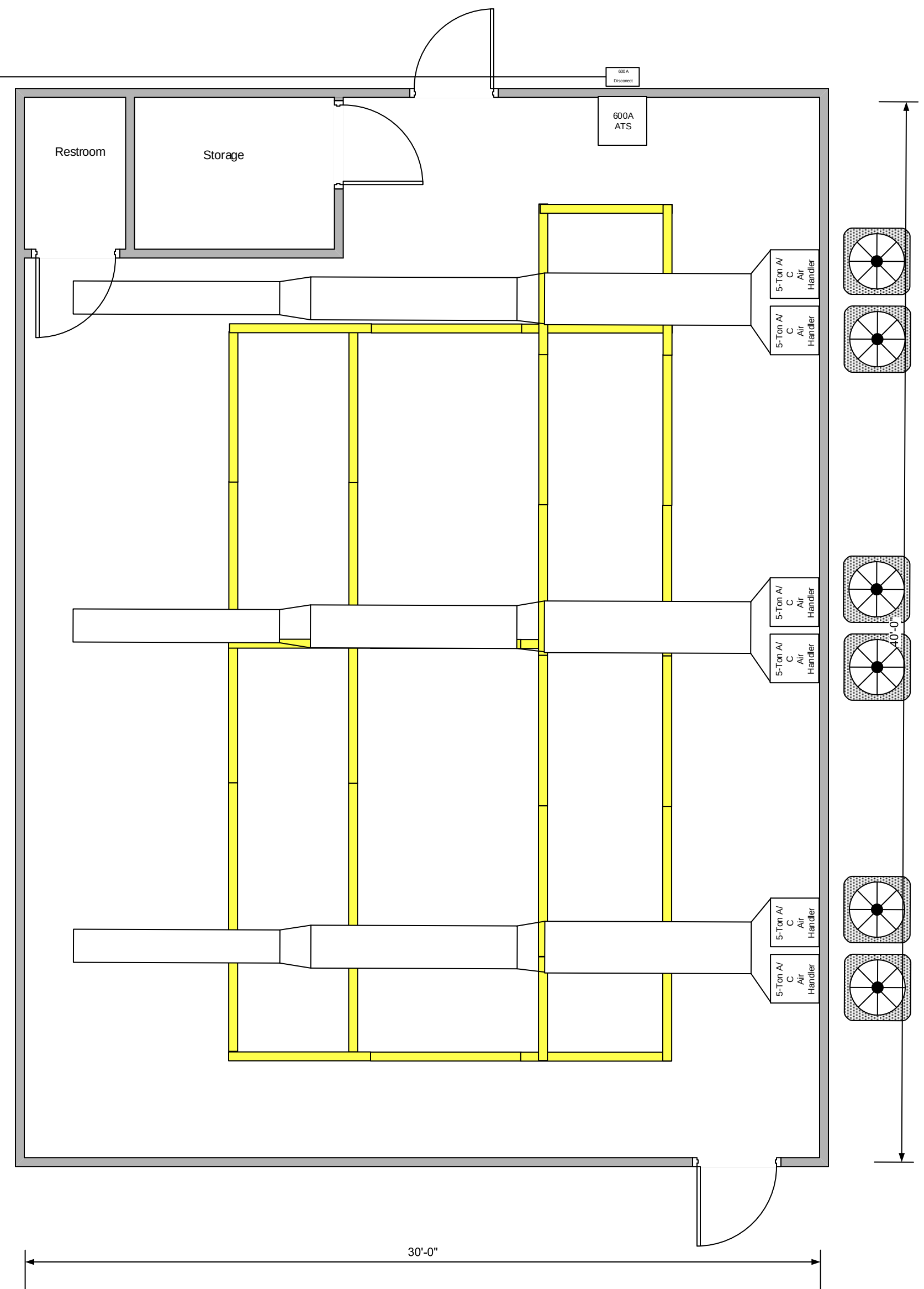
Zoning Map Amendment (Rezoning) Request

REZ 20-08 5000 Grand Avenue

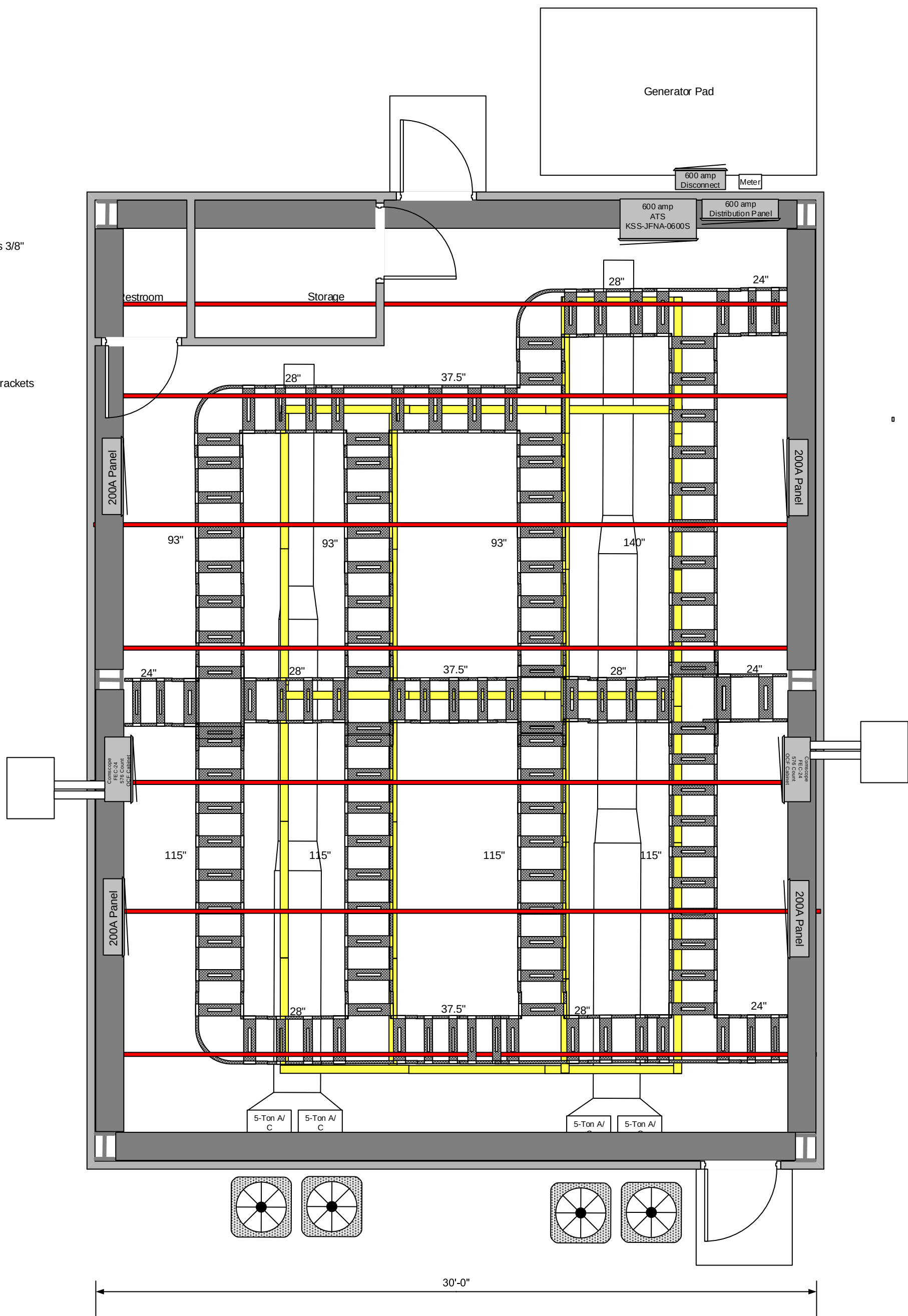
Proposed Communications Building Example Elevations







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





PUBLIC HEARING NOTICE | Plan and Zoning Commission

Date: 1/5/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:00 PM Subject: Public Hearing for Rezoning Request before the Plan and Zoning Commission

ST AMBROSE UNIVERSITY
518 W LOCUST ST
DAVENPORT IA 52803

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

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The purpose of the Rezoning Request is to allow for construction of a communications building.

Request/Case Description

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

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on January 5, 2021. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on January 19, 2021. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

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

On-line/Telephone Participation:

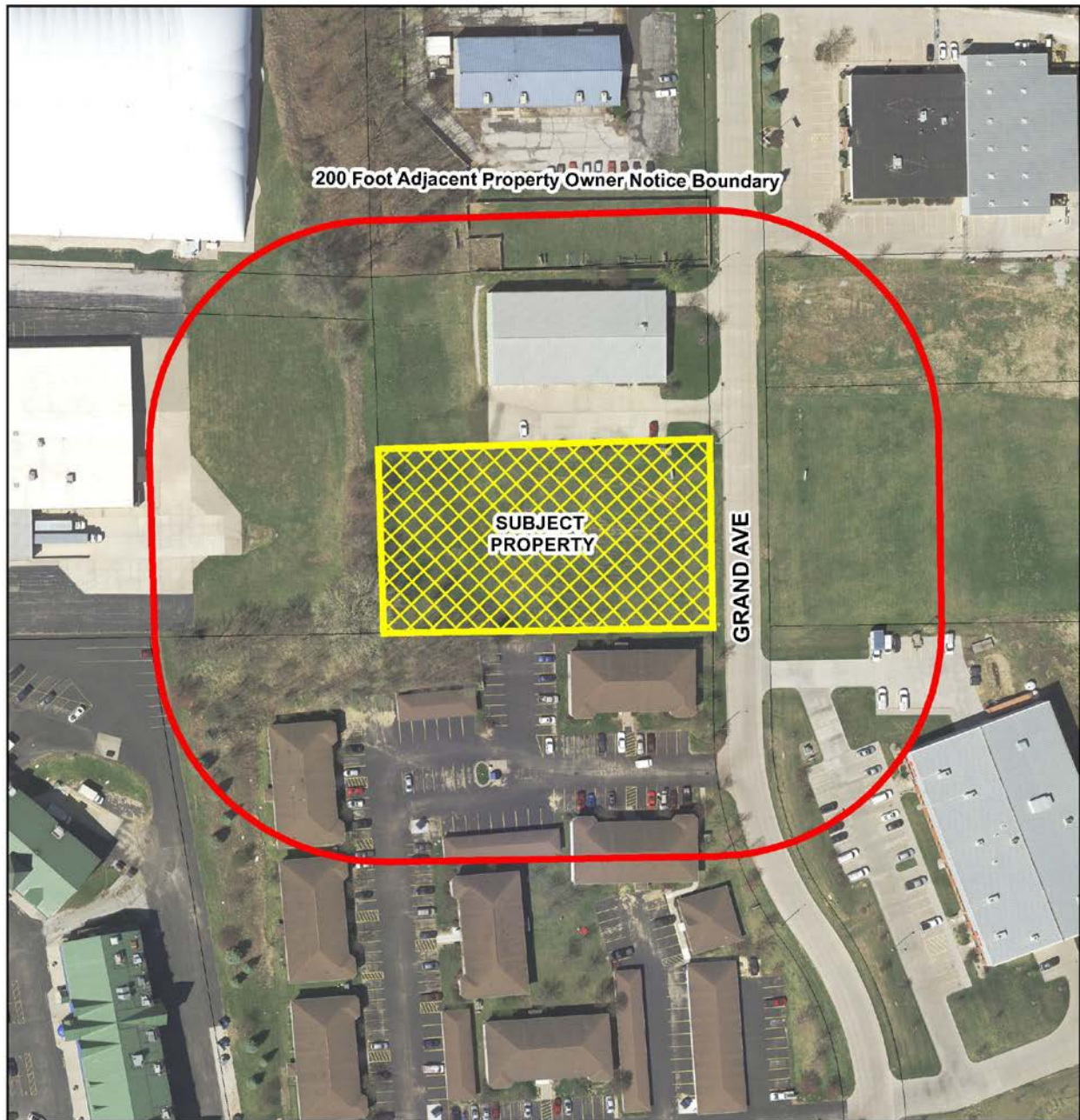
Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/planzoning & at 1-866-899-4679 with access code: 492-653-453. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public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

Do You Have Any Questions?

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

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

Plan and Zoning Commission Adjacent Property Owner Notice Area



REZ20-08 5000 Grand Avenue

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

0 50 100 200 Feet



ORDINANCE NO. 2019-102

ORDINANCE for Case REZ19-01 being the request of Bradley Matthews to rezone approximately 1.1 acres located at 5000 Grand Avenue from I-1 Light Industrial District to R-MF, Residential Multifamily District [Ward 7].

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "R-MF, Residential Multifamily District".

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

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

Findings:

1. This property is located on the boundary between R-MF and I-1 Zoning.
2. The proposed rezoning will not significantly add traffic to Grand Avenue.
3. Zoning this property R-MF will allow for construction of apartment units in close proximity to employment opportunities.
4. No single family neighborhoods are in the vicinity and thus, none will be impacted.

Condition:

That the City Council is requested to pass a resolution assigning a Future Land Use Designation of RG, Residential General to this property and assigning either I, Industry or RG, Residential General designations to other nearby properties overlooked in the 2016 Comprehensive Plan.

Section 3. At its February 19, 2019 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation to approve.

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

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

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

First Consideration March 13, 2019

Second Consideration March 27, 2019

Approved March 27, 2019

Attest:

Brian Krup

Brian Krup, Deputy City Clerk

Frank Klipsch

Frank Klipsch, Mayor

Published in the *Quad City Times* on April 2, 2019



Resolution No. 2019-79

Resolution offered by Ald. Rawson

RESOLVED by the City Council of the City of Davenport.

Resolution Approving Case No. CP19-01: Amending the Davenport Comprehensive Plan, Future Land Use Map, by establishing designations for the following properties overlooked as part of the 2016 Update. [Wards 2, 6, 7]

WHEREAS, in accordance with Title 2.64.130 of the Davenport Municipal Code, the Plan and Zoning Commission recommends the City Council adoption of this Amendment as follows:

<u>Parcel Number</u>	<u>Address</u>	<u>Future Land Use Designation</u>
P1210-01F	5000 Grand Ave.	RG, Residential General
P1210-01E	5060 Grand Ave.	I, Industry
P1210-01D	5001 Grand Ave.	I, Industry
P1210-02G	5101 Grand Ave.	I, Industry
P1215-03	4801 Grand Ave.	I, Industry
P1215-04	4601 Grand Ave.	I, Industry
P1215-02C	709 E. 46 th Street	RG, Residential General
P1215-03D	Unassigned	RG, Residential General
M1507-42	1742 W. Kimberly Rd.	CN, Neighborhood Commercial Node
P1406-13A	354 W. Kimberly Rd.	RC, Regional Commercial
P1301A16A	141 E. 46 th St.	CC, Commercial Corridor
P1301A17A	171 E. 46 th St.	CC, Commercial Corridor
P1311-09	1007 E. Kimberly Rd.	CC, Commercial Corridor
N1816B05A	2017 E. Kimberly Rd.	CC, Commercial Corridor
N1810-07E	2322 E. Kimberly Rd.	CC, Commercial Corridor

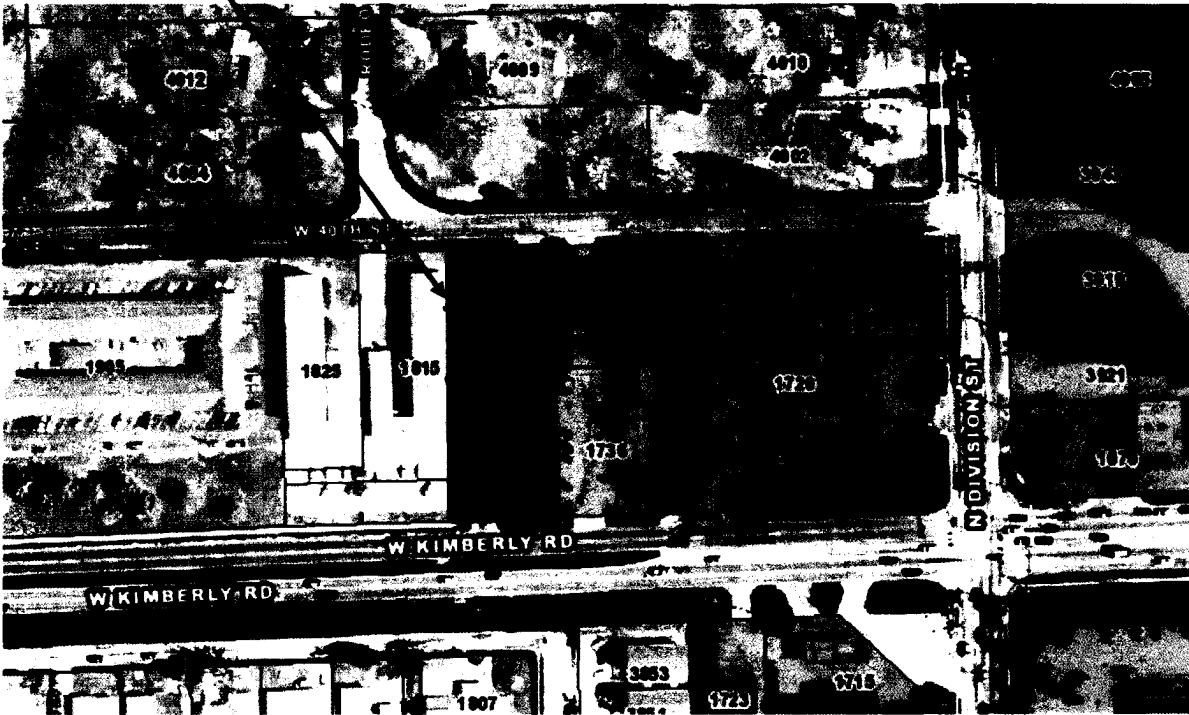
PROPOSED COMPREHENSIVE PLAN, FUTURE LAND USE MAP AMENDMENT CASE CP-19-01

PROPOSED TO BE DESIGNATED RG, RESIDENTIAL GENERAL

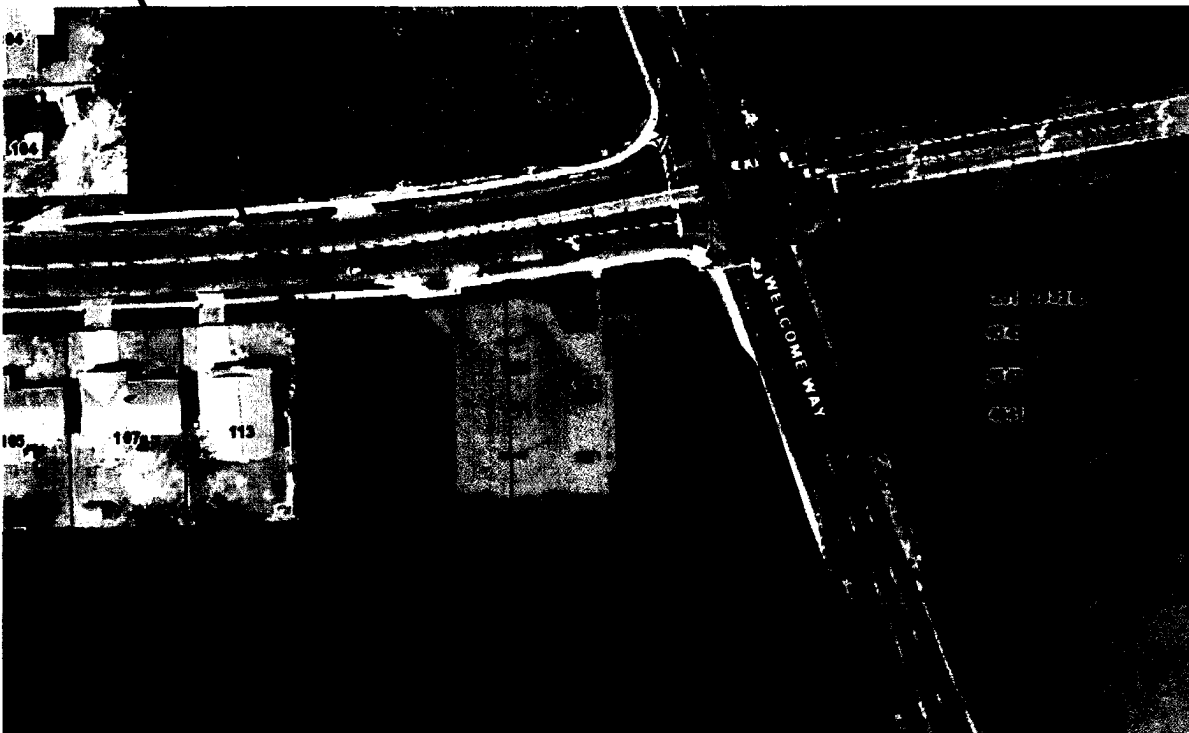
PROPOSED TO BE DESIGNATED I, INDUSTRY



1742 W. Kimberly Road to CN, Neighborhood Commercial Node



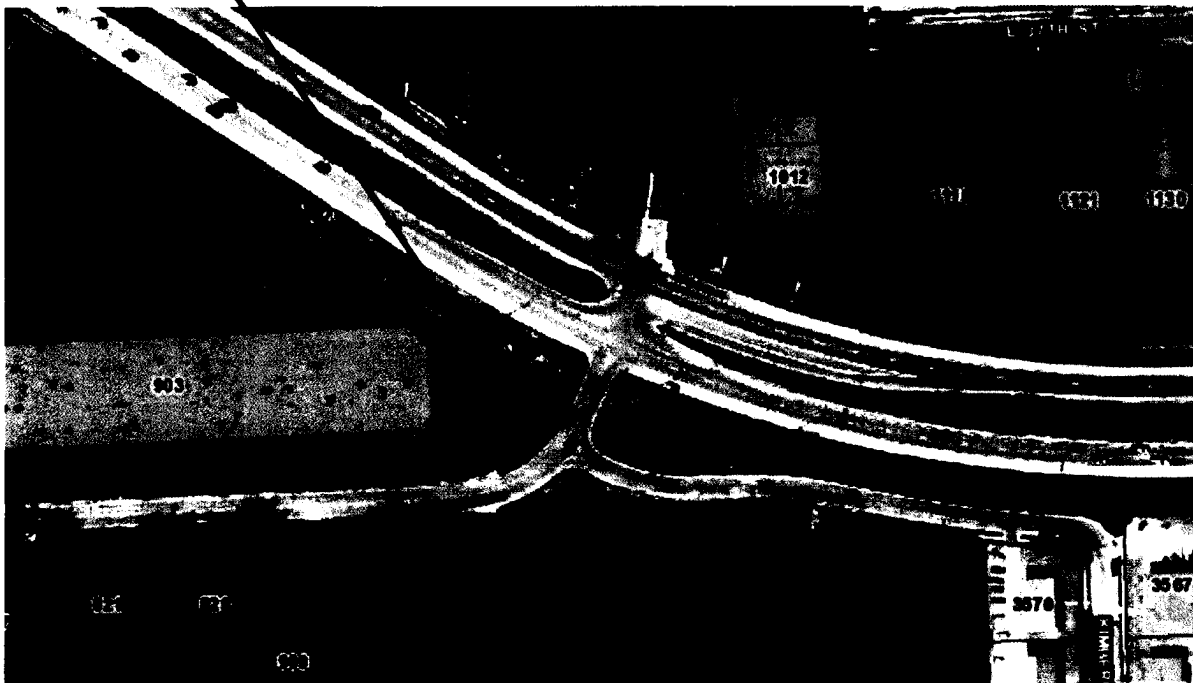
141-171 W 46th Street to CC, Commercial Corridor



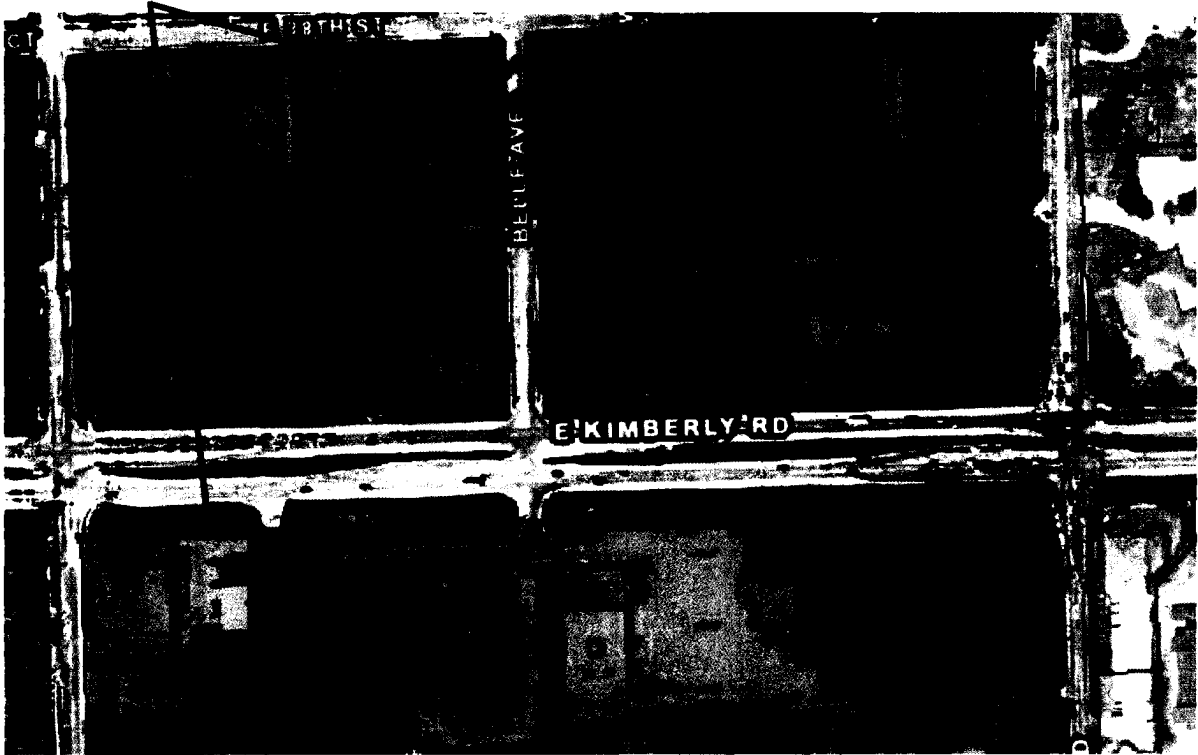
354 W. Kimberly Rd. to RC, Regional Commercial



1007 E. Kimberly Rd. to CC, Commercial Corridor



2017 and 2322 E. Kimberly Rd. to CC, Commercial Corridor



Davenport Comprehensive Plan

Future Land Use Map Categories Relative to CP19-01

RG, Residential General

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.

CN, Neighborhood Commercial Node

Clusters of generally more intense uses found either along existing Urban Corridors or along or at the intersection of major streets in newly developed areas. CN areas may contain commercial uses somewhat more intense than uses found elsewhere on Urban Corridors, as well as higher density residential uses and office and service businesses. CN Nodes should serve a population of about 5000 people within 1/2 mile. Ideally, CN areas should be architecturally integrated, and designed to serve all modes of transportation. Pedestrian connections to the neighborhoods they serve are important. Therefore, master planning and customized zoning provisions for new CN areas should occur before development or redevelopment occurs.

CC, Commercial Corridor

Well-established corridors located along high-volume major streets dominated by retail and office uses that serve the greater community. Development is generally newer and redevelopment is not anticipated within the 20 year planning horizon. Improvements should focus on façade and site improvements, including pedestrian circulation systems and consolidated/updated signage.

RC, Regional Commercial

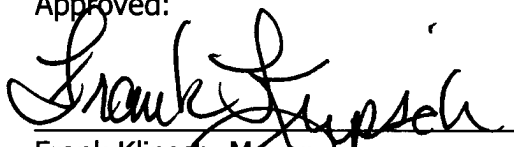
The most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes;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

I, Industry

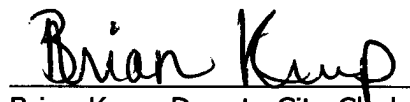
Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that this amendment to the Future Land Use Map of the Davenport Comprehensive Plan is hereby approved and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution as required by law.

Approved:


Frank Klipson, Mayor

Attest:


Brian Krup, Deputy City Clerk

