

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, AUGUST 4, 2020; 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 IMPOSSIBLE OR 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 DIRECTING SOCIAL DISTANCING AND PLACING RESTRICTIONS ON GATHERINGS.

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

I. Public Hearing:

- A. Case REZ20-06: Request of Malwa, LLC to rezone 1.38 acres, more or less, of property located at 4425 W. Locust Street from C-1 Neighborhood Commercial to C-2 Corridor Commercial to permit retail alcohol sales [Ward 1].

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

- A. Resolution approving Case F19-17, final plat of Terrace Ridge Park 10th Addition, ADOPTED 2020-291
- B. Resolution approving Case F20-06, final plat of Animal Family Vet Care Center 1st Addition. ADOPTED 2020-307.
- C. Resolution approving Case P20-01, preliminary plat of KC Kimberly Hills Addition. ADOPTED 2020-308.

III. Secretary's Report

- A. Consideration of the June 30, 2020 Meeting Minutes

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

- A. Old Business
- B. New Business

VI. Subdivision Activity

- A. Old Business

B. New Business

- i. Case F20-07: Request of John Wisor for a Final Plat of Wisor's Historic Bier Garten Addition on 9,111 SF, more or less, located at the northeast corner of E 11th and Mound Streets, being 1107 Mound Street; plat to contain one commercial lot [Ward 5].

VII. Other Business

- A. Case FPV20-02: Request for a flood variance to allow the construction of a UV Disinfection System below Base Flood Elevation at 2606 S. Concord Street. Strand & Associates on behalf of the City of Davenport, petitioner [Ward 1].

VIII. Future Business

IX. Communications

X. Adjourn

City of Davenport
Plan and Zoning Commission

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

Date
8/4/2020

Subject:

Case REZ20-06: Request of Malwa, LLC to rezone 1.38 acres, more or less, of property located at 4425 W. Locust Street from C-1 Neighborhood Commercial to C-2 Corridor Commercial to permit retail alcohol sales [Ward 1].

Recommendation:

Hold the public hearing.

Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: Residential General (RG) – Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

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

Zoning:

The property is currently zoned C-1 Neighborhood Commercial Zoning District.

Technical Review:

While no new development is anticipated at this time, technical review comments have been requested and will be shared with the final staff report.

Public Input:

Property owners within 200 feet of the property have been notified and a sign has been placed on the property.

A neighborhood meeting was held on Tuesday, July 21, 2020 via GoToMeeting and in person at City Hall. No one attended.

The Notice of a Public Hearing was published in the Quad City Times on July 24, 2020.

Discussion:

The petitioner is requesting a rezoning to C-2 Commercial Corridor to accommodate retail alcohol sales. There is an existing license to sell beer and wine, and the Petitioner wishes to expand sales to include liquor. The current beer and wine license was grandfathered in when the new Zoning Code was adopted in 2019. Rezoning to C-2 would allow any owner to apply for any liquor license offered by the City, including one for hard liquor sales.

The adoption of the new zoning ordinance in 2019 resulted in significant stretches of the Locust Street corridor being downzoned to C-1, Neighborhood Commercial District. Further, the new Code restricted retail alcohol sales to districts zoned C-2 and above. Both actions were approved as a way to enhance neighborhood compatibility, specifically with the goal of reducing, over time, the prevalence of retail alcohol sales outlets along the Locust Street Corridor.

The existing license allows the existing owner to continue to sell beer and wine and is considered a legal Nonconforming Use as the use was an allowed use within a zoning district prior to the adoption of the new zoning ordinance in 2019. According to Section 17.15.020:

*A nonconforming use of a structure or land cannot be expanded, extended, enlarged, or **increased in intensity**. Such prohibited activity includes additions or enlargements of any structure devoted entirely to a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any other structure, any portion of the floor area, or any land area currently not occupied by such nonconforming use.*

Recommendation:

There is no recommendation at this time.

ATTACHMENTS:

Type	Description
▢ Backup Material	Application
▢ Backup Material	Zoning Map
▢ Backup Material	Future Land Use Map
▢ Backup Material	200 ft Property Notice Area

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	7/31/2020 - 9:40 AM



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* 4425 W Locust St Davenport IA 52801

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

Applicant (Primary Contact)**

Name: Pardeep Mann
Company: Malwa LLC
Address: 6334 Whispering Pines Dr
City/State/Zip: Davenport IA 52801
Phone: 563 508 9675
Email: Pardeep4954@yahoo.com

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☐

Design Review Board

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

Engineer (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Architect (if applicable)

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

Administrative

Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Attorney (if applicable)

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

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

Request:Existing Zoning: Proposed Zoning Map Amendment:

Purpose of the Request:

We have Beer & native wine but
Want to zone it C2 for full liq lic

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: PARDEEP SINGH

Date: 06-24-2020

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: Laura Berkley
Planning staff

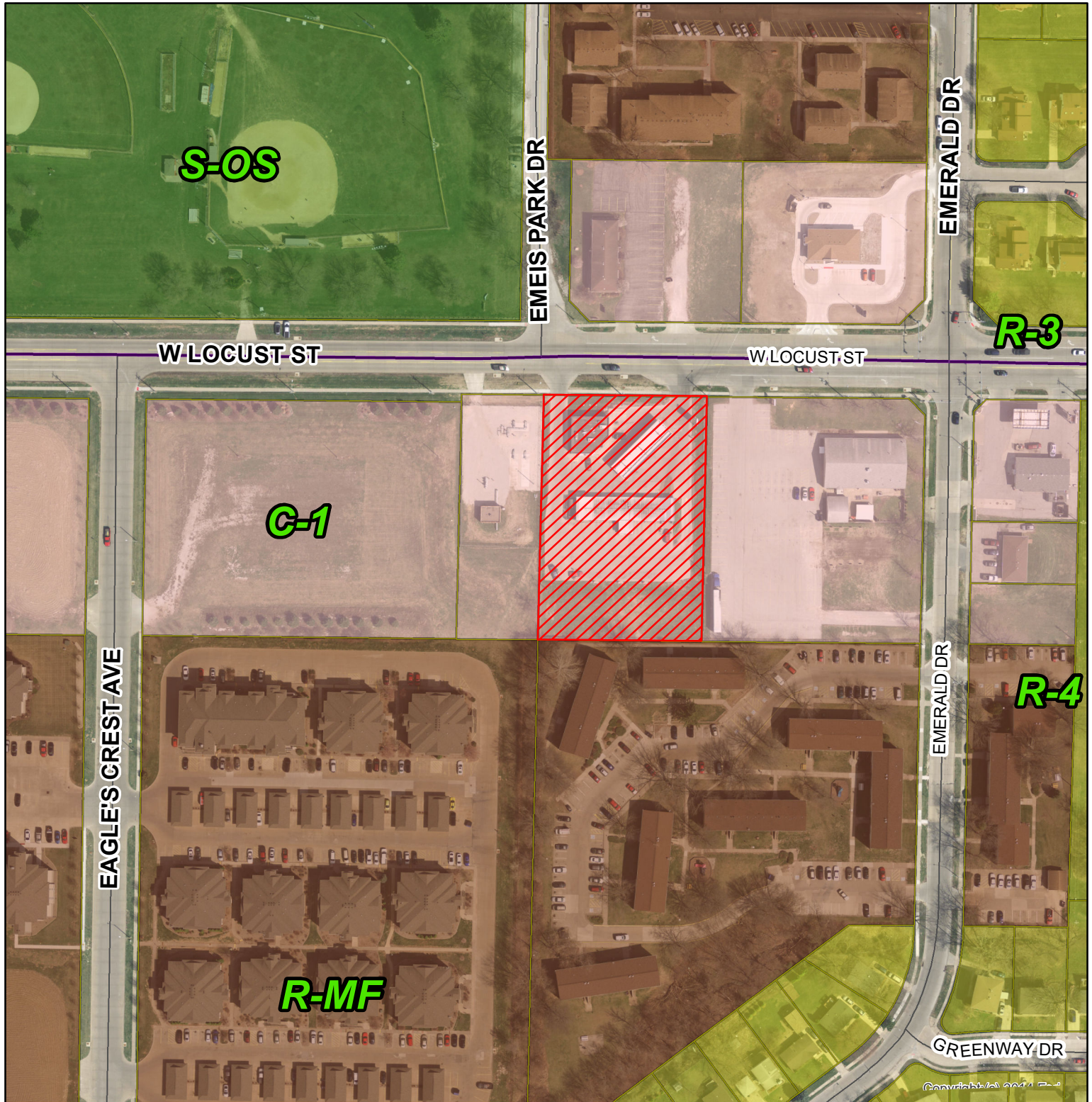
Date: 6-24-2020

Date of the Public Hearing: 8/18/2020

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

Request for a Zoning Map Amendment (Rezoning)

REZ20-06 - 4425 W Locust Street C-1 to C-2



0 130 260 390 Feet

Legend

 Subject Property

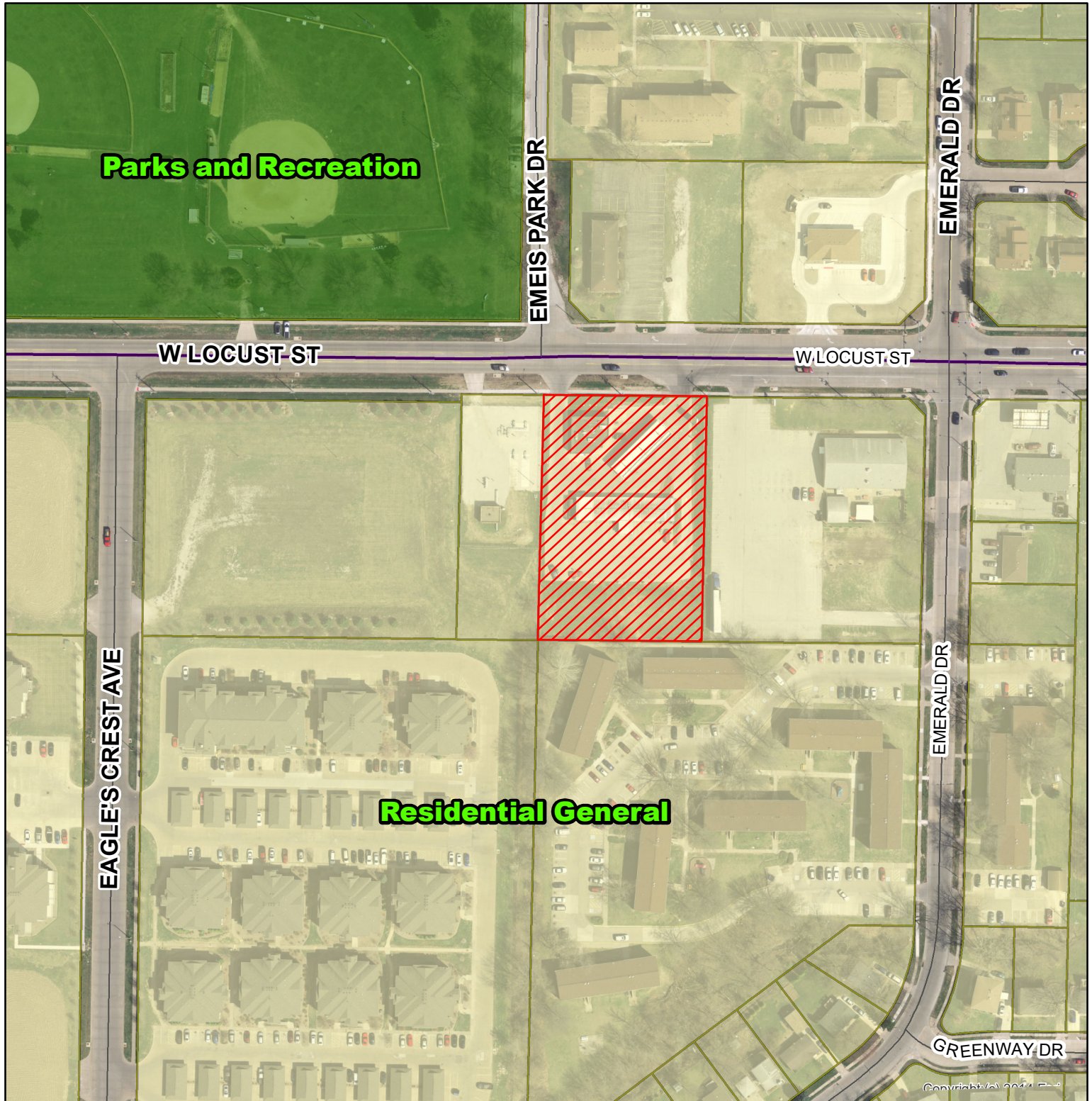


Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Request for a Zoning Map Amendment (Rezoning)

REZ20-06 - 4425 W Locust Street C-1 to C-2

Future Land Use Map (Davenport +2035)



0 130 260 390 Feet

Legend

 Subject Property

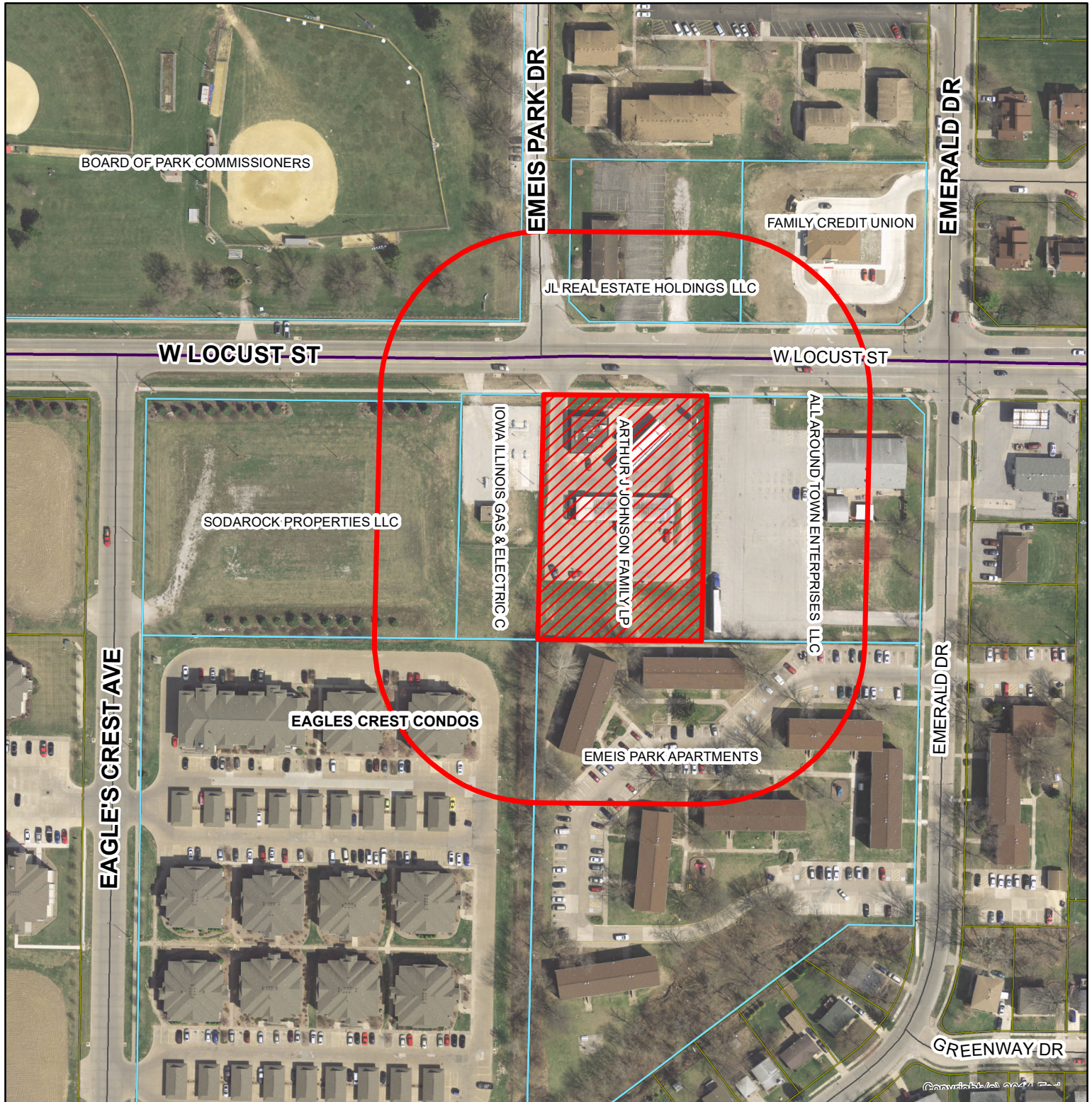


Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.


Request for a Zoning Map Amendment (Rezoning)

REZ20-06 - 4425 W Locust Street C-1 to C-2

Adjacent Property Owner Notice Area



Legend

-  Subject Property
-  200' Notice Area
-  Adjacent Properties
-  Parcels

0 130 260 390 Feet



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

City of Davenport
Plan and Zoning Commission

Department: CED
Contact Info: Matt Flynn, 563-888-2286

Date
8/4/2020

Subject:
Resolution approving Case F19-17, final plat of Terrace Ridge Park 10th Addition, ADOPTED
2020-291

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	7/9/2020 - 12:35 PM

City of Davenport
Plan and Zoning Commission

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

Date
8/4/2020

Subject:
Resolution approving Case F20-06, final plat of Animal Family Vet Care Center 1st Addition.
ADOPTED 2020-307.

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	7/31/2020 - 9:32 AM

City of Davenport
Plan and Zoning Commission

Department: DNS

Contact Info: Laura Berkley, 563-888-3553

Date
8/4/2020

Subject:

Resolution approving Case P20-01, preliminary plat of KC Kimberly Hills Addition. ADOPTED 2020-308.

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	7/31/2020 - 9:36 AM

City of Davenport
Plan and Zoning Commission

Department: CED
Contact Info: Matt Flynn, 563-888-2286

Date
7/14/2020

Subject:
Consideration of the June 30, 2020 Meeting Minutes

Recommendation:
Approve the Minutes

ATTACHMENTS:

Type	Description
▣ Backup Material	6-30-20 Minutes

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	7/1/2020 - 1:21 PM

MINUTES

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, JUNE 30, 2020; 5:00 PM

COUNCIL CHAMBERS CITY HALL 226 WEST 4TH STREET

I. Next Public Hearing: 7/18/2020

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

A. Resolution for Case F20-04 being the request of IMEG Corp for a final plat for Jersey Farms Commercial Park Fourth Addition, a 2-lot subdivision on 16.69 acres, more or less, of property located on the west side of Elmore Ave approximately 1,100 feet south of Veterans Memorial Pkwy. [Ward 6] ADOPTED 2020-264

III. Secretary's Report

A. Consideration of the June 16, 2020 Meeting Minutes. The minutes of the June 16, 2020 meeting were approved as presented.

IV. Report of the Comprehensive Plan Committee No Report

V. Zoning Activity

A. Old Business None

B. New Business None

VI. Subdivision Activity

A. Old Business None

B. New Business

i. Case F20-06 of Townsend Engineering for final plat Animal Family Vet Care Center 1st Add on 2.19 acres, being a replat of lot 1 of Brady 80 Industrial Park 4th Addition and land immediately to the north, located at 6011 Brady Street; plat to contain 1 industrial lot. [Ward 8] Koops gave the Staff report.

MOTION by Johnson, seconded by Hepner, to forward Case No. F20-06 to the City Council with a recommendation for approval.

Findings:

- 1) The plat conforms to the comprehensive plan Davenport+2035; and
- 2) The plat would achieve consistency with subdivision requirements properly conditioned.

Conditions:

1. The 50' wide high power line utility easement adjacent to the east shall be shown along the north lot line to accommodate the existing high power lines; and
2. Existing lot lines for both existing lots shall be shown.

VII. Future Business None

VIII. Communications None

IX. Other Business None

X. Adjourn The meeting adjourned at 5:10 pm

NEXT MEETING: JULY 14, 2020

City of Davenport
Plan and Zoning Commission

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

Date
8/4/2020

Subject:

Case F20-07: Request of John Wisor for a Final Plat of Wisor's Historic Bier Garten Addition on 9,111 SF, more or less, located at the northeast corner of E 11th and Mound Streets, being 1107 Mound Street; plat to contain one commercial lot [Ward 5].

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case F20-07 to the City Council with a recommendation for approval.

Background:

BACKGROUND

The property has recently been acquired by the property owner to the east for the purpose of constructing a bier garden. The property is zoned C-V, Village of East Davenport Zoning District. The design of the bier garden has been approved by the Design Review Board and City Council.

Comprehensive Plan:

Within Urban Service Area: Yes

Future Land Use Designation: Commercial Node

Technical Review:

- Streets: No streets are proposed with this request.
- Storm Water: The plat will need to conform to any requirements of the City of Davenport Natural Resources Division.
- Sanitary Sewer: Sanitary sewer service existing for this site.
- Other Utilities: Normal utility services are available in this developed area.
- Parks/Open Space: No park shall be required with this infill development.

DISCUSSION

Planning Staff has reviewing this plat for conformance to the subdivision code. The plat meets (or shall meet as conditioned) code requirements.

STAFF RECOMMENDATION

Findings:

- 1) The plat conforms to the comprehensive plan Davenport+2035; and
- 2) The plat would achieve consistency with subdivision requirements properly conditioned.

Recommendation:

Staff recommends the City Plan and Zoning Commission forward F20-07 to the City Council with a recommendation for approval.

ATTACHMENTS:

Type	Description
▣ Exhibit	Final Plat
▣ Backup Material	Subdivision Application

Staff Workflow Reviewers**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	7/16/2020 - 12:35 PM

FINAL PLAT

WISOR'S HISTORIC
BIERGARTEN ADDITION
TO THE CITY OF DAVENPORT, IOWA
BEING A REPLAT OF PART OF LOTS 1 AND 2 IN
BLOCK 11 IN THE PLAT OF VILLAGE OF EAST
DAVENPORT, AS SHOWN ON PLAT RECORDED IN
BOOK "I" OF LAND DEEDS, PAGE 180, RECORDS
OF SCOTT COUNTY, IOWA.

NOTES:

DIMENSIONS ALONG CURVES ARE ARC DISTANCES.

MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS
THEREOF.

ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR
PUBLIC RIGHT-OF-WAY.

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL
SIGNATURE AND SEAL.

BLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER,
WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO
INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE
IS LOCATED.

ANY DEVELOPMENT WITHIN THIS PLAT IS SUBJECT TO THE
REQUIREMENTS OF THE C-V, VILLAGE OF EAST DAVENPORT ZONING
DISTRICT AND MAY REQUIRE DESIGN REVIEW APPROVAL FROM THE
CITY OF DAVENPORT DESIGN REVIEW BOARD.

THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE US
STATE PLANE COORDINATE SYSTEM, IOWA SOUTH ZONE (1402)
GEOID 12A, NAD 83 (2011) EPOCH 2010.00.

APPROVAL SIGNATURES:

CITY OF DAVENPORT DATE:

PLANNING AND ZONING COMMISSION DATE:

MEDIACOM DATE:

CENTURYLINK DATE:

IOWA - AMERICAN WATER COMPANY DATE:

MIDAMERICAN ENERGY DATE:
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.

LEGEND:

DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
AS NOTED = ●
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE = _____
SET CUT "X" = _____ X
EASEMENT LINE = - - - - -
SETBACK LINE = - . - . - . -
DEED LINE = _____



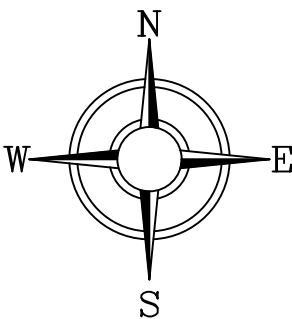
DATE: 07/02/2020

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

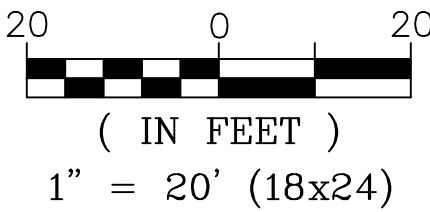
1. Owner
John Wisor
1125 Jersey Ridge Road
Davenport, Iowa 52803

2. Surveyor
Michael Richmond:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236

3. Attorney
Doug Wells
Gomez May Law
2322 E. Kimberly Road
Davenport, Iowa 52807
Ph: (563) 323-5002



GRAPHIC SCALE



I hereby certify that this land surveying document was prepared and
the related survey work was performed by me or under my direct
personal supervision and that I am a duly licensed Land Surveyor
under the laws of the State of Iowa.

MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2021
Pages or sheets covered by this seal: 1

DRAWN BY: KLC CHECKED BY: MDR

DRAWING LOCATION
S: \WISOR\PRECINCT EXPANSION

NO.	REVISIONS:	DATE
	DESCRIPTION	

PROJECT

FINAL PLAT
WISOR'S HISTORIC BIERGARTEN ADDITION
DAVENPORT, IOWA

DEVELOPER

WISOR PROPERTIES, LLC
1107 MOUND STREET
DAVENPORT, IOWA 52803

SHEET NO.

1
OF
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:

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

Property Location:

Total Land Area:

Total Number of Lots:

Linear Feet of Streets Added:

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

Submittal Requirements:

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

City of Davenport
Plan and Zoning Commission

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

Date
8/4/2020

Subject:

Case FPV20-02: Request for a flood variance to allow the construction of a UV Disinfection System below Base Flood Elevation at 2606 S. Concord Street. Strand & Associates on behalf of the City of Davenport, petitioner [Ward 1].

Recommendation:

Staff recommends the Plan and Zoning Commission approve the request as proposed. (The variance request also requires Iowa Department of Natural Resources concurrence.)

Background:

The City of Davenport intends to construct a UV Disinfection System at the Water Pollution Control Plant to meet the wastewater disinfection requirements of Iowa DNR Administrative Order No. 2013-WW-07. The project is designed to intercept and disinfect wastewater before discharging to the Mississippi River.

In order to obtain correct gravity flow of the wastewater into the UV Disinfection System, the enclosed structure housing the system must be below Base Flood Elevation. This meets the definition of a Functionally Dependent Use. While the materials and structure are designed to be flood resistant, the building cannot be considered fully watertight as the floor of the channels include pressure relief valves to equalize hydrostatic pressure from ground water.

As the enclosed area is below ground on all four sides, it is considered a basement. Because the enclosed area contains the UV components, the area cannot meet the exceptions to the definition of Lowest Floor. Therefore the structure's lowest floor is considered to be at 556.2. The Base Flood Elevation is 563.75. The UV components are required to physically touch the wastewater to cause disinfection to occur; therefore the project cannot meet the requirements of Section 15.44.110.

The structure is designed to be hydraulically tied to the river, but is a closed system that will not accept flood water directly outside of the structure. This means that as the Mississippi River rises, the water level in the structure will also increase even though the system does not contain traditional flood vents to allow external water to enter the structure. This will equalize hydrostatic pressure.

Findings:

1. The proposed project is a functionally dependent use that is required to be in close proximity to water and to the Water Pollution Control Plant
2. The proposed project has addressed relevant factors in Section 15.44.190E
3. A certified statement from a licensed Professional Engineer stating the design will be reasonably safe from flooding has been obtained.

ATTACHMENTS:

Type	Description
□ Exhibit	Flood Variance Request

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

Staff Report

Variance Section of 15.44

Flood Map

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	7/31/2020 - 2:24 PM



July 30, 2020

Ms. Laura Berkley, CFM
City of Davenport
226 West 4th Street
Davenport, IA 52801

Re: Floodplain Variance Request–Ultraviolet (UV) Disinfection
City of Davenport, Iowa

Dear Ms. Berkley:

Please consider this letter as our formal request for application for a variance from the portion Section 15.44.110 Flood Hazard Reduction–Nonresidential Construction, which requires that “new construction...shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.”

This project involves the construction of an UV Disinfection Building (UV Building) that houses UV equipment to disinfect wastewater at the City’s Water Pollution Control Plant (WPCP). The enclosed site plan shows that the proposed UV Building will have a floor elevation of 567.70 North American Vertical Datum off 1988 (NAVD88), which is 3.95 feet above the 100-year flood plain elevation of 563.75. A portion of the building will be built above an existing 96-inch pipe that conveys treated wastewater to the Mississippi River and will be watertight. The remaining portion of the building will have concrete channels beneath the floor that house UV disinfection equipment that disinfects wastewater that flows through the channels. The lowest elevation of the channels will be 558.20. The floor of the channels include pressure relief valves to equalize hydrostatic pressure if groundwater rises above the channel bottom elevation.

In support of our variance request and in accordance with the procedures for such variance requests, Strand offers the following:

1. All portions of the building below the established flood plain elevation have been designed to resist or equalize hydrostatic pressure, hydrodynamic pressure, and buoyancy.
2. All materials that remain below the established flood plain elevation will be flood resistant in nature and not subject to being swept away onto other lands or cause injury to others.
3. The proposed project will not present a danger to life or property because of flooding, increased flood heights, or erosion damage.
4. Because the proposed project is designed with a floor elevation 3.95 feet above the established flood plain elevation, the building and its contents not intended to be submerged in water will not be susceptible to flood damage.

Ms. Laura Berkely, CFM
City of Davenport
Page 2
July 30, 2020

5. There are no potable water or sewer services connected to this building. A non-potable water service for the building is connected to an existing non-potable water service line on-site.
6. This project is necessary to meet the wastewater disinfection requirements of Administrative Order No. 2013-WW-07 entered between the Iowa Department of Natural Resources (IDNR) and the Cities of Davenport, Bettendorf, Riverdale, and Panorama Park.
7. The location of the proposed UV Building is designed to intercept and disinfect wastewater after secondary clarification, which necessitates its placement partially within the current 100-year floodplain. Therefore, the UV Building is considered a Functionally Dependent Use.
8. Access to the building is provided by four entrances around the building that open to sidewalk. The sidewalk and surrounding grade of the building will be filled to an elevation at least 2 feet above the floodplain. The lowest elevation of the sidewalk is 565.80.
9. Government services costs during and after flood events should not be affected in any way because of this development. Access to the building will remain unaffected by flooding events and all utility services provided to the building are at or above the existing utility service elevations of the WPCP.

Thank you for your consideration of Strand's variance request. Enclosed with this letter is the site plan of the proposed building, plans and sections of the building.

Enclosed with this letter is the site plan of the proposed building, plans and sections of the building, and a certification stating compliance with the Federal Emergency Management Agency Technical Bulletin 10-01.

Sincerely,

STRAND ASSOCIATES, INC.®



Randall A. Wirtz, PhD., P.E., ENV SP

Enclosures



Strand Associates, Inc.®

910 West Wingra Drive

Madison, WI 53715

(P) 608-251-4843

Ultraviolet Disinfection
Water Pollution Control Plant
Davenport, Iowa
Bid No. 20-117

July 30, 2020

I, Scott Herkert, certify that the design for the aforementioned development is reasonably safe from flooding in accordance with the guidance provided within Federal Emergency Management Agency's Technical Bulletin 10-01 related to ensuring that structures are reasonably safe from flooding and in accordance with accepted professional practices.

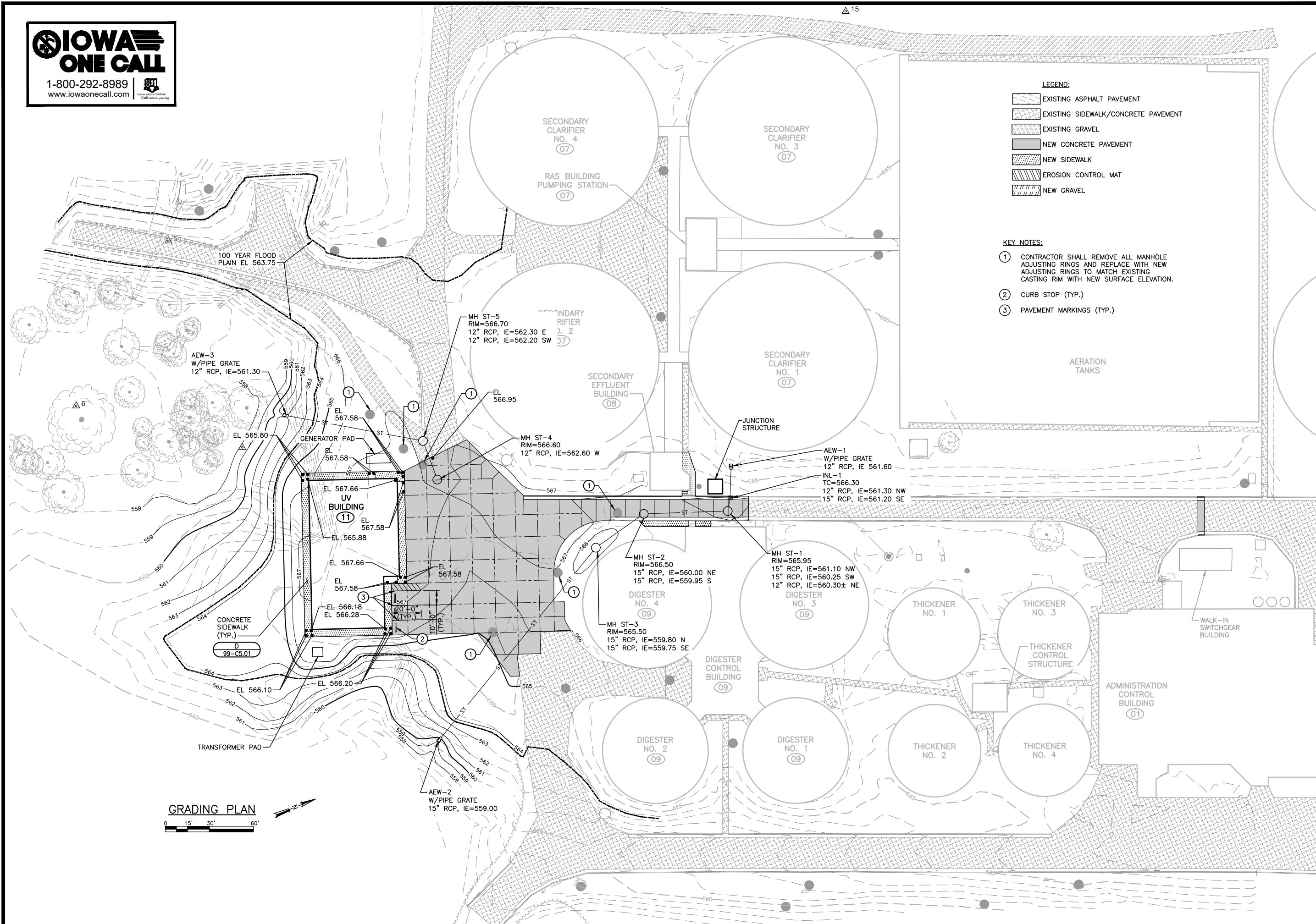


Scott G. Herkert
7-30-20

Scott G. Herkert, P.E.

Professional Engineer License No. 24676

License Expires: December 31, 2021



NO.		REVISIONS	DATE:
1	ISSUED FOR BID		4/22/2020
2	ISSUED FOR CONSTRUCTION		7/9/2020

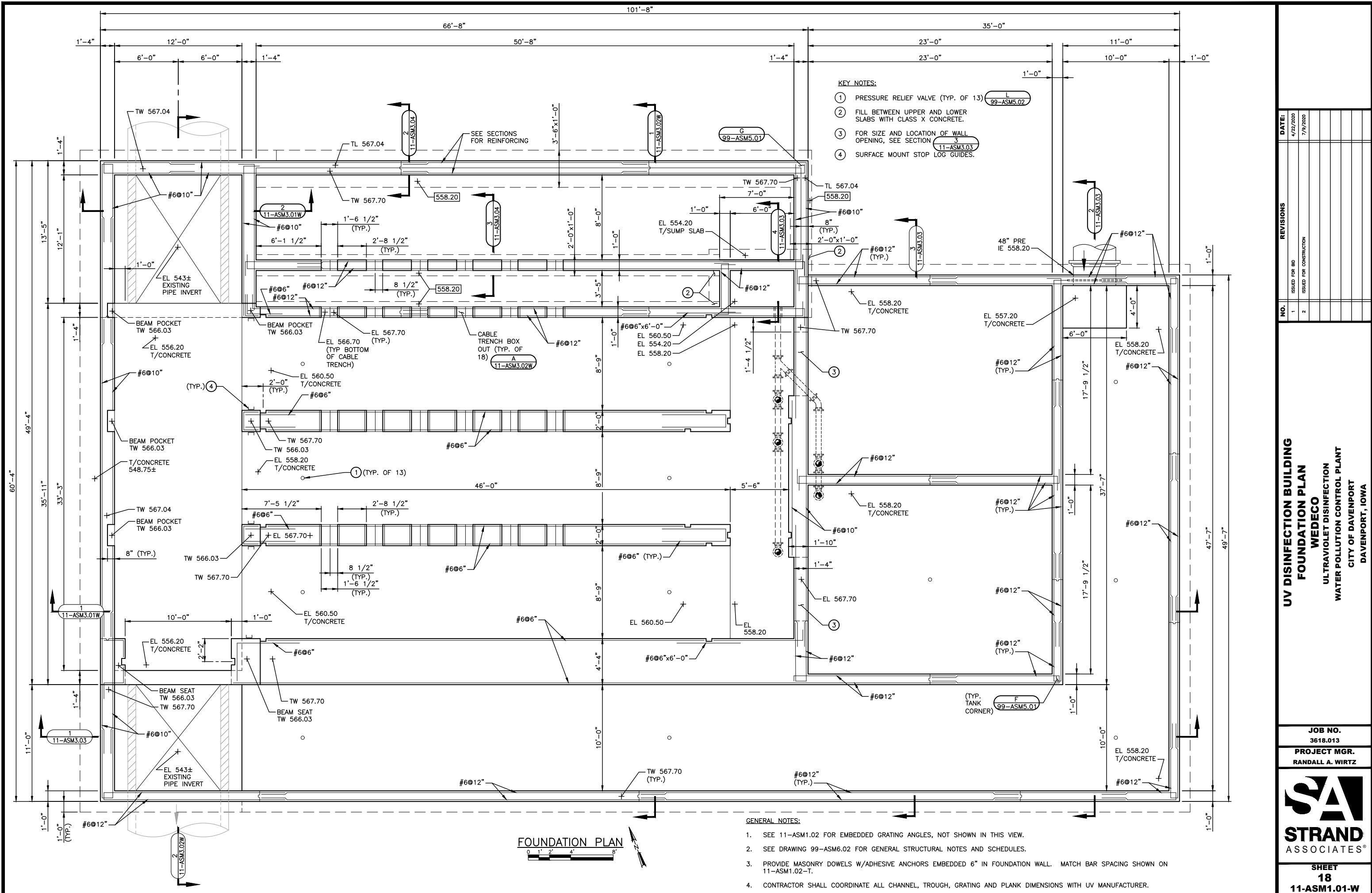
**SITE
GRADING PLAN**

**ULTRAVIOLET DISINFECTION
WATER POLLUTION CONTROL PLANT
CITY OF DAVENPORT
DAVENPORT, IOWA**

JOB NO.
3618.013
PROJECT MGR.
RANDALL A. WIRTZ



SHEET
9
00-C1.02



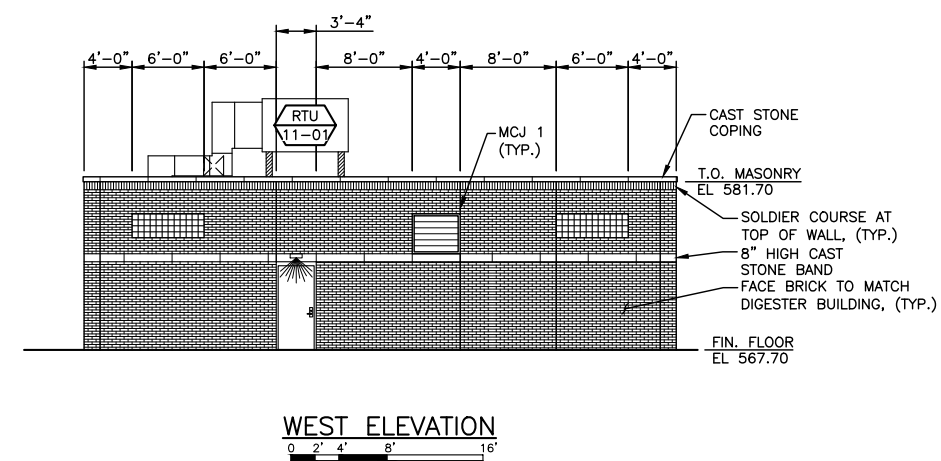
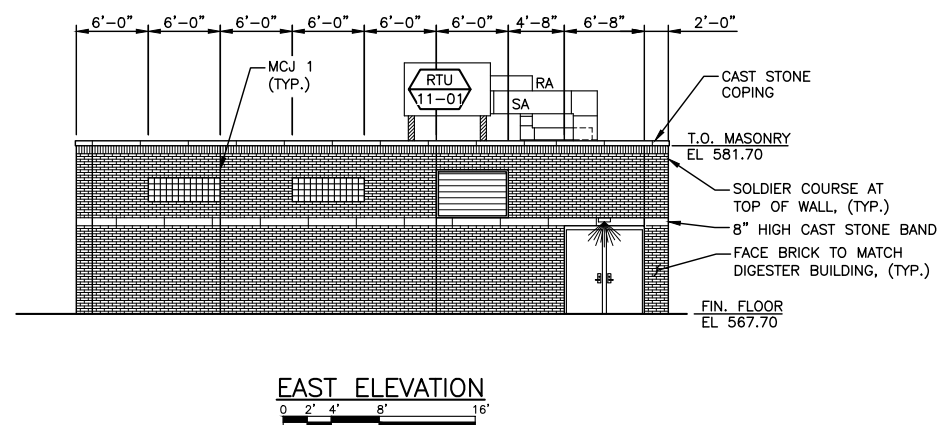
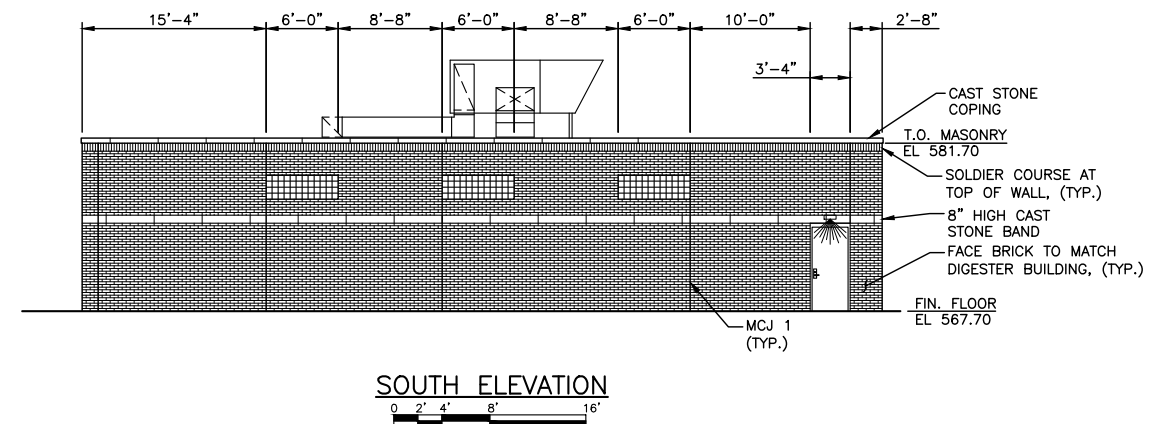
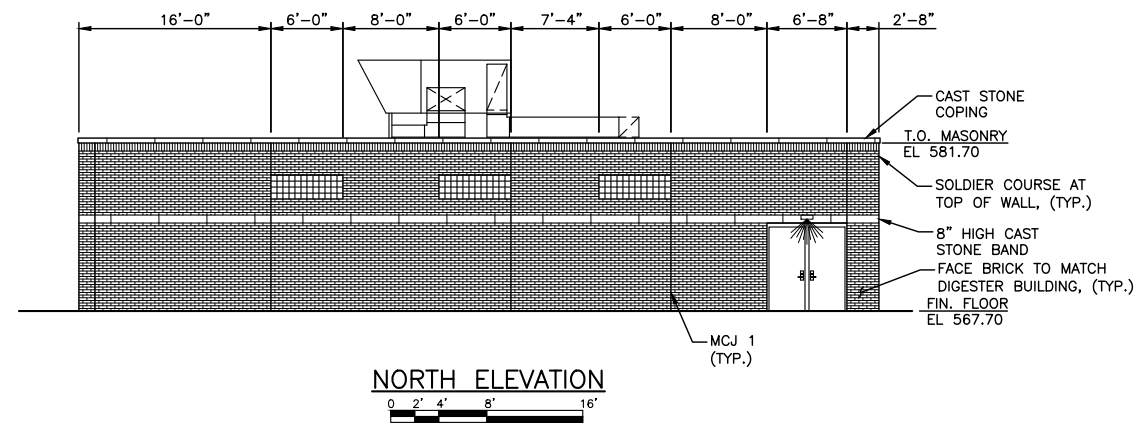
DATE:		REVISIONS	
4/22/2020			
7/9/2020			
NO.			
1			
2			

UV DISINFECTION BUILDING
FOUNDATION PLAN
WEDECO
ULTRAVIOLET DISINFECTION
WATER POLLUTION CONTROL PLANT
CITY OF DAVENPORT
DAVENPORT, IOWA


JOB NO.
3618.013

PROJECT MGR.
RANDALL A. WIRTZ

SHEET
18
11-ASM1.01-W



GENERAL NOTES:

1. THE TROJAN AND WEDECO EQUIPMENT REQUIRE DIFFERENT HEATING AND VENTILATING DESIGNS. THE WEDECO DESIGN IS REPRESENTED ON THESE ELEVATION DRAWINGS.
2. VENEER MASONRY CONTROL JOINTS (MCJ-1) ARE SHOWN ON THIS SHEET. SEE DRAWING 11-ASM1.02T AND 11-ASM1.02W FOR MASONRY CONTROL JOINTS IN BLOCK BACKUP. SEE DETAIL  C

[illegible]

UV DISINFECTION BUILDING ELEVATIONS

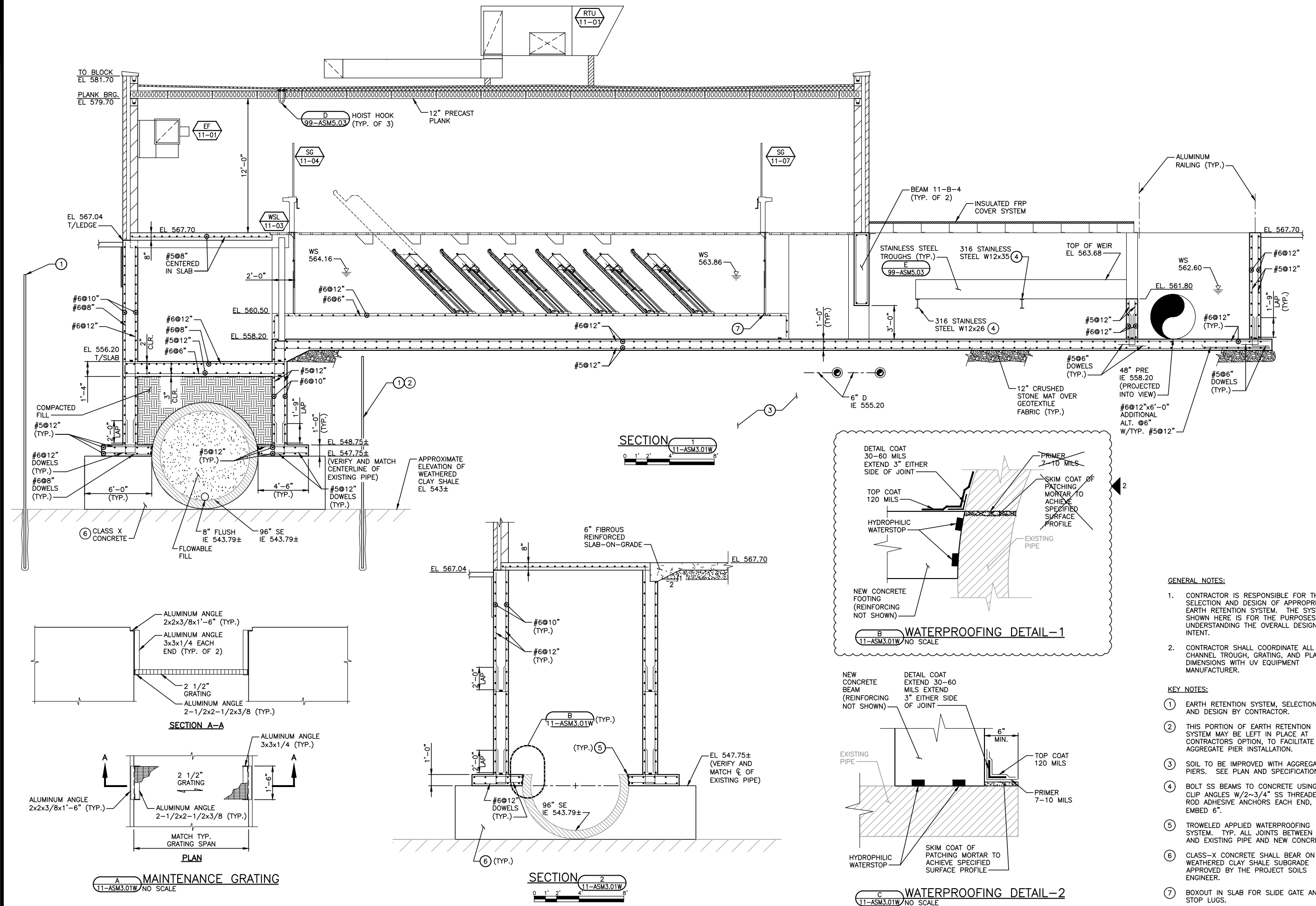
ULTRAVIOLET DISINFECTION
WATER POLLUTION CONTROL PLANT
CITY OF DAVENPORT
DAVENPORT, IOWA

JOB NO.
3618.013

PROJECT MGR.
RANDALL A. WIRTZ



SHEET
24
11-ASM2.01



DATE	4/22/2020
REVISIONS	7/9/2020
NO.	1
ISSUED FOR BID	
ISSUED FOR CONSTRUCTION	

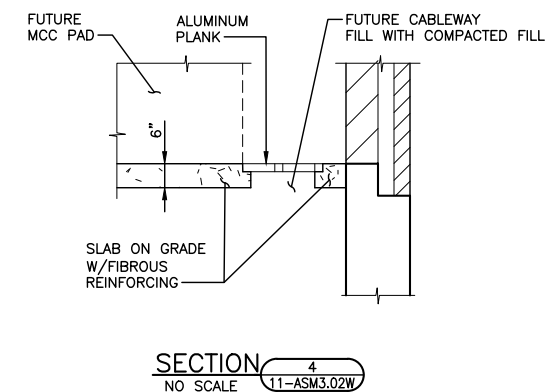
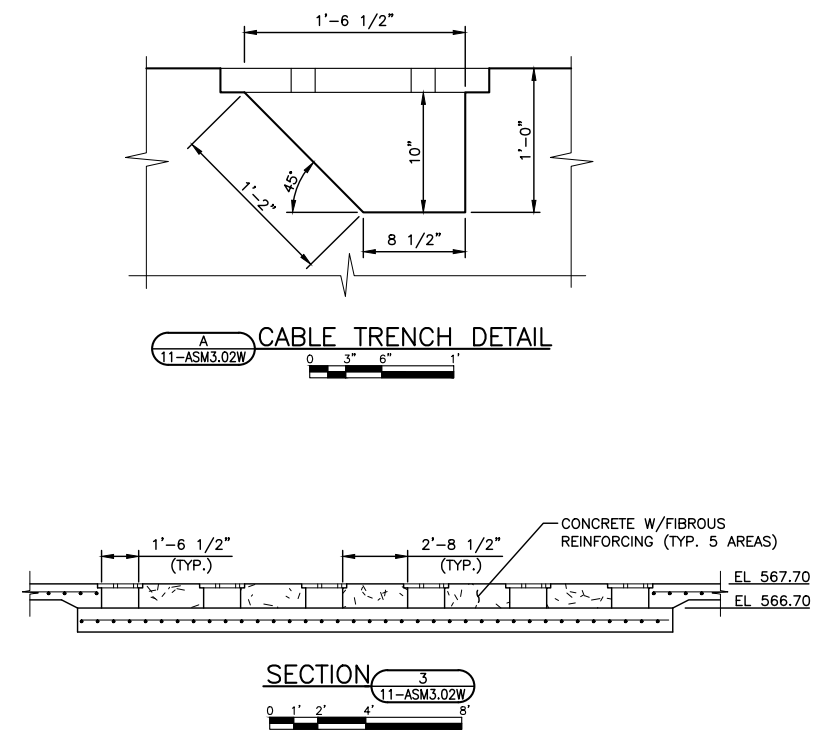
UV DISINFECTION BUILDING
SECTIONS - 1
WEDECO
ULTRAVIOLET DISINFECTION
WATER POLLUTION CONTROL PLANT
CITY OF DAVENPORT
DAVENPORT, IOWA

JOB NO.
3618.013
PROJECT MGR.
RANDALL A. WIRTZ



SHEET
26
11-ASM3.01-W

- GENERAL NOTES:**
- CONTRACTOR IS RESPONSIBLE FOR THE SELECTION AND DESIGN OF APPROPRIATE EARTH RETENTION SYSTEM. THE SYSTEM SHOWN HERE IS FOR THE PURPOSES OF UNDERSTANDING THE OVERALL DESIGN INTENT.
 - CONTRACTOR SHALL COORDINATE ALL CHANNEL TROUGH, GRATING, AND PLANK DIMENSIONS WITH UV EQUIPMENT MANUFACTURER.
- KEY NOTES:**
- EARTH RETENTION SYSTEM, SELECTION AND DESIGN BY CONTRACTOR.
 - THIS PORTION OF EARTH RETENTION SYSTEM MAY BE LEFT IN PLACE AT CONTRACTORS OPTION, TO FACILITATE AGGREGATE PIER INSTALLATION.
 - SOIL TO BE IMPROVED WITH AGGREGATE PIERS. SEE PLAN AND SPECIFICATIONS.
 - BOLT SS BEAMS TO CONCRETE USING CLIP ANGLES W/2~3/4" SS THREADED ROD ADHESIVE ANCHORS EACH END, EMBED 6".
 - TROWELED APPLIED WATERPROOFING SYSTEM. TYP. ALL JOINTS BETWEEN CUT AND EXISTING PIPE AND NEW CONCRETE.
 - CLASS-X CONCRETE SHALL BEAR ON WEATHERED CLAY SHALE SUBGRADE APPROVED BY THE PROJECT SOILS ENGINEER.
 - BOXOUT IN SLAB FOR SLIDE GATE AND STOP LUGS.



- ① VALVE BOX WITH COVER
- ② TROWEL APPLIED CONCRETE WATER PROOFING SYSTEM (TYP. ALL JOINTS BETWEEN CUT SURFACE/OPENING IN EXISTING PIPE AND NEW CONCRETE)
- ③ SEE DETAIL A **11-ASM3.03** FOR BEAM/ARCHES AT EXISTING PIPE.

NO.		REVISIONS		DATE:
1	ISSUED FOR BID			4/22/2020
2	ISSUED FOR CONSTRUCTION			7/9/2020

UV DISINFECTION BUILDING
SECTIONS - 2
WEDECO
ULTRAVIOLET DISINFECTION
WATER POLLUTION CONTROL PLANT
CITY OF DAVENPORT
DAVENPORT, IOWA

JOB NO.
3618.013

PROJECT MGR.
RANDALL A. WIRTZ



SHEET
28
11-ASM3.02-W

PLAN AND ZONING COMMISSION



Meeting Date: August 4, 2020
Request: Floodplain Variance
Location: 2606 S. Concord Street
Case No.: FPV20-02
Applicant: Strand Associates, Inc. on behalf of the City of Davenport

Proposal:

The City of Davenport intends to construct a UV Disinfection System at the Water Pollution Control Plant to meet the wastewater disinfection requirements of Iowa DNR Administrative Order No. 2013-WW-07. The project is designed to intercept and disinfect wastewater before discharging to the Mississippi River.

In order to obtain correct gravity flow of the wastewater into the UV Disinfection System, the enclosed structure housing the system must be below Base Flood Elevation. This meets the definition of a Functionally Dependent Use. While the materials and structure are designed to be flood resistant, the building cannot be considered fully watertight as the floor of the channels include pressure relief valves to equalize hydrostatic pressure from ground water.

Recommendation:

Approve the variance as proposed. The variance must receive Iowa DNR concurrence before a floodplain development permit is approved.

Discussion:

As the enclosed area is below ground on all four sides, it is considered a basement. Because the enclosed area contains the UV components, the area cannot meet the exceptions to the definition of Lowest Floor. Therefore the structure's lowest floor is considered to be at 556.2. The Base Flood Elevation is 563.75. The UV components are required to physically touch the wastewater to cause disinfection to occur; therefore the project cannot meet the requirements of Section 15.44.110.

The structure is designed to be hydraulically tied to the river, but is a closed system that will not accept flood water directly outside of the structure. This means that as the Mississippi River rises, the water level in the structure will also increase even though the system does not contain traditional flood vents to allow external water to enter the structure. This will equalize hydrostatic pressure.

Findings:

1. The proposed project is a functionally dependent use that is required to be in close proximity to water and to the Water Pollution Control Plant
2. The proposed project has addressed relevant factors in Section 15.44.190E
3. A certified statement from a licensed Professional Engineer stating the design will be reasonably safe from flooding has been obtained.

Regulations:**15.44.110 Flood Hazard Reduction – Nonresidential Construction**

A. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Basement: any enclosed area of a structure which has its floor or lowest level below ground level (subgrade) on all sides. See also "lowest floor."

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An exception results when all of the following criteria are met:

- a. The enclosed area is designed to flood, to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 15.44.110 (please refer to FEMA Technical Bulletin No. 1 entitled "Openings in Foundation Walls and Walls of Enclosures"); and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
- c. Machinery and service facilities contained within the enclosed area are protected from flood water to a height of at least one foot above the base flood elevation; and
- d. The enclosed area is not defined as a "basement" in this section; and
- e. Provided the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

In cases where the lowest enclosed area satisfies criteria stated in paragraphs a. through d. above, the lowest floor is the floor on the next highest enclosed area that does not satisfy the criteria above.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term shall include only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

15.44.190 Variance Procedures

Generally, variances may be issued for new construction to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions E.1 through E.12 have been fully considered. Full section of variance procedures are included in attachments.

Attachments:

- Applicant request for variance
 - Engineers certification that the development will be reasonably safe from flooding
 - Proposed construction plans
- Full variance section from Flood Damage Prevention Ordinance 15.44
- Flood Insurance Rate Map

15.44 FLOOD DAMAGE PREVENTION

15.44.190 Variance procedures.

A. The city plan and zoning commission as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The city plan and zoning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the designated official in the enforcement or administration of this chapter.

C. Any person aggrieved by the decision of the city plan and zoning commission or any taxpayer may appeal such decision to the district court of Scott County as provided by law.

D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

E. In passing upon such applications, the city plan and zoning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands or downstream to the injury of others;
2. The danger to life and property due to flooding, increased flood heights or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The proposed water supply and sanitation systems and the ability of the systems to prevent contamination, disease and unsanitary conditions;
5. The importance of the services provided by the proposed facility to the community;
6. The necessity to the facility of a flood plain and or waterfront location;
7. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the community and that area;
10. The safety of access to the property in times of flood for ordinary and emergency vehicles;
11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
13. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions E.1 through E.12 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors listed above and the purposes of this chapter, the city plan and zoning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. Such conditioning may include but not be limited to:

1. Modification of the water supply and/or waste disposal systems;
2. Limitation of the periods of use and operation;

3. Imposition of operational controls, sureties and/or deed restrictions;
4. Requirements for channel modification, dikes, levees and/or other protective measures provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieve the stated purposes of this chapter.

G. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.

H. Conditions for variances.

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

- a. Showing of good and sufficient cause;

- b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction increases the risk to life and property.

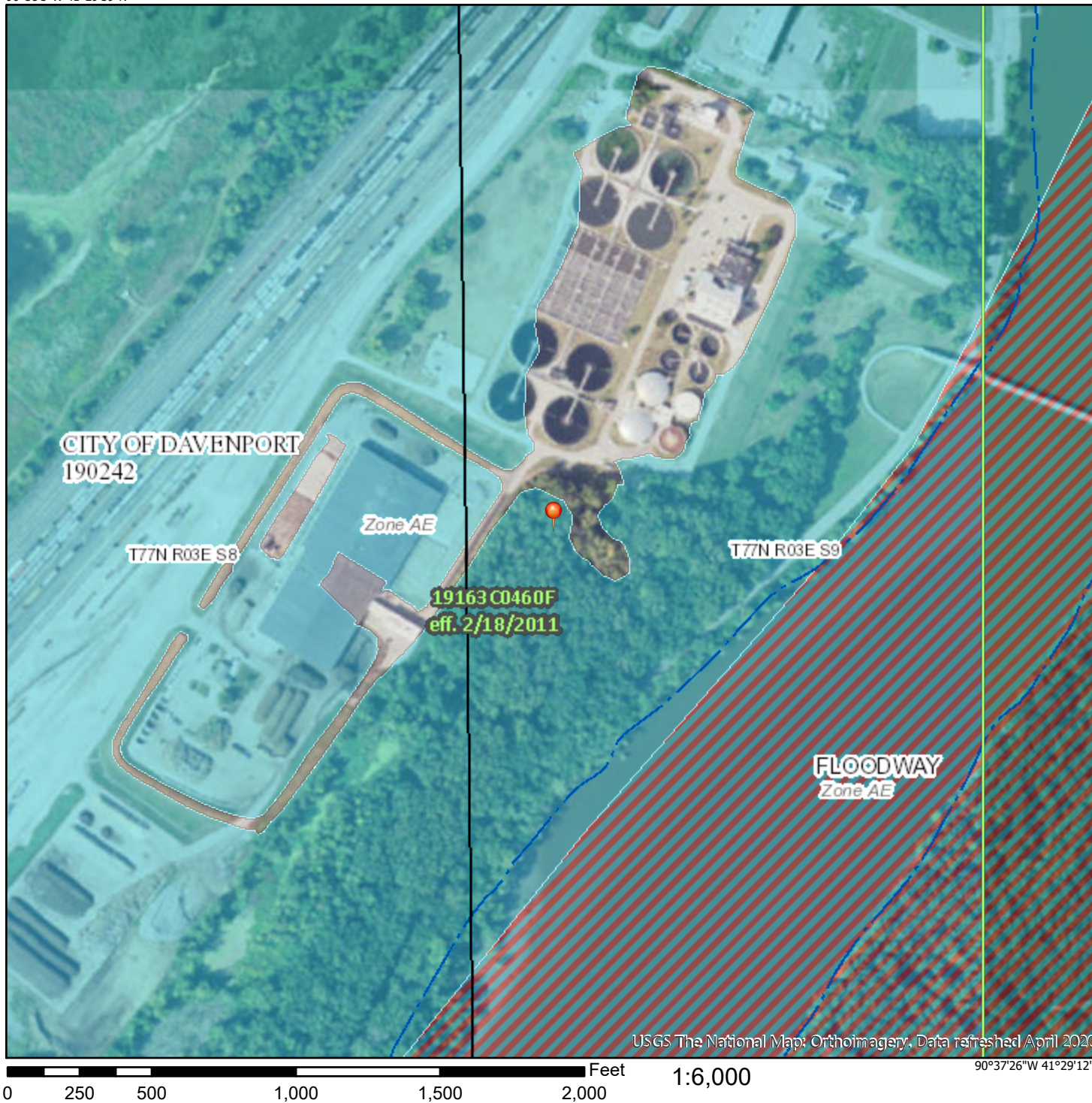
4. The designated official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

5. All variances granted shall have the concurrence or approval of the Department of Natural Resources. (Ord. 90-146 § 9: Ord. 87-206: Ord. 78-128 (part): prior code § 14.001 -- 16).

National Flood Hazard Layer FIRMette



90°38'3"W 41°29'39"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
OTHER FEATURES		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped
MAP PANELS		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/31/2020 at 3:22 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

USGS The National Map: Orthoimagery. Data refreshed April 2020

90°37'26"W 41°29'12"N

0 250 500 1,000 1,500 2,000 Feet 1:6,000