

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, MAY 4, 2021; 5:00 PM

CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS

\*A PARTIALLY ELECTRONIC MEETING IS BEING HELD BECAUSE A FULLY "IN PERSON" MEETING IS IMPRACTICAL DUE TO CONCERNS FOR THE HEALTH AND SAFETY OF COUNCIL MEMBERS, STAFF, AND THE PUBLIC PRESENTED BY COVID-19, AND TO FOLLOW THE GOVERNOR'S PROCLAMATION AND THE MAYOR'S EXECUTIVE ORDER DIRECTING SOCIAL DISTANCING AND PLACING RESTRICTIONS ON GATHERINGS. IN PERSON ATTENDANCE BY THE GENERAL PUBLIC AT ANY CITY OF DAVENPORT PUBLIC MEETING WITHIN ITS FACILITIES SHALL BE LIMITED TO 20 PERSONS.\*

**COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS**

**PUBLIC HEARING AGENDA**

I. Old Business

II. New Business

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

III. Next Public Hearing: May 18, 2021

**REGULAR MEETING AGENDA**

I. Roll Call

II. Report of the City Council Activity

III. Secretary's Report

- A. Consideration of the April 20, 2021 meeting minutes.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

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

7]

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: Scott Koops, Planner II, AICP  
Scott.Koops@davenportiowa.com

**Date**  
**5/4/2021**

**Subject:**

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

**Recommendation:**

There is no recommendation provided at a public hearing.

**Background:**

**Site Background Exhibits:**

See the attached Vicinity Map, Zoning Map, and Davenport 2035+ Land Use Map.

**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Regional Commercial (RC) - The most intense commercial areas that have service boundaries that extend beyond the City limits of Davenport. Areas designated RC should be located at the intersections of major streets and have good access to interstate and other highways. Typical uses include big box retail and large office complexes; 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.

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

**Zoning:**

Existing: C-E Elmore Corners Zoning District

Proposed: C-3 General Commercial District

**17.05.010.H. C-E Elmore Corners Purpose Statement**

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

**17.05.010.D. C-3 General Commercial Zoning District**

The C-3 General Commercial Zoning District is intended to accommodate higher-intensity

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

**Technical Review:**

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 not held for this case. The Notice of a Public Hearing was published in the Quad City Times.

**Discussion:**

In 2015 one-half of this site was developed, at which time the property was zoned Planned Development District, which allowed for outdoor self-storage units. In January of 2019 zoning code was completely re-written and the property zoned C-E Elmore Corridors.

The C-E district does not allow for outdoor self-storage units; C-E does however allow for enclosed self-storage units which are accessed from within a building. A zoning map amendment is required to allow for the proposed use, (outdoor self-storage units) which is a continuation of the existing use on the lot.

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

**ATTACHMENTS:**

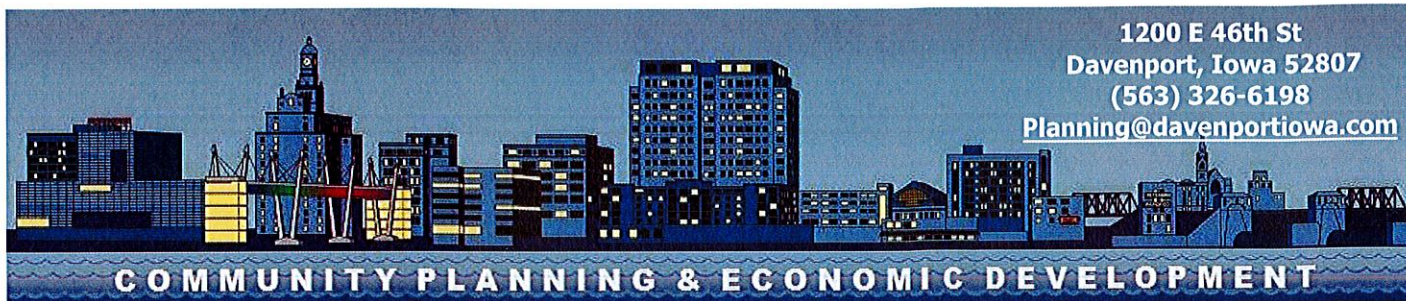
Type	Description
▣ Exhibit	Application
▣ Exhibit	Vicinity Map
▣ Exhibit	Zoning Map
▣ Exhibit	Davenport 2035+ Land Use Map
▣ Exhibit	Notice Letter & Map

**Staff Workflow Reviewers**

**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	4/30/2021 - 12:46 PM





Complete application can be emailed to: [planning@davenportiowa.com](mailto:planning@davenportiowa.com)

**Property Address\***

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

**Applicant (Primary Contact)\*\***

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

*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:  AcresDoes 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 4<sup>th</sup> Street, Davenport, Iowa.

### Authorization to Act as Applicant

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

[Signature]  
Signature(s)

State of Iowa,  
County of Scott.

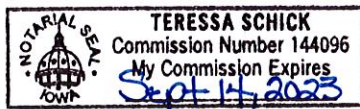
Sworn and subscribed to before me

This 6<sup>th</sup> day of April 2021

IA Drivers License  
Form of Identification

[Signature]  
Notary Public

My Commission Expires:





**City of Davenport Plan and Zoning Commission**  
**2021 Public Hearing Calendar**  
 Rezoning, Right-of-Way (ROW) Vacations, Ordinance Changes

<b>Rezoning &amp; ROW Vacation Submittal Deadline</b>	<b>Plan &amp; Zoning Public Hearing</b>	<b>Plan &amp; Zoning Commission Hearing</b>	<b>Committee of the Whole (Public Hearing)</b>	<b>City Council Meeting</b>
<b>12:00 PM - Thursday</b>	<b>5:00 PM - Tuesday</b>	<b>5:00 PM - Tuesday</b>	<b>5:30 PM - Wednesday</b>	<b>5:30 PM - Wednesday</b>
11/16/20	12/08/20	12/22/20	01/06/21	01/13/21
11/30/20	12/22/20	01/05/21	01/20/21	01/27/21
12/14/20	01/05/21	01/19/21	02/03/21	02/10/21
12/28/20	01/19/21	02/02/21	02/17/21	02/24/21
01/07/21	02/02/21	02/16/21	03/03/21	03/10/21
01/21/21	02/16/21	03/02/21	03/17/21	03/24/21
02/04/21	03/02/21	03/16/21	04/07/21	04/14/21
02/18/21	03/16/21	04/06/21	04/21/21	04/28/21
03/11/21	04/06/21	04/20/21	05/05/21	05/12/21
03/25/21	04/20/21	05/04/21	05/19/21	05/26/21
04/08/21	05/04/21	05/18/21	06/02/21	06/09/21
04/22/21	05/18/21	06/01/21	06/16/21	06/23/21
05/06/21	06/01/21	06/15/21	07/07/21	07/14/21
05/20/21	06/15/21	07/06/21	07/21/21	07/28/21
06/10/21	07/06/21	07/20/21	08/04/21	08/11/21
06/24/21	07/20/21	08/03/21	08/18/21	08/25/21
07/08/21	08/03/21	08/17/21	09/01/21	09/08/21
07/22/21	08/17/21	08/31/21	09/15/21	09/22/21
08/05/21	08/31/21	09/14/21	10/06/21	10/13/21
08/19/21	09/14/21	10/05/21	10/20/21	10/27/21
09/09/21	10/05/21	10/19/21	11/03/21	11/10/21
09/23/21	10/19/21	11/02/21	11/17/21	11/23/21
10/07/21	11/02/21	11/16/21	12/01/21	12/08/21
10/21/21	11/16/21	11/30/21	12/15/21	12/22/21
11/04/21	11/30/21	12/14/21	01/05/22	01/12/22
11/18/21	12/14/21	01/04/22	01/19/22	01/26/22
12/09/21	01/04/22	01/18/22	02/02/22	02/09/22
12/23/21	01/18/22	02/01/22	02/16/22	02/23/22
01/06/22	02/01/22	02/15/22	03/03/22	03/10/22
01/20/22	02/15/22	03/02/22	03/17/22	03/24/22

1. The calendar represents the general submission and hearing schedule beginning with submission for rezonings, right-of-way vacations, and ordinance changes\*. NOTE: Ordinances require three considerations before the City Council.

2. Submission and meeting dates may be changed due to holiday.

3. Delays may occur upon petition reaching the City Council's Agenda.



Vicinity Map  
Case REZ21-03  
6403 Elmore Avenue



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

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

0 250 500 1,000 Feet

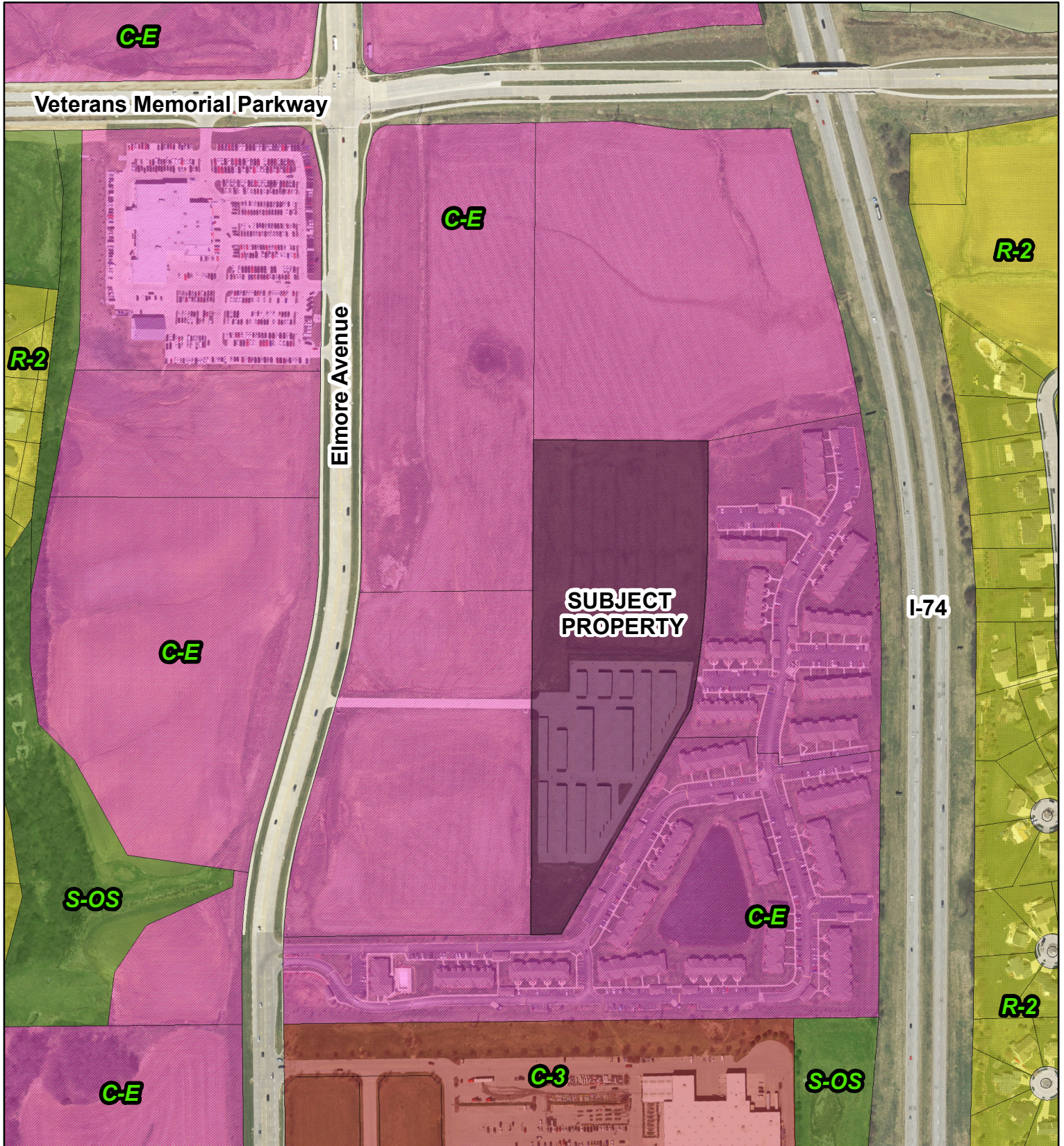




# Zoning Map Amendment (Rezoning) Request

Case REZ21-03

6403 Elmore Avenue



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

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

0 250 500 1,000 Feet

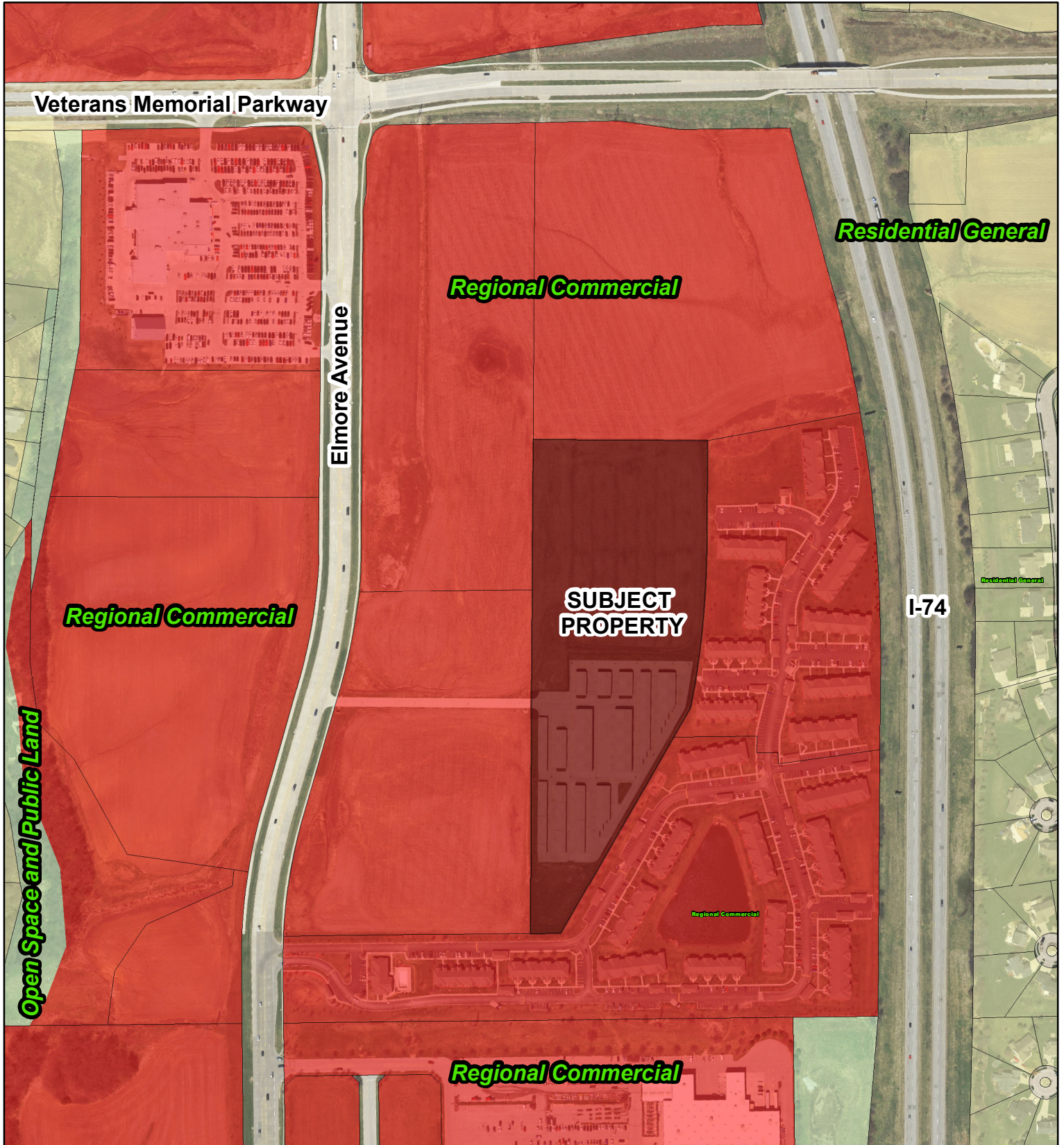




# Future Land Use Map-Davenport +2035

Case REZ21-03

6403 Elmore Avenue



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

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

0 250 500 1,000 Feet







# DAVENPORT

DEVELOPMENT &  
NEIGHBORHOOD SERVICES

## Public Hearing Notice | Plan and Zoning Commission

Date: 5/4/2021  
Time: 5 PM

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

[Address Block]

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

### What is this About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to permit the expansion of the existing outdoor storage facility.

### Request/Case Description

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

### What are the Next Steps after the Public Hearing?

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

### Would You Like to Submit an Official Comment?

As a neighboring property owner you may have an interest in commenting on the proposed request via email or in person at the public hearing. Send written comments to [planning@davenportiowa.com](mailto: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](https://www.gotomeet.me/Davenport_Planning/planzoning) & at 1-866-899-4679 with access code: 492-653-453. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": <http://www.cityofdavenportiowa.com/boards> Mondays before the meeting/public hearing.

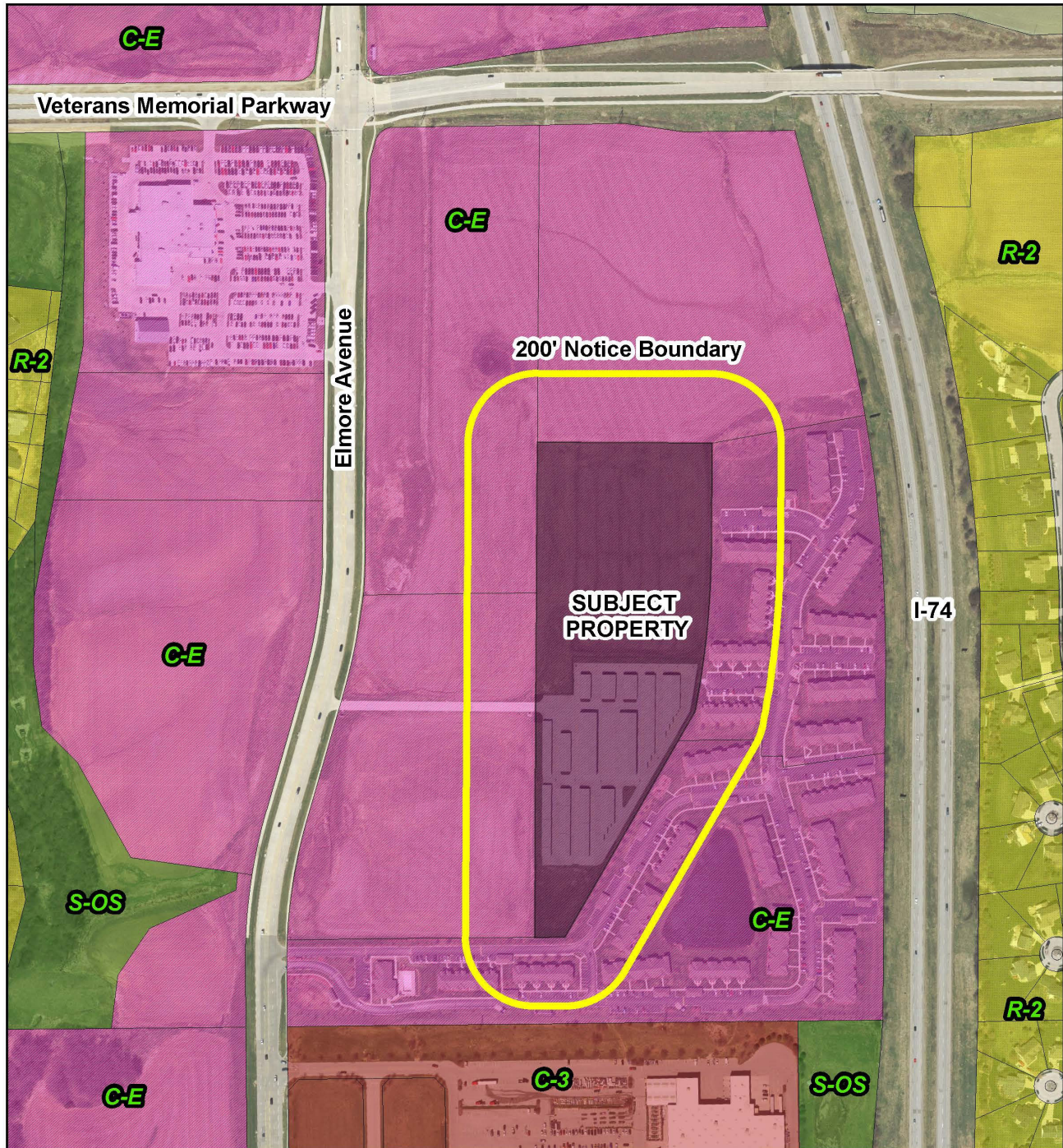
### Do You Have Any Questions?

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

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



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



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

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

0 250 500 1,000 Feet



City of Davenport  
Plan and Zoning Commission

Department: DNS  
Contact Info: Matt Werderitch 563.888.2221

**Date**  
**5/4/2021**

Subject:  
Consideration of the April 20, 2021 meeting minutes.

Recommendation:  
Approve the minutes.

ATTACHMENTS:

Type	Description
▣ Backup Material	Meeting Minutes 4-20-21

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Werderitch, Matt	Approved	4/27/2021 - 1:54 PM



**MINUTES**  
**PLAN AND ZONING COMMISSION MEETING**  
**CITY OF DAVENPORT, IOWA**  
**TUESDAY, APRIL 20, 2021; 5:00 PM**  
**CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS**

\*A PARTIALLY ELECTRONIC MEETING IS BEING HELD BECAUSE A FULLY “IN PERSON” MEETING IS IMPRACTICAL DUE TO CONCERNS FOR THE HEALTH AND SAFETY OF COUNCIL MEMBERS, STAFF, AND THE PUBLIC PRESENTED BY COVID-19, AND TO FOLLOW THE GOVERNOR’S PROCLAMATION AND THE MAYOR’S EXECUTIVE ORDER DIRECTING SOCIAL DISTANCING AND PLACING RESTRICTIONS ON GATHERINGS. IN PERSON ATTENDANCE BY THE GENERAL PUBLIC AT ANY CITY OF DAVENPORT PUBLIC MEETING WITHIN ITS FACILITIES SHALL BE LIMITED TO 20 PERSONS.\*

**COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS**

**PUBLIC HEARING AGENDA**

I. Old Business

II. New Business

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

Koops provided an overview of the case and a history of the property. Tom Pastrnak, applicant, gave an introduction to the proposed heavy retail commercial tenant. Ralph Armstrong, Electrical Engineering and Equipment, discussed the daily operations of the business and addressed concerns raised by the public. An abutting homeowner spoke in favor of the development if the outdoor storage of equipment is screened with a fence and landscaping. Another neighboring homeowner raised concerns regarding noise, appearance, truck traffic, outdoor storage, and the potential for allowing more intensive land uses if rezoned to the C-3 District.

After all in person and virtual attendees spoke, the public hearing closed.

III. Next Public Hearing: May 4, 2021

**REGULAR MEETING AGENDA**

I. Roll Call

Present: Schneider, Lammers, Johnson, Tallman, Hepner, Brandsgard, Reinartz, Maness, Garrington

Excused: Inghram

Staff: Berkley, Koops, Werderitch

## II. Report of the City Council Activity

Berkley updated the commission on the following items that were approved by City Council:

1. Case CP21-01 – 5000 Grand Avenue: Amend the Davenport 2035 Future Land Use Map Designation from Residential General (RG) to Industry (I).
2. Case CP21-02 – 4607 East 53<sup>rd</sup> Street: Amend the Regional Commercial (RC) and Residential General (RG) land use boundaries on the Davenport 2035 Future Land Use Map.

## III. Secretary's Report

- A. Consideration of the April 6, 2021 meeting minutes.

Motion by Tallman, second by Schneider to approve the April 6, 2021 meeting minutes. Motion to approve was unanimous by voice vote (8-0).

## IV. Report of the Comprehensive Plan Committee

### V. Zoning Activity

- A. Old Business

- B. New Business

- i. Case ORD21-01: Request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitles "Zoning." [All Wards]

Berkley provided an overview and rationale for the proposed zoning ordinance amendments. No additional comments were provided by the Commission.

Staff recommends approval of the proposed amendments.

Motion by Hepner, second by Schneider to approve Case ORD21-01. Motion to approve was unanimous by a roll call vote (8-0).

## VI. Subdivision Activity

A. Old Business

B. New Business

VII. Future Business

Berkley informed the Commission of an upcoming subdivision plat near the southeast corner of West 76<sup>th</sup> Street and North Division Street. In addition, there will be a public hearing for a rezoning petition for property at 6403 Elmore Avenue at the May 4, 2021 meeting.

VIII. Communications

IX. Other Business

A. Election of Officers

Motion by Hepner, second by Reinartz to table the election of officers to the May 4, 2021 Plan and Zoning Commission meeting. Motion to table failed by voice vote (0-9).

Motion by Garrington, second by Lammers to re-elect the current Chairperson, Vice-Chairperson, and Secretary. Motion to re-elect existing officers was unanimous by a voice vote (9-0).

Elected Officers:

- i. Chairperson: Robert Inghram
- ii. Vice-Chairperson: Barbara Maness
- iii. Secretary: David Tallman

X. Adjourn

Motion by Hepner, second by Tallman to adjourn the meeting. Motion to adjourn was unanimous by voice vote.

The meeting adjourned at 5:40 pm.

City of Davenport  
Plan and Zoning Commission

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

**Date**  
**5/4/2021**

**Subject:**

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

**Recommendation:**

Staff recommends Case REZ21-02 be forwarded to the City Council with a recommendation for approval subject to the listed findings and conditions.

**Background:**

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

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

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

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

**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

**Future Land Use Designation:**

**Residential General (RG)** – Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered. Staff is not proposing a Davenport 2035+ future land use change for this area at this time.

**Zoning:****Existing**

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

**Proposed**

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

**Technical Review:**

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

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

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

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

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

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

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

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

**Public Input:**

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

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

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



rezoning.

**Discussion:**

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

**Approval Standards for Map Amendments (Chapter 17.14.040)**

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

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

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

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

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

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

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

**c. The compatibility with established neighborhood character.**

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

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

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

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

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

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

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

**Findings:**

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

**Recommendation and Conditions:**

Staff recommends Case REZ21-02 be forwarded to the City Council with a recommendation for approval subject to the listed findings and the following conditions:

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

**Attachments:**

1. Vicinity Map
2. Zoning Map
3. Future Land Use Map
4. Application
5. Public Notice Documents

**ATTACHMENTS:**

Type	Description
▣ Exhibit	Vicinity Map
▣ Exhibit	Zoning Map
▣ Exhibit	Davenport 2035+ Land Use Map
▣ Exhibit	Application
▣ Exhibit	Notice Documents
▣ Exhibit	Site Photos

**Staff Workflow Reviewers****REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	4/30/2021 - 12:47 PM

# Aerial Photography



Subject Property

200' Notice Boundary Line

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

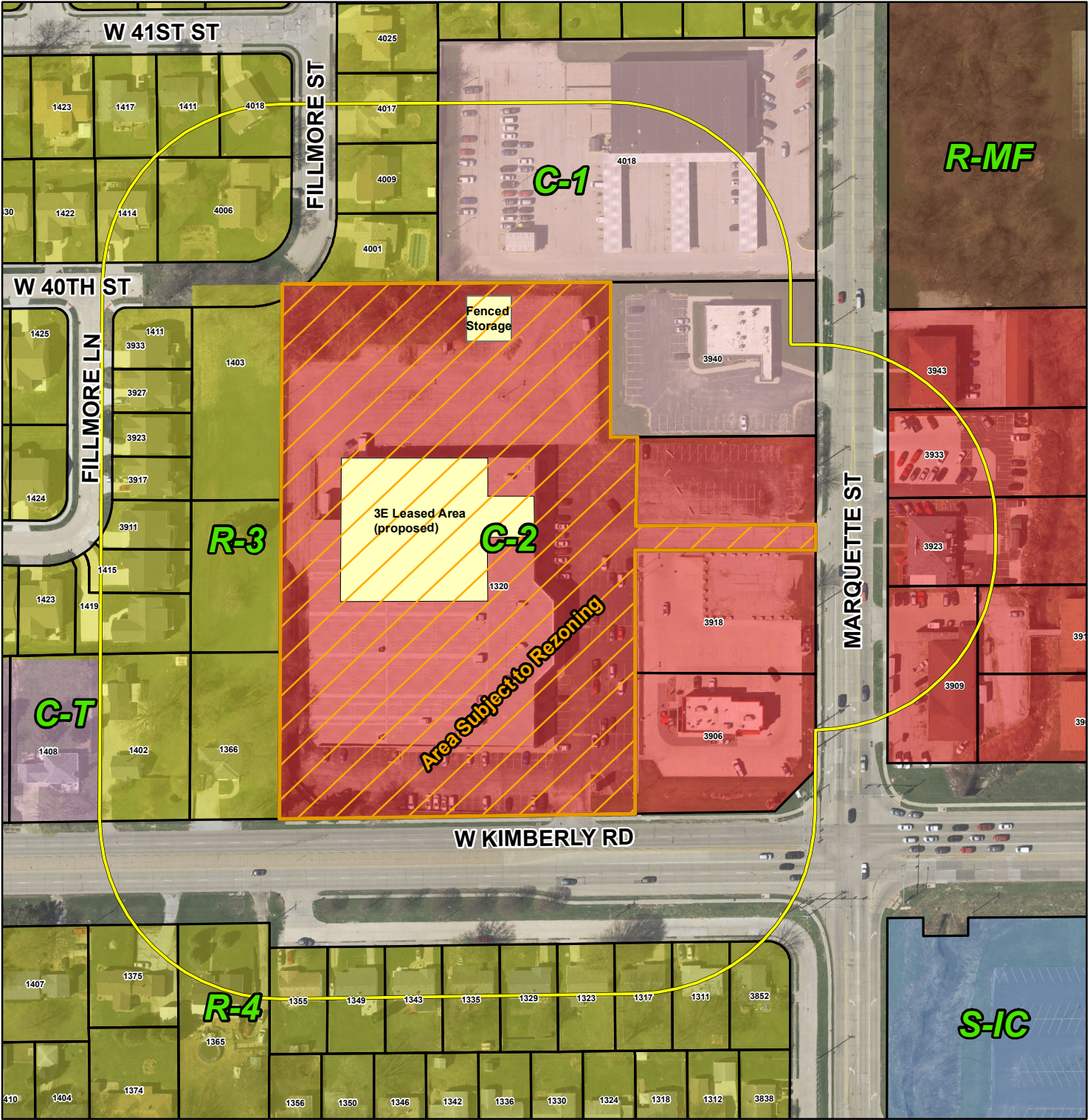


Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.



# Zoning Map

## REZ21-02 | 1320 W. Kimbelry RD



Subject Property



200' Notice Boundary Line

### Zoning District



C-2 Corridor Commercial

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



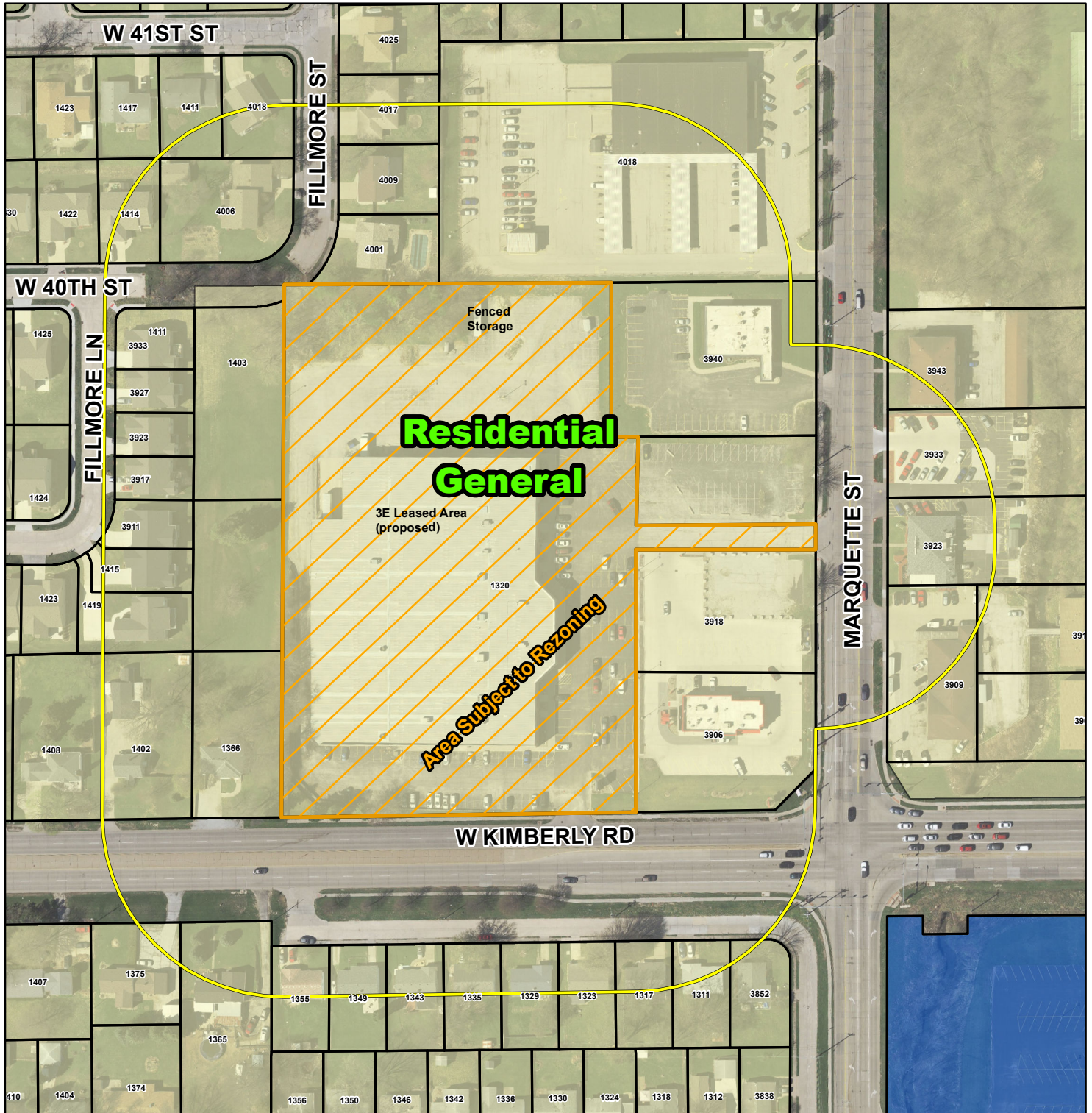
0 50 100 200 Feet

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



# Davenport 2035 Land Use

## REZ21-02 | 1320 W. Kimberly RD



Subject Property



200' Notice Boundary Line

### Land Use 2035



Residential General



Civic and Institutional

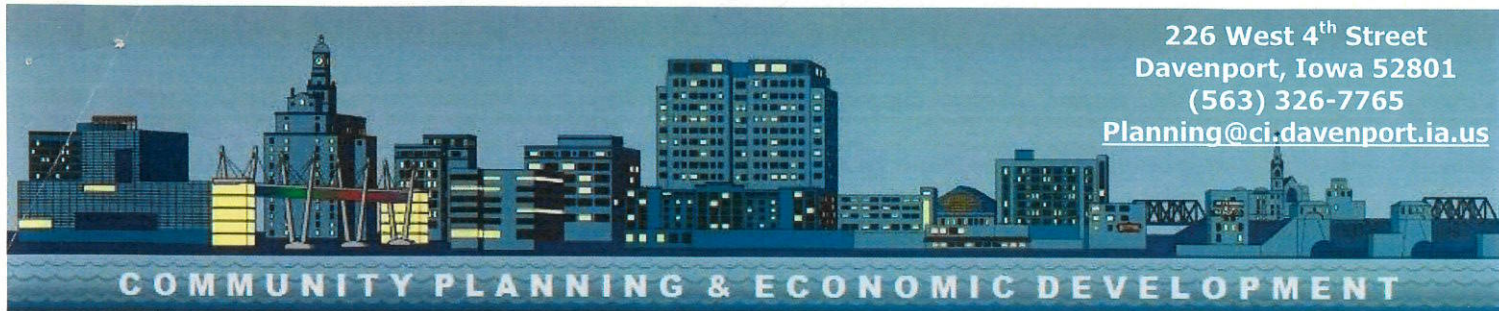
**Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]**



0 50 100 200 Feet

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





226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801  
(563) 326-7765  
[Planning@ci.davenport.ia.us](mailto:Planning@ci.davenport.ia.us)

Complete application can be emailed to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

**Property Address\*** 1320 W. Kimberly Road, Davenport, Iowa

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

**Applicant (Primary Contact)\*\***

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

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

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

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

Submitted 3-25-21  
REZ 21-02  
Paid  
P+ Public Hearing 4-20-21

**PASTRNAK LAW FIRM, P.C.**

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

Thomas J. Pastrnak\*  
Candy K. Pastrnak\*

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

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

ILLINOIS OFFICE:  
6300 75<sup>th</sup> Ave., Suite A  
Milan, IL 61264

**VIA HAND DELIVERY**

March 25, 2021

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

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

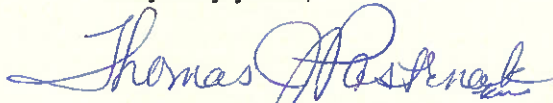
Dear Laura:

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

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

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

Very truly yours,



THOMAS J. PASTRNAK  
Attorney at Law

TJP/kkn  
Enclosures



**Request:**Existing Zoning: C-1 C-2Proposed Zoning Map Amendment: C-3**Purpose of the Request:**

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

Total Land Area: 254.739 Square Feet Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No**Submittal Requirements:**

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

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

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

**(2) Plan and Zoning Commission public hearing:**

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

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

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

**Formal Procedure (continued):**

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

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

Applicant:

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 4<sup>th</sup> Street, Davenport, Iowa.

**Authorization to Act as Applicant**

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

X 

\_\_\_\_\_  
Signature(s)

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

This 23<sup>rd</sup> day of March 2021

Drivers License

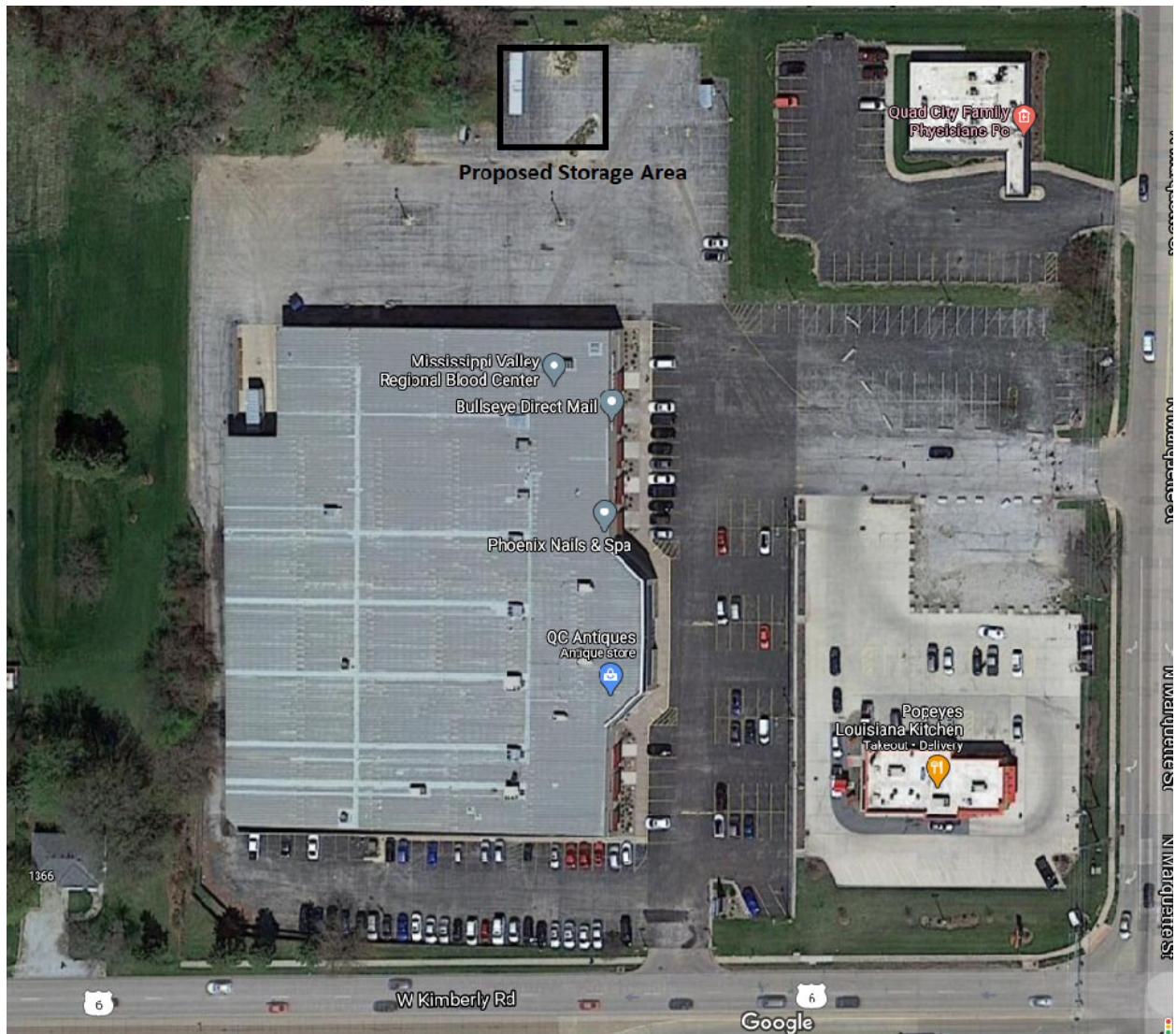
\_\_\_\_\_  
Form of Identification

  
Notary Public

My Commission Expires: Oct 5, 2021



## Proposed Storage Area



## Robin Creek Tenant Layout





Doc ID: 019845400002 Type: LAN  
Recorded: 01/22/2014 at 09:08:14 PM  
Fee Amt: \$1,536.20 Page 1 of 2  
Revenue Tax: \$1,519.20  
Scott County Iowa  
Rita A. Varpas Recorder

File **2014-00001484**

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

**WARRANTY DEED**

For the consideration of one dollar and other valuable consideration,

JJZ DEVELOPMENT, LLC, an Illinois limited liability company,

hereby conveys to

BELSER VENTURES, LLC, an Iowa limited liability company,

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

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

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

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

Dated: January 21st, 2014.

J. B. Massa  
Jayme B. Massa, Manager/Member

Zachary M. Sottos  
Zachary M. Sottos, Manager/Member

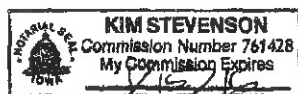
STATE OF IOWA                    )  
  ) ss  
COUNTY OF SCOTT            )

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

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

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

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



Kim Stevenson  
Notary Public

467724

2013 NOV 14 AM 11:40  
673480 CORP \$50.00 PATH 2 1/4/13

**CERTIFICATE OF ORGANIZATION**  
**OF**  
**BELSER VENTURES, LLC**

*TO THE SECRETARY OF STATE OF THE STATE OF IOWA:*

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

**ARTICLE I**

**Name**

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

**ARTICLE II**

**Initial Registered Agent and Registered Office**

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

**ARTICLE III**

**Principal Office**

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

**ARTICLE IV**

**Period of Duration**

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

(3)



## **ARTICLE V**

### **Managers**

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

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

## **ARTICLE VI**

### **Non-Liability and Indemnification**

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

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

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

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

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

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

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

Dated this 12 day of November, 2013.

  
Christopher J. Belser

Prepared by:

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

FILED  
IOWA  
SECRETARY OF STATE

11.14.13 11:10  
A

W883011





## Neighborhood Meeting Invitation | Proposed Rezoning (map amendment)

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

[Address Block]

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

Description of Rezoning (map amendment) Request:

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

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

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

### What are the Next Steps after the neighborhood meeting?

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

### Questions Regarding this Notice or the Process?

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

### Online Access?

None at this time.



## PUBLIC HEARING NOTICE | Plan and Zoning Commission

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

[ADDRESS BLOCK]

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

### What is this About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

#### Request/Case Description

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

### What are the Next Steps after the Public Hearing?

This public hearing is the first step in the review/approval process. The Commission's recommendation regarding this request will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

### Would You Like to Submit an Official Comment?

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

### On-line/Telephone Participation:

Persons may join the meeting virtually: [https://www.gotomeet.me/Davenport\\_Planning/planzoning](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](http://www.cityofdavenportiowa.com/boards) Mondays before the meeting/public hearing.

### Do You Have Any Questions?

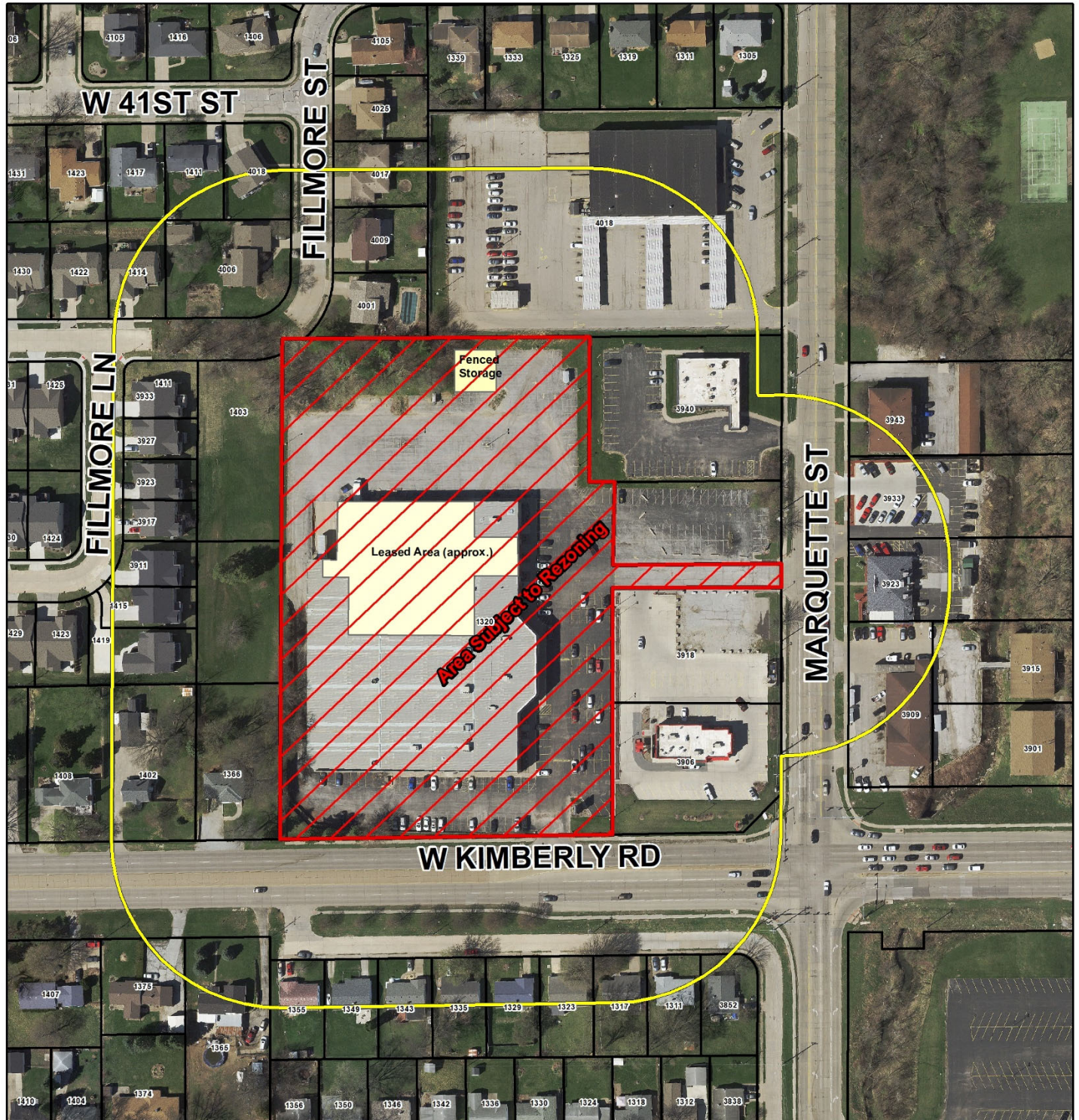
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at [scott.koops@davenportiowa.com](mailto:scott.koops@davenportiowa.com) or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos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

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



# Adjacent Property Owner Notice Area

## REZ21-02 | 1320 W. Kimberly RD



- Subject Property
- 200' Notice Boundary Line



0 50 100 200 Feet



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

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



\*\*\* Proof of Publication \*\*\*

STATE OF IOWA  
SCOTT COUNTY, } ss.

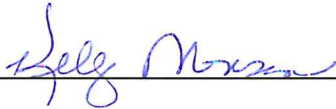
The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is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

CITY OF DAVENPORT

226 W 4TH ST  
DAVENPORT, IA 52801

ORDER NUMBER 91623

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



NOTICE

NOTICE OF PUBLIC HEARING

Tuesday, April 20, 2021 – 5:00P.M.

City of Davenport

Plan and Zoning Commission  
Council Chambers – Davenport City Hall  
226 W. 4th Street – Davenport, Iowa

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

The public hearing on the above matter is scheduled for 5:00 p.m. on April 20, 2021, in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item or attend the public hearing to express your views, or both; only written comments will be used to calculate comment percentages. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145. Any written comments to be reported at the public hearing should be received in the Development & Neighborhood Services Department at the Public Works Building, 1200 E. 46th Street, Davenport, Iowa 52807, no later than 12:00 noon on the day of the public hearing. PO No. 2109357. Phone: 563-326-6198

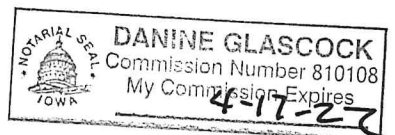
Section: Notices & Legals  
Category: 2633 Zoning Notices  
PUBLISHED ON: 04/12/2021

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

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



Notary Public in and for Scott County, Iowa



3923 N Marquette St

Davenport, Iowa

Google

Street View









Popeyes  
Louisiana Kitchen  
Takeout • Delivery



Quad City Family  
Physicians Pc



1320 US-6

Davenport, Iowa



Google



Street View































