

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, SEPTEMBER 5, 2023; 5:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

I. New Business

- A. Public Hearing for Case REZ23-04: Request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and E. 46th Street intersection at 801 E. 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [Ward 7]

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

III. Secretary's Report

- A. Consideration of the August 15, 2023 meeting minutes.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

- i. Case REZ23-03: Request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc. and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case ROW23-04: Request of 53rd Luxury, LLC to vacate the improved Spring Street right-of-way located south of East 53rd Street. [Ward 8]
- ii. Case F23-12: Request of Orville J. Birkestrand for a final plat of Daniel Churchill's 2nd Addition. The 2-lot subdivision is at 1203 Jersey Ridge Road on 0.40 acres. [Ward 5]

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Date
9/5/2023

Subject:

Public Hearing for Case REZ23-04: Request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and E. 46th Street intersection at 801 E. 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [Ward 7]

Recommendation:

There is no recommendation provided at a public hearing.

Staff will present a report and recommendation to The City Plan and Zoning Commission on September 19th.

Background:

Discussion:

In 2018, City Council approved a previous request to rezone this property; being Case REZ18-01 (Tom Swanwick, petitioner) which rezoned the property from C-2 General Commercial to R-6M High Density Residential District (under the "1983" Zoning Code) for a proposed 10-unit townhouse development with 'fee simple title'. The project never came to fruition and the property has remained vacant to present day.

Jason Cousineau, petitioner for REZ23-04, has proposed upscale flex storage units/garage condos for the subject property. This storage use requires, at a minimum, I-1 Light Industrial zoning.

Background:

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

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

Zoning:

Existing: R-MF Multiple-Family Dwelling District

Proposed: I-1 Light Industrial District

Purpose Statement R-MF Multi-Family Residential

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

Purpose Statement I-1 Light Industrial

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

Technical Review:

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 Public Hearing Notice was published in the Quad City Times per State of Iowa rezoning requirements.

ATTACHMENTS:

Type	Description
▢ Exhibit	Background Maps
▢ Exhibit	Application & Concept Plans
▢ Exhibit	Public Hearing Notice & Affidavit of Publication
▢ Exhibit	Notice List

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	9/1/2023 - 2:03 PM



THE CITY OF
DAVENPORT
IOWA | USA

VICINITY MAP





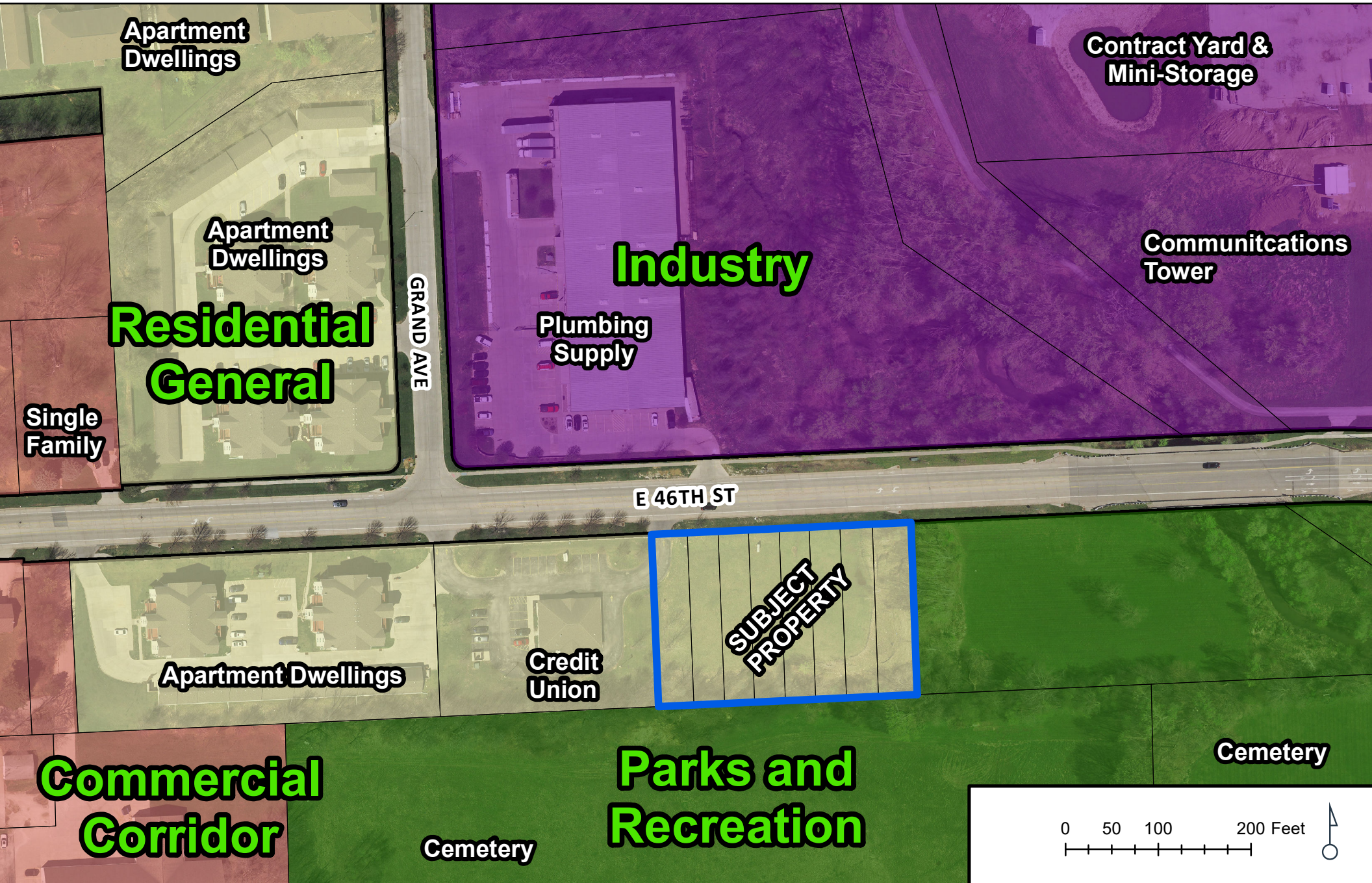
ZONING MAP





THE CITY OF
DAVENPORT
IOWA | USA

DAVENPORT +2035 FUTURE LAND USE MAP





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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
REZONING
(MAP AMENDMENT)

APPLICANT INFORMATION	
Applicant Name	
Address	
City State Zip	
Phone	
Secondary Phone	
E-Mail Address	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study. Type Applicant's Name _____ Applicant's Signature _____ Date _____	
DEVELOPMENT TEAM	
Property Owner	
Address	
Phone	Secondary Phone
E-Mail Address	
Project Manager/Other	
Address	
Phone	Secondary Phone
E-Mail Address	

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING										
PROJECT TITLE												
SITE ADDRESS OR GENERAL LOCATION DESCRIPTION												
NEIGHBORHOOD MEETING DATE / TIME / LOCATION												
ZONING DISTRICTS	EXISTING	PROPOSED	SQ. AREA									
	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Concept/Development Plan Authorization to Act as Applicant* *only needed if the Applicant is different than the owner Legal Description* (bearing & distance) * shall include a MS Word or Text file Legal Description Dimensioned Sketch Application Fee* (REQUIRED) * (check payable to 'City of Davenport') <table border="1"><thead><tr><th colspan="2">Rezoning Fee Schedule</th></tr><tr><th>Land Area</th><th>Fee</th></tr></thead><tbody><tr><td>Less than 1 acre</td><td>\$400</td></tr><tr><td>1 to less than 10 acres</td><td>\$750 plus \$25/acre</td></tr><tr><td>10 acres or more</td><td>\$1,000 plus \$25/acre</td></tr></tbody></table>			Rezoning Fee Schedule		Land Area	Fee	Less than 1 acre	\$400	1 to less than 10 acres	\$750 plus \$25/acre	10 acres or more
Rezoning Fee Schedule												
Land Area	Fee											
Less than 1 acre	\$400											
1 to less than 10 acres	\$750 plus \$25/acre											
10 acres or more	\$1,000 plus \$25/acre											
PROJECT NARRATIVE: (submit separate sheet if needed)												
Submit the first two pages of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.												

Authorization to Act as Applicant

I/We, Forest View LLC by Tom Swanhick
[as property owner(s)]

authorize Jason Cousineau
[the above person(s)]

to act as applicant, representing me/us before the following board: Plan & Zoning Commission *

for the property located at Lot 3 Ryde High 2nd Addn (Exc E 21)
P1215-03D

Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization:

State of Iowa

County of Scott

Sworn and subscribed before me

this 9 day of August, 2023

Moner Kirby
Notary Public

My Commission Expires:



8/9/23
Date

Driver's License
[identification type]

* Application Form by Board Type

Plan and Zoning Commission

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

Zoning Board of Adjustment

Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

Design Review Board

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

LEGAL DESCRIPTION

Beginning at a point, said point bearing the POINT OF BEGINNING; thence $N02^{\circ}33'55''W.$, a distance of 185.57 feet; thence $N87^{\circ}24'35''E.$, a distance of 280 feet; thence $S02^{\circ}33'55''E.$, a distance of 185.72 feet; thence $S87^{\circ}26'25''W.$, a distance of 280' to the POINT OF BEGINNING.

Containing 51,980.50 square feet or 1.1933 acres, more or less.

END OF DESCRIPTION

Site Plan **(E. 46th St is at the top of the page and is north of the site)**



Overhead View (view facing southeast; E. 46th St is on the left)



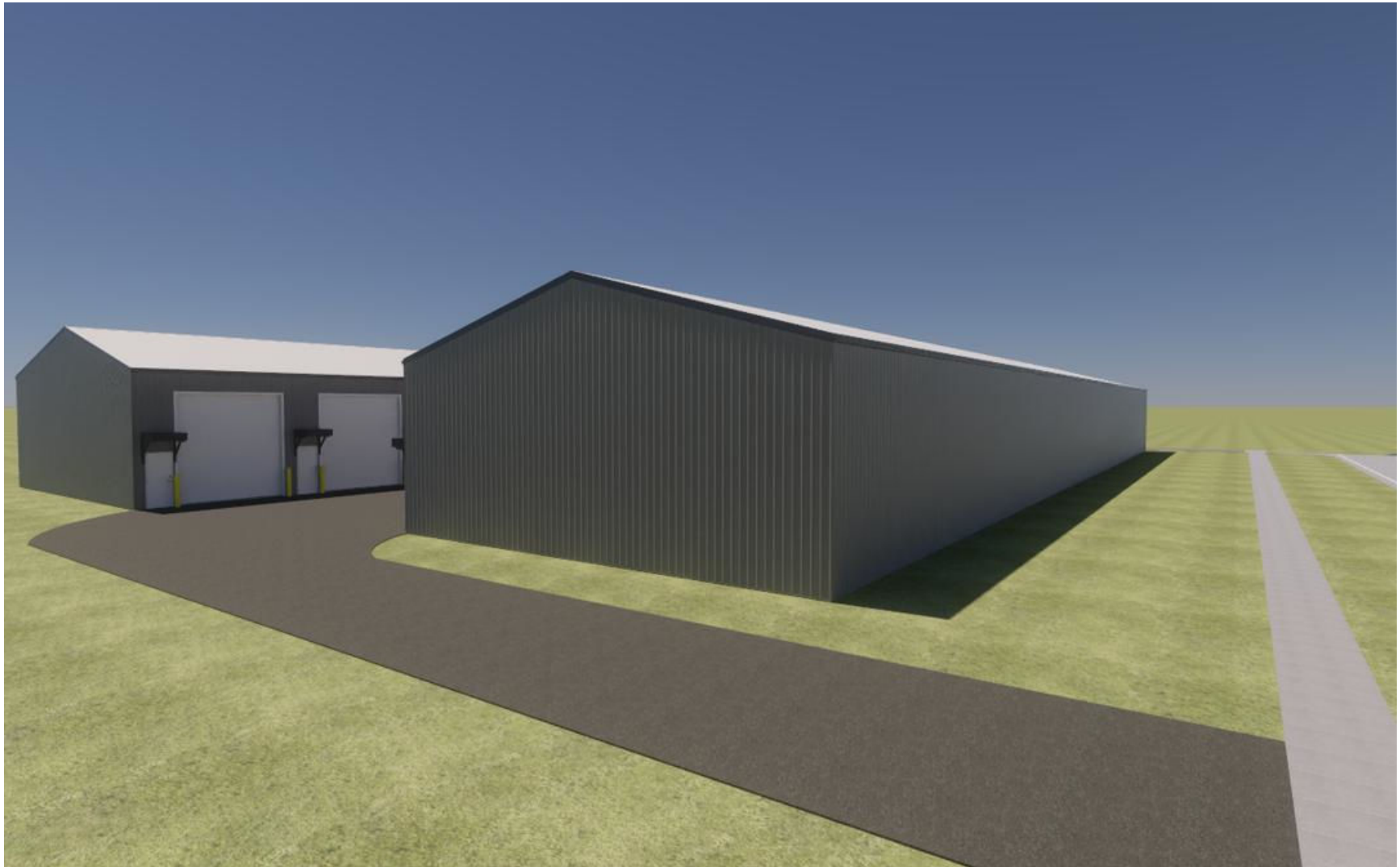
Overhead View (view facing northeast; E. 46th St is on the left)



Drive Aisle (view facing west)



East Drive (view facing west; E. 46th St is on the right)





Public Hearing Notice | Plan & Zoning Commission

Date: 9/5/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 5:00:00 PM **Subject:** Hearing for rezoning request | Plan & Zoning Commission

EXAMPLE NOTICE
LETTER
4 NOTICES SENT

To: All property owners within 200' of the subject property **801 E. 46th ST:**

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 REZ23-04: Request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and E. 46th Street intersection at 801 E. 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [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 from this public hearing 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 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 (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

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 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 in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

*** 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 162732

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 OF PUBLIC HEARING
Tuesday, September 5, 2023 - 5:00 P.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 (DNS), on behalf of the Plan and Zoning Commission, the following request(s):

Case REZ23-04: Request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and E. 46th Street intersection at 801 E. 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District for storage unit use. [Ward 7]

The public hearing on the above matter is scheduled for 5:00 p.m. on September 5, 2023 in the Council Chambers of Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit comments with written signatures regarding the above item and/or attend the public hearing to express your views; only signed written comments from property-owners within the notice area will be used for official protest determination. 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# 2401784 Phone: 563-326-6198

Section: Notices & Legals

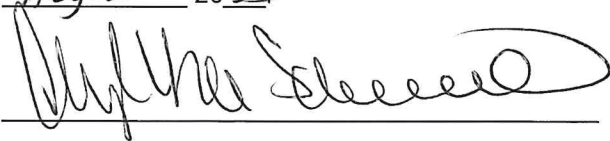
Category: 2627 Miscellaneous Notices

PUBLISHED ON: 08/26/2023

TOTAL AD COST: 47.14

FILED ON: 8/28/2023

Subscribed and sworn to before me by said affiant this 28 day of August 2023



Notary Public in and for Scott County, Iowa



REZ23-04 - Jason Cousineau 801 E 46TH ST - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property:	801 E 46th ST	JASON COUSINEAU OBO FOREST VIEW LLC		
Ward/Alderman:	7TH WARD	CORNETTE		NOTICES SENT: 4
P1215-04	4601 GRAND AVE	PLUMB SUPPLY CO LLC	PO BOX 4558	DES MOINES IA 50305
P1215AOLA	-	MT CALVERY HOLY FAMILY	614 MAIN ST	DAVENPORT IA 52803
P1306-01C	1022 E 39TH ST	DAVENPORT MEMORIAL PARK	1022 E 39TH ST	DAVENPORT IA 52807
P1307-01	804 E 39TH ST	ST MARGUERITE'S CEMETERY ASS'N	614 MAIN ST	DAVENPORT IA 52803

City of Davenport
Plan and Zoning Commission

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

Date
9/5/2023

Subject:
Consideration of the August 15, 2023 meeting minutes.

Recommendation:
Staff recommends the City Plan and Zoning Commission approve the August 15, 2023 meeting minutes.

Background:
The August 15, 2023 meeting minutes are attached.

ATTACHMENTS:

Type	Description
▢ Backup Material	Meeting Minutes 8-15-23

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	8/22/2023 - 11:07 AM

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, AUGUST 15, 2023; 5:00 PM
CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

I. New Business

- A. Case REZ23-03: Request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc. and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]
- B. Case ROW23-04: Request of 53rd Luxury, LLC to vacate the unimproved Spring Street right-of-way located south of East 53rd Street. [Ward 8]

There was a combined public hearing for Case REZ23-03 and Case ROW23-04, since both items are related to the same development.

Werderitch provided an overview of the request to rezone property and vacate Spring Street to facilitate development of the site for multiple vehicle dealerships.

Representatives of 53rd Luxury LLC were in attendance to answer questions. The development team gave a presentation describing the proposed dealerships. Topics discussed included traffic, access, site layout, architecture, lighting, noise, stormwater management, and buffering adjacent residential neighborhoods.

Commissioners requested additional information on the reconstruction of 53rd Street. A traffic study may be warranted to determine whether a light is needed at the intersection of Spring Street and 53rd Street.

Members of the public provided the following comments: maintenance and installation of landscaping adjacent to residential neighborhoods, noise mitigation, relocating the support building further east on the site, and unloading vehicles on Eastern Avenue.

With no additional comments, the public hearing closed.

REGULAR MEETING AGENDA

I. Roll Call

Present: Schneider, Inghram, Maness, Johnson, Hepner, Reinartz, Eikleberry, Garrington, Brandsgard, Stelk

Excused: Tallman

Staff: Berkley, Schmuecker, Werderitch

II. Report of the City Council Activity

Staff provided an update of the City Council activity.

III. Secretary's Report

C. Consideration of the July 18, 2023 meeting minutes.

Motion by Garrington, second by Johnson, to approve the July 18, 2023 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

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case F23-10: Request of QuikTrip Corporation for a final plat of Business Commons at Silver Creek 2nd Addition. The 1-lot subdivision is located south of 76th Street and west of Northwest Boulevard, on 3.82 acres. [Ward 8]

Werderitch stated the purpose of the subdivision plat. The intent is to create a stormwater detention basin, which will enable the development of the lots north of 76th Street.

A representative from McClure was in attendance to answer questions.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F23-10 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. The entire detention basin area shall be within a stormwater detention easement.
4. Illustrate the stream channel location.
5. Note stream buffer setbacks on the plat.

Motion by Johnson, second by Maness, to approve staff recommendation and conditions. Motion was approved by a roll call vote (8-0).

- ii. Case F23-11: Request of William Taylor for a final plat of Crystal Creek 9th Addition. The 4-lot subdivision is located at 3100 and 3051 Emerald Drive on 9.06 acres. [Ward 1]

Werderitch presented an overview of the residential subdivision. The property owner submitted a final plat to subdivide the 9.06-acre tract of land at the northern terminus of Emerald Drive. The site is currently undeveloped and zoned R-3 Single-Family Residential District. The intent is to create four new single-family lots. This subdivision is related to Case ROW23-03, being the request to vacate the unimproved portions of Emerald Drive. Vacating the unimproved section of Emerald Drive will better facilitate development of this subdivision. There will be a shared driveway within an access easement to each new lot. This plat will not move forward until City Council has acted upon the vacation.

William Taylor, applicant, was in attendance to answer questions. Commissioners commented on the private well and septic system servicing the new homes.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F23-11 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Add a note stating, "Stormwater detention facilities are required for all residential development of two acres or more per City Code Section 13.34.210."
4. Add a note stating "No more than four lots shall be platted with this subdivision. Any future subdivision creating additional lots shall require the dedication of public right-of-way and construction of public infrastructure.

Motion by Johnson, second by Eikleberry, to approve staff recommendation and conditions. Motion was approved by a roll call vote (8-0).

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

Motion by Reinartz, second by Johnson, to adjourn the meeting. Motion to adjourn was unanimous by voice vote (8-0).

The meeting adjourned at 5:53 pm.

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Date
9/5/2023

Subject:

Case REZ23-03: Request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc. and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

Recommendation:

Staff recommends Case REZ23-03 be forwarded to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Commercial Corridor and Residential General.
2. The proposed zoning map amendment to C-3 General Commercial District is compatible with the zoning and uses of nearby developed property.
3. With the proposed conditions recommended by staff, the zoning map amendment will enable the area to be developed in a manner consistent with the surrounding area.
4. With conditions requiring transportation improvements, the proposed zoning map amendment will promote the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities with future development.

Conditions:

1. A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
2. A buffer yard shall be established commensurate with the depth of the established buffer yard to the west of the subject property along the north property line of the Stone Gate development.
3. Any non-residential use development south of the northern boundary of the Stone Gate development extended, a fifty-foot buffer yard shall be established as required by code. Any multi-family development shall provide buffer yards as required by code.
4. The buffer yard shall be landscaped with a density commensurate to the established buffer yard to the west of the subject property. If the minimum landscaping required by code is installed, a certificate of occupancy may be granted via performance bond for the remaining landscaping which must be installed within the next growing season.
5. Lighting shall consist of LED Dark Sky compliant fixtures not higher than thirty-five feet. The level of lighting shall be reduced to a level necessary to provide security lighting only within one half-hour after of the close of business.
6. Routine use of PA systems or similar devices outside of buildings on the property shall not be permitted.
7. Car washes on the property shall not be located closer than one-hundred twenty-five feet from residential districts, and operate only when the dealership is open for business.
8. Billboards shall be prohibited.

9. In addition to ancillary Auto Dealer uses granted in the C-3 district by Special Use, only C-3 uses which are allowed in the C-T Commercial Transitional Zoning District are permitted south of the northern boundary of the Stone Gate development extended.

Background:

The subject property consists of approximately 16 acres of undeveloped land generally located southeast of 53rd Street and Spring Street. The site is adjacent to the Smart Luxury Motors dealership to the west, Hanlin's Creek to the east, and residential neighborhoods to the south.

The applicant, 53rd Luxury LLC, currently operate the Audi, Volkswagen, and Mercedes dealership at the corner of Eastern Avenue and 53rd Street. If a rezoning were approved, the site will be developed for approximately three vehicle dealerships, including Lexus, Hyundai, and Kia. Four buildings are proposed, one for each dealership brand in addition to an office building. The intent is to create a centralized location of car dealerships within Davenport.

This project is related to Case ROW23-04, being the right-of-way vacation of Spring Street, south of 53rd Street. Vacating this section of right-of-way will better facilitate the development of the site. A concept plan has been submitted by the applicant for review.

Why is a Zoning Map Amendment Required?

The subject property is currently split zoned between C-2 Corridor Commercial District and R-MF Multi-Family Residential District. The applicant is petitioning a rezoning to C-3 General Commercial District for the purpose of developing the site for one or more vehicle dealerships. The principal use 'Vehicle Dealership-With Outdoor Storage/Display' is a special use in the C-3 District. If the rezoning request is approved, the applicant will need to apply for a Special Use Permit, which is reviewed and approved by the Zoning Board of Adjustment.

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation:

1. **Commercial Corridor (CC)** – Well-established corridors located along high-volume major streets dominated by retail and office uses that serve the greater community. Development is generally newer and redevelopment is not anticipated within the 20 year planning horizon. Improvements should focus on façade and site improvements, including pedestrian circulation systems and consolidated/updated signage. (Approximately 5.5 acres)
2. **Residential General (RG)** - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered. (Approximately 10.5 acres)

Zoning:

The subject property is currently split zoned between the following zoning districts:

1. **C-2 Corridor Commercial District** (Approximately 5.5 acres): This district is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal

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

2. **R-MF Multi-Family Residential District** (Approximately 10.5 acres): This district is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including single-family dwellings, semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

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:

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

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 7, 2023 neighborhood meeting and August 15, 2023 Plan and Zoning Commission Public Hearing. In addition, a sign was posted on the property notifying the public of the pending application.

The neighborhood meeting was held at Eastern Avenue Library on August 7th at 5:30pm. There were approximately twelve members of the public in attendance. Topics of conversation and concerns raised by abutting homeowners included development of the site for multiple car dealerships, site layout, traffic, access points, site lighting, landscaping, buffering adjacent homes, stormwater management, and potential development of the southern portion of the property.

The Public Hearing was held on August 15, 2023, where neighbors voiced generally similar concerns as those voiced at the neighborhood meeting.

Approval Standards for Map Amendments (Chapter 17.14.040)

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

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

Staff Response: The property is designated as both Commercial Corridor and Residential General (RG) in the Davenport +2035 Land Use Plan. Residential General allows for

neighborhood compatible uses, such as the proposed use.

It is staff's opinion the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies. An amendment to the Comprehensive Plan is not required with this petition.

b. The compatibility with the zoning of nearby property.

Staff Response: The property to the west is also zoned C-3. Properties to the east are zoned C-T. As conditioned, the land south of the proposed dealership location will be more similar to the C-T zoning district and provide a transition area from the residential to the south of the subject property. As conditioned, the additional buffer yard provides further separation between residential zoning districts and higher intensity commercial uses.

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

c. The compatibility with established neighborhood character.

Staff Response: The subject property is located on a high traffic corridor generally surrounded by commercial and medical/office uses, with multiple-family and single-family zoning and uses adjacent to the southern portion of the property.

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

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

Staff Response: The proposed zoning map amendment will allow for similar uses as those already existing in the neighborhood. Police, Fire, and emergency crews will be able to adequately service the subject property should the proposed zoning change be granted. Public health and safety shall be not be impacted.

Traffic:

The most recent IA DOT traffic counts for this section of E 53rd Street 27,500 vehicles per day. Due to the ongoing 53rd Street expansion project there are not recent traffic counts.

Crash data can sometimes indicate if there is a problem not clear from data or from observations. At 53rd Street and Spring Street, there were 13 reported crashes in the last 5 years. Approximately 1 crash per year was an angle-type crash that might be eliminated with a traffic signal. There was also approximately 1 crash per year that was a rear-end type of crash. These type of crashes are expected to increase with a traffic signal. The crash data does not indicate any type of on-going problems.

By requiring a traffic study, city staff will have the information needed to determine what level of traffic safety measures are required in order to balance the needs for the development and traffic flow on 53rd Street. The following information has been provided by Engineering:

1. There will be left turn lanes in both directions on 53rd Street at Spring Street as part of the ongoing 53rd Street expansion project.

2. No right turn lanes are shown in the 53rd Street project plans. While a car dealership is unlikely to generate enough traffic to warrant a right turn lane, if the developer is installing the turn lane at their expense, the city would not object to its construction.
3. While there are benefits to traffic signals, a traffic signal causes delays, increases emissions, and increases rear-end crashes. If the traffic study determines a traffic signal is not warranted, Engineering Staff is not supportive of a traffic signal installation/ If a traffic signal is warranted as a result of this development, the developer would be required to install the signal at their expense.

Stormwater: Stormwater for this development will be addressed by utilizing the regional detention basin within the subject property and stormwater detention and water quality will be part of the site plan and civil review of the development. In addition, as part of the 53rd Street expansion project currently underway, stormwater detention was installed under 53rd Street to address stormwater collected by 53rd Street that is eventually released into Hanlin's Creek.

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

Staff Response:

The land along 53rd Street is a heavily used arterial corridor. As such, higher end uses, such as those allowed by the C-3 district should be permitted for orderly development and consistency with development needs.

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

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

Staff Response: The proposed rezoning will not create any nonconformities.

Dimensional standards, such as lot area, lot width, setbacks, building coverage, and impervious surface will be addressed during the site plan/development process.

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

ATTACHMENTS:

Type	Description
□ Backup Material	Zoning Map
□ Backup Material	Vicinity, Zoning, & Future Land Use Map
□ Backup Material	Application
□ Backup Material	Exhibits
□ Exhibit	Building Renderings
□ Exhibit	Buffer Yard Existing Conditions
□ Backup Material	Public Notice
□ Backup Material	Minutes of Neighborhood Meeting-Applicant Copy
□ Backup Material	Neighborhood Meeting Attendance List

Staff Workflow Reviewers

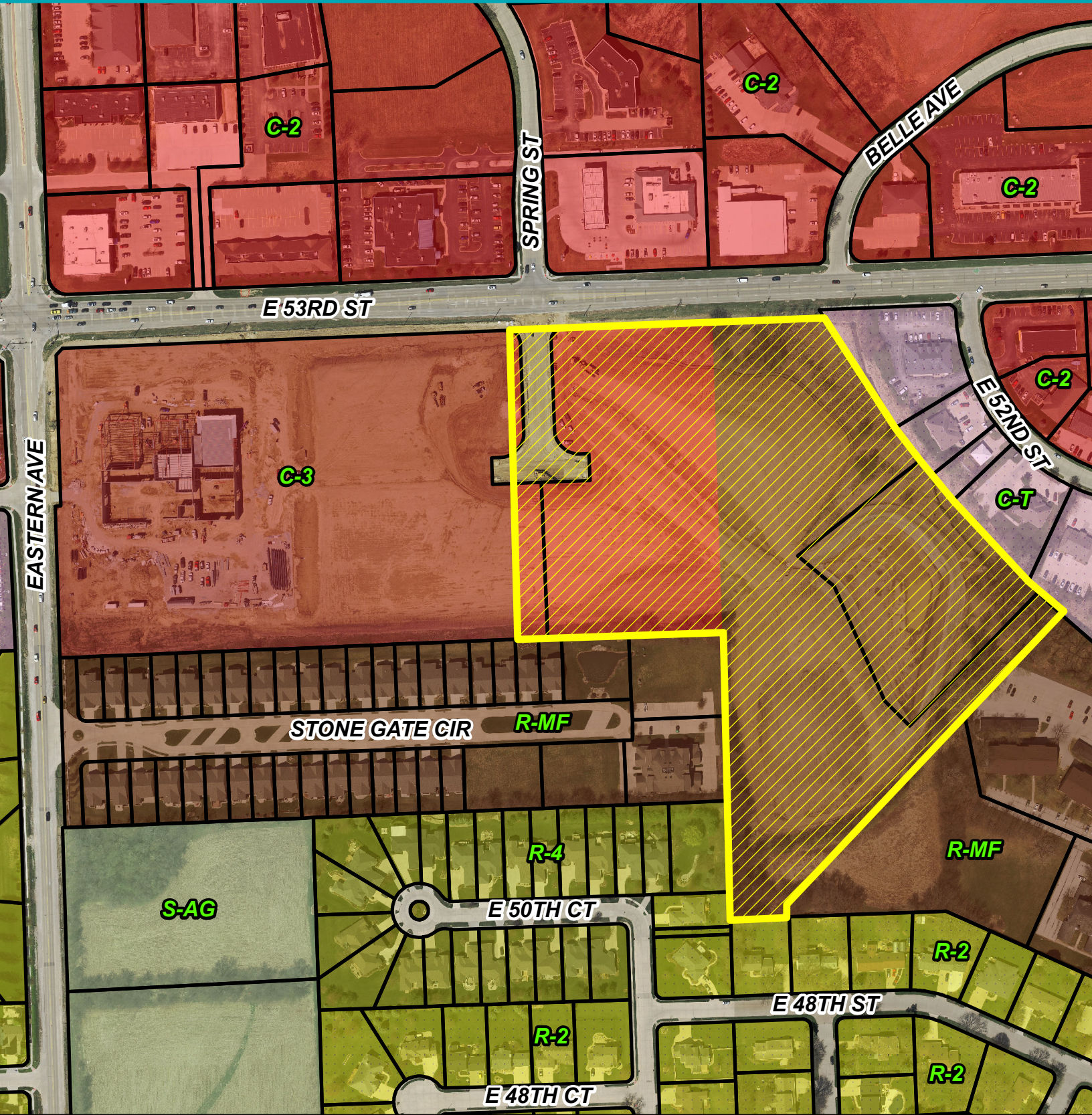
REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	9/1/2023 - 2:55 PM

Rezoning Request

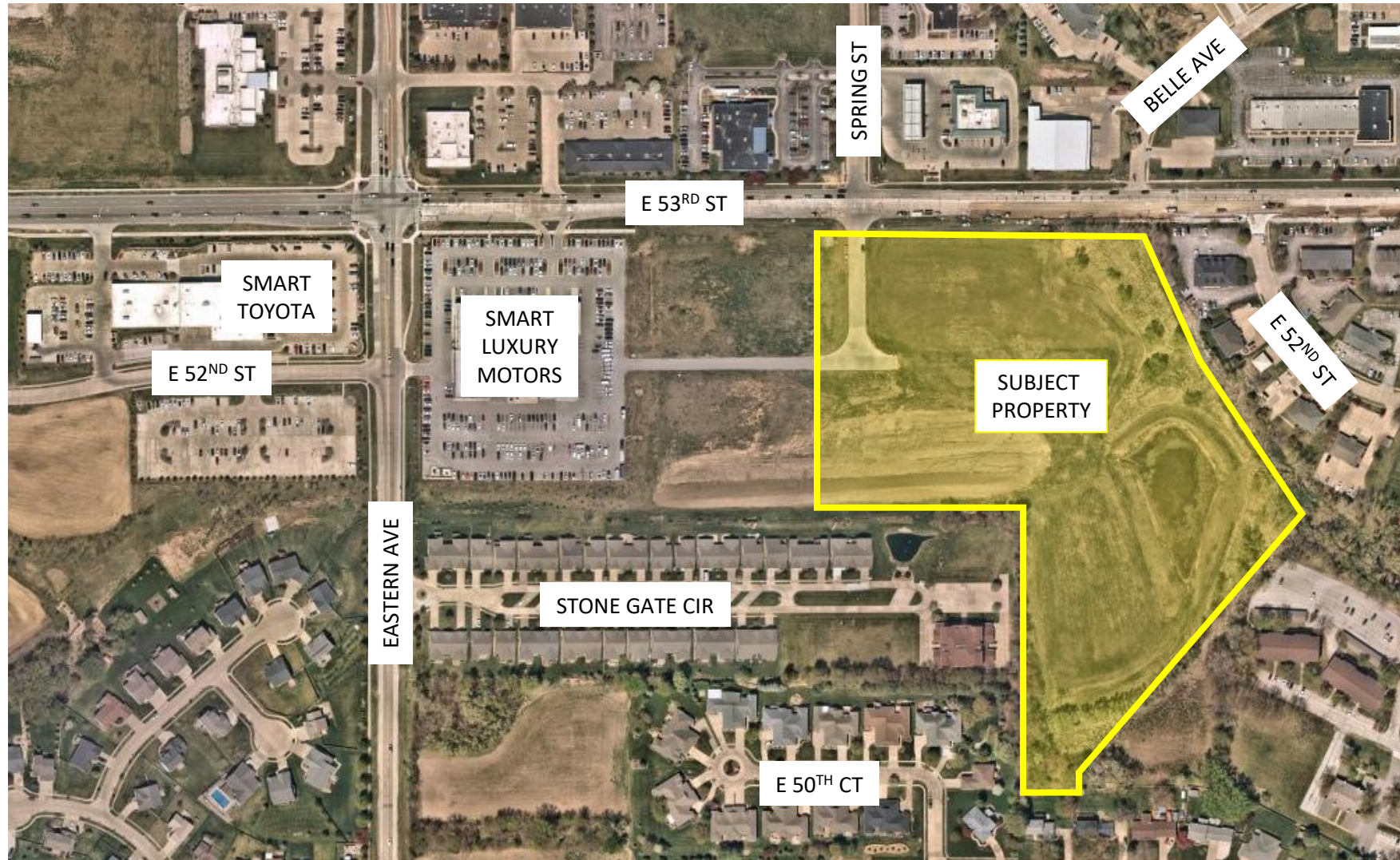
Case REZ23-03: Request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc. and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

 Subject Property

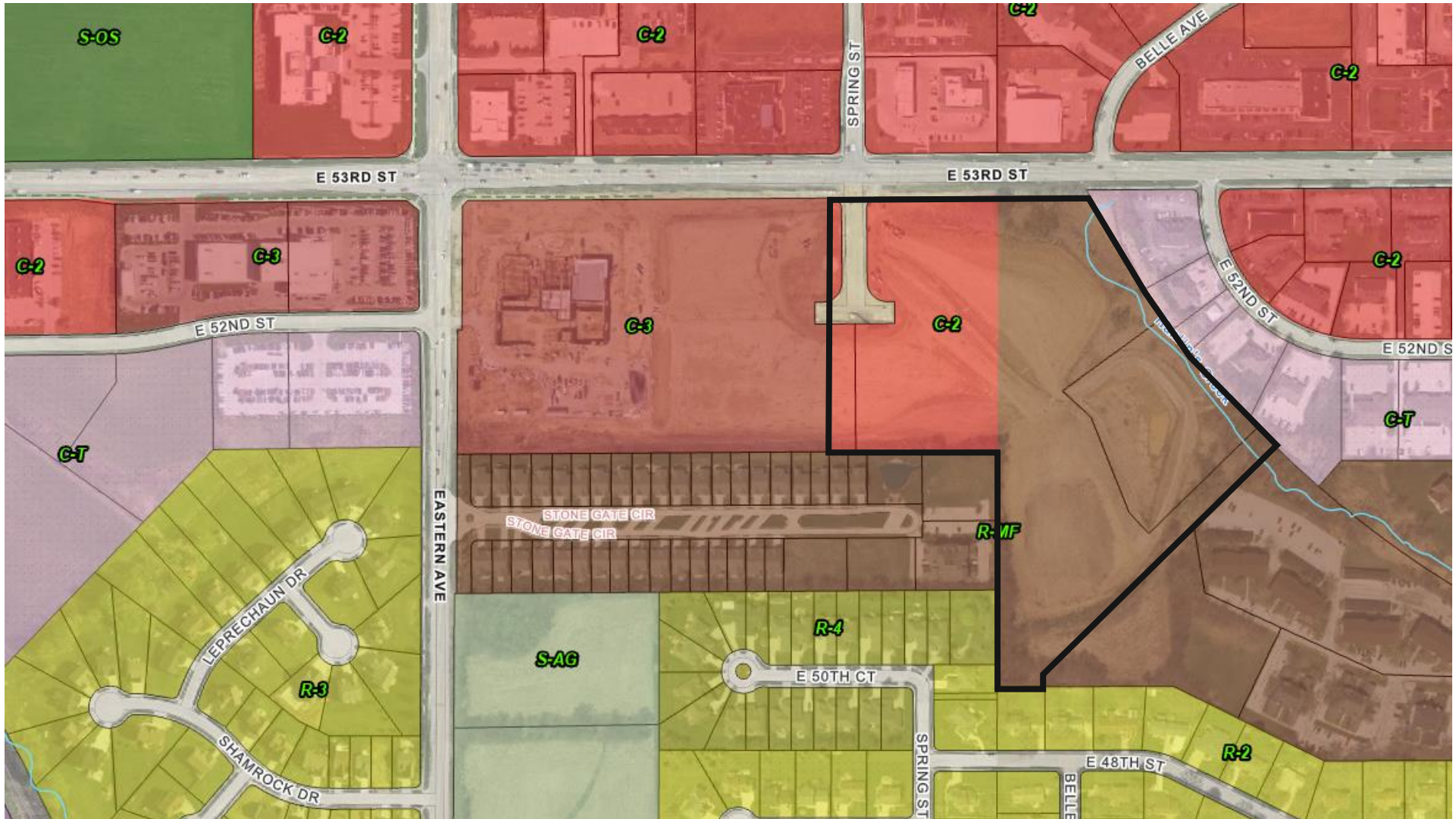


Vicinity Map

DAVENPORT
IOWA | USA



Zoning Map



Future Land Use Map





CITY OF DAVENPORT
Public Works - DNS Planning
1200 E. 46th St.
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com
davenportiowa.com/citycode

APPLICATION FOR
REZONING
(Map Amendment)

APPLICANT INFORMATION																																															
APPLICANT NAME	SITE ADDRESS OR GENERAL LOCATION DESCRIPTION																																														
ADDRESS	NEIGHBORHOOD MEETING DATE / TIME / LOCATION																																														
CITY, STATE, ZIP	<table border="1"><thead><tr><th>ZONING DISTRICT</th><th>EXISTING</th><th>PROPOSED</th><th>SQ. AREA</th></tr></thead><tbody><tr><td colspan="4">COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED</td></tr><tr><td colspan="4">Concept/Development Plan</td></tr><tr><td colspan="4">Consent to Rezone/legal interest Affidavit* * shall include owner contact information</td></tr><tr><td colspan="4">Legal Description* (bearing & distance) * shall include a MS Word or Text file</td></tr><tr><td colspan="4">Legal Description Dimensioned Sketch</td></tr><tr><td colspan="4">Application Fee* * required for a complete application</td></tr><tr><td colspan="4"><table border="1"><thead><tr><th colspan="2">Rezoning Fee Schedule</th></tr><tr><th>Land Area</th><th>Fee</th></tr></thead><tbody><tr><td>Less than 1 acre</td><td>\$400</td></tr><tr><td>1 to less than 10 acres</td><td>\$750 plus \$25/acre</td></tr><tr><td>10 acres or more</td><td>\$1,000 plus \$25/acre</td></tr></tbody></table></td></tr><tr><td colspan="4">1 to 3 site notice signs are required based on lot size; \$10 each</td></tr></tbody></table>	ZONING DISTRICT	EXISTING	PROPOSED	SQ. AREA	COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED				Concept/Development Plan				Consent to Rezone/legal interest Affidavit* * shall include owner contact information				Legal Description* (bearing & distance) * shall include a MS Word or Text file				Legal Description Dimensioned Sketch				Application Fee* * required for a complete application				<table border="1"><thead><tr><th colspan="2">Rezoning Fee Schedule</th></tr><tr><th>Land Area</th><th>Fee</th></tr></thead><tbody><tr><td>Less than 1 acre</td><td>\$400</td></tr><tr><td>1 to less than 10 acres</td><td>\$750 plus \$25/acre</td></tr><tr><td>10 acres or more</td><td>\$1,000 plus \$25/acre</td></tr></tbody></table>				Rezoning Fee Schedule		Land Area	Fee	Less than 1 acre	\$400	1 to less than 10 acres	\$750 plus \$25/acre	10 acres or more	\$1,000 plus \$25/acre	1 to 3 site notice signs are required based on lot size; \$10 each			
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PHONE	PROJECT NARRATIVE: (submit separate sheet if needed)																																														
SECONDARY PHONE																																															
E-MAIL ADDRESS																																															
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property. In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study. Type Applicant's Name _____ Applicant's Signature _____ Date _____																																															
DEVELOPMENT TEAM																																															
Property Owner																																															
Address																																															
Phone	Secondary Phone																																														
E-Mail Address																																															
Project Manager/Other																																															
Address																																															
Phone	Secondary Phone																																														
E-Mail Address																																															

Contact Development & Neighborhood Services (DNS)
Planning Division at planning@davenportiowa.com with any
questions, for additional information, and to submit this form.

Supplemental Answer to "Property Owners" (p.1)

Property Owner 1

Address

Phone 1

Phone 2

Email

Property Owner 2

Address

Phone 1

Phone 2

Email

Authorization to Act as Applicant

I/We,

[as property owner(s)]

authorize

[the above person(s)]

to act as applicant, representing me/us before the following board:

for the property located at

.

Signature(s)*

*Please note: original signature(s) or images of them are required.

Date

Application Form Types

Plan and Zoning Commission

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

Zoning Board of Adjustment

Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Appeal

Design Review Board

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

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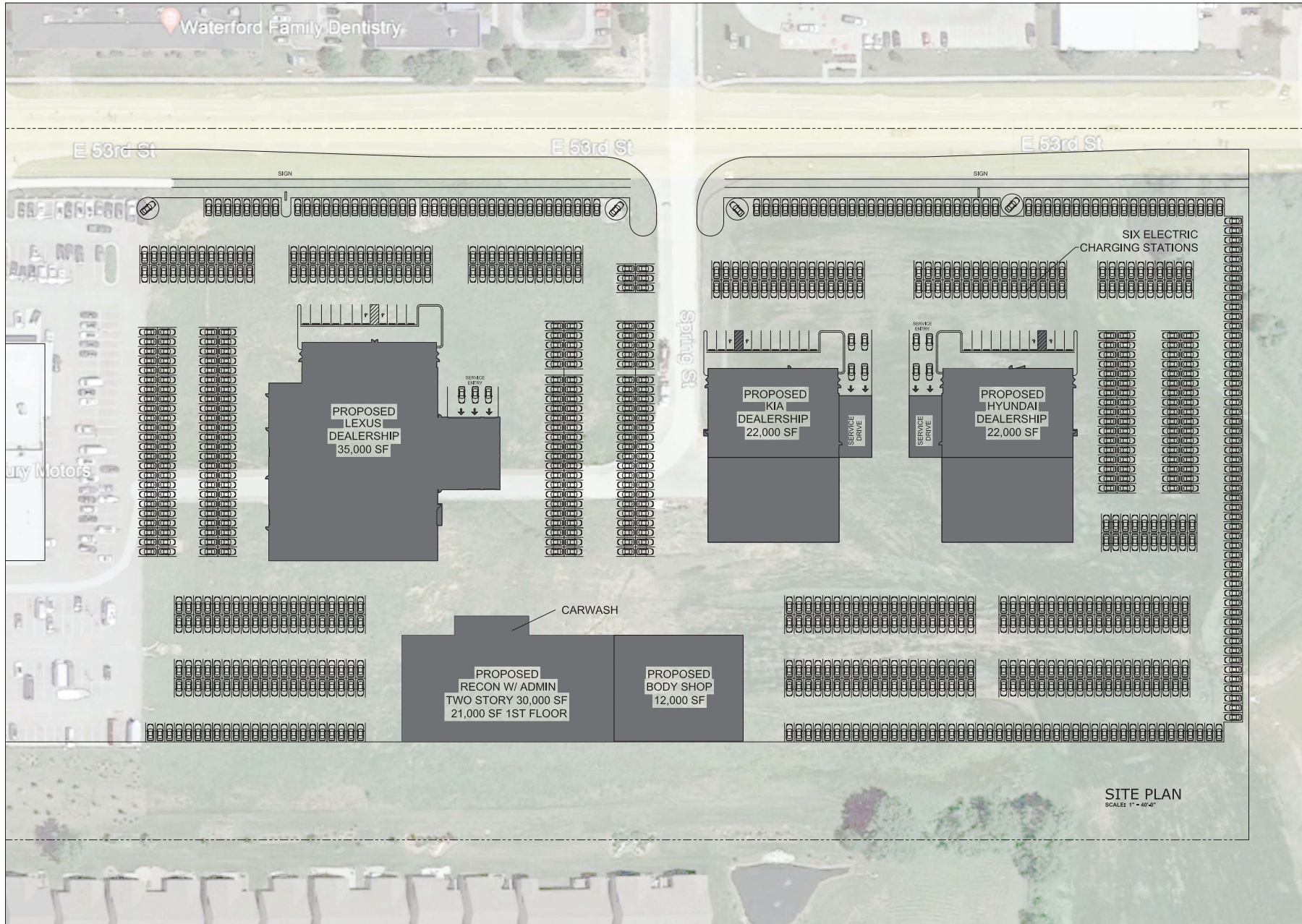
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Certificate of Appropriateness
Landmark Nomination
Demolition Request



CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
628 Jackson Road
Indianapolis, IN 46234
TEL 317-259-0008
FAX 317-259-4720



www.customfacilities.com

Client Project Information

NEW AUTO SITE

1777 East 53rd Street
Davenport, Iowa 52807

06/29/2023
Set

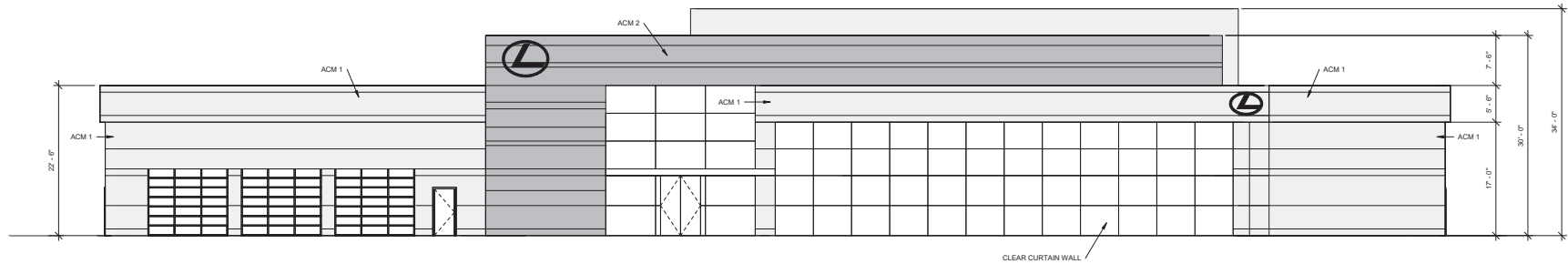
Project No.: 20021
Drawn By: KTM
Checked By: KTM

Revisions		
Mark	Date	Remarks

DO NOT SCALE
DRAWINGS.
Custom Facilities shall
be notified immediately should
any errors, omissions,
discrepancies,
inconsistencies be discovered
and/or on
the drawings.

SITE PLAN

ST-1



① Front Elevation
1/8" = 1'-0"

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6258 Becker Road
Suite C
Indianapolis, IN 46226-446
TEL 317-299-0013
FAX 317-299-4783



Client Project Information

Lexus
Davenport, Iowa

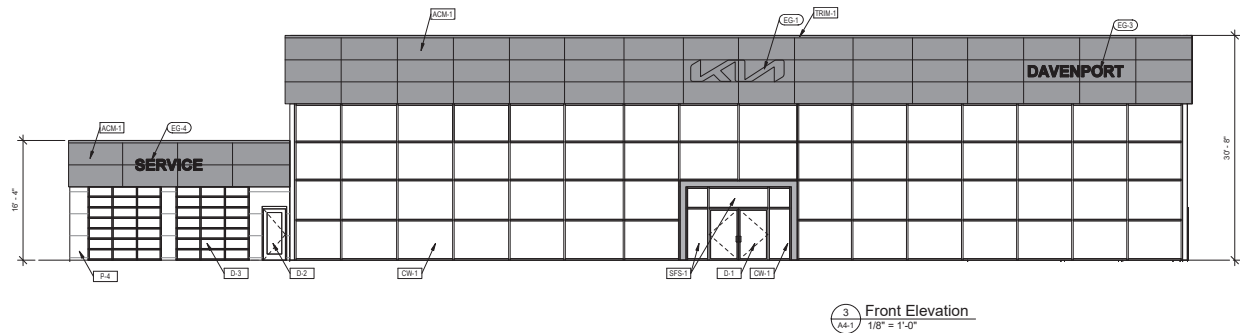
Project 21122
Drawn By: KTM
Checked: KTM

Revision		
Mark	Date	Remark

DO NOT SCALE
Custom Facilities shall be notified immediately should any errors, omissions, discrepancies or inconsistencies be discovered in the drawings.

Elevations

A4-1



CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6258 Buckle Road
Suite C
Indianapolis, IN 46226-446
TEL 317-299-0013
FAX 317-299-4783



Client Project Information

Davenport Kia
Davenport, Iowa

6/29/2023 3:24:56 PM
Seal

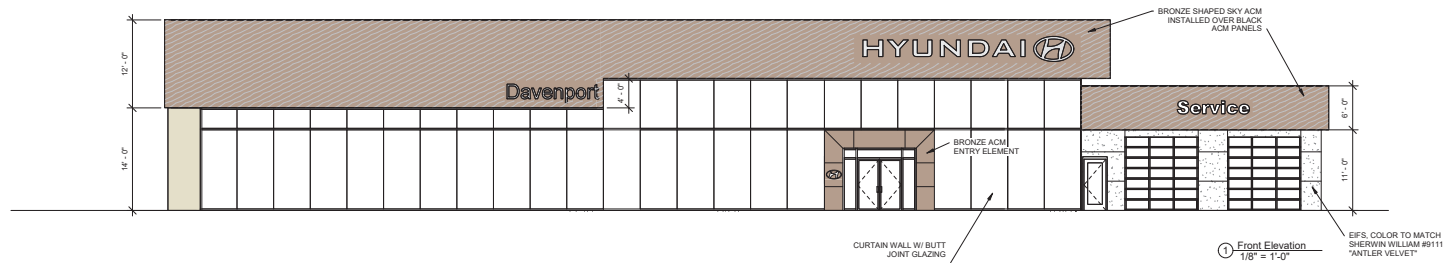
Project 20021
Drawn By: KTM
Checked: KTM

Revision		
Mark	Date	Remark

DO NOT SCALE
Custom Facilities shall be notified immediately should any errors, omissions, discrepancies or inconsistencies be discovered in the drawings.

Exterior Elevations

A4-1



CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6280 Buckle Road
Suite C
Indianapolis, IN 46226-446
TEL 317.259.0015
FAX 317.259.4785



Client Project Information

Hyundai of Davenport
Davenport, Iowa

Project 21122
Drawn By: KTM
Checked: KTM

Revision		
Mark	Date	Remark

DO NOT SCALE
Custom Facilities shall be notified immediately should any errors, omissions, discrepancies or inconsistencies be discovered in the drawings.

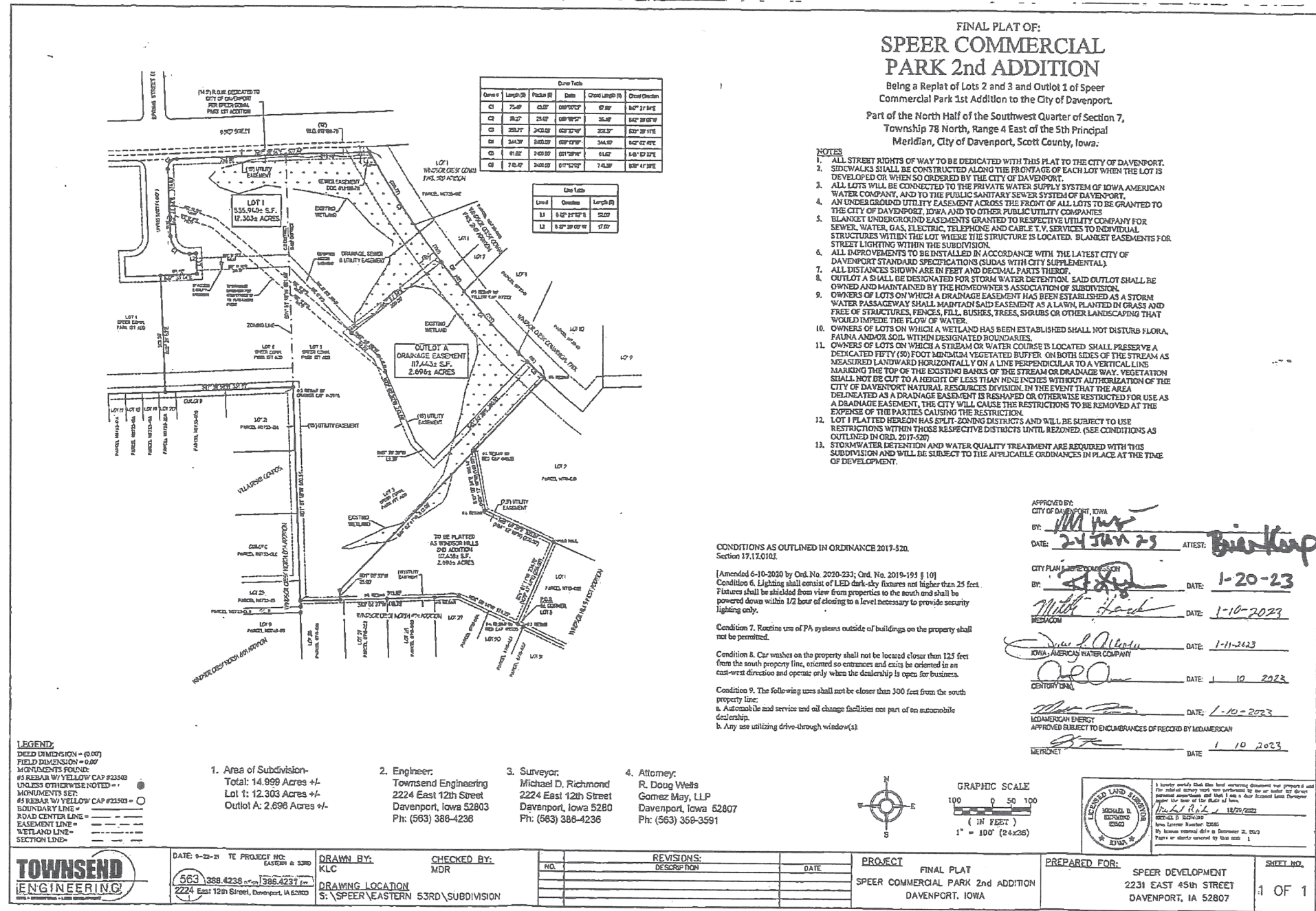
Elevations

A4-1

Legal Description

Lot 1 and Outlot A of Speer Commercial Park 2nd Addition to the City of Davenport, Scott County, Iowa.

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.



RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803 (563) 386-4236

Doc ID: 023406030010 Type: PLA
Recorded: 01/27/2023 at 10:37:39 AM
Fee Amt: \$62.00 Page 1 of 10
Scott County Iowa
Rita A. Vargas Recorder
File 2023-00001524

FINAL PLAT OF:
**SPEER COMMERCIAL
PARK 2nd ADDITION**

Being a Replat of Lots 2 and 3 and Outlot 1 of Speer
Commercial Park 1st Addition to the City of Davenport.

Part of the North Half of the Southwest Quarter of Section 7,
Township 78 North, Range 4 East of the 5th Principal
Meridian, City of Davenport, Scott County, Iowa.

NOTES

1. ALL STREET RIGHTS OF WAY TO BE DEDICATED WITH THIS PLAT TO THE CITY OF DAVENPORT.
2. SIDEWALKS SHALL BE CONSTRUCTED ALONG THE FRONTAGE OF EACH LOT WHEN THE LOT IS DEVELOPED OR WHEN SO ORDERED BY THE CITY OF DAVENPORT.
3. ALL LOTS WILL BE CONNECTED TO THE PRIVATE WATER SUPPLY SYSTEM OF IOWA AMERICAN WATER COMPANY, AND TO THE PUBLIC SANITARY SEWER SYSTEM OF DAVENPORT.
4. AN UNDERGROUND UTILITY EASEMENT ACROSS THE FRONT OF ALL LOTS TO BE GRANTED TO THE CITY OF DAVENPORT, IOWA AND TO OTHER PUBLIC UTILITY COMPANIES
5. BLANKET UNDERGROUND EASEMENTS GRANTED TO RESPECTIVE UTILITY COMPANY FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED. BLANKET EASEMENTS FOR STREET LIGHTING WITHIN THE SUBDIVISION.
6. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY OF DAVENPORT STANDARD SPECIFICATIONS (SUDAS WITH CITY SUPPLEMENTAL).
7. ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
8. OUTLOT A SHALL BE DESIGNATED FOR STORM WATER DETENTION. SAID OUTLOT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION OF SUBDIVISION.
9. OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED AS A STORM WATER PASSAGEWAY SHALL MAINTAIN SAID EASEMENT AS A LAWN, PLANTED IN GRASS AND FREE OF STRUCTURES, FENCES, FILL, BUSHES, TREES, SHRUBS OR OTHER LANDSCAPING THAT WOULD IMPEDE THE FLOW OF WATER.
10. OWNERS OF LOTS ON WHICH A WETLAND HAS BEEN ESTABLISHED SHALL NOT DISTURB FLORA, FAUNA AND/OR SOIL WITHIN DESIGNATED BOUNDARIES.
11. OWNERS OF LOTS ON WHICH A STREAM OR WATER COURSE IS LOCATED SHALL PRESERVE A DEDICATED FIFTY (50) FOOT MINIMUM VEGETATED BUFFER ON BOTH SIDES OF THE STREAM AS MEASURED LANDWARD HORIZONTALLY ON A LINE PERPENDICULAR TO A VERTICAL LINE MARKING THE TOP OF THE EXISTING BANKS OF THE STREAM OR DRAINAGE WAY. VEGETATION SHALL NOT BE CUT TO A HEIGHT OF LESS THAN NINE INCHES WITHOUT AUTHORIZATION OF THE CITY OF DAVENPORT NATURAL RESOURCES DIVISION. IN THE EVENT THAT THE AREA DELINEATED AS A DRAINAGE EASEMENT IS RESHAPED OR OTHERWISE RESTRICTED FOR USE AS A DRAINAGE EASEMENT, THE CITY WILL CAUSE THE RESTRICTIONS TO BE REMOVED AT THE EXPENSE OF THE PARTIES CAUSING THE RESTRICTION.
12. LOT 1 PLATTED HEREON HAS SPLIT-ZONING DISTRICTS AND WILL BE SUBJECT TO USE RESTRICTIONS WITHIN THOSE RESPECTIVE DISTRICTS UNTIL REZONED. (SEE CONDITIONS AS OUTLINED IN ORD. 2017-520)
13. STORMWATER DETENTION AND WATER QUALITY TREATMENT ARE REQUIRED WITH THIS SUBDIVISION AND WILL BE SUBJECT TO THE APPLICABLE ORDINANCES IN PLACE AT THE TIME OF DEVELOPMENT.

APPROVED BY:
CITY OF DAVENPORT, IOWA

BY: _____

DATE: _____ ATTEST: _____

CITY PLAN & ZONE COMMISSION

BY: _____ DATE: _____

MediaCom DATE: 1-10-2023

Iowa American Water Company DATE: 1-11-2023

Century Link DATE: 1 10 2023

MidAmerican Energy DATE: 1-10-2023
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN

Metronet DATE: 1 10 2023

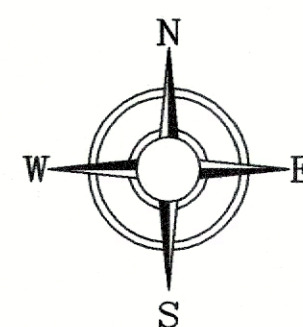
CONDITIONS AS OUTLINED IN ORDINANCE 2017-520.
Section 17.17.010J.

[Amended 6-10-2020 by Ord. No. 2020-233; Ord. No. 2019-195 § 10]
Condition 6. Lighting shall consist of LED dark-sky fixtures not higher than 25 feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within 1/2 hour of closing to a level necessary to provide security lighting only.

Condition 7. Routine use of PA systems outside of buildings on the property shall not be permitted.

Condition 8. Car washes on the property shall not be located closer than 125 feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.

Condition 9. The following uses shall not be closer than 300 feet from the south property line:
a. Automobile and service and oil change facilities not part of an automobile dealership.
b. Any use utilizing drive-through window(s).

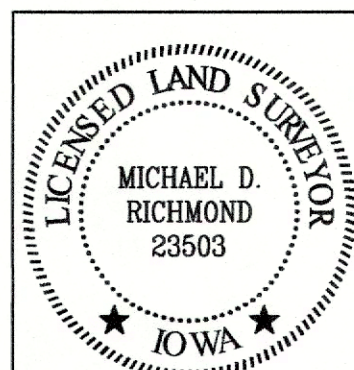


GRAPHIC SCALE

100 0 50 100

(IN FEET)

1" = 100' (24x36)



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 12/29/2023
MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

LEGEND:

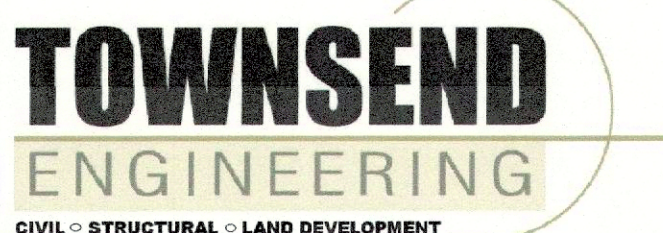
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
#5 REBAR W/ YELLOW CAP #23503
UNLESS OTHERWISE NOTED =
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE = _____
ROAD CENTER LINE = _____
EASEMENT LINE = _____
WETLAND LINE = _____
SECTION LINE = _____

1. Area of Subdivision-
Total: 14.999 Acres +/-
Lot 1: 12.303 Acres +/-
Outlot A: 2.696 Acres +/-

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

3. Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 5280
Ph: (563) 386-4236

4. Attorney:
R. Doug Wells
Gomez May, LLP
Davenport, Iowa 52807
Ph: (563) 359-3591



DATE: 9-22-21 TE PROJECT NO:
EASTERN & 53RD
563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: MDR
DRAWING LOCATION
S: \SPEER\EASTERN 53RD\SUBDIVISION

REVISIONS:		DATE
NO.	DESCRIPTION	

PROJECT FINAL PLAT
SPEER COMMERCIAL PARK 2nd ADDITION
DAVENPORT, IOWA

PREPARED FOR:
SPEER DEVELOPMENT
2231 EAST 45th STREET
DAVENPORT, IA 52807

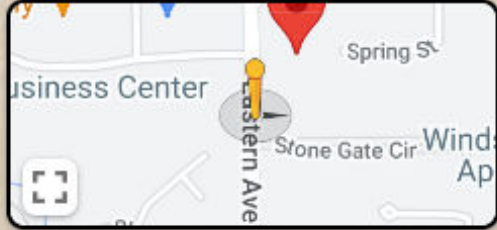
SHEET NO.
1 OF 1

RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803 (563) 386-4236



















PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property generally located southeast of 53rd Street and Spring Street.

Neighborhood Meeting

Date: 8/7/2023

Time: 5:30 PM

Location: Eastern Avenue Library | 6000 Eastern Avenue

Plan & Zoning Commission Public Hearing Meeting

Date: 8/15/2023

Time: 5:00 PM

Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?

This notice is being sent to inform you that a neighborhood meeting and a public hearing will be held for a Rezoning Request. The subject property is currently zoned C-2 Corridor Commercial District and R-MF Multi-Family Residential District. The property owner is requesting a rezoning to C-3 General Commercial District to develop the site for one or more motor vehicle dealerships, including outdoor storage.

Request/Case Description

Case REZ23-03: Request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc. and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

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

The Plan and Zoning Commission will hold a formal public hearing at their meeting on August 15, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on September 5, 2023. The Commission's recommendation will be forwarded to the City Council, which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

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

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

Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops) at 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 in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.



THE CITY OF
DAVENPORT
IOWA | USA

P&Z Notice

CASE#: REZ23-03

Adjacent Property Owner Notice Area



MINUTES OF NEIGHBORHOOD MEETING

Case No: REZ23-03; ROW23-04

Date: Monday, August 7, 2023

Time: 5:30 PM

Location: Eastern Avenue Library, 6000 Eastern Avenue, Davenport, Iowa

John Hofmeyer, IV opened the meeting and identified the city personnel present: Judith Lee, 8th Ward Alderwoman; Kyle Gripp, At-Large Alderman; JJ Condon, At-Large Alderman, and Inghram, Planning and Zoning Commission Chair. Werderitch, Koops, and Berley from the city were also present at the meeting.

Developer gave its presentation as follows:

Michael Leep, Jr., President of applicant/developer, provided information and background on the applicant/developer.

Chip Walker, architect for applicant/developer, made a presentation regarding the preliminary design proposal for the development including three motor vehicle dealerships and supporting buildings.

Eric Cannon, engineer for applicant/developer, made a presentation regarding steps taken to address stormwater runoff and environmental considerations at the site.

The floor was open for questioning and a general discussion was had. Multiple attendees asked questions regarding the following general topics:

1. Why applicant/developer was rezoning the whole parcel for C-3 zoning if only using the northern portion. Applicant/developer advised that there are no current plans to develop the southern portion of the parcel.
2. Whether C-3 zoning would allow development of the southern portion of the parcel for multi-family apartments if rezoned to C-3. City staff advised that multi-family apartments are a permitted use in the C-3 zoning.
3. Stormwater runoff to the east. Applicant/developer advised that all stormwater runoff would be handled through a comprehensive stormwater retention and mitigation system utilizing the existing reservoir and that decisions would be made after detailed analysis to determine the best course of action. Applicant/developer advised further that the site would not utilize "sheet" drainage and would instead utilize inlet (drains) that would take stormwater to the reservoir.
4. An attendee asked about drainage from the Stone Gate Cir. development to the SW, across the property to the reservoir. Another attendee identified that there was a culvert that takes water across between the two reservoirs. Applicant/developer did not provide an opinion on this.
5. A question was presented regarding lighting of the site and spillage. Applicant/developer discussed dark-sky initiatives and the technology that allows new lighting systems to mitigate, if not prevent, light pollution and spillage beyond the property boundaries.

When there were no further questions, John Hofmeyer, IV closed the meeting. City staff took a list of the neighborhood attendees.

Neighborhood Meeting Attendance List

Date: _____ Time: _____ Location: _____
Case: _____

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

	NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1	Scott Bliss	tayloralexmd421@gmail.com		1871 Stone Gate Cir Unit 8
2	Carrie Bliss			" "
3	Mary Ann Hamann			1822 Stone Gate
4	Steve Hamann			" " "
5	Bob Inghram	BINGHAM55@GMAIL		
6	Jay Moss	gmoss47@hotmail.com		1871 Stone Gate Cir Unit 10
7	Carla Osborn	cmmosborne@gmail.com		1820 Stone Gate Circle
8	MIKE OSBORN	OSBORNMICHAEL@GMAIL.COM		" "
9				
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Neighborhood Meeting Attendance List

Date: _____ Time: _____ Location: _____
Case: _____

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

	NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1	Darren Courville	dcourville@mchsi.com		2026 E. 48th St.
2	Ann Lausen	alausen@gmail.com		1742 Stone Gate Cir
3	Cheryl Luders	caluders@gmail		1871 Stone Gate Cir.
4	JJ CENDEN			ALDERMAN AT LARGE
5				
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City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Date
9/5/2023

Subject:

Case ROW23-04: Request of 53rd Luxury, LLC to vacate the improved Spring Street right-of-way located south of East 53rd Street. [Ward 8]

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the unimproved right-of-way on Emerald Drive in Case ROW23-03 to the City Council with a recommendation for approval, subject to the following findings and condition:

Findings:

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

Condition:

1. All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.

Background:

The petitioner has requested a vacation for the portion of Spring Street located south of 53rd Street. The area to be vacated is approximately 25,900 square feet (.59 acres). The purpose of the vacation is to better facilitate development of the abutting property for one or more vehicle dealerships.

This project is closely related to Case REZ23-03, being the rezoning of abutting property from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District.

A concept plan has been submitted by the applicant for review. If approved, access to the new dealership will be at the existing intersection of 53rd Street and Spring Street. However, the land south of 53rd Street will become a private drive and entrance to the auto dealership.

The vacation of public right-of-way is a two step process:

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

Comprehensive Plan:

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

-

Future Land Use Designation:

The abutting property is currently designated as Commercial Corridor in the Davenport +2035

Future Land Use Map.

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

Abutting Zoning:

The abutting property is currently zoned C-2 Corridor Commercial District to the east and C-3 General Commercial District to the west of the subject right-of-way.

1. **C-2 Corridor Commercial District:** This district is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along arterial streets and collector streets adjacent to arterials streets in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport's commercial corridors.
2. **C-3 General Commercial 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 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 following technical review comments were received from City Departments and Utility Companies:

- Streets: If vacated, Emerald Drive will terminate at its existing location. The property owner intends to further subdivide the land north of the subject right-of-way into four single-family lots. Access to each lot will be provided via a private driveway connecting to the Emerald Drive stub. Currently, no developed properties require the right-of-way for access. If more than four lots are proposed during a subdivision, a street will be required to be constructed and dedicated prior to development.
- Natural Resources/Storm Water: No issues with the proposed vacation. Stormwater sewer is located within the ROW. A blanket utility and access easement is necessary until any infrastructure is relocated with the proposed development.
- Sanitary Sewer: There is no sewer infrastructure within the subject right-of-way. Future development is anticipated to connect to the existing sanitary sewer main on E 53rd Street.
- Other Utilities: No comments were received.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 7, 2023 neighborhood meeting and August 15, 2023 Plan and Zoning Commission Public Hearing.

The neighborhood meeting was held at Eastern Avenue Library on August 7th at 5:30pm. The purpose of the neighborhood meeting was to discuss both the right-of-way vacation and rezoning of abutting property. There were approximately twelve members of the public in attendance. Topics of conversation and concerns raised by abutting homeowners included development of the

site for multiple car dealerships, site layout, traffic, access points, site lighting, landscaping, buffering adjacent homes, stormwater management, and potential development of the southern portion of the property.

Staff will apprise the Commission of any additional correspondence at the September 5, 2023 Plan and Zoning Commission meeting.

ATTACHMENTS:

Type	Description
▢ Backup Material	Subject Right-of-Way Map
▢ Backup Material	Vicinity, Zoning, & Future Land Use Map
▢ Backup Material	Application
▢ Backup Material	Public Hearing Notice

Staff Workflow Reviewers

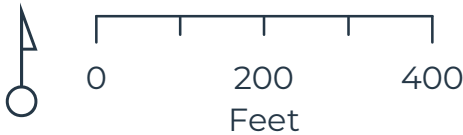
REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	9/1/2023 - 2:01 PM

Right-Of-Way Vacation | Public Hearing Notice

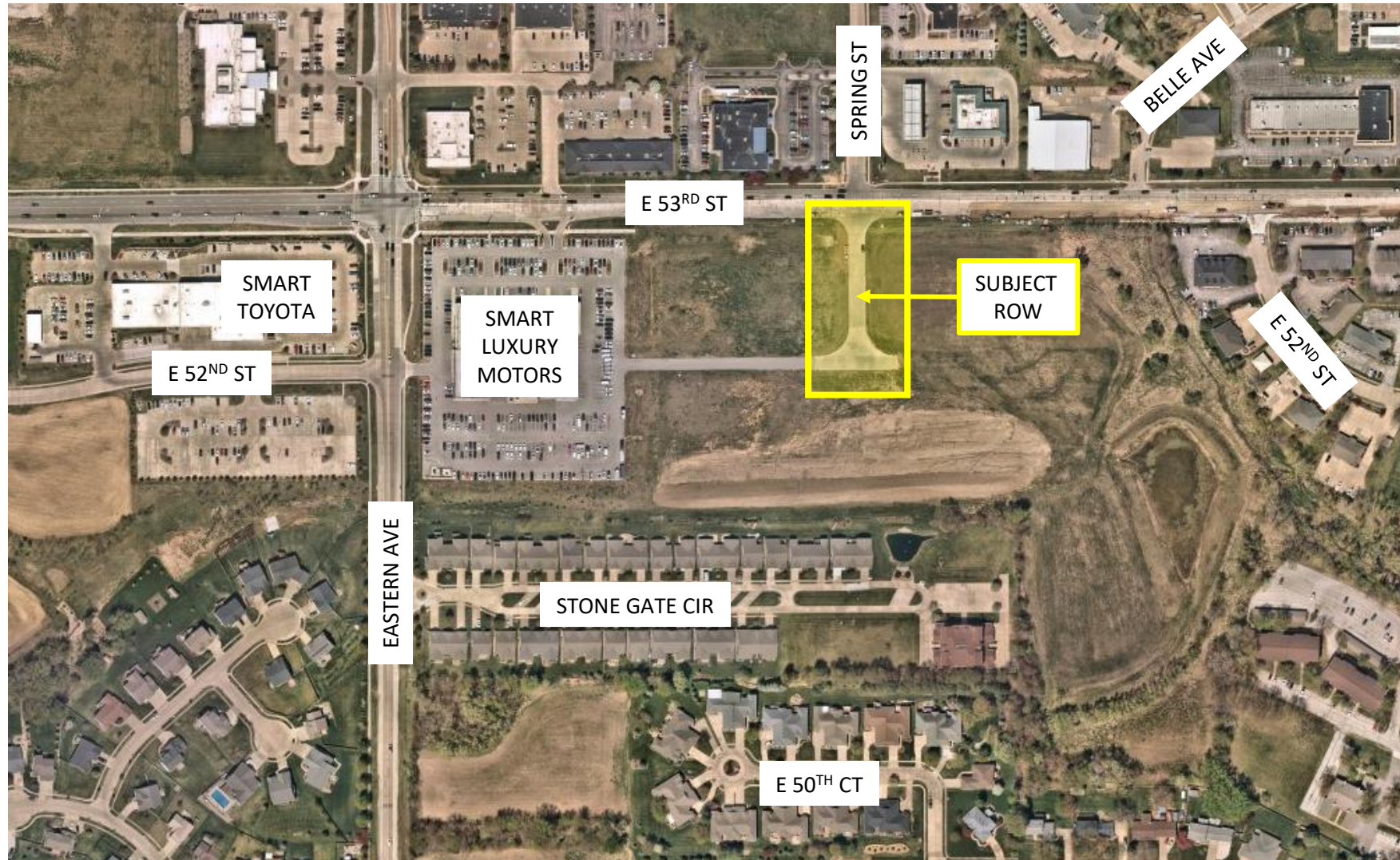
Case ROW23-04: Request of 53rd Luxury, LLC to vacate the unimproved Spring Street right-of-way located south of East 53rd Street. [Ward 8]

 ROW Vacation

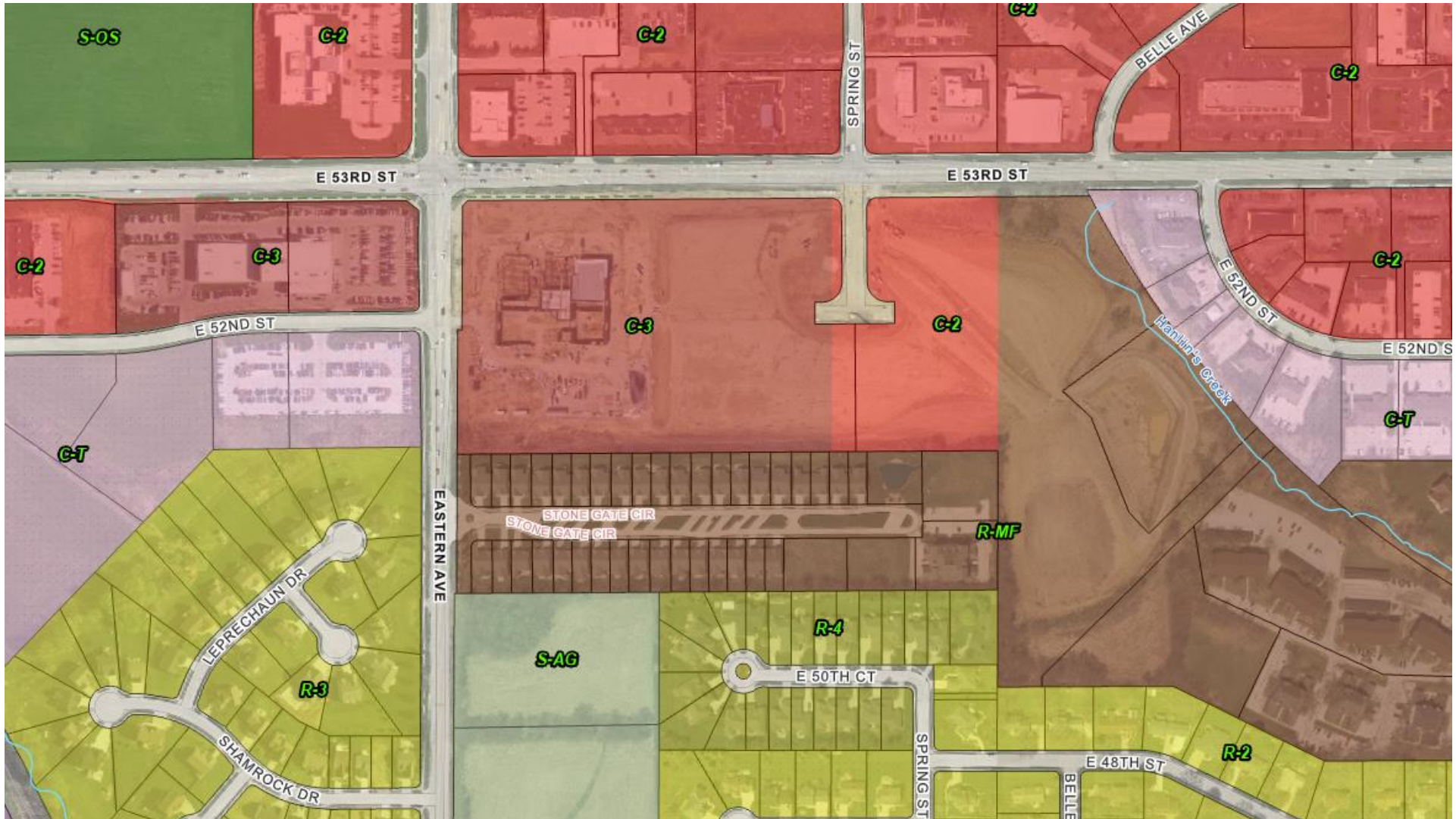


Vicinity Map

DAVENPORT
IOWA | USA



Zoning Map



Future Land Use Map





jhofmeyer@arensonlaw.com

Authorization to Act as Applicant

I/We, Sheila M Speer Living Trust

[as property owner(s)]

authorize Chris Pustelak, VP, and John Hofmeyer, attorney, for 53rd Luxury LLC

[the above person(s)]

to act as applicant, representing me/us before the following board: Plan & Zoning Commission *

for the property located at Auditor's Parcel No. N0709A02

[Signature]
Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization: _____

7/12/23
Date

State of Iowa,

County of Johnson,

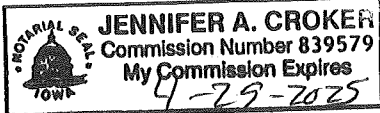
Sworn and subscribed before me

this 12 day of July, 2023

Driver License
[Identification type]

[Signature]
Notary Public

My Commission Expires: 4/29/2025



* *Application Form by Board Type*

Plan and Zoning Commission

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

Zoning Board of Adjustment

Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

Design Review Board

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Authorization to Act as Applicant

I/We, Ed Speer Construction, Inc.

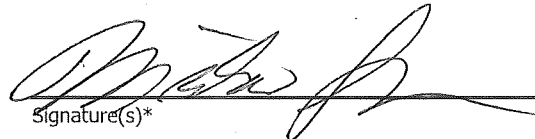
[as property owner(s)]

authorize Chris Pustelak, VP, and John Hofmeyer, attorney, for 53rd Luxury LLC

[the above person(s)]

to act as applicant, representing me/us before the following board: Plan & Zoning Commission *

for the property located at Auditor's Parcel Nos. N0710AOLA and N0710A04


Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization: _____

7/12/23

Date

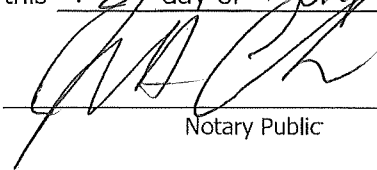
State of Iowa,

County of Johnson,

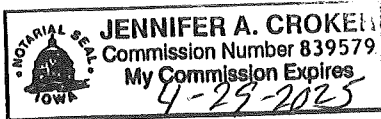
Sworn and subscribed before me

this 12th day of July 2023

Driver License
[identification type]


Notary Public

My Commission Expires:



* Application Form by Board Type

Plan and Zoning Commission

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

Zoning Board of Adjustment

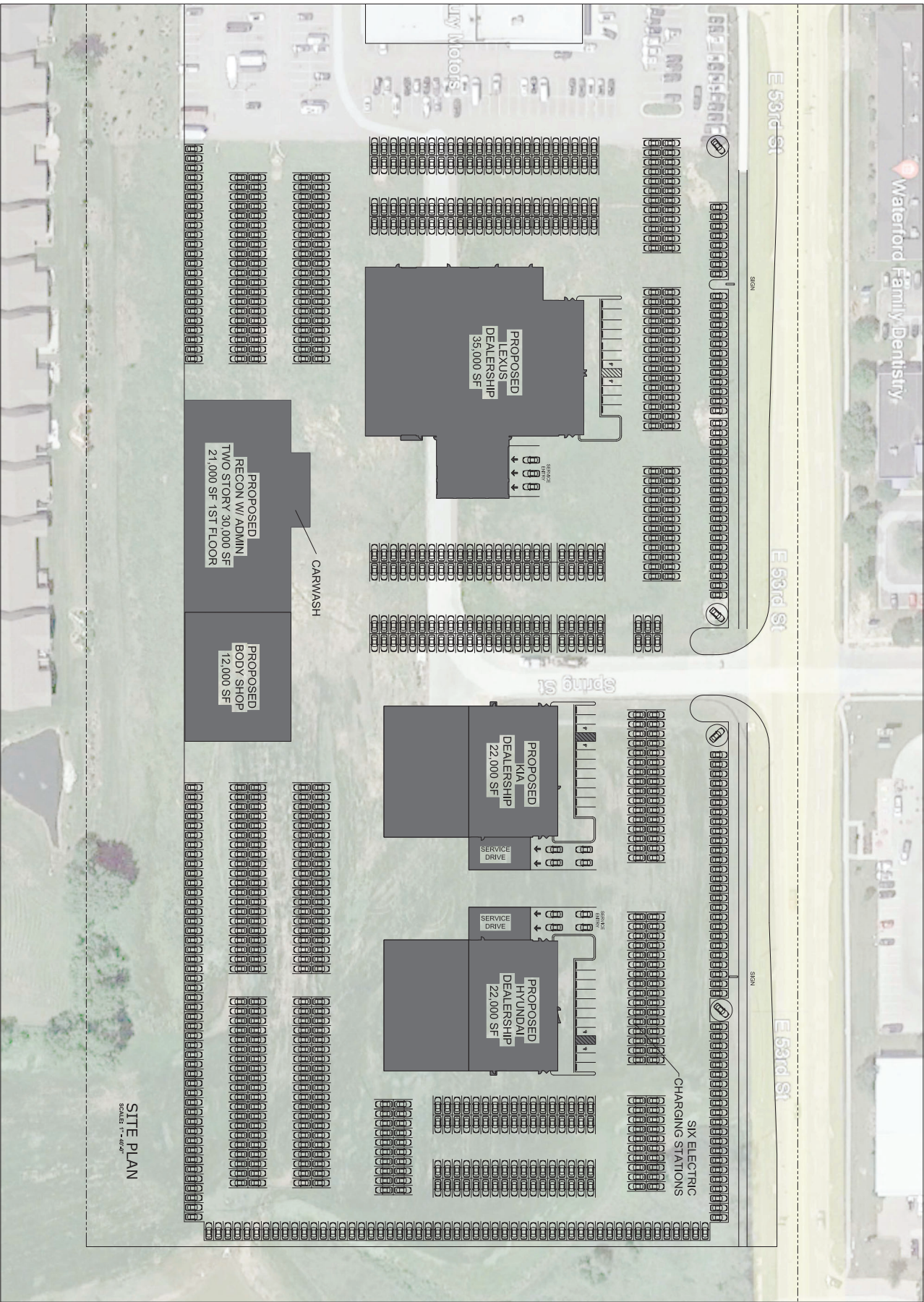
Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

Design Review Board

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request



CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD
6296 Rucker Road
Suite C
Indianapolis, IN 46220-486
0
TEL 317-259-4038
FAX 317-259-4785

CUSTOM FACILITIES



www.customfacilities.com

Client Project Information

NEW AUTO SITE

1777 East 53rd Street
Davenport, Iowa
52807

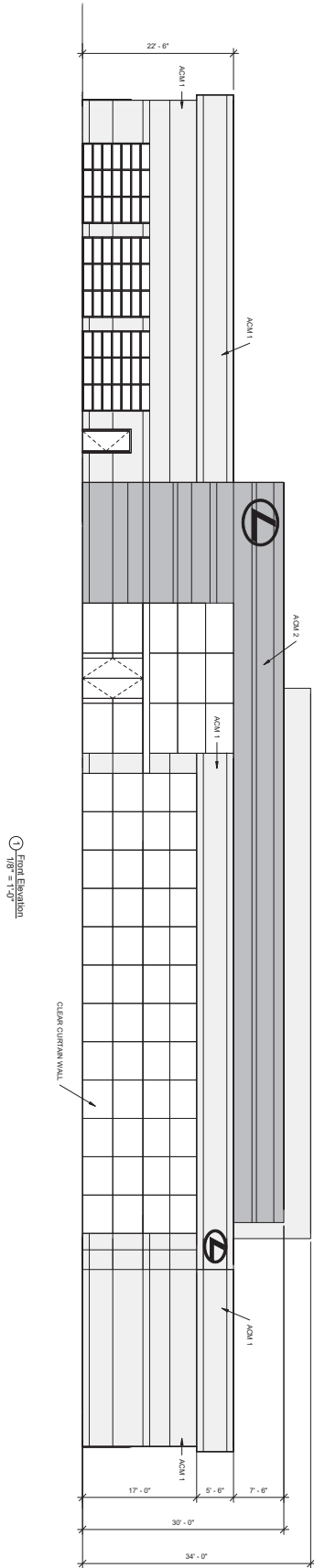
06/29/2023
Sheet

Project No.:	2002	
Drawn By:	KTM	
Checked By:	KTM	
Revisions		
Mark	Date	Remarks

DO NOT SCALE
Dimensions and locations should be verified immediately should discrepancies be discovered and/or as noted.

SITE PLAN

ST-1



① Front Elevation
1/8" = 1'-0"

CUSTOM FACILITIES

www.customfacilities.com

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD

6296 Rocker Road
Suite C
Indianapolis, IN 46220-486

TEL 317-259-6038
FAX 317-259-4785

Lexus

Davenport, Iowa

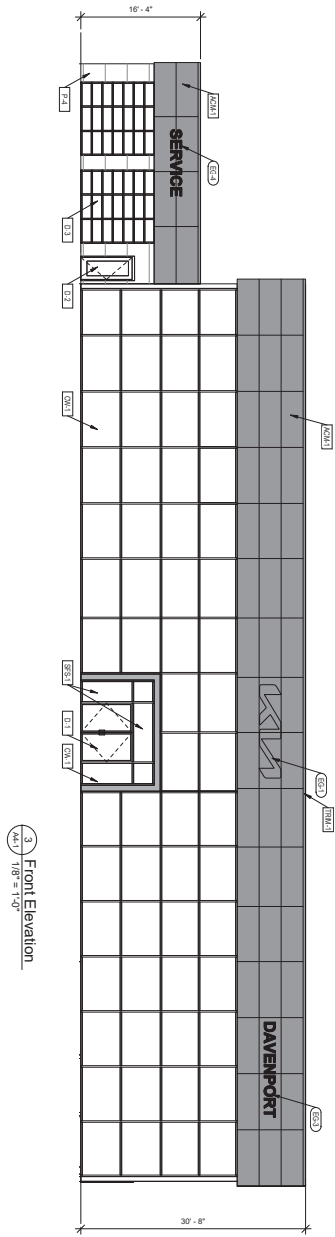
Project: 21122
Drawn By: KTM
Checked: KTM
Revision: _____
Date: _____
Remarks: _____

DO NOT SCALE

Custom Facilities will not be responsible for any errors, omissions, or inconsistencies that may be discovered in this drawing.

Elevations

A4-1



CUSTOM FACILITIES

www.customfacilities.com

CONSTRUCTION MANAGERS
GENERAL CONTRACTORS
DESIGN/BUILD

6296 Rocker Road
Suite C
Indianapolis, IN
46220-486

TEL 317-259-6038
FAX 317-259-4785

Davenport Kia

Davenport, Iowa

6/29/2023 3:24:56 PM
Scale

Project	20021	
Drawn By:	KTM	
Checked	KTM	
<hr/>		
Revision		
Mark	Date	Remark

DO NOT SCALE

Custom Facilities will not be responsible for any errors, omissions, or inconsistencies be discovered by the owner.

Exterior Elevations

A4-1

Legal Description

Lot 1 and Outlot A of Speer Commercial Park 2nd Addition to the City of Davenport, Scott County, Iowa.

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.

Gom

Part of the North Half of the Southwest Quarter of Section 7,
being a portion of Lots 2 and 3 and Unit 1 of Speer
Commercial Park 1st Addition to the City of Davenport.
Meridian, City of Davenport, Scott County, Iowa.

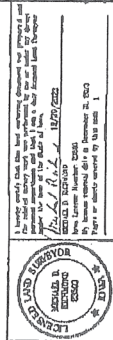
[illegible]

CONDITIONS AS OUTLINED IN ORDINANCE 2017-520.

Condition 7. Raising use of PA systems outside of buildings on the property shall not be permitted.

Condition 9: The following man shall not be closer than 100 feet from the south east-west direction and operate only when the dealership is open for business.

b. Army uses utilizing drive-through windows(s).



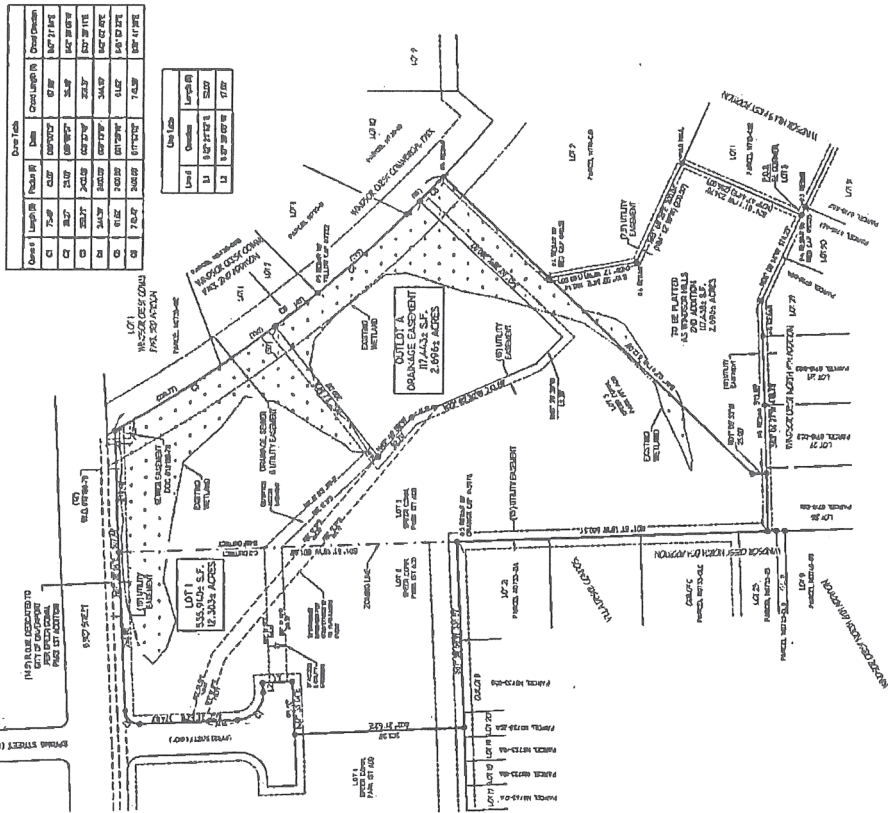
PROJECT FINAL PLAT
SPEER COMMERCIAL PARK 2nd ADDITION
DAVENPORT, IOWA

	NO.	REVISIONS:
		DESCRIPTION

22-23 TE PROJECT NO. EASTERN & 33RD
 388.4235 π 386.4237 π
 12th Street, Denver, CO 80202

Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 5280
Ph: (563) 386-4236

1. Area of Subdivision-
Total: 14,999 Acres +/-
Lot 1: 12,303 Acres +/-
Outlot A: 2,696 Acres +/-



FINAL PLAT OF:
**SPEER COMMERCIAL
PARK 2nd ADDITION**

Being a Replat of Lots 2 and 3 and Outlot 1 of Speer
Commercial Park 1st Addition to the City of Davenport.

Part of the North Half of the Southwest Quarter of Section 7,
Township 78 North, Range 4 East of the 5th Principal
Meridian, City of Davenport, Scott County, Iowa.

NOTES

1. ALL STREET RIGHTS OF WAY TO BE DEDICATED WITH THIS PLAT TO THE CITY OF DAVENPORT.
2. SIDEWALKS SHALL BE CONSTRUCTED ALONG THE FRONTAGE OF EACH LOT WHEN THE LOT IS DEVELOPED OR WHEN SO ORDERED BY THE CITY OF DAVENPORT.
3. ALL LOTS WILL BE CONNECTED TO THE PRIVATE WATER SUPPLY SYSTEM OF IOWA AMERICAN WATER COMPANY, AND TO THE PUBLIC SANITARY SEWER SYSTEM OF DAVENPORT.
4. AN UNDERGROUND UTILITY EASEMENT ACROSS THE FRONT OF ALL LOTS TO BE GRANTED TO THE CITY OF DAVENPORT, IOWA AND TO OTHER PUBLIC UTILITY COMPANIES
5. BLANKET UNDERGROUND EASEMENTS GRANTED TO RESPECTIVE UTILITY COMPANY FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED. BLANKET EASEMENTS FOR STREET LIGHTING WITHIN THE SUBDIVISION.
6. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY OF DAVENPORT STANDARD SPECIFICATIONS (SUDAS WITH CITY SUPPLEMENTAL).
7. ALL DISTANCES SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
8. OUTLOT A SHALL BE DESIGNATED FOR STORM WATER DETENTION. SAID OUTLOT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION OF SUBDIVISION.
9. OWNERS OF LOTS ON WHICH A DRAINAGE EASEMENT HAS BEEN ESTABLISHED AS A STORM WATER PASSAGEWAY SHALL MAINTAIN SAID EASEMENT AS A LAWN, PLANTED IN GRASS AND FREE OF STRUCTURES, FENCES, FILL, BUSHES, TREES, SHRUBS OR OTHER LANDSCAPING THAT WOULD IMPEDE THE FLOW OF WATER.
10. OWNERS OF LOTS ON WHICH A WETLAND HAS BEEN ESTABLISHED SHALL NOT DISTURB FLORA, FAUNA AND/OR SOIL WITHIN DESIGNATED BOUNDARIES.
11. OWNERS OF LOTS ON WHICH A STREAM OR WATER COURSE IS LOCATED SHALL PRESERVE A DEDICATED FIFTY (50) FOOT MINIMUM VEGETATED BUFFER ON BOTH SIDES OF THE STREAM AS MEASURED LANDWARD HORIZONTALLY ON A LINE PERPENDICULAR TO A VERTICAL LINE MARKING THE TOP OF THE EXISTING BANKS OF THE STREAM OR DRAINAGE WAY. VEGETATION SHALL NOT BE CUT TO A HEIGHT OF LESS THAN NINE INCHES WITHOUT AUTHORIZATION OF THE CITY OF DAVENPORT NATURAL RESOURCES DIVISION. IN THE EVENT THAT THE AREA DELINEATED AS A DRAINAGE EASEMENT IS RESHAPED OR OTHERWISE RESTRICTED FOR USE AS A DRAINAGE EASEMENT, THE CITY WILL CAUSE THE RESTRICTIONS TO BE REMOVED AT THE EXPENSE OF THE PARTIES CAUSING THE RESTRICTION.
12. LOT 1 PLATTED HEREON HAS SPLIT-ZONING DISTRICTS AND WILL BE SUBJECT TO USE RESTRICTIONS WITHIN THOSE RESPECTIVE DISTRICTS UNTIL REZONED. (SEE CONDITIONS AS OUTLINED IN ORD. 2017-520)
13. STORMWATER DETENTION AND WATER QUALITY TREATMENT ARE REQUIRED WITH THIS SUBDIVISION AND WILL BE SUBJECT TO THE APPLICABLE ORDINANCES IN PLACE AT THE TIME OF DEVELOPMENT.

APPROVED BY:
CITY OF DAVENPORT, IOWA

BY: _____

DATE: _____ ATTEST: _____

CITY PLAN & ZONE COMMISSION

BY: _____ DATE: _____

MediaCom DATE: 1-10-2023

Iowa American Water Company DATE: 1-11-2023

Century Link DATE: 1 10 2023

MidAmerican Energy DATE: 1-10-2023

Metronet DATE: 1 10 2023

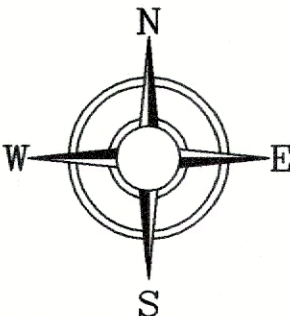
CONDITIONS AS OUTLINED IN ORDINANCE 2017-520.
Section 17.17.010J.

[Amended 6-10-2020 by Ord. No. 2020-233; Ord. No. 2019-195 § 10]
Condition 6. Lighting shall consist of LED dark-sky fixtures not higher than 25 feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within 1/2 hour of closing to a level necessary to provide security lighting only.

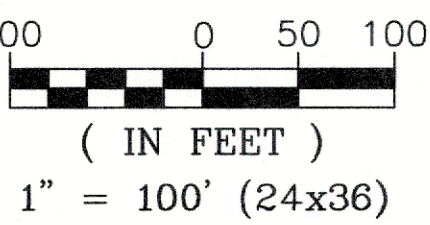
Condition 7. Routine use of PA systems outside of buildings on the property shall not be permitted.

Condition 8. Car washes on the property shall not be located closer than 125 feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.

Condition 9. The following uses shall not be closer than 300 feet from the south property line:
a. Automobile and service and oil change facilities not part of an automobile dealership.
b. Any use utilizing drive-through window(s).



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 Richmond 12/29/2023
MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

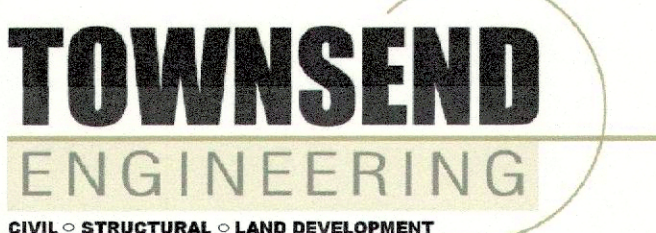
LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
#5 REBAR W/ YELLOW CAP #23503
UNLESS OTHERWISE NOTED =
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE = _____
ROAD CENTER LINE = _____
EASEMENT LINE = _____
WETLAND LINE = _____
SECTION LINE = _____

1. Area of Subdivision-
Total: 14.999 Acres +/-
Lot 1: 12.303 Acres +/-
Outlot A: 2.696 Acres +/-

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

3. Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 5280
Ph: (563) 386-4236

4. Attorney:
R. Doug Wells
Gomez May, LLP
Davenport, Iowa 52807
Ph: (563) 359-3591



DATE: 9-22-21 TE PROJECT NO:
EASTERN & 53RD
563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY:
KLC
CHECKED BY:
MDR
DRAWING LOCATION
S:\SPEER\EASTERN 53RD\SUBDIVISION

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT
FINAL PLAT
SPEER COMMERCIAL PARK 2nd ADDITION
DAVENPORT, IOWA

PREPARED FOR:
SPEER DEVELOPMENT
2231 EAST 45th STREET
DAVENPORT, IA 52807

SHEET NO.
1 OF 1

RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803 (563) 386-4236



DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 8/15/2023
Time: 5 PM

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

To: All property owners within 200 feet of the Spring Street right-of-way located south of 53rd Street.

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate alley right-of-way. The purpose of the vacation request is to facilitate development.

Request/Case Description

Case ROW23-04: Request of 53rd Luxury, LLC to vacate the unimproved Spring Street right-of-way located south of East 53rd Street. [Ward 8]

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on August 15, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on September 5, 2023. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. The City Council will ultimately decide if the property is no longer needed for City purposes, and is eligible for vacation. At that point, the City Attorney's office will negotiate with adjacent property owners to determine the appropriate way to convey the property, and possibly, purchase price. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

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

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

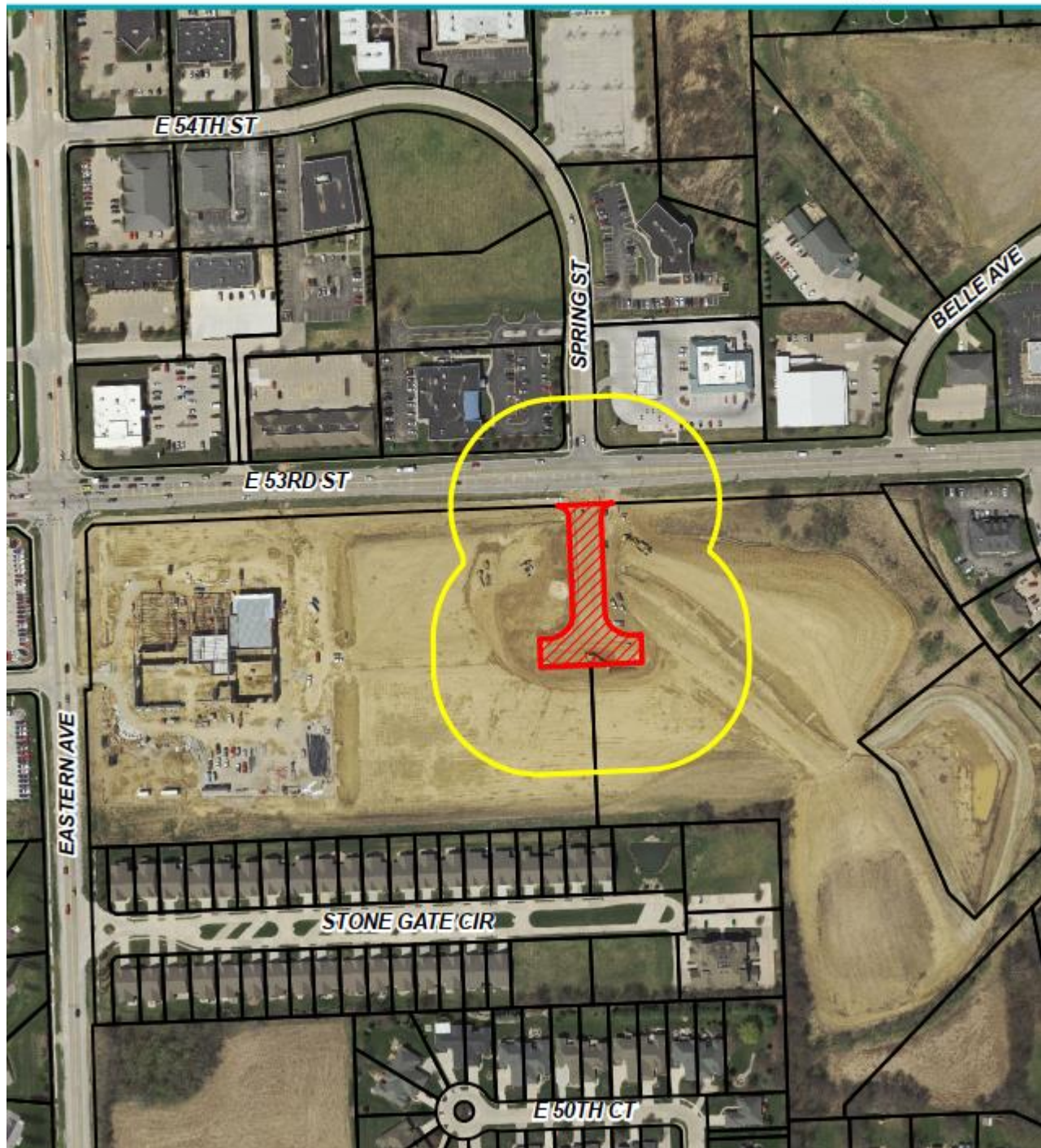
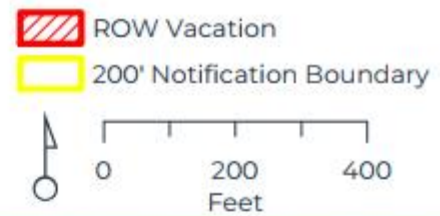
Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Laura Berkley) at laura.berkley@davenportiowa.com or 563-888-3553. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

Right-Of-Way Vacation | Public Hearing Notice

Case ROW23-04: Request of 53rd Luxury, LLC to vacate the unimproved Spring Street right-of-way located south of East 53rd Street. [Ward 8]



City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Date
9/5/2023

Subject:

Case F23-12: Request of Orville J. Birkestrand for a final plat of Daniel Churchill's 2nd Addition. The 2-lot subdivision is at 1203 Jersey Ridge Road on 0.40 acres. [Ward 5]

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F23-12 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. That Fulton Street shall be changed to Fulton Avenue.
4. That the buildings shall comply with the 2015 IBC/IRC exterior wall fire ratings.

Background:

The property owner has submitted a final plat to subdivide the 0.40 acre tract of land at the northeast corner of Jersey Ridge Road and Fulton Avenue. The site is currently a commercial building and a single-family home in the C-V Village of East Davenport District. The intent is to create two lots that separate the commercial building from the single-family home.

Comprehensive Plan:

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

Future Land Use Designation:

The subject property is designated as **Commercial Node (CN)** in the Davenport +2035 Future Land Use Map. This land use category is clusters of generally more intense uses found either along existing Urban Corridors or along or at the intersection of major streets in newly developed areas. CN areas may contain commercial uses somewhat more intense than uses found elsewhere in Urban Corridors, as well as higher density residential uses and office and service businesses. CN Nodes should serve a population of about 5000 people within 1/2 mile.

Relevant Goals to be considered in this Case: Strengthen the Existing Built Environment.
The proposed Final Plat complies with the Davenport +2035 proposed land use section.

Zoning:

The subject property is zoned C-V Village of East Davenport District. This district is intended to

ensure that new development in the Village of East Davenport is compatible with the unique cultural and historic character of the area.

Technical Review:

1. Zoning: The proposed lots comply with dimensional standards. The setback on the east property line of Lot 2 is legal non-conforming. There are no minimum lot area or minimum lot width requirements in the C-V District.
2. Streets: No new streets are proposed. An access easement will be established in order to allow for off-street parking for Lot 2 in the parking lot of Lot 1.
3. Storm Water: No new development is proposed with this subdivision.
4. Sanitary Sewer: The lots are serviced by existing mains on Jersey Ridge Road and Fulton Avenue.
5. Other Utilities: Other normal utility services are available.
6. Building: When existing buildings are legally separated, they must adhere to the 2015 IBC/IRC for the location on the lot and exterior wall fire ratings. Currently the buildings are too close together and require exterior wall fire rating before the lots can be separated.
7. Parks/Open Space: There are no impacts to parks/open space

Public Input:

No public hearing is required for a Final Plat.

ATTACHMENTS:

Type	Description
▢ Backup Material	Final Plat
▢ Backup Material	Vicinity, Zoning & Future Land Use Map
▢ Backup Material	Application

Staff Workflow Reviewers

REVIEWERS:

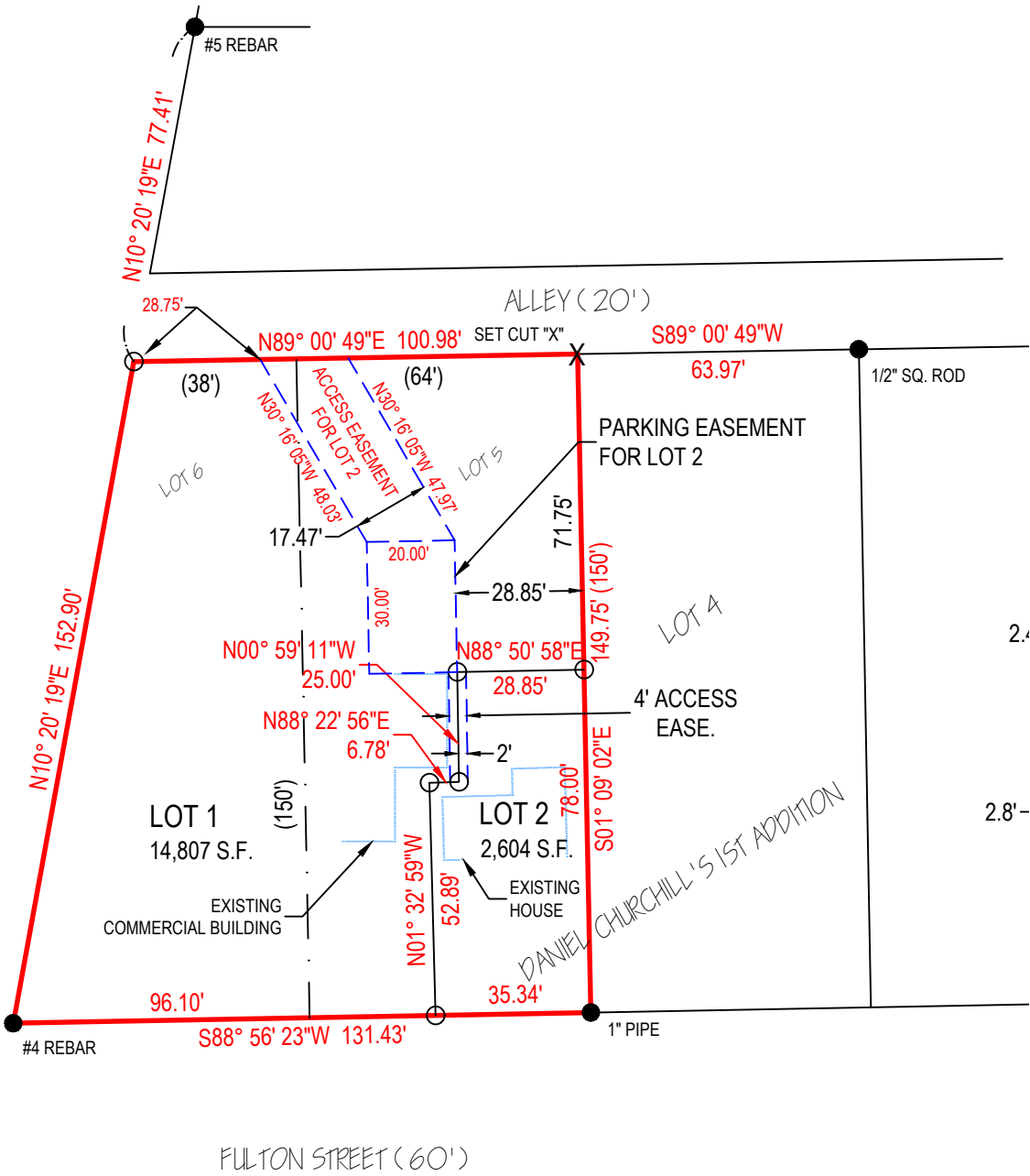
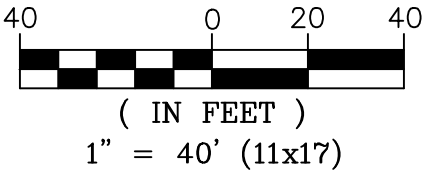
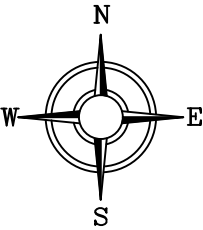
Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	9/1/2023 - 1:13 PM

FINAL PLAT

DANIEL CHURCHILL'S 2ND ADDITION

BEING A REPLAT OF LOTS 5 AND 6 IN DANIEL CHURCHILL'S 1ST ADDITION TO THE CITY OF DAVENPORT, IOWA, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA.

1. Owner:
Orville J. Birkestrand
10 Oak Lane
Davenport, Iowa 52803
2. Engineer:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
3. Surveyor:
Jerry D. Rogers
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
4. Attorney:
Marc Gellerman
1987 Spruce Hills Drive
Bettendorf, Iowa 52722
(563) 359-3646



NOTES:

1. MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
2. ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.
3. COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.
4. THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.
5. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS.
6. BLANKET EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.
7. THE SUBJECT PROPERTY IS ZONED C-V, COMMERCIAL DISTRICT.
8. NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE FEMA DETERMINED SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAPS #19163C0370G EFFECTIVE DATE MARCH 23, 2021.
9. NO SITE DEVELOPMENT IS PROPOSED WITH THIS SUBDIVISION.
10. STORMWATER DETENTION AND WATER QUALITY TREATMENT WILL NOT BE REQUIRED FOR THIS SUBDIVISION BUT WILL BE REQUIRED UPON FURTHER DEVELOPMENT OF THE PROPERTY.
11. RESIDENTIAL GARBAGE PICK UP IS PROVIDED ALONG FULTON STREET, COMMERCIAL GARBAGE IS PROVIDED BY PRIVATE SERVICE

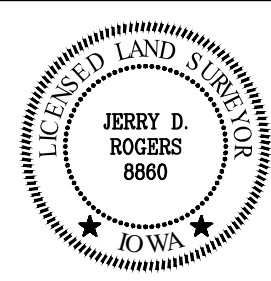
APPROVAL SIGNATURES:

MAYOR	DATE:
CITY CLERK	DATE:
CHAIRMAN PLAN & ZONE	DATE:
CENTURY LINK	DATE:
IOWA - AMERICAN WATER COMPANY	DATE:
MEDIACOM	DATE:
MIDAMERICAN ENERGY	DATE:
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.	
METRONET	DATE:

LEGEND:

- DEED DIMENSION = (0.00')
- FIELD DIMENSION = 0.00'
- MONUMENTS FOUND:
- AS NOTED =
- MONUMENTS SET:
- #5 REBAR W/ PINK CAP #8860 =
- BOUNDARY LINE =
- FENCE LINE =
- EASEMENT LINE =
- SETBACK LINE=
- LOT LINE=

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



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

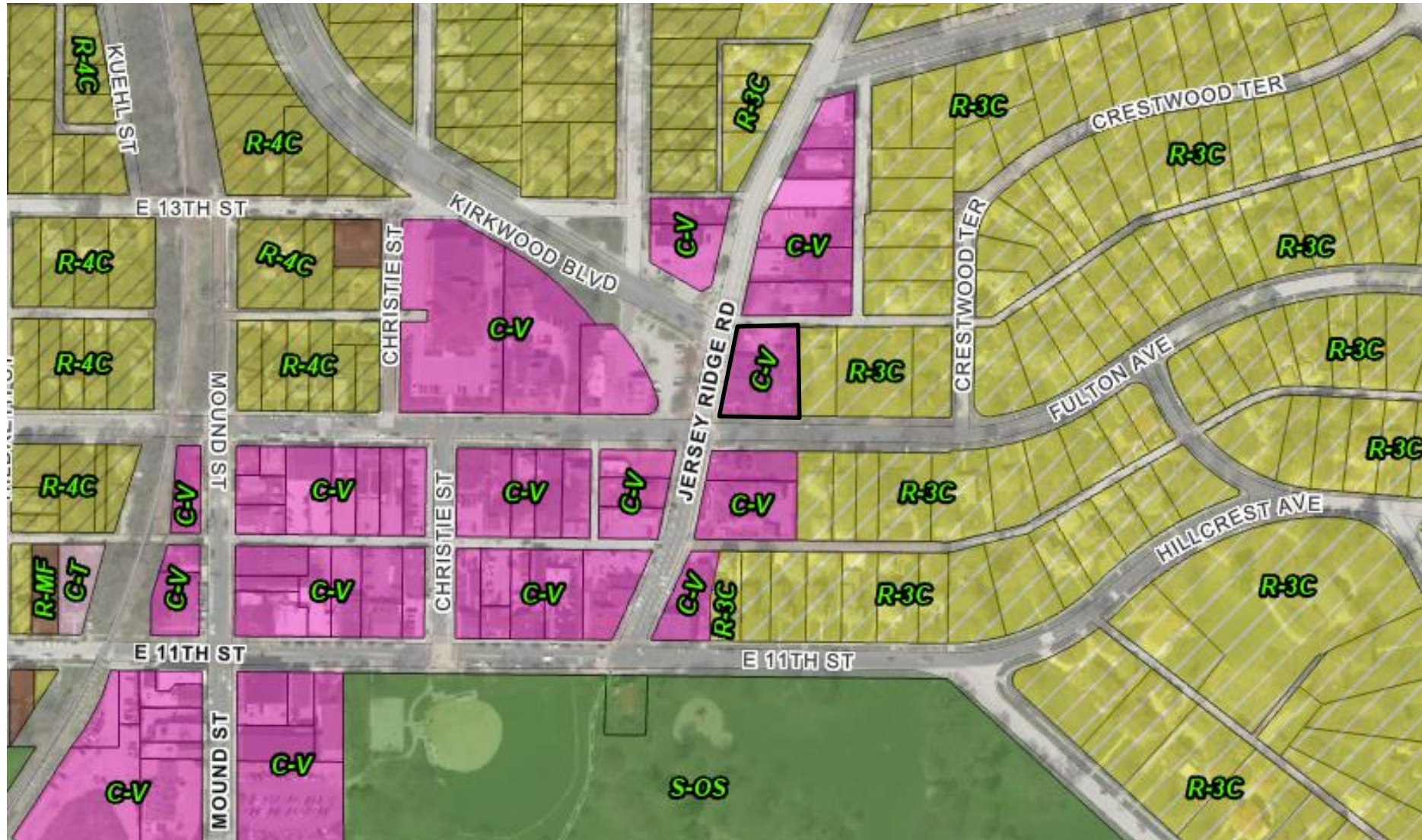
JERRY D. ROGERS
Iowa License Number: 8860
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

Vicinity Map

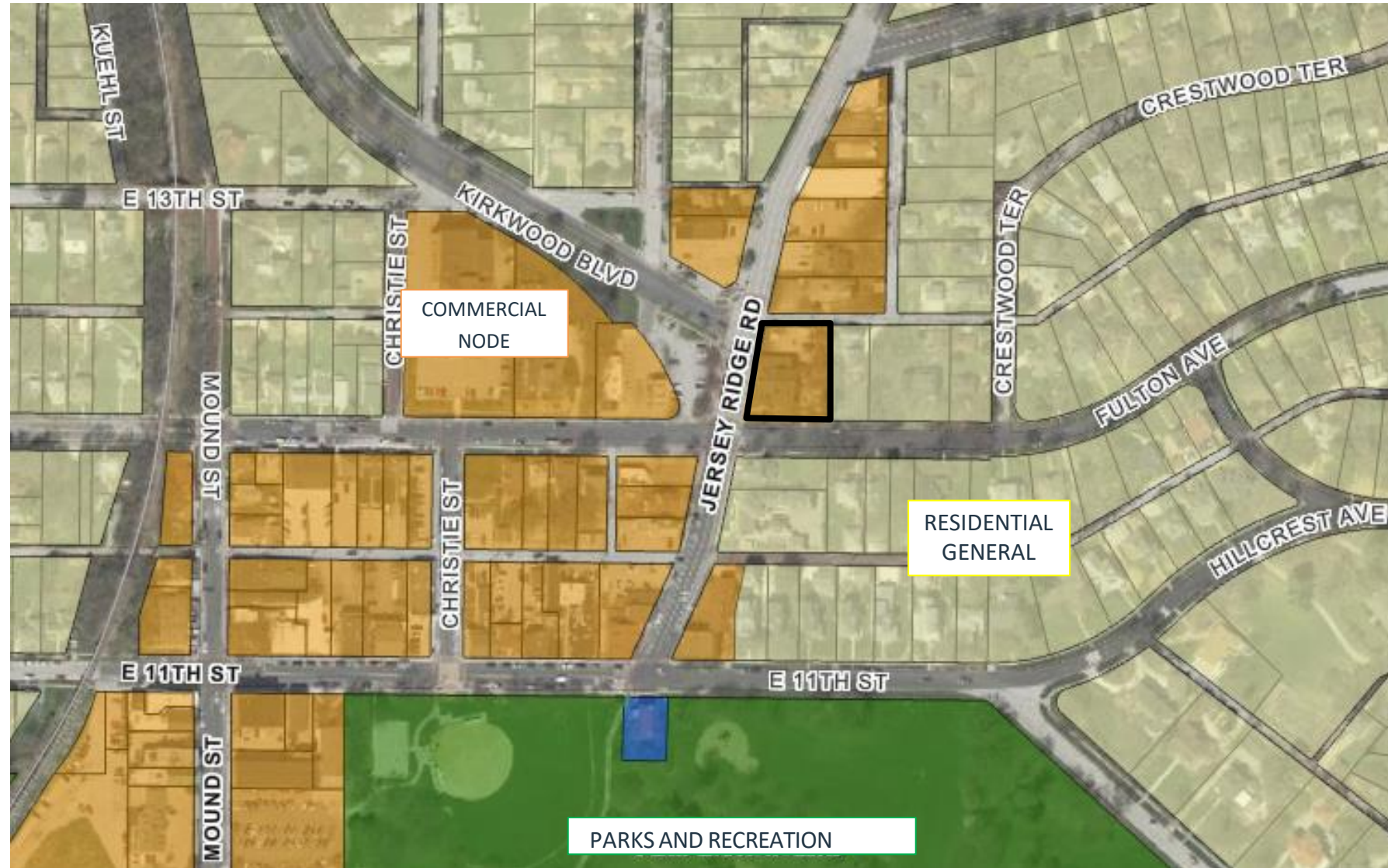
DAVENPORT
IOWA | USA



Zoning Map



Future Land Use Map





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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SUBDIVISION PLAT
(LAND DIVISION)

APPLICANT INFORMATION

Applicant Name

Orville J. Birkestrand

Address

10 Oak Lane

City | State | Zip

Davenport, IA 52803

Phone

(309) 721-1400

Secondary Phone

E-Mail Address

ojbirkestrand@rabbittool.com

Acceptance of Applicant

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

In addition to the application fee, I understand I am responsible for all development review costs, including but not limited to a traffic study.

Orville J. Birkestrand

Print Applicant's Name

Orville J. Birkestrand

Applicant's Signature

Date

SUBDIVISION NAME

Daniel Churchill's 2nd Addition

LOCATION DESCRIPTION

1203 Jersey Ridge Rd.

SUBMITTED

08/09/2023

NUMBER OF LOTS BY USE TYPE

2 - S.F.

ACRES

0.40

STREETS ADDED

0

PLAT TYPE SUBMITTED:

PRELIMINARY PLAT: \$16.16 Requirements ☒

FINAL PLAT: \$16.20 Requirements ☐

PRELIMINARY PLAT REQUIREMENTS:

Preliminary Plat ☒

Contours (2') & Infrastructure (pre/post) ☒

FINAL PLAT REQUIREMENTS:

Platting Certificates per §354.11 State Code ☐

Final Plat ☐

GENERAL REQUIREMENTS:

Authorization to Act as Applicant, if needed ☐

Application Fee (REQUIRED) ☐

Subdivision Platting Fee Schedule

Number of Lots	Fee
1 lot to 10 lots	\$400 plus \$25/lot
11 to 25 lots	\$700 plus \$25/lot
26 or more lots	\$1,000 plus \$25/lot

Submit this form, and any questions, to DNS Planning Division at
planning@davenportiowa.com

DEVELOPMENT TEAM

Developer / Project Manager

OJ Birkestrand

Address

10 Oak Lane, Davenport, IA 52803

Phone

(309) 721-1400

Secondary Phone

E-Mail Address

ojbirkestrand@rabbittool.com

Owner

Orville J Birkestrand

Address

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Secondary Phone

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Engineer

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Phone

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Secondary Phone

E-Mail Address

kevin@townsendengineering.net

Attorney

Marc Gellerman, 1987 Spruce Hills Dr., Bettendorf, IA

Address

Marc Gellerman, 1987 Spruce Hills Dr., Bettendorf, IA

Phone

(563) 359-3646

Secondary Phone

E-Mail Address

Authorization to Act as Applicant

I/We, _____
[as property owner(s)]

authorize _____
[the above person(s)]

to act as applicant, representing me/us before the following board: Plan & Zoning Commission *

for the property located at _____.

Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization: _____

Date

State of _____,

County of _____,

Sworn and subscribed before me

[identification type]

this _____ day of _____, _____.

Notary Public

My Commission Expires:

** Application Form by Board Type*

Plan and Zoning Commission

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

Zoning Board of Adjustment

Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

Design Review Board

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request