COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, August 1, 2018; 5:30 PM

City Hall, 226 W. 4th Street, Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public Hearing for the Ordinance for Case No. REZ18-09 being the request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 8.83 acres, more or less, located along the north side of East 56th Street east of Utica Ridge Road from "C-O" Office Shop District to "C-1" Neighborhood Shopping District on 1. 5 acres to facilitate commercial development. [Ward 6]

The Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial. Eight votes are required for passage.

B. Public Works

1. Public Hearing on the plans, specifications, form of contract and estimated cost for the Jersey Ridge Road Turn Lane Project at Cromwell Circle and 65th Street Intersections, CIP #35000. [Wards 6 and 8]

VII. Presentations

VIII. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderman Dickmann

IX. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chairman; Rich Clewell, Vice Chairman

I. COMMUNITY DEVELOPMENT

1. Third Consideration: Ordinance for Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map

amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward 1]

2. Third Consideration: Ordinance for Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward 1]

3. Second Consideration: Ordinance for Case No. REZ18-08 being the request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District to facilitate commercial development. [Ward 6]

4. Second Consideration: Ordinance for Case No. ROW18-01 being the request of William Torchia on behalf of WCT Investments Davenport Series, LLC for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate commercial development. [Ward 6]

5. First Consideration: Ordinance for Case No. REZ18-09 being the request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 8.83 acres, more or less, located along the north side of East 56th Street east of Utica Ridge Road from "C-O" Office Shop District to "C-1" Neighborhood Shopping District on 1.5 acres to facilitate commercial development. [Ward 6]

   The Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial. Eight votes are required for passage.

6. Resolution for Case No. P18-03 being the Preliminary Plat for Pheasant Ridge Subdivision, located west of Elmore Avenue and north of East 53rd Street, containing 64 buildable lots on 43.27 acres, more or less.(Pheasant Creek Estates LLC, Petitioner) [Ward 6]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Rita Rawson, Chairman; JJ Condon, Vice Chairman

III. PUBLIC SAFETY

1. Third Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled "No Parking" by adding Pine Street along the east side from Hickory Grove Road north 150 feet. [Ward 2]

2. First Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled

"Resident Parking Only" by adding E 32nd Street along the frontage of 424 E 32nd Street. [Ward 5]

3. Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

   TBK Bank and Dress for Success, Credit Coaching with TBK Bank, August 22; 2:00 PM - 7:00 PM; Closure Location: Iowa Street between East 2nd Street and East River Drive [Ward 3]

   Hilltop Campus Village, Retrofest, September 15, 10:00 AM - 10:00 PM; Closure Location: 15th Street between Main and Harrison Streets [Ward 5]

   Davenport Schools, North High School Homecoming Parade, September 19, 5:00 PM - 8:00 PM; Closure Location: Starting a Wood Intermediate, Division to Northwest Blvd, Northwest Blvd south to West 56th Street, Oak Brook Road to West 57th Street to Marquette, Marquette to West 60th, West 60th to Myrtle St to West 59th to Vine Street to West 58th Street to Gaines Street to North High School Finish [Ward 8]

   Davenport Schools, Central High Homecoming Parade, September 20, 5:00 PM - 8:00 PM; Closure Location: Staging on Woodland and 18th Street in front of McKinley School; east on 18th Street to Fernwood; south on Fernwood to Forest Rd; north on Forest to Middle Rd, west on Middle Rd to Woodland; north on Woodland to 18th Street and east on 18th to McKinley School play area [Ward 5]

   Saint Paul the Apostle, 1007 Rusholme Street, Annual Back to School event, September 15, 12:00 PM to 10:30 PM, Closure Location: Rusholme Street between Carey Avenue and Arlington Avenue [Ward 5]

   NAMI, NAMI Walks of Greater Mississippi Valley, September 22, 6:00 AM - 2:00 PM; Closure Location: South Gaines from the railroad tracks to Beiderbecke Drive and Beiderbecke Drive to Marquette Street [Ward 3]

   Davenport Public Library, 50th Anniversary Celebration, October 13, 9:00 AM - 9:00 PM; Closure Location: Main Street between 4th Street and the alley south [Ward 3]

4. Motion approving noise variance request(s) for various events on the listed dates and times.

   Delta Sigma Chi Lyceum, 1208 N Main, Palmer Homecoming Celebration, August 9, 10, 11, 2018; August 9 6:00 PM - 11:00 PM, August 10-11 12:00 PM - 11:00 PM, Over 50 dBa [Ward 5]

   James Willington, Back2School event, Harrington Park, 935 Brown Street, Saturday, August 25, 2018; 8:00 AM - 7:00 PM, Outdoor Music, Over 50 dBa [Ward 3]

   Alisha Blough, 314 South Lincoln Avenue, Annual Luau, Saturday, September 29, 2018, 4:30 PM - 11:30 PM, Over 50 dBa [Ward 1]

   Davenport Public Library, 50th Anniversary Celebration, Saturday, October 13, 2018,

4:00 PM - 8:00 PM, Over 50 dBa [Ward 3]

5. Motion approving beer and liquor license applications.

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

Ward 3

Thunder Bay Grille - Riverfront Pops (Thunder Bay Grille LLC) - 400 W Beiderbecke Dr. LeClaire Park - Outdoor Area - License Type: Beer / Wine

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

Ward 1

Express Lane Gas & Food Mart Inc. (Expresslane, Inc.) – 4425 W Locust St. – License Type: C Beer

QC Mart (Bethany Enterprises, Inc.) – 2747 Rockingham Rd. – License Type: C Beer

Veterans of Foreign Wars, F.W. Galbraith Post #828 (Veterans of Foreign Wars, F.W. Galbraith Post #828) – 101 S Linwood Ave. – License Type: A Liquor

Ward 3

Carriage Haus (Carriage Haus, Inc.) – 312 W 3rd St. – Outdoor Area – License Type: C Liquor

Express Lane Gas & Food Mart (Expressland Inc.) – 1139 Brady St. – License Type: C Beer

Frick's Tap (LBLN, LLC) – 1402 W 3rd St. – Outdoor Area – License Type: C Liquor

Van's Pizza Pub and Grill (TJM QC LLC) – 217 Brady St. – License Type: C Liquor

Ward 4

Dragon Palace (Duong's Enterprises LLC) – 2720 W Locust St. #B 14 – License Type: B Beer

Washington Street Mini Mart (Nazar, LLC) – 1601 Washington St. – License Type: E Liquor

Ward 5

Express Lane (Expresslane, Inc.) – 1909 Harrison St. – License Type: C Beer

Express Lane Gas & Food Mart #77 (Expresslane, Inc.) – 128 E Locust St. – License Type: C Beer

Ward 6

Osaka Steakhouse (Osaka Steakhouse Inc.) – 4901 Utica Ridge Rd. – Outdoor Area – License Type: C Liquor

Red Lobster #0133 (Red Lobster Restaurants, LLC) – 3420 E Kimberly Rd. – License Type: C Liquor

Super Target T-533 (Target Corporation) – 5225 Elmore Ave. – License Type: E Liquor / C Beer / B Wine

Your Pie (The Gizzeria Group, Inc.) – 4520 E 53rd St. #400 – Outdoor Area – License Type: Beer / Wine

Ward 7

Express Lane Gas and Food Mart (Expresslane Inc.) – 3622 Brady St. – License Type: C Beer / B Native Wine

Famous Dave's (Elmore Foods, LLC) – 1110 E Kimberly Rd. – License Type: C Liquor

The Filling Station (Bar Management LLC) – 305 E 35th St. – Outdoor Area – License Type: C Liquor

Kwik Star #280 (Kwik Trip,Inc.) – 301 W Kimberly Rd. – License Type: C Beer

The Liquor Stop LLC (The Liquor Stop LLC) – 211 W 53rd St. – License Type: E Liquor

Northgate Place (Hy-Vee, Inc.) – 1815 E Kimberly Rd. – Outdoor Area – License Type: C Liquor

Ward 8

Iowa Machine Shed (Machine Shed, LLC) – 7250 Northwest Blvd. – License Type: C Liquor

Kwik Star #215 (Kwik Trip, Inc.) – 100 W 65th St. – License Type: C Beer

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Ray Ambrose, Chairman; Rick Dunn, Vice Chairman

V. PUBLIC WORKS

1. Third Consideration: Ordinance amending Chapter 13.16 entitled "Wastewater Facilities" to include changes needed per the EPA pre-treatment streamlining rule. [All Wards]

2. Resolution approving the the plans, specifications, form of contract and estimated cost for the Jersey Ridge Road Turn Lane Project at Cromwell Circle and 65th Street Intersections, CIP #35000. [Wards 6 and 8]

3. Resolution approving the contract for the W 6th Street & Oak Street Sidewalk Program to Hawkeye Paving Corporation of Bettendorf, in the amount of $325,165. [Ward 3]

4. Resolution approving an additional $420,000 to the Full Depth Patch Program, CIP #35026. [All Wards]

5. Resolution approving the contract for the RiverCenter Adler Theatre Infrastructure Upgrade Phase II, to Northwest Mechanical Inc. of Davenport, in the amount of $1,857,000. CIP #69014 [Ward 3]

6. Resolution of acceptance for the construction of Phase 2 of the Eastern Avenue Trail from E. 54th Street to Prairie Heights Park Road, completed by Ardo Schmidt Construction Inc. CIP #28002 [Ward 8]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Kerri Tompkins, Chairman; Marion Meginnis, Vice Chairman

VII. FINANCE

1. First Consideration: Ordinance amending Chapter 2.58 entitled "Civil Rights Commission" to replace it with a new "Human and Civil Rights Agency". [All Wards]

2. Resolution approving a financing agreement between the Putnam Museum, the Quad Cities Cultural Trust, and the City of Davenport. [Ward 4]

3. Resolution approving a professional services contract for federal grant consultant work with Keller Partners and Company of Washington, D.C. in the amount of $78,000. [All Wards]

VIII. Motion recommending discussion or consent for Finance items

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

1. Quad-City Window Cleaning, Inc. - Window cleaning at City facilities - Amount: $10,690
2. Water Well Solutions - Well pump emergency repair for Parks - Amount: $22,581
3. Thomas Guy - Land acquisition of 4414 W. 14th Street - Amount: $35,500

XI. Other Ordinances, Resolutions and Motions

XII. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the Council cannot take action on any

complaint or suggestions tonight, and cannot respond to any allegations at this time.

Please state your Name and Ward for the record. There is a five (5) minute time limit. Please end your comments promptly.

XIII. Reports of City Officials

XIV. Adjourn

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 563.888.2286
matt.flynn@ci.davenport.ia.us
Wards: 6

Action / Date
COW8/1/2018

Subject:
Public Hearing for the Ordinance for Case No. REZ18-09 being the request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 8.83 acres, more or less, located along the north side of East 56th Street east of Utica Ridge Road from "C-O" Office Shop District to "C-1" Neighborhood Shopping District on 1. 5 acres to facilitate commercial development. [Ward 6]

The Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial. Eight votes are required for passage.

Recommendation:
Hold the public hearing.

Relationship to Goals:
Welcome Neighborhoods.

Background:
Please see attached documentation for background information.

At its regular meeting of July 17, 2018, the City Plan and Zoning Commission considered Case No. REZ18-09. he Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial.

The Commission vote was 3 yes, 4 no and 1 abstention.

ATTACHMENTS:

Type	Description
Backup Material	Rezoning Ordinance
Backup Material	Plan and Zoning Commission Letter to City Council - 7-18-2018
Backup Material	Plan and Zoning Commission Vote Results - 7-17-2018
Backup Material	Proposed Site Plan
Backup Material	Staff Report to Plan and Zoning Commission - 7-17-2018 Meeting
Backup Material	Public Engagement Summary and Protests

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Rusnak, Ryan	Approved	7/23/2018 - 2:06 PM

ORDINANCE NO.

ORDINANCE for Case No. REZ18-09 being the request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 1.5 acres, more or less, located at the northeast corner of Utica Ridge Road and East 56th Street from "C-O" Office Shop District to "C-1" Neighborhood Shopping District to facilitate commercial development. [Ward 6]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned.

The property has the following legal description:

Part of the Northwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

A Tract of land located in Lot 2 of Crow Valley Plaza Tenth Addition to the City of Davenport, part of the Northwest Quarter of Section 9, Township 78 North, Range 4 East of the Fifth Principal Meridian, Scott County, Iowa, more particularly described as follows:

Commencing at the Southeast corner said Lot 2; Thence North 81° 51' 34" West along the South line of said Lot 2, also being the North line of East 56th Street, a distance of 724.52 feet to the point of beginning; Thence continuing North 81° 51' 34" West along said North right of way line of East 56th Street, a distance of 286.56 feet to a point on a 15.00 feet radius curve, concave Northeasterly; Thence Northwesterly along said curve, a distance of 23.56 feet, with a 21.21 feet chord bearing North 36° 51' 31" West to a point on the Easterly right of way line of Utica Ridge Road ; Thence North 08° 08' 32" East along the Easterly right of way line of Utica Ridge Road, a distance of 201.66 feet; Thence South 81° 51' 34" East, a distance of 301.56 feet; Thence South 08° 08' 32" West, a distance of 216.67 feet to the Point of Beginning, containing 1.5 acres, square feet more or less. Subject to easements and restrictions of record.

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

1. That the following uses not be permitted:
   a. Filling station
   b. Messenger or telegraph service station
   c. Public garage
   d. Used car lot
   e. Garage, storage, and parking lot
   f. Laundry and dry cleaning

g. Theater
h. Drive-in theater
i. Motel/hotel
j. Undertaking establishment
k. Service station
l. Coin operated laundry
m. Open animal kennels or yards

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC, Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

July 18, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

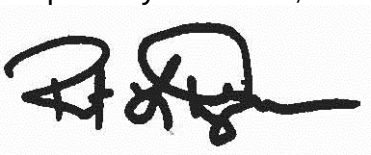
Honorable Mayor and City Council:

At its regular meeting of July 17, 2018, the City Plan and Zoning Commission considered Case No. REZ18-09: Request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 8.83 acres, more or less, located along the north side of East 56th Street east of Utica Ridge Road from "C-O" Office Shop District to "C-1" Neighborhood Shopping District on 1. 5 acres to facilitate commercial development. [Ward 6]

The Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial.

The Commission vote was 3 yes, 4 no and 1 abstention.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

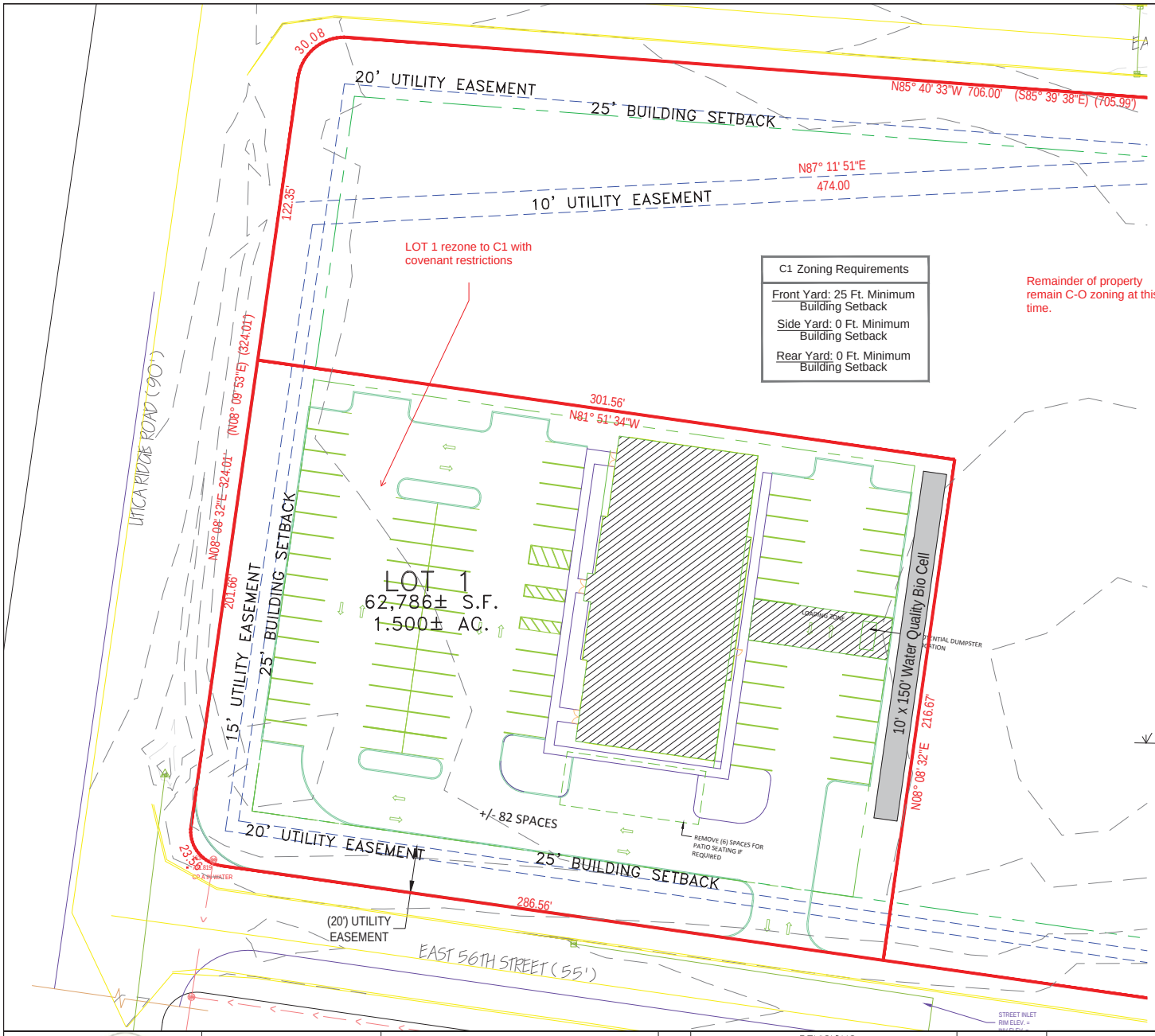
City Plan & Zoning Commission Voting Record
Meeting Date: 7-17-2018
Meeting Location: Council Chambers-City Hall

Name:	Roll Call	REZ18-09	F18-09
Connell	P	Y	Y
Hepner	EX		
Inghram	P		
Johnson	P	Y	Y
Kelling	P	N	Y
Lammers	EX		
Maness	P	N	Y
Medd	P	N	Y
Quinn	P	Abstain	Y
Reinartz	P	N	Y
Tallman	P	Y	Y
		3-YES 4-NO 1-ABSTAIN	8-YES 0-NO 0-ABSTAIN

SITE PLAN

CROW VALLEY PLAZA ELEVENTH ADDITION

TO THE CITY OF DAVENPORT, IA



C1 Zoning Requirements
Front Yard: 25 Ft. Minimum Building Setback
Side Yard: 0 Ft. Minimum Building Setback
Rear Yard: 0 Ft. Minimum Building Setback

IOWA ONE CALL 800/292-8989

GRAPHIC SCALE

20 0 10 20

(IN FEET)

1" = 20' (24x36)

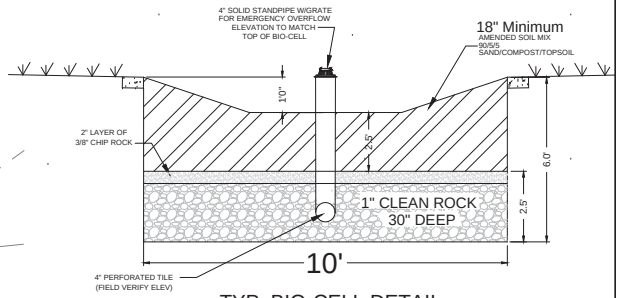
GENERAL NOTES

1. ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
2. LEGAL DESCRIPTION OF PROPERY:
   LOT 1 OF CROW VALLEY PLAZA ELEVENTH ADDITION IN PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF DAVENPORT, IA.
3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
4. THE CONTRACTOR SHALL NOTIFY THE CITY OF DAVENPORT AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
5. PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
6. ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
7. CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF DAVENPORT STANDARDS AND SPECIFICATIONS.
8. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
9. NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.

17.44.010 Parking spaces -- Designated.
In all districts there shall be provided at the time any building is erected or structurally altered (except as otherwise provided in this title) off-street parking spaces in accordance with the following requirements:

Beauty and barber shops: Two parking spaces for each operator.

This district is intended to provide for commercial activities of a more general retail and wholesale nature, and of service facilities serving a larger community trade, the size and location of such district shall be based upon relationship to the total community need and economy. (Prior code § 42-83).



TYP. BIO-CELL DETAIL
Overflow Standpipes @ 30' O.C Max.
(not to scale)

Bio-Cell Tiles To Outlet Into Detention Basins

TOWNSEND ENGINEERING
CIVIL · STRUCTURAL · LAND DEVELOPMENT

DATE: 6/8/18 TE PROJECT NO: 00000.00

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

DRAWN BY: MR
CHECKED BY: CT
DRAWING LOCATION S:\BUSH CONSTRUCTION\CROWVALLEY10TH.DWG

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT
SITE PLAN
CROW VALLEY PLAZA ELEVENTH ADDITION
DAVENPORT, IA

DEVELOPER
BUSH CONSTRUCTION
5401 VICTORIA AVENUE
DAVENPORT, IA

SHEET NO.
C1

City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date:	**July 17, 2018**
Request:	**Request to rezone 8.134 acres, more or less, of property located east of Utica Ridge Road and north of East 56th Street from C-O, Office Shop District to C-2, General Commercial District.**
Case No.:	**REZ18-09**
Applicant:	**Jerod Engler, McCarthy Bush Co. (Bush Construction)**
Ward:	**Ward 6**
Contact:	**Matthew G. Flynn, AICP** **Senior Planning Manager** **matt.flynn@ci.davenport.ia.us** **563-888-2286**

Update:

There has been an effort to find common ground between the neighborhood and developer. On July 11, 2018, a meeting was held. At that meeting, the developer agreed to reduce the request to C-1 on just proposed Lot 1 with use restrictions.

This revision would allow a "stepping down" of land use intensity. C-O would be maintained adjacent the residential development along 58th Street. Staff supports this compromise.

Updated Recommendation:

Staff recommends the Plan and Zoning Commission accepts the findings and forward Case No. REZ18-09 to the City Council with a recommendation to rezone proposed Lot 1 (size is approximately 1.45 acres) of Crow Valley 11th Addition from C-O, Office Shop District to C-1, Neighborhood Shopping District with use restrictions listed below.

Background:

Site Characteristics:

Comprehensive Plan: The property is designated RG on the Future Land Use Map and is within the Urban Service Area.

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.

Adjacent to the site, to the south, is property designated RC.

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

Also see the Future Land Use Map attached to this report.

Existing Zoning: The intent and use regulations of the C-O, Office Shop District is as follows:

17.26.010 Intent.

This district is intended to provide for commercial uses of such character that may utilize existing residential structures of sound quality and condition located in areas that were originally residential but are now preponderantly of mixed residential-commercial uses, and such new commercial uses will be harmonious with the surrounding development. (Prior code § 42-53).

17.26.030 Use regulations.

A building, lot or tract within the C-O office-shop district shall be used only for the following purposes, unless otherwise provided in this chapter:

A. Any use permitted in the R-6M high density dwelling district;
B. Apothecaries;
C. Barber shops and beauty parlors;
D. Business, charitable, finance, professional and consulting office or office buildings;
E. Business or commercial school;
F. Dressmaking or tailor shop;
G. Medical or dental clinic;
H. Studio of an artist, photographer, sculptor, or musician;
I. Undertaking establishment or mortuary;
J. Accessory building or use customarily incidental to any of the above uses.

Originally proposed Zoning: The intent and use regulations of the C-2, General Commercial District, are as follows:

17.30.010 Intent.

This district is intended to provide for commercial activities of a more general retail and wholesale nature, and of service facilities serving a larger community trade, the size and location

of such district shall be based upon relationship to the total community need and economy. (Prior code § 42-63).

17.30.030 Use regulations.

A building or premises shall be used only for the following purposes:

A. Any use permitted in the C-1 neighbor-hood shopping district *(Permitted Uses are as follows:*

A. Any use permitted in the C-O office shop district;

B. Bakery whose products are sold at retail on the premises;

C. Bank;

D. Catering establishment;

E. Repair shops for household items including clothing;

F. Filling stations (See Chapter 5.24 of this code);

G. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised;

H. Interior decorating shop;

I. Messenger or telegraph service station:

J. Restaurant;

K. Public garage; no lot or portion thereof shall be used for the display of used cars, provided that no public garage shall be within one hundred twenty-five feet of the boundary of any residential district;

L. Garage, storage, and parking lots;

M. Salesroom and showroom;

N. Store or shop for the conduct of a retail business;

O. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such article;

P. Theater, except open air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every six seats in the theater;

Q. Motel;

R. Undertaking establishment;

S. Service establishments only when totally enclosed within a structure, including coin-operated laundromats and cleaning establishments when nonflammable cleaning fluids are used;

T. Taverns, brew pubs, beer and wine gardens;

U. Accessory buildings and uses customarily incidental to the above uses.)

(Additional Uses Allowed in C-2 are as Follows)

B. Advertising signs and bulletin boards, except that along the interstate highway systems, such advertising signs and bulletin boards shall be limited to advertising the products produced and/or services available on the premises;

C. Bakery;

D. Dyeing and cleaning works, providing that cleaning fluid used has a base which is of a material other than petroleum or one of its derivatives;

E. Hotel;

F. Laundry;

G. Plumbing, printing, sheet metal, and similar shops, providing there is no outdoor storage of materials or fabrication for other than custom retail purposes;

H. Public garage and automobile salesroom;

I. Used car sales or storage lots;

J. Radio broadcasting and telecasting stations, studios, and offices.

Generally speaking, the C-2 District allows a much wider range of commercial uses than C-O.

Update: Since C-1 is being considered for a portion of the property, below is the intent and use regulations for that district:

17.28.010 Intent.

This district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area. (Prior code § 42-58).

17.28.030 Use regulations.

A building or premises shall be used only for the following purposes:

A. Any use permitted in the C-O office shop district; (See uses above)

B. Bakery whose products are sold at retail on the premises;

C. Bank;

D. Catering establishment;

E. Repair shops for household items including clothing;

F. Filling stations (See Chapter 5.24 of this code);

G. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised;

H. Interior decorating shop;

I. Messenger or telegraph service station:

J. Restaurant;

K. Public garage; no lot or portion thereof shall be used for the display of used cars, provided that no public garage shall be within one hundred twenty-five feet of the boundary of any residential district;

L. Garage, storage, and parking lots;

M. Salesroom and showroom;

N. Store or shop for the conduct of a retail business;

O. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such article;

P. Theater, except open air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every six seats in the theater;

Q. Motel;

R. Undertaking establishment;

S. Service establishments only when totally enclosed within a structure, including coin-operated laundromats and cleaning establishments when nonflammable cleaning fluids are used;

T. Taverns, brew pubs, beer and wine gardens;

U. Accessory buildings and uses customarily incidental to the above uses. (Ord. 2017-26 § 3: New: prior code § 42-60).

See attached Zoning Map for more detail.

Technical Review:

No concerns have been expressed by any technical review team member regarding the provision of public services to this site.

Iowa American Water provided this comment: We have an 8" DI water main on the north side of 56th and a 16" on the east side of Utica, there is no main in 58th from Utica to Crow Valley Park Dr.

Fire Station 8, located at 2802 East 53rd Street, is approximately 1.25 miles from the site.

Discussion:

See update above.

Public Input:

See Public Engagement Summary, attached to this report.

Updated Recommendation:

Findings:

1. Rezoning only Lot 1 to C-1 allows the development to proceed and protects the neighborhood by maintaining C-O zoning adjacent to the residential properties.
2. The proposed rezoning is consistent with the Comprehensive Plan in that it allows a limited node of neighborhood commercial north of an adjacent regional commercial center and provides a "step down" in land use intensity to the north and east.
3. Rezoning Lot 1 to C-1 does not guarantee or imply future rezonings on land included in the original proposal. Future rezoning petitions will be considered on their own merit.

Condition:

1. The following uses are not allowed on proposed Lot 1:

    a. Filling station
    b. Messenger or telegraph service station
    c. Public garage
    d. Used car lot
    e. Garage, storage, and parking lot
    f. Laundry and dry cleaning
    g. Theater
    h. Drive-in theater

i. Motel/hotel
j. Undertaking establishment
k. Service station
l. Coin operated laundry
m. Open animal kennels or yards

Final Recommendation: Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-09 to the City Council with a recommendation to rezone only proposed Lot 1 to C-1, Neighborhood Shopping District, with the use restrictions listed above.

PUBLIC ENGAGEMENT SUMMARY

Case No. REZ18-09

Signs Posted: 2 signs were posted on June 1, 2018

Public Meeting: 29 notices mailed June 5. A public meeting was held on June 11 at McCarthy Bush Offices. Approximately 30 people attended

Public Hearing Notice: The notice was sent to the QCT for publication on June 15, 2018.

Public Hearing Mailing: Mailed to 29 neighbors on June 7, 2018.

P&Z Public Hearing: June 19, 2018. Approximately 6 people spoke against the proposal citing potential incompatible uses, traffic and noise.

P&Z Recommendation: July 17, 2018. The Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial.

COW Neighbor Mailing: Mailed to 29 neighbors on July 24, 2018

COW Public Hearing Notice: August 1, 2018

Protest Rate: To date, 12 protests have been filed (4.1%).

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC MEETING
MONDAY, JUNE 11, 2018, 5:30 PM
MCCARTHY BUSH CORPORATION
5401 VICTORIA AVENUE, DAVENPORT, IOWA 52807

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezone 8.134 acres of property has been filed by McCarthy Bush from C-O Office Shop District to C-2 General Commercial District. (See map of the affected property on reverse side of this notice).

According to the applicant: ***Our team is working with a local small business owner to build a hair salon and spa at the corner of 56th and Utica with an additional, unfinished space in the building for a future tenant.***

A rezoning to C2 will allow the new building's owner/operator greater flexibility in identifying a tenant that would fit the neighborhood and provide an additional amenity. There have been discussions with possible future tenants but at this time, only the salon space will be finished and the rest of the building left as spec space.

The current C-O designation generally limits uses to offices and personal service businesses.

One of the first steps in the rezoning process is to hold a public meeting, which provides an opportunity for the petitioner to explain the request further and for City staff to outline the formal process to come.

The public meeting will be held at the McCarthy Bush offices on the date and time listed above. Victoria Avenue is located one block east of Utica Ridge Road.

Public hearings before both the Plan and Zoning Commission and City Council will be forthcoming; you will be notified of these meetings as well. The public hearing before the Plan and Zoning Commission is tentatively set for Tuesday, June 19, 5:00 pm at City Hall.

The City welcomes public participation in the rezoning process and your comments are important. We notify property owners within 200 feet of proposed rezonings. Please let your neighbors know of this who may have received this notice. If you cannot attend the public meeting and have questions or concerns, please contact the Community Planning Division.

Case No. REZ18-09
EMAIL: planning@ci.davenport.ia.us Phone: (563) 326-7765

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC HEARING
TUESDAY, JUNE 19, 2018, 5:00 PM
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
CITY HALL, 226 WEST 4TH STREET, DAVENPORT, IOWA 52801

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezone 8.134 acres of property has been filed by McCarthy Bush from C-O Office Shop District to C-2 General Commercial District. (See map of the affected property on reverse side of this notice).

The current C-O designation generally limits uses to offices and personal service businesses. C-2 allows for a variety of commercial and retail uses, including eating and drinking establishments.

A public hearing will be held on the matter by the Plan and Zoning Commission at the location, date and time listed above. At the public hearing, the Commission will hear comments for and against the proposal, and field questions. As a property owner within 200 feet of the proposed rezoning, you have the opportunity to formally protest the action. To do so, please fill out and return the form below. You may also send an email to the Community Planning Division Staff, and your protest will be registered.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ18-09
EMAIL: planning@ci.davenport.ia.us **Phone: (563) 326-7765**

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-09

I/we _____ who own property located at (be specific as possible)

_____

_____
Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: _____ _____

Date : _____

Please return this form to the email address above or mail/drop off at CPED, 226 West 4th Street, Davenport, IA 52801

Neighborhood Meeting Attendance List

Case: REZ18-09 McCARTHY BUSH

Date: 06-11-18

	Name	Address	Phone	Email
1	Barbara Hansen	5855 Crow Valley Pk Dr	359-4061	
2	JEROME HANSEN	" " " "		JRYHANSEN1@GMAIL.COM
3	Doug KOESTER	4228 E. 59th St	940-3118	dougkoester@mchsi.com
4	Tom Freiburger	4226 E 58th St		
5	Jay Willis	4261 E. 58th St	563-508-6363	BJWillis@revealed.net
6	Carol Kramer	4233 E. 58th St.	(563)355-0796	
7	Connie Jones	4237 E 58TH ST.		
8	Vick Moore	4222 E. 58 ST		
9	Lucia Moore	4222 E. 58 ST		
10	Sue & Craig Gabel	5967 Utica Ridge Rd		
11	Teresa Doherty	4309 E. 60TH St Davenport		
12	Jeanne Doherty	4109 E. 60TH ST Davenport		
13	Fran Javiti	5905 Utica Ridge Rd.		
14	Rod Johnson	5802 Crow Valley Pk Dr.		
15	Kathy Johnson	5802 Crow Valley Pk Dr		
16	Jim Payne	4204 E 58th ST.		
17	Steve Frels	4203 E 58th ST		stevefrels@msn.com
18	Julie Miller	5816 Crow Valley pk Dr.		
19	Bill Miller	" " " "		
20	Ron Rickman	4208 E 58th ST		
21	JJ Condon	ALDERMAN		
22	Steve/Rene' Jacobs	4209 E 58th	Davenport	

Neighborhood Meeting Attendance List

Case: _____

Date: _____

Name	Address	Phone	Email
1 Don Barman	4226 E 59	563-505-5875	
2 Sue Quail	4213 E 58th	563-359-4803	SQuail06172@gmail.c
3 Kurt Zimmerman	4225 E. 58th st	563-639-2648	kmzimm@hotmail.com
4 Cosette Thoms	4202 E. 58th st	(309) 269-8198	cothoms@mchsi.com
5 Jim SHRADER	6401 Utica Ridge Rd #36	563/940 1968	
6 Bob/Peggy AMURIAND	4228 E 59th ST.	563-355-1531	
7 Sue Gabel	5907 Utica Ridge Rd Dav	5635059846	csgabe@AOL.com
8 Patricia Harris	4219 E 59th St. Davenport		patricia_harris_2008@yahoo.com
9 Chris Townsend	2224 E. 12th St. Davenport IA		chris@townsendengineering.net
10			
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Plan & Zoning Commission: Adjacent Property Owner Notice Area

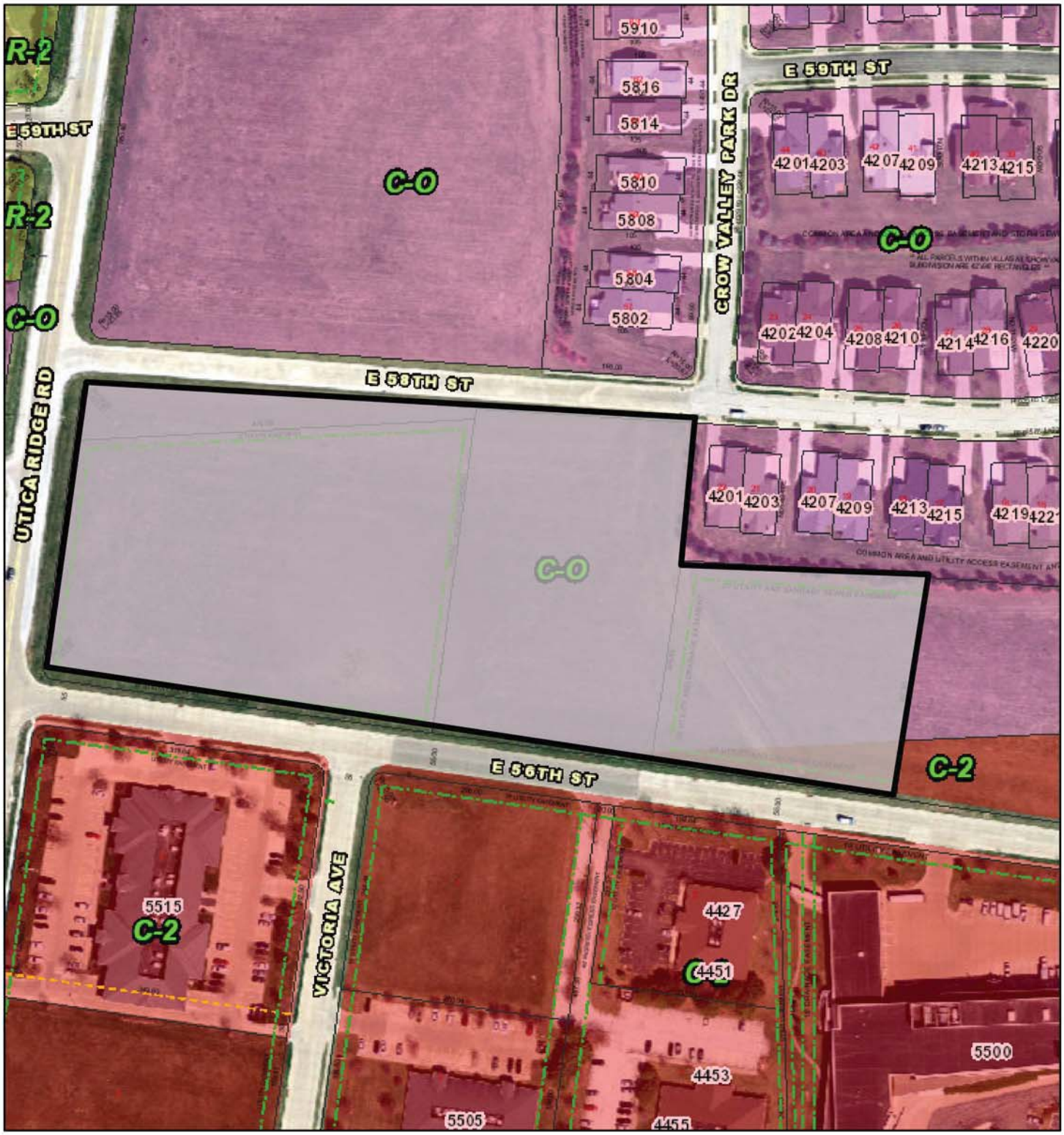
Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Legend

REZ18-09 Subject Property

N

REZ18-09 Location Map



May 30, 2018

1:2,000

0 0.01 0.03 0.06 mi

0 0.03 0.06 0.11 km

Platted Lot Lines

Easement

Parks

Parcels

Street Centerline (Labels only)

Creeks

Named Creeks

Unnamed Tributaries

Piped Creeks

City Limit

Address Points

Zoning Districts

A-1 Agricultural

Scott County Iowa, Bi-State Regional Commission

Web AppBuilder for ArcGIS
Scott County Iowa, Bi-State Regional Commission | Copyright:© 2014 Esri |

From:	Connie R. Jones
To:	Planning Division – CPED
Subject:	REZ 18-09
Date:	Tuesday, June 26, 2018 7:20:50 AM
Attachments:	ObjectionlettertozoingrequestJune2018.docx

Please see my attached letter objecting to this request to rezone.

Connie R. Jones
Resident of the Villas at Crow Valley

From:	Robert Huber
To:	Planning Division – CPED
Cc:	Bob & Trish Huber
Subject:	CASE # REZ 18-09
Date:	Tuesday, June 26, 2018 11:37:32 AM

Drear Mr. Flynn,

Please accept this correspondence as our feedback to you that we do not support the proposed rezoning of the subject property listed in REZ 18-09.
Rezoning this property from C-O to C-2, as proposed by the McCarthy Bush Corp., would have a high probabilty of devaluation of the properties located in (or near) the Crow Valley Villas.

Additionally, the rezoning of this land (from C-0 to C-2) has a high likelihood that the businesses that could locate there would have an adverse affect on the quite comfort and solitude currently enjoyed by the residents of Crow Valley Villas.

Best Regards,
Robert & Patricia Huber (563-355-0756)
4203 E. 59th. St. Street

From:	Shirley Wilkins
To:	Planning Division – CPED
Subject:	Rezoning of parcel Utica Ridge Rd. & 56th St./Crow Valley Villas
Date:	Tuesday, June 26, 2018 10:48:06 AM

Please consider this e-mail our formal objection to the Proposed rezoning of the property Adjacent to Crow Valley Villas, Utica Ridge Rd. and 56th Street.

Thank you,

Julius H. Lindner Trust and Shirley Wilkins

NOTES

6/25/18

DAVENPORT PLANNING
& COMMUNITY DEVELOPMENT
ROOM 2004
220 W. 4th St.

CASE # REZ 18-09

I am John W. Fahl and have lived at 4234 E. 59th St. for 15 years.

I do not agree with the proposed change in the use of the above land. This area is inhabited with retired people who are looking for a quiet environment which is unlikely with bars or games so close to their homes.

Thank you,
John W. Fahl

From: Pat/Tom Freiburger
To: Planning Division – CPED
Subject: Rezoning Case Number REZ 18-09
Date: Saturday, June 23, 2018 8:05:03 PM

Matt Flynn, Director of Community Planning

As residents of the Villas of Crow Valley, we strongly object to rezoning from C-0 to C-2 of the property south and west of our subdivision. We urge the Planning Commission to recommend against the zoning change.

Sincerely,
Tom & Pat Freiburger
4226 East 58th St

From: Dick Moore
To: Planning Division – CPED
Subject: Rezoning Request for REZ 18.09
Date: Sunday, June 24, 2018 3:35:53 PM

To Whom it may Concern:

We are writing this note in protest to the above noted request for change of zoning for the Bush property located at 56th Street and Utica Ridge Road. We would be prepared to discuss our concern over this matter if requested.

Respectfully,

Richard L. and Lucia E. Moore
4222 E. 58th Street,
Davenport, Iowa 52807

From: Dennis Kramer
To: Planning Division – CPED
Subject: Rezoning Case REZ 18-09
Date: Monday, June 25, 2018 12:17:42 AM

Dear Mr. Flynn,

My wife and I live in the Villas of Crow Valley, on the south side of E. 58th St. We respectfully, yet strongly, want to express our opposition to the rezoning of this 8+ acres of land from C0 to C2.

Before we decided to invest and build here in 2005, our ***one and only concern*** was the zoning around us . . . behind us on 56th St. and into our 58th St. entrance. After doing significant investigation with our builder and city zoning, we felt we could live with the types of businesses planned at these locations and made the major investment to build our home here. We trusted that our city planners had a sound strategic plan for residents and businesses in this area with the zoning. Utica Ridge Rd. north of 53rd St. and E. 56th St. would not become anything like a 'commercial corridor' with the retail noise, lights, sounds, hours, and traffic that a C2 obviously brings, and likely reduce our investment/home value and a peaceful residence.

We have no problem with the "Pure" salon business where they wish to build. They appear to be good people. We respect and encourage their spirit and quest for success. Their business is the type we expected and actually desire. However, their business appears to already fit the C0 zoning. So we have yet to hear and know what the true reason and need is for the zoning request to C2. It opens the door to bring the wrong types of businesses to this neighborhood atmosphere.

Who ***really*** wants and will benefit by this change? It appears not really Pure, if C0 already fits their salon business. Is it really for the benefit of the land sellers' profit? We already know there is plenty of nearby land available in existing C2 zones.

We know of a few residents in the Villas of Crow Valley neighborhood who are "for" or "not opposed to" the zoning change. From the names and relationships of these people, it appears that they likely have a personal financial benefit in the sale of this land. Please consider their motives versus the desires of the majority of neighbors.

Matt, we know that you have a tough job, and we respect that. Hopefully, you can see it from the residents' view to not allow this change to proceed.

Thank you,
Dennis and Carol Kramer

From:	robert mcgee
To:	Planning Division – CPED
Subject:	rez 18-09
Date:	Monday, June 25, 2018 8:18:03 AM

From: robert mcgee <rjm1948@gmail.com>
To: "planning@ci.davenport.ia.use" <planning@ci.davenport.ia.use>
Cc:
Bcc:
Date: Sun, 24 Jun 2018 11:27:59 -0500
Subject: REZ 18-09
We are asking that you not allow the rezoning from a C-O to a C-2 in order to remain consistent with what is already on the corridor.
Thank you for your consideration.
Robert and Joan McGee
4207 E 58th

From: Robert Heaps
To: Planning Division – CPED
Subject: In Protest of REZ 18-09.
Date: Monday, June 25, 2018 10:07:51 AM

I live @ 4245 E. 58th Street, in the Villas of Crow Valley. I am in strong opposition to the changing of zoning from C-0 to C-2. The differences were explained to me by the planning dept and I like the quite of C-0 as to the more noise and buslsle of C-2. Also I see this as a first step in changing from the request to change the land behind 5 units on 58th street to more units east and North of 58th street.

Sent from Mail for Windows 10

From:	Robert Willis
To:	Planning Division – CPED
Subject:	Rezoning
Date:	Monday, June 25, 2018 11:38:34 AM

Bob and I are not in favor of rezoning the property bordering Utica Ridge and 56th St. in Davenport. We feel this would open the potential for businesses that would not be compatible with our neighborhood. We would like to see a plan formulated that uses the current zoning which still allows new growth such as Pure Hair Salon. There is already so much traffic that left turns are difficult and this should be taken into consideration when thinking about adding new businesses.

We appreciate you taking a close look at this proposal and see that keeping the zoning as is can still be a win-win.

Bob and Joy Willis
4261 E. 58th St.
Davenport, Iowa

Sent from my iPadRobert J Willis

Henry G. Neuman*
Steven H. Jacobs
Mark A. Woollums*
Martha L. Shaff*
Jean Z. Dickson*
Peter J. Thill*
Edward J. Rose*
Amanda M. Richards*
Jordan A. Kaplan*
Benjamin J. Samuelson*
Cristy Tackett-Hunt*
Lori N. Scardina Utsinger*
Paul M. Powers*
Brandon W. Lobberecht*

* Also admitted in Illinois
A registered L.L.C. in Illinois

BNM

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Established in 1907
ATTORNEYS AT LAW
www.bettylawfirm.com

June 25, 2018

Writer's E-Mail Address:
shj@bettylawfirm.com

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport, Iowa

Re: REZ-18-09

Dear Mr. Flynn:

My wife and I are homeowners within the two hundred foot notice area for the above proposed rezoning. I have previously submitted my protest in opposition to the request. I now amend my protest to include the following and request that my letter be included in the materials presented to the commission:

1. THE CURRENT ZONING IS INCOMPATIBLE WITH THE SURROUNDING AREA AND SHOULD BE CHANGED. It is my understanding the Davenport Land Use Master Plan has designated the area in question as residential. North of 56th street is residential and south towards 53rd street is commercial. I believe considerable funds and time went into the planning and preparation of the overall plan. While overall plans can be modified and adjusted, they deserve more than just "Lip Service." I assume there was a good reason for the plan and it should not be disregarded lightly. 53rd street is a major corridor in Davenport. Three blocks exist between 53rd and 56th street. Clearly this is a sufficient area within which commercial users can reside and it is not necessary to increase the creep and scrawl of commercial into residential areas based upon lack of developable and available space.

   The developer has requested rezoning. The proper zoning is before the commission. The commission has the power and right to recommend the appropriate zoning for the property. It is appropriate to now recommend that the property be changed from C-0 to residential.

2. THE CURRENT ZONING IS COMPATIBLE WITH THE BUILDING AND PROPOSED USE AND REZONING IS NOT NEEDED. The current zoning allows the building and use as proposed and described by the developer. The drawing of the building seems to be compatible with the other office type buildings in the immediate vicinity. The proposed use is specifically allowed by the current zoning. If it conforms

why is rezoning necessary? An argument could be put forth saying this is no more than a ruse to get the rezoning of the whole so that the developer can sell and use the whole of the property for whatever use or purpose the developer chooses without oversight or review. An innocuous proposal opens the door for all other uses. What other uses does the developer have for the whole of the property that have not been disclosed? A hotel? A Bakery? A sheet metal shop?

3. THE POSSIBLE USE OF PART OF THE PROPOSED BUILDING DOES NOT JUSTIFY THE REZONING OF THE WHOLE. The developer and prospective owner have stated that perhaps 3 or 4 thousand feet of the building might be rented to others whose possible use may not be compatible with C-0 zoning. The operative words are "perhaps", "might", and "possible use.' Nothing definitive. Nothing certain. Nothing locked in and signed. Notwithstanding, you are asked to rezone 354,317 square feet of property because 4,000 feet might, maybe or possibly be used for purposes outside those permitted by C-0 zoning. A one percent possible use dictates the use of the whole?

4. THE ZONING REQUEST IS NOT LIMITED TO THE AREA ADJACENT TO UTICA RIDGE ROAD. The request of the developer is for the rezoning of the whole and is not limited in scope to the area adjacent to Utica Ridge Road. For the sake of argument, perhaps good reasons might be offered to justify a minor relaxation of the limitations of C-0 along Utica. However, this is not what is being asked. The developer wants it all and is not limiting the request to the Utica Ridge corridor. What might be tolerated in the front would be a disaster if located to the rear of the property and next to a highly desirable residential development.

5. NO PLAN HAS BEEN SUBMITTED FOR THE WHOLE AND IF REZONING IS APPROVED THE DEVELOPER HAS THE UNLIMITED RIGHT TO DESIGNATE LAND USE WITHOUT REVIEW. The developer has submitted one drawing of a building. Thousands of square feet of additional space is available. No plans, drawings, or proposals have been submitted for this additional space. What is planned and who determines what a compatible use for the additional property is? A C-2 rezoning of the whole gives the developer the unlimited and non-reviewable right to determine the use of the entire property. Is this fair and wise with respect to the adjacent home owners?

6. C-2 ZONING IS TOTALLY INAPPROPRIATE. I did not write the Davenport Zoning Code. I did not write what is or is not allowed in certain zones. I can only read it and attempt to apply it with reason to facts and circumstances in front of me. A C-2 zone allows real property to be used for a bakery, a hotel, a pluming, printing, sheet metal and similar shops and for used car sales and storage lots. Logic here is compelling. How could anyone say that after reviewing the real estate and surrounding areas that the foregoing uses are compatible? C-2 says they are. C-2 says they can be built. Logic and common sense says they are not and should not be allowed! Voting to approve C-2 says in fact that these uses are suitable for the area. There are no limitations to C-2 as written.

7. C-1 ZONING IS ALSO INAPPROPRIATE. C-1 zoning use is included within uses allowed in C-2. Permitted uses in C-1 are also inappropriate. Allowed C-1 uses include, filling stations, restaurants, motels, taverns, brew pubs, beer and wine gardens. How could a fast food restaurant and/or tavern within feet of the established neighborhoods be fair to those who have lived there for over 10 to 15 years? A change to either C-2 or C-1 is at best a perfect example of spot zoning.

8. C-1 ZONING IS NOT NEEDED. Section 17.28.010 of the Code provides a C-1 district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area. For the convenience of those who live in the neighborhoods near the real estate under review there is nothing or at best very few if any establishments that are needed for their convenience. A short walk or drive to 53rd street provides them all and then some. Additional commercial is not needed for the convenience of the surrounding neighborhoods.

For these reasons the requested rezoning should be summarily rejected.

Sincerely yours,

Steven H. Jacobs

From: cothoms@mchsi.com
To: Planning Division – CPED
Subject: Protest Rezoning 18-19
Date: Monday, June 25, 2018 12:48:50 PM

Please consider this email as my official protest to the rezoning REZ 18-09 from C-O to C-2. As a resident of the Villas of Crow Valley, I'm very concerned about the increased traffic and types of businesses that the C-2 designation would allow. It's already difficult to turn onto Utica Ridge from 58th St, and the traffic on 56th is also very heavy. I'd like a sidewalk on the east side of Utica so I don't have to do the death run across Utica to get to Hy-Vee. My understanding is that the C-O zoning allows for the proposed expanded Pure salon and would allow for other offices and service businesses as well, just not establishments that serve food or alcohol. I think that is more than sufficient. Additional condos would also be an option for this land. We have enough half-empty strip malls and office space in Davenport and certainly don't need any more.
Thank you for your consideration,
Cosette Thoms
4202 E 58th St
Davenport, IA 52807
(309) 269-8198

From: John Mouw
To: Planning Division – CPED
Subject: Rezoning request REZ18-09
Date: Monday, June 25, 2018 1:27:55 PM

I fully support the objection submitted by Patricia Harris concerning the rezoning of the 8 plus acres adjacent to the Villas of Crow Valley. We purchased our condo after checking the zoning of the land behind our condo. Seeing that it was zoned for primarily offices and small buisiness as C-0 was a major factor in our decision. This rezoning could impact our privacy and liveability that we so wanted when we made the move.

John Mouw
4227 E 58th St
Davenport, IA 52807

From: Robert Andriano
To: Planning Division – CPED
Subject: Rezoning
Date: Monday, June 25, 2018 2:28:06 PM

I object to the proposed rezoning as pointed out in case# Rez 18-09

From:	Chris Rayburn
To:	Planning Division – CPED
Subject:	Response to McCarthy Bush's petition to rezone the 8.134 acres of property east of Utica Ridge Road between East 56th and East 58th from C-0 to C-2
Date:	Monday, June 25, 2018 3:34:09 PM

I am writing this email as a combined response for two property owners who own homes in the Villas at Crow Valley. My wife Mary and I own a villa at 5814 Crow Valley Park Drive and my parents, Harold and Patricia Rayburn, live at 4202 East 59th Street.

All four of us respectfully, and strongly, request that the City of Davenport, deny McCarthy Bush's petition to rezone the 8.134 acres of property east of Utica Ridge Road between East 56th and East 58th from C-0 to C-2. Our 5814 Crow Valley Park Drive property abuts other property zoned C-0. The properties of Villas of Crow Valley were marketed as being protected from heavier commercial used by being surrounded by the zoning class of C-0. We purchased our property with this understanding and would be very strongly against any rezoning of those parcels. Allowing the current request would set a very negative precedent and greatly change the potential character and potential value of the adjacent properties. All units in the subdivision were developed and sold with the expressed understanding that the vacant and adjacent land would be developed as restricted commercial property under the zoning classification of C-0.

Thank you very much for your understanding and consideration.

Sincerely,

Chris and Mary Rayburn
5814 Crow Valley Park Drive
Davenport, IA 52807

And

Harold and Patricia Rayburn
4202 East 59th Street
Davenport, IA 52807

From:	Patrick VAN NEVEL
To:	Planning Division – CPED
Cc:	Jim Payne; Susan Quail; Patricia Harris; Honorary Consulate Of Belgium
Subject:	REZ 18-09
Date:	Monday, June 25, 2018 4:15:57 PM

Dear Planning and Zoning Commission,
Dear Mr. Flynn,

As recent purchasers of a Villa at Crow Valley, we are asking your full review of the objections provided by Patricia Harris and request the rezoning from C-0 to C-2 be turned down.

All the items pointed out by Ms Harris deserve your full consideration.

We also have a personal sensitivity in this matter related to inadequate drainage.
As we considered the purchase
of 4227 E. 59th Street, we were very concerned about the past evidence of drainage problems and after assurances that all past issues had been addressed, we have now a concern about new issues that may arise.

We would like to be present to voice our concern in person. However, we are currently overseas and will not be back in time for the hearing.

With kind regards,
Patrick and Barbara Van Nevel.

Sent from my iPhone

Fahl; Lloyd Fox; Thomas Freiburger; Ann Fuller; Mary Hammes; Jerry Hansen; Robert Heaps; John Howes; Patrick Irving; Rod Johnson; Doug Koester; Dennis Kramer; Margaret Lake; Bill Miller; Dick Moore; John Mouw; Steve Powell; Marilyn Quijas; Harold Rayburn; Ronald Rickman; Beverly Ryan; Joe and Lori Smazal; Janet Van Ert; Craig Van Hook; Jeffery West; Bob Willis; Kurt Zimmerman; Cris Wendling; Jim Rice; Mardi Burmeister; Steven Frels; Robert Huber; Bob and Peggy Andriano; Robert and Joan McGee; Christopher Rayburn; Paul and Andrea Gullickson; Cosette Thoms; Ken and Sharon Sanyi; Dave Ceurvorst; Sue Quail; Jan Vrablec; Melvin and Dale Martens; Julius Lindner; Daryl Ann Moore; Robert Mitchum; Mary Walsh; Patrick and Barbara Van Nevel; Ken Vandersnick; Krieder Gunderson

Subject: rezoning letter from VCV Board

Hello, Neighbors! Attached is a letter from Jim Payne concerning the proposed rezoning decision that is coming in the next few weeks. Sue Quail

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC HEARING
TUESDAY, JUNE 19, 2018, 5:00 PM
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
CITY HALL COUNCIL CHAMBERS
226 WEST 4TH STREET, DAVENPORT, IOWA 52801

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezone 8.134 acres of property has been filed by McCarthy Bush from C-O Office Shop District to C-2 General Commercial District. (See map of the affected property on reverse side of this notice).

The current C-O designation generally limits uses to offices and personal service businesses. C-2 allows for a variety of commercial and retail uses, including eating and drinking establishments.

A public hearing will be held on the matter by the Plan and Zoning Commission at the location, date and time listed above. At the public hearing, the Commission will hear comments for and against the proposal, and field questions. As a property owner within 200 feet of the proposed rezoning, you have the opportunity to formally protest the action. To do so, please fill out and return the form below. You may also send an email to the Community Planning Division Staff, and your protest will be registered.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ18-09
EMAIL: planning@ci.davenport.ia.us Phone: (563) 326-7765

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-09

I/we Ann & James Payne who own property located at (be specific as possible)
4204 E 58th hereby Protest the rezoning of the Property located at 56th, 58th & Utica Road to a C-2 district

Hereby protest the Rezoning Case No. REZ18-09

Signed: James A. Payne Ann S Payne

Date: 15 June 2018

Please return this form to the email address above or mail/drop off at CPED, 226 West 4th Street, Davenport, IA 52801

June 24, 2018

To: Mr. Matt Flynn, Director of Community Planning

From: Doug and Sandy Koester, 4228 E. 59th St., Davenport, Iowa 52807

RE: REZ 18-09

Dear Mr. Flynn:

I wish to object to this rezoning proposal. Even though I live outside the 200 feet of the proposed rezoning, I do live in the affected neighborhood.

My objection concerns that jump from CO to C2. I would not object to a jump from CO to C1. The current development on 56th Street east of Utica Ridge has consistently been business offices and personnel service businesses to this point. My wife and I are in favor of keeping this development plan in place.

I have personal experience with what happens after the initial sale is made on a parcel of property. As General Manger of the American Honda Distribution Center on west Locust in the 70's, I was involved with the purchase of 12 Acres from Rich Foods in 1978 which at that time was in Scott County. Rich Foods owned all the property on Westlake Blvd and Louis Rich Dr and we felt comfortable that Louis Rich and American Honda shared the ideals regarding the quality of buildings within the industrial park. Louis Rich was then purchased by Oscar Mayer followed by General Foods purchasing Oscar Mayer, followed by the City of Davenport annexing the industrial park.

I invite you to drive out to the Honda Distribution Center today and witness the number of metal buildings north of Honda with outside storage. This is what happens when the initial owners sell to secondary owners who do not share the same commitment to high standards of quality.

Please keep the rezoning request at a maximum of C1. Bars and restaurants should not belong next to long standing residences.

Respectfully submitted,

Doug Koester

Sandy Koester

Doug and Sandy Koester
4228 East 59th St.
Davenport, Iowa 52807

June 26, 2018

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport, Iowa

Re: REZ-18-09

Dear Mr. Flynn:

My wife and I are homeowners within the 200 ft. notice area for the subject proposed rezoning. We have previously submitted our protest in opposition to the request.

We strongly support the written documents submitted by Patricia Harris and Steven Jacobs and are in total agreement that the requested rezoning be summarily rejected. We endorse the suggestion that the land use be residential in accordance with the Davenport Land Use Master Plan. We support progressive development and feel it wise to have a well thought out plan and design to encourage the best opportunities for development.

The proposed use on the table is allowed by current zoning. Changing the zoning provides the developer carte blanche to sell and use the much larger portion of the parcel for potentially undesirable uses. This proposal is totally inappropriate. Our home looks directly out at this unspoken-for area.

Currently our neighborhood is very desirable because amenities are close by but not in our backyards. Let's keep it that way thereby adding to the desirability of the entire area.

Sincerely yours,

Rodney Johnson

Rodney Johnson
5802 Crow Valley Park Dr
Davenport, IA 52807
Rodjohnson624@gmail.com

From: Andrea Heitman
To: Planning Division – CPED
Subject: case #REZ18-09
Date: Tuesday, June 26, 2018 6:41:50 PM

Dear Matt Flynn,

I am writing to formally protest the rezoning of the land directly behind my house from C-O to C-2. I live at 4239 E 58th St in Davenport. This change will most likely negatively effect the value of my home, by bringing nuisances to our neighborhood not consistent with the current attributes. With a C-2 zoning designation I am concerned about noise, garbage, lighting, and the like.

I am also concerned that a large structure directly behind my home will block sunlight and cause the ground to not be able to hold the moisture. This could cause water back-up into my basement.

Please do not approve anything other than a C-O rezoning for this land.

Thanks for your consideration of this matter that will possibly negatively effect me and the nice neighborhood we have here.

Thanks.
Andrea Heitman

4239 E 58th St
Davenport
563-650-5366

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC HEARING
TUESDAY, JUNE 19, 2018, 5:00 PM
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
CITY HALL COUNCIL CHAMBERS
226 WEST 4TH STREET, DAVENPORT, IOWA 52801

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezone 8.134 acres of property has been filed by McCarthy Bush from C-O Office Shop District to C-2 General Commercial District. (See map of the affected property on reverse side of this notice).

The current C-O designation generally limits uses to offices and personal service businesses. C-2 allows for a variety of commercial and retail uses, including eating and drinking establishments.

A public hearing will be held on the matter by the Plan and Zoning Commission at the location, date and time listed above. At the public hearing, the Commission will hear comments for and against the proposal, and field questions. As a property owner within 200 feet of the proposed rezoning, you have the opportunity to formally protest the action. To do so, please fill out and return the form below. You may also send an email to the Community Planning Division Staff, and your protest will be registered.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ18-09
EMAIL: planning@ci.davenport.ia.us **Phone: (563) 326-7765**

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-09

I/we Patricia Harris who own property located at (be specific as possible)
4219 E. 58th street, Davenport, IA 52807

Hereby protest the Rezoning Case No. REZ18-09

Signed: Patricia M. Harris

Date : 19 June 2018

Please return this form to the email address above or mail/drop off at CPED, 226 West 4th Street, Davenport, IA 52801

OBJECTIONS TO PROPOSED REZONING CASE NUMBER REZ18-09

(PROPOSAL TO REZONE 8.134 ACRES
ON UTICA RIDGE BETWEEN E 53RD AND 56TH STREETS
FROM C-0 OFFICE SHOP DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT)

RESPECTFULLY SUBMITTED BY:

PATRICIA HARRIS
4219 E 58TH STREET
DAVENPORT IA

24 JUNE 2018

REQUESTED ACTION

- I respectfully request that the City of Davenport, for the reasons set out in this presentation:
  - Deny McCarthy Bush's petition to rezone the 8.134 acres of property east of Utica Ridge Road between East 56th and East 58th from C-0 to C-2
    - At a minimum, defer the proposal to allow for more thoughtful evaluation and discussion with residents
  - Evaluate drainage issues at the Villas at Crow Valley

OBJECTION NO. 1

EXISTING C-0 DESIGNATION IS APPROPRIATE FOR NEARBY RESIDENTIAL NEIGHBORHOODS

1. Current C-0 designation is appropriate for the area in question

   1.1. Proposed rezoning is near three residential areas (refer to Exhibits A-1 and A-2)

   1.2. Office of rkdixon (to the west) is closed on evenings and weekends

   1.3. Consistent with the C-0 zoning ordinance:

      1.3.1. District is a transition between commercial and residential

      1.3.2. Activities should not generate heavy traffic, noise or glare

      1.3.3. Examples: small offices under 5,000 feet (business, consulting, medical, professional, etc.); beauty shops; library; activity center

OBJECTION NO. 2

PROPOSED C-2 DESIGNATION WOULD BE DETRIMENTAL TO NEARBY RESIDENTIAL NEIGHBORHOODS

2. Would permit:

    2.1. Any C-1 designation, including

        2.1.1. Restaurant, bakery, tavern, brew pub

        2.1.2. Filling station

        2.1.3. Undertaking, etc.

    2.2. In addition, all C-2 designations, including

        2.2.1. Auto, used car sales; hotel; laundry

OBJECTION NO. 3

THE EXISTING C-0 DESIGNATION INTEGRATES WELL WITH SURROUNDING NON-RESIDENTIAL DEVELOPMENT

3. The C-2 area along East 56th has largely developed into offices, banks, and other businesses that the C-0 designation (refer to Exhibits B-1, B-2, B-3 and B-4)

   3.1. Many are professional offices and banks consistent with a C-0 designation

   3.2. Most of the rest are small shops and businesses that are generally quiet during business hours, and closed on evenings and weekends

   3.3. There are **no** restaurants or gyms **except** Dunn Brothers Coffee, Orangetheory Fitness and Your Pie (pizzeria) between 53rd and 56th Streets

      3.3.1. Crowded even on a Sunday morning (refer to Exhibit B-5)

      3.3.2. Orangetheory audible from a parking lot away

      3.3.3. Offices and distance, however, form an acceptable buffer to residents

   3.4. For these reasons, the Davenport City Council should consider rezoning the undeveloped plot immediately south of Villas at Crow Valley from C-2 to C-0

OBJECTION NO. 4

PURE HAIR STUDIO HAS NOT MADE A PERSUASIVE, MUCH LESS COMPELLING, ARGUMENT FOR REZONING

4. Stacey and Chris Spillum, the owners of the Pure Hair Studio, propose to occupy 4,000 square feet and lease 4,000 square feet to C-2 business, citing synergies between "like businesses"

4.1. Pure falls within the existing C-0 designation; C-2 businesses are not "like" or "complimentary"

4.2. The ideas offered — a clothing shop, small restaurant, bakery, wine bar — have no apparent synergies with a hair salon; a salon is a final destination, usually by appointment

4.3. Other options exist for Pure, including the lot for sale near Pure (Exhibit B-3)

4.4. It is also suggested C-2 zoning would allow for "amenities that will meet the growing neighborhood's needs"

4.4.1. The neighborhoods are fully developed

4.4.2. There are numerous restaurants and other businesses on Utica Ridge and East 53rd that offer amenities without disrupting quiet enjoyment of our property

4.4.3. There are other options south of East 56th Street (already zoned C-2) for development of more amenities

OBJECTION NO. 5

MCCARTHY BUSH HAS NOT JUSTIFIED THE REZONING

5. McCarthy Bush Corporation has asserted has been difficult to locate a C-0 buyer

5.1. Property development is a long-term proposition, largely influenced by price suitable for the zoning and demand

5.2. The area along East 56th Street has experienced steady development in the last several years, in fact, the area is nearly built out; recent examples:

5.2.1. Neurology QC's new office at 4700 E 56th Street (Exhibit B-5)

5.2.2. Next door to that construction is underway for the corporate headquarters of The Riverstone Group

5.2.3. Across the street are relatively new offices (Regus, Deere, and Russell)

5.3. It would be helpful to have market information from the McB realtor on this

OBJECTION NO. 6

MCCARTHY BUSH AND PURE HAVE NOT, AND PERHAPS CANNOT, OFFER ASSURANCES OF "ACCEPTABLE" C-2 USES

6. At a Neighborhood Meeting on 11 June 2018, McCarthy Bush and Pure expressed receptivity to restrictive covenants that capture their intentions

    6.1. To date, there has been no progress on this issue; it may not even be feasible or viable to:

        6.1.1. Meaningfully describe suitable "high end" amenities acceptable to residents;

        6.1.2. Still allow for the desired flexibility on the Spillums' part; and

        6.1.3. Avoid leaving residents vulnerable to unanticipated and detrimental changes in businesses (changing owners, relocating or failing) and costly legal challenges

    6.2. There is good will on both sides, but a rezoning from C-0 to C-2 cannot be undone

    6.3. It also seems inevitable this will be used to justify also rezoning the area immediately north from C-0 to C-2, which compounds the adverse impact on us

    6.4. At a minimum, the process be deferred until this issue can be discussed further

OBJECTION NO. 7

AT THIS TIME, AND PRIOR TO ANY RE-DESIGNATION, THE CITY SHOULD UNDERTAKE A DRAINAGE STUDY

7. The City of Davenport should undertake a study to evaluate drainage problems at Villas at Crow Valley

   7.1. The Association has installed tiles to absorb storm water runoff

   7.2. There is excessive runoff that the tiles, even as recently expanded, cannot reasonably absorb, causing pooling

   7.3. This raises a question about the origin of, and responsibility for, runoff beyond the Association and its grounds

   7.4. This is an issue we anticipate further development will exacerbate

   7.5. The City of Davenport should undertake a study of this issue prior to making any decision about the rezoning or any future development

REQUESTED ACTION

- I respectfully request that the City of Davenport:
  - Deny McCarthy Bush's petition to rezone the 8.134 acres of property east of Utica Ridge Road between East 56th and East 58th from C-0 to C-2
    - At a minimum, defer the proposal to allow for more thoughtful evaluation and discussion with residents
  - Evaluate re-designating the undeveloped area immediately south of the Villas at Crow Valley from C-2 to C-0
  - Evaluate drainage issues at the Villas at Crow Valley

EXHIBITS

PROPOSED REZONING AREA NORTH OF EAST 56TH STREET

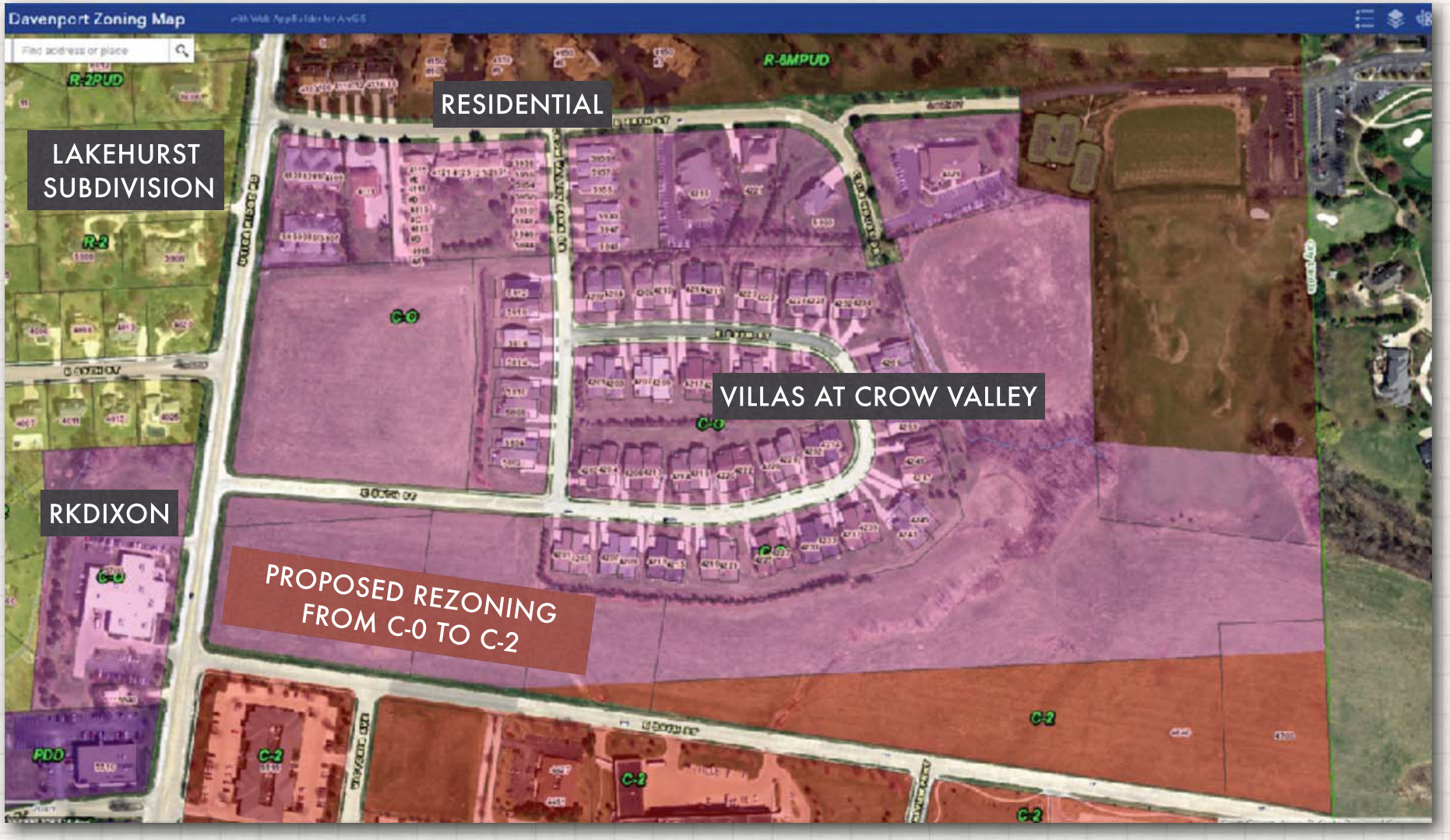


EXHIBIT A-1

VILLAS AT CROW VALLEY

LAKEHURST SUBDIVISION

EXHIBIT A-2 RKDIXON AT 5700 UTICA RIDGE ROAD

C-O LOT PROPOSED FOR REZONING
(VIEWED FROM E. 56TH ST:
RK DIXON AT FAR LEFT AND VILLAS AT FAR RIGHT

ADJACENT AREA SOUTH OF EAST 56TH STREET: CURRENT PURE SALON LOCATION, OTHER BUSINESSES

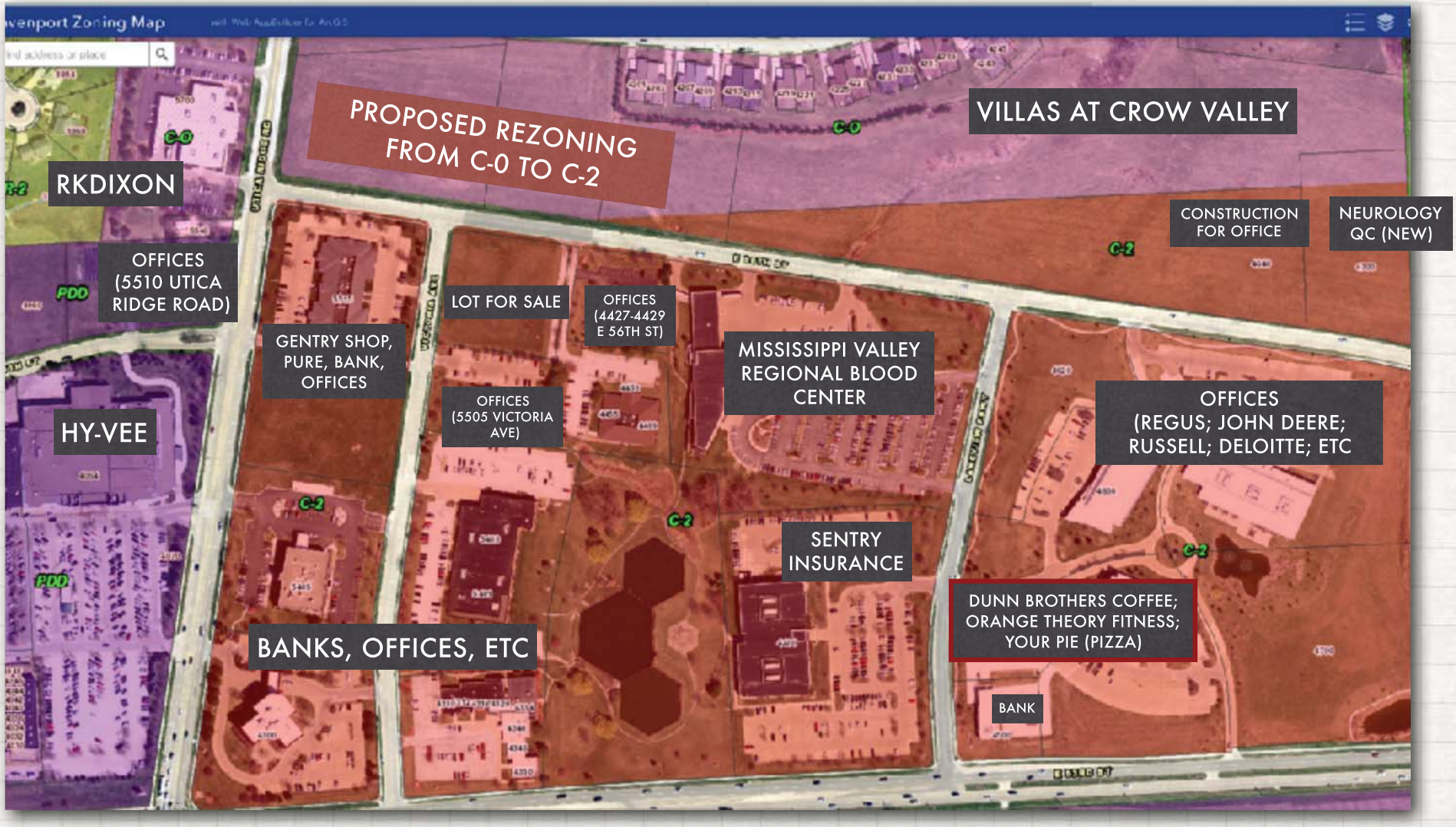


EXHIBIT B-1

FRONT OF GENTRY SHOP, PURE, ETC.
(VIEWED FROM UTICA RIDGE ROAD)

5510 UTICA RIDGE ROAD
(FACING FRONT OF GENTRY SHOP)

EXHIBIT B-2

5505 VICTORIA AVE
(FACING REAR OF GENTRY SHOP COMPLEX)

REAR OF GENTRY SHOP, PURE, ETC.
(VIEWED FROM VICTORIA AVE AND EAST 56TH ST)

LOT FOR SALE AT E 56TH ST AND VICTORIA AVE
(IMMEDIATELY EAST OF GENTRY SHOP)

4427-4429 E 56TH ST

EXHIBIT B-3

SENTRY INSURANCE

OFFICES BETWEEN E 53-56 ST BY LAKEVIEW PKWY
(REGUS; RUSSELL; JOHN DEERE; DELOITTE, ETC)

NEW NEUROLOGY QC OFFICE AT 4770 E 56TH ST

NEW CONSTRUCTION (FUTURE HOME OF THE CORPORATE OFFICES OF THE RIVERSTONE GROUP) IMMEDIATELY WEST OF NEUROLOGY QC ON EAST 56TH ST

EXHIBIT B-4

DUNN BROTHERS COFFEE; ORANGETHEORY FITNESS AND YOUR PIE
(FACING E 53RD ST, EAST OF LAKEVIEW PKWY)
TAKEN ON A SUNDAY AT 8:30 AM
AEROBIC MUSIC AUDIBLE FROM THIS DISTANCE

EXHIBIT B-5

From: Carol Kramer
To: Planning Division – CPED
Subject: Rezoning Case REZ 18-09
Date: Wednesday, June 27, 2018 5:52:45 PM

Dear Mr. Flynn,

I am a resident of the Villas of Crow Valley and have been for 13 years. I was very disheartened to see there is a request for rezoning to C2 from C0 on Utica Ridge Road between East 56th Street and East 58th Street, and I am strongly against the change.

When we built our home here, we built it solely on the fact that any commercial building behind and around our property would be under the C0 zoning code -- low-density buildings, one-to-two stories only, no bright lighting at night or noise from public grocery stores, movie houses, retail stores, gas stations, restaurants with patios, smoking clientele, and loud music till late hours, etc. We were told by -- and believed -- our city leaders that the commercial buildings around us would be doctors' offices or law practices whose hours would end at 5:00, a normal work day, that they would most likely tie in with Trinity Terrace Park Hospital nearby.

There would also be a dividing border of some land with protective landscaping done by the businesses between them and our properties as a gesture of their being a good neighbor. This was all fine with us, and we proceeded to build.

Now, if the rezoning request to C1 or C2 is voted in, our quiet way of life and the value of the home we worked many years for is in jeopardy. Will financial profit trump the integrity of the original city's plans? It is just not right!

While this area is more of a retirement community, many of our residents are younger, and there are some young families in here. We are not all going to be gone in five years, as was suggested to me after our neighborhood meeting at the McCarthy-Bush office recently by Lynn of Bush Construction.

I implore you and the committee to do the right thing and vote down this request to rezone. There are ample building areas available around Davenport, and the neighbors that we have talked with are not in agreement with a "walking" community offering retail C2-type businesses at the entrance to our neighborhood, as was posited to us.

Thank you for your consideration.

Carol Kramer

Sent from my Verizon, Samsung Galaxy smartphone

Sent from my Verizon, Samsung Galaxy smartphone

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC HEARING
TUESDAY, JULY 17, 2018, 5:00 PM
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
CITY HALL, 226 WEST 4TH STREET, DAVENPORT, IOWA 52801

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case No. REZ18-10: Request by Jessica Tuttle, Thompson Thrift Development Company, to rezone 24.27 acres, more or less, of property located south of East 53rd Street and west of the Bettendorf City Border from R-2(PUD) (Low Density Residential District Planned Unit Development) and PDD (Planned Development District) to R-5M(PUD) (Medium Density Dwelling District Planned Unit Development) [Ward 6](See map of the affected property on reverse side of this notice).

If successful, this rezoning could result in the construction of an approximately 294 unit apartment development.

A public hearing will be held on the matter by the Plan and Zoning Commission at the location, date and time listed above. At the public hearing, the Commission will hear comments for and against the proposal, and field questions. As a property owner within 200 feet of the proposed rezoning, you have the opportunity to formally protest the action. To do so, please fill out and return the form below. You may also send an email to the Community Planning Division Staff, and your protest will be registered.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ18-10
EMAIL: planning@ci.davenport.ia.us **Phone: (563) 326-7765**

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-10

I/we Janel Stout who own property located at (be specific as possible)

5034 Hamilton Dr.
Dav, IA 52807

Hereby protest the proposed:REZ18-10

Signed: Janel Stout

Date : 7/12/18

Please return this form to the email address above or mail/drop off at CPED, 226 West 4th Street, Davenport, IA 52801

PUBLIC HEARING NOTICE
CITY COUNCIL
CITY OF DAVENPORT

Public Hearing Details:

Date: 8/1/2018 Ward: **6th**
Time: 5:30 PM
Location: Northeast corner of Utica Ridge Road and East 56th Street.
Subject: Public hearing to rezone 1.5 acres of property from "C-O" Office Shop District to "C-1" Neighborhood Shopping District.
Case #: REZ18-09

To: All property owners within 200 feet of the subject property.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a request to rezone 1.5 acres of property from "C-O" Office Shop District to "C-1" Neighborhood Shopping District.. The purpose of the request is to facilitate commercial development.

Request Description
REZ18-09: Request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 8.83 acres, more or less, located along the north side of East 56th Street east of Utica Ridge Road from "C-O" Office Shop District to "C-1" Neighborhood Shopping District on 1. 5 acres to facilitate commercial development. [Ward 6]

The Plan and Zoning Commission and forwards Case No. REZ18-09 to the City Council with a recommendation for denial.

The Commission vote was 3 yes, 4 no and 1 abstention.

What are the Next Steps after the Public Hearing?

The 8/1/2018 public hearing is the first step in the review/approval process by the City Council. For the specific dates and times of subsequent meetings, please contact the case planner below.

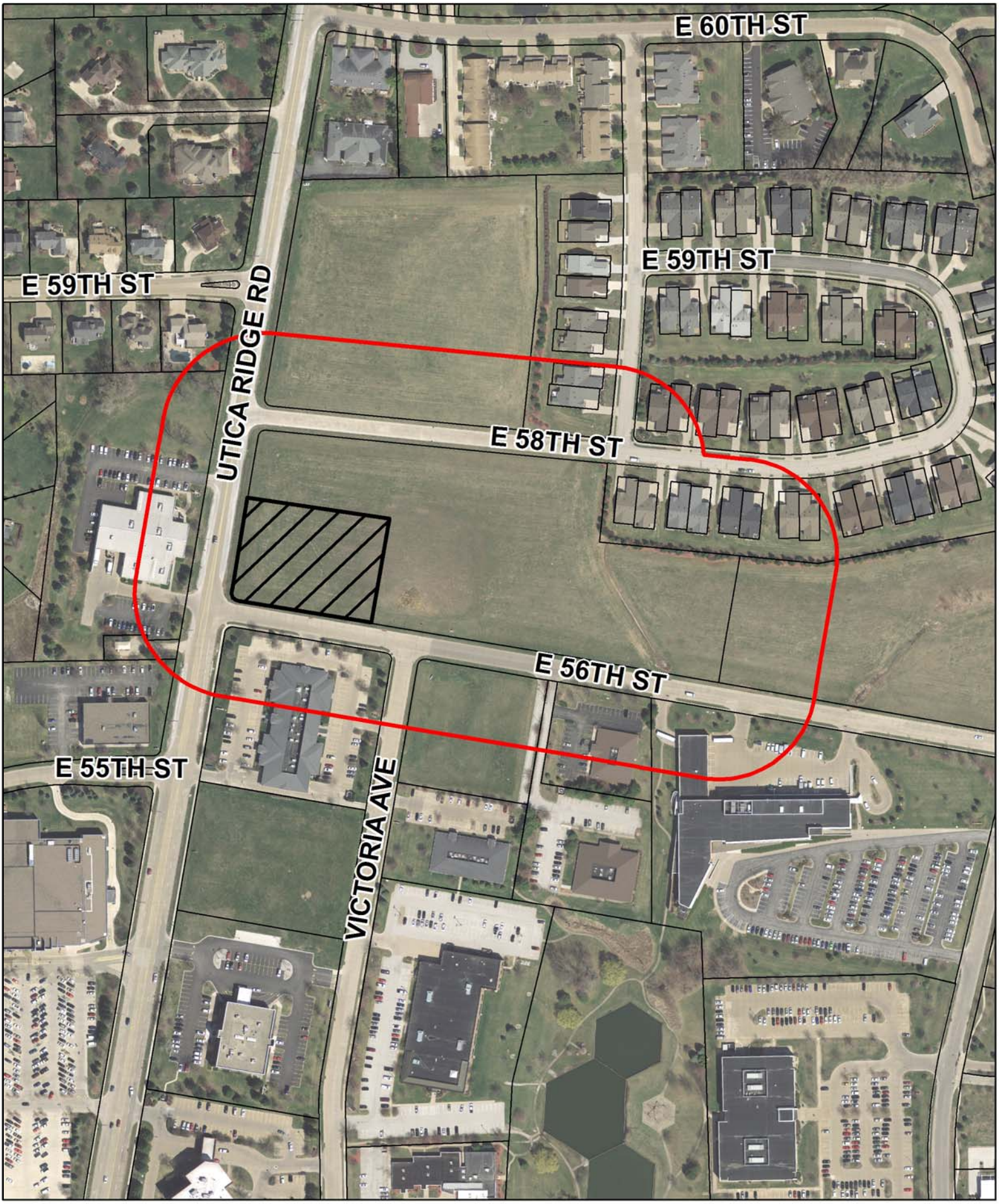
Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Matt Flynn, AICP, the case planner assigned to this project at matt.flynn@ci.davenport.ia.us or 563-888-2286. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.



REZ18-09 Subject Property

Notification Radius

N

REZ18-09 Rezoning Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
Y0807-14B	59222.42	5.5%		0.0%	5700 UTICA RIDGE RD	DIXON PROPERTIES LLC	5700 UTICA RIDGE RD	DAVENPORT IA 52807
Y0807-23C	2226.71	0.2%		0.0%	5540 UTICA RIDGE RD	QWEST CORP	PO BOX 2599	OLATHE KS 66063
Y0823-02	610.08	0.1%		0.0%	5510 UTICA RIDGE RD	LEVERAGED HOLDINGS LLC	3245 E 35TH ST CT	DAVENPORT IA 52807
Y0901-01B	79431.19	7.4%		0.0%		MCCARTHY IMPROVEMENT CO LINWOOD STONE PRODUCTS CO	5401 VICTORIA AV	DAVENPORT IA 52807
Y0901-13	3351.83	0.3%		0.0%	4025 E 59TH ST	GREGORY A DESMET	4025 E 59TH ST	DAVENPORT IA 52807
Y0901-15	3969.76	0.4%		0.0%	4221 E 58TH ST	LLOYD & DOROTHY FOX REVOC TRUS	4221 E 58TH ST	DAVENPORT IA 52807
Y0901-16	4032.00	0.4%	Yes	0.4%	4219 E 58TH ST	PATRICIA M HARRIS DECLARIATION TRUST	4219 E 58TH ST	DAVENPORT IA 52807
Y0901-17	4034.63	0.4%	Yes	0.4%	4215 E 58TH ST	JOE SMAZAL	4215 E 58TH ST	DAVENPORT IA 52807
Y0901-18A	4029.52	0.4%	Yes	0.4%	4213 E 58TH ST	SUSAN R QUAIL REVOCABLE TRUST	4213 E 58TH ST	DAVENPORT IA 52807
Y0901-19A	4032.01	0.4%	Yes	0.4%	4209 E 58TH ST	STEVEN H JACOBS REVOCABLE TRUST	4209 E 58TH ST	DAVENPORT IA 52807
Y0901-20A	4031.97	0.4%	Yes	0.4%	4207 E 58TH ST	JOAN W MCGEE TRUST	4207 E 58TH ST	DAVENPORT IA 52807
Y0901-21A	4032.01	0.4%	Yes	0.4%	4203 E 58TH ST	STEVEN E FRELS REVOCABLE TRUST	4203 E 58TH ST	DAVENPORT IA 52807
Y0901-22A	4032.00	0.4%	Yes	0.4%	4201 E 58TH ST	MARILYN QUIJAS	4201 E 58TH ST	DAVENPORT IA 52807
Y0901-23A	3974.57	0.4%	Yes	0.4%	4202 E 58TH ST	COSETTE N.F. THOMS	4202 E 58TH ST	DAVENPORT IA 52807
Y0901-24A	2692.96	0.3%	Yes	0.3%	4204 E 58TH ST	JAMES A PAYNE TRUST	4204 E 58TH ST	DAVENPORT IA 52807
Y0901-25	91.22	0.0%	Yes	0.0%	4208 E 58TH ST	RONALD L RICKMAN	4208 E 58TH ST	DAVENPORT IA 52807
Y0901-57	4573.10	0.4%	Yes	0.4%	5802 CROW VALLEY PARK DR	RODNEY B JOHNSON	21730 BELVEDERE LN	ESTERO FL 33928
Y0901-58A	4572.37	0.4%	Yes	0.4%	5804 CROW VALLEY PARK DR	NORMA J CASSIDY TRUST	5804 CROW VALLEY PARK DR	DAVENPORT IA 52807
Y0917-01	37784.40	3.5%		0.0%	5500 LAKEVIEW PKWY	MISSISSIPPI VALLEY REGIONAL	5500 LAKEVIEW PKWY	DAVENPORT IA 52807
Y0917-02C	39285.39	3.7%		0.0%		MCCARTHY IMPROVEMENT CO	5401 VICTORIA AV	DAVENPORT IA 52807
Y0917-12J	50454.31	4.7%		0.0%	5515 UTICA RIDGE RD	56 UTICA LLC	5515 UTICA RIDGE RD	DAVENPORT IA 52807
Y0917-12M	30112.32	2.8%		0.0%	4427 E 56TH ST	GSTA HOLDINGS	25380 VALLEY DR	BETTENDORF IA 52722
Y0917-12N	2886.30	0.3%		0.0%	4453 E 56TH ST	AA56 LLC	20813 E 550th STREET	COLONA IL 61241
Y0919-01C	59405.14	5.6%		0.0%	4650 E 53RD ST	BIRCHWOOD III LLC	4600 E 53RD ST	DAVENPORT IA 52807
Y0919-03D	78025.21	7.3%		0.0%		MCCARTHY IMPROVEMENT CO LINWOOD STONE PRODUCTS CO	5401 VICTORIA AV	DAVENPORT IA 52807
Y0903-58A	128212.49	12.0%		0.0%		MCCARTHY IMPROVEMENT CO LINWOOD STONE PRODUCTS CO	5401 VICTORIA AV	DAVENPORT IA 52807
Y0451-24E	3121.64	0.3%		0.0%	6300 UTICA RIDGE RD	CROW VALLEY GOLF CLUB	4315 E 60TH ST	DAVENPORT IA 52807
FID28	7378.29	0.7%		0.0%		VILLAS AT CROW VALLEY 2ND ADD	4555 UTICA RIDGE RD	BETTENDORF IA 52722
FID29	44332.14	4.1%		0.0%		VILLAS AT CROW VALLEY 2ND ADD	4555 UTICA RIDGE RD	BETTENDORF IA 52722
FID30	17598.89	1.6%		0.0%		VILLAS AT CROW VALLEY 2ND ADD	4555 UTICA RIDGE RD	BETTENDORF IA 52722

PARCELS	691,536.8	64.7%
ROW	377,080.9	35.3%
TOTAL NOTICE AREA	1,068,617.7	100%

Alderman: CLEWELL

4.1% **PROTEST RATE** Protests: 12 Properties: 30

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Nic Johnson 563-327-5161
Wards: Wards 6 and 8

Action / Date
PW8/1/2018

Subject:
Public Hearing on the plans, specifications, form of contract and estimated cost for the Jersey Ridge Road Turn Lane Project at Cromwell Circle and 65th Street Intersections, CIP #35000. [Wards 6 and 8]

Recommendation:
Hold the hearing.

Relationship to Goals:
Sustainable Infrastructure

Background:
This project will construct left turn lanes on Jersey Ridge Road at the intersections of Cromwell Circle and 65th Street. The existing crushed rock shoulders will be removed. The existing Jersey Ridge pavement will be patched and widened to match the new paving at the north end where it connects to Veteran's Memorial Parkway construction. Curb and gutter will be added along with storm water intakes. The final driving surface shall be new HMA paving. Funded from CIP #35000.

The project is planned to be constructed during the current Jersey Ridge Road closure due to the Veteran's Memorial Parkway paving project. Both projects are planned to be open by the end of the 2018 construction season.

A second project is planned for next year which will construct a 10' wide pedestrian trail on the west side of Jersey Ridge from Cromwell Circle to the new trail along Veteran's. With the second project a 4' wide sidewalk will also be constructed along the east side of Jersey Ridge connecting 65th Street to Veteran's.

The project is scheduled for letting in mid-August. The estimated project cost is $655,000.

ATTACHMENTS:

Type	Description
Backup Material	Public Hearing Notice
Backup Material	Location Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	7/25/2018 - 10:55 AM
Public Works Committee	Lechvar, Gina	Approved	7/25/2018 - 10:59 AM
City Clerk	Admin, Default	Approved	7/25/2018 - 11:22 AM

Notice of Hearing

on Proposed Plans, Specifications and Proposed Contract for the
Jersey Ridge Road Turn Lane Project at
Cromwell Circle and 65th Streets

Notice is hereby given that at 5:30 P.M., on Wednesday, August 1, 2018, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on the proposed plans, specifications and form of contract which the City Council has caused to be filed with the City Clerk of the City of Davenport, Iowa, and on the cost and necessity of the above project in the City of Davenport, Iowa.

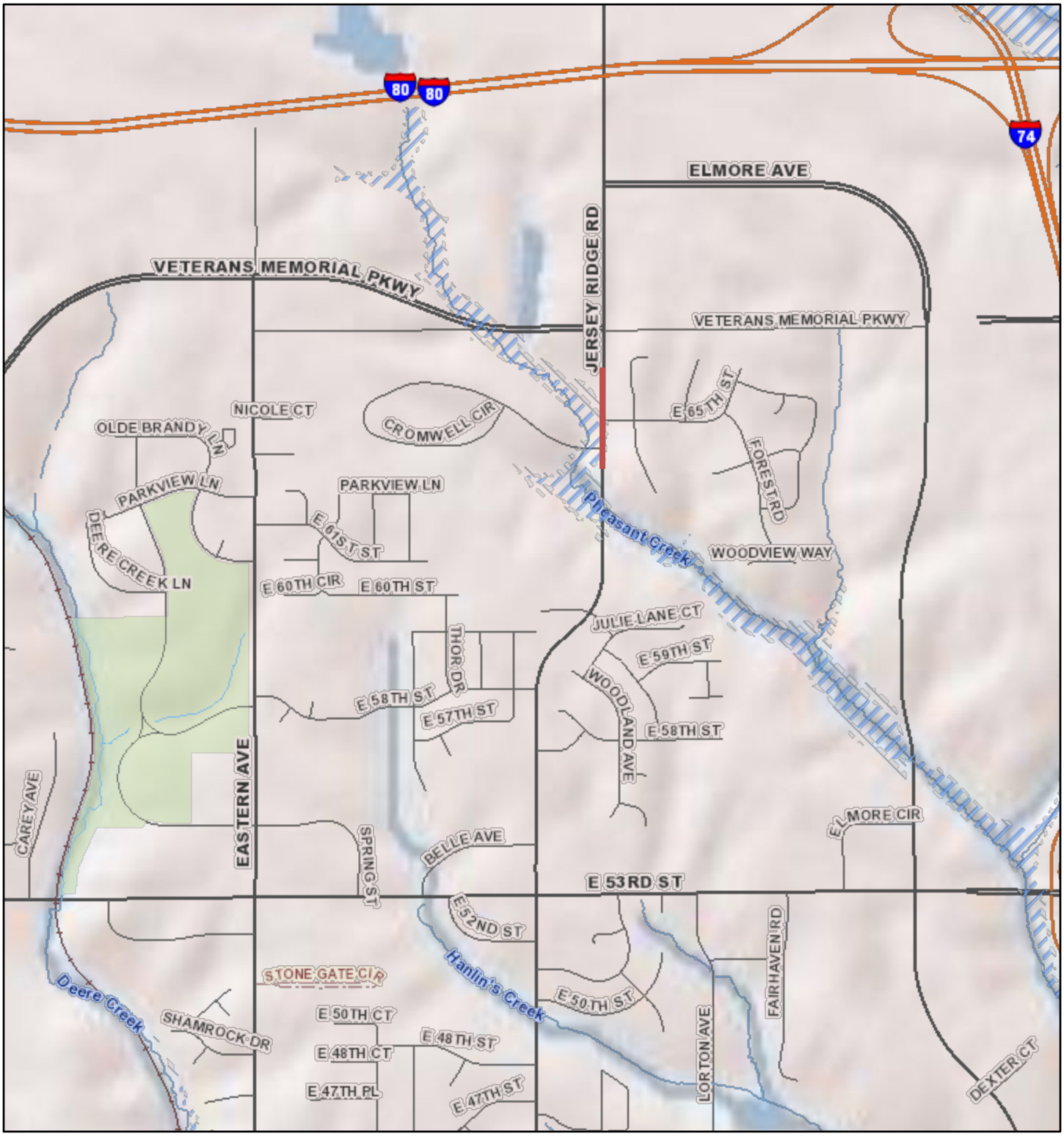
At said hearing any interested person may file written objection or comments with respect to the proposed plans, specifications, form of contract or cost of and necessity for such improvements and may be heard orally with respect thereto. PO 1900408

Jackie E. Holecek,
Deputy City Clerk

Davenport, Iowa
July 25, 2018

Publish once July 25, 2018
QUAD-CITY TIMES

Jersey Ridge Center Turnlane



7/25/2018, 9:44:08 AM

1:21,281

0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

Flood Plain Info

- AE - 100 Year Flood
- X500 - 500 Year Flood
- LOMA - Map Amendment
- X - No Flood Plain Designation
- Parks

Street Centerline

- Interstate
- Interstate Ramp
- Highway Ramp
- Major Roads
- Minor Roads
- Local Roads
- Alley
- Private Roads
- Railroad

Creeks

- Named Creeks

Copyright:© 2014 Esri

Web AppBuilder for ArcGIS

Copyright:© 2014 Esri | Scott County Iowa, Bi-State Regional Commission |

City of Davenport

Agenda Group: Community Development | **Action / Date**
Department: Community Planning & Economic Development | **CD7/3/2018**
Contact Info: Matt Flynn 888-2286
Wards: 1

Subject:
Third Consideration: Ordinance for Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward 1]

Recommendation:
Adopt the Ordinance

Relationship to Goals:
Welcome Neighborhoods

Background:
Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.

This request allows a small business to grow and remain.

Recommendation:

The Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

The Commission vote was 6-yes, 0-no and 0-abstention.

Protest Rate 0.0 percent.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
Cover Memo	CD_ORD_ONLY_1909 Shaffer
Backup Material	REZ18-06 Background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	6/28/2018 - 9:48 AM

Community Development Committee	Berger, Bruce	Approved	6/28/2018 - 9:49 AM
City Clerk	Admin, Default	Approved	6/28/2018 - 10:06 AM

ORDINANCE NO.

ORDINANCE for Case No. Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward 1]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned. The property has the following legal description:

Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 78 North Range 3 East of the 5th P.M. being more particularly described as follows:

Commencing in the Southeast Corner of Section 20, Township 78 North Range 3 East of the 5th P.M.; thence West along the south line of said Section 20 to a point of intersection with the east line of North Zenith Avenue as extended southerly; thence North along the east line of said North Zenith Avenue a distance of 95.0 feet to the point of beginning; thence continuing North along the east line of North Zenith Avenue a distance of 60.0 feet, thence East parallel to the south line of said Section 20 a distance of 73.0 feet; thence South parallel to the east line of said North Zenith Avenue a distance of 60.00 feet; thence West parallel to the south line of said Section 20 a distance of 73.0 to the point of beginning. The above described parcel is also known as Scott County Tax Parcel T2057-10.

Said parcel contains 4,380 square feet, more or less.

The City Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, MMC, Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7711 TDD: 563-326-6145
www.cityofdavenportiowa.com

June 20, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 19, 2018, the City Plan and Zoning Commission considered Case No. REZ18-06 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

Recommendation:
Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

Respectfully submitted,

Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record Meeting Date: 06-19-18 Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED	APPROVED	APPROVED	APPROVED			
Name:	Roll Call	REZ18-06 Tim Shaffer 1909 N Zenith Ave	REZ18-07 Tim Shaffer 3816 W Locust St	F18-05 Seng Meadows 1st Add'n	F18-06 Crow Valley Plaza 11th Add'n	F18-07 Monarch Hills 1sy Add'n			
Connell	P	Y	Y	Y	Y	Y			
Hepner	P	Y	Y	Y	Y	Y			
Inghram	P								
Johnson	P	Y	Y	Y	Y	Y			
Kelling	EX								
Lammers	P	Y	Y	Y	Y	Y			
Maness	EX								
Medd	EX								
Quinn	P	Y	Y	Y	ABS	Y			
Reinartz	P	Y	Y	Y	Y	Y			
Tallman	P	Y	Y	Y	Y	Y			
		6-YES 0-NO 0-ABSTAIN	6-YES 0-NO 0-ABSTAIN	6-YES 0-NO 0-ABSTAIN	5-YES 0-NO 1-ABSTAIN	6-YES 0-NO 0-ABSTAIN			

City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

Meeting Date: **June 19, 2018**
Request: **R-3 Moderate Density Dwelling to C-2 General Commercial**
Address: **1909 North Zenith Avenue (N of W Locust St & E of N Zenith Ave)**
Case No.: **REZ18-06**
Applicant: **Tim Shaffer dba Shaffer Automotive / Dales Service**

Recommendation:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-06 to the City Council for approval subject to the listed conditions.

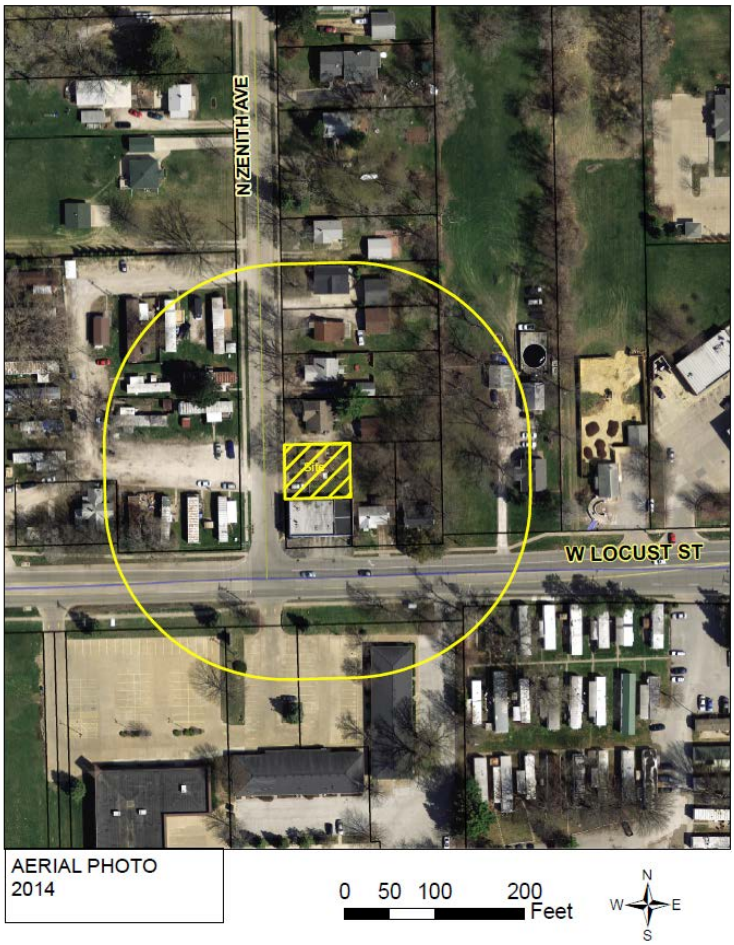
Introduction:

Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

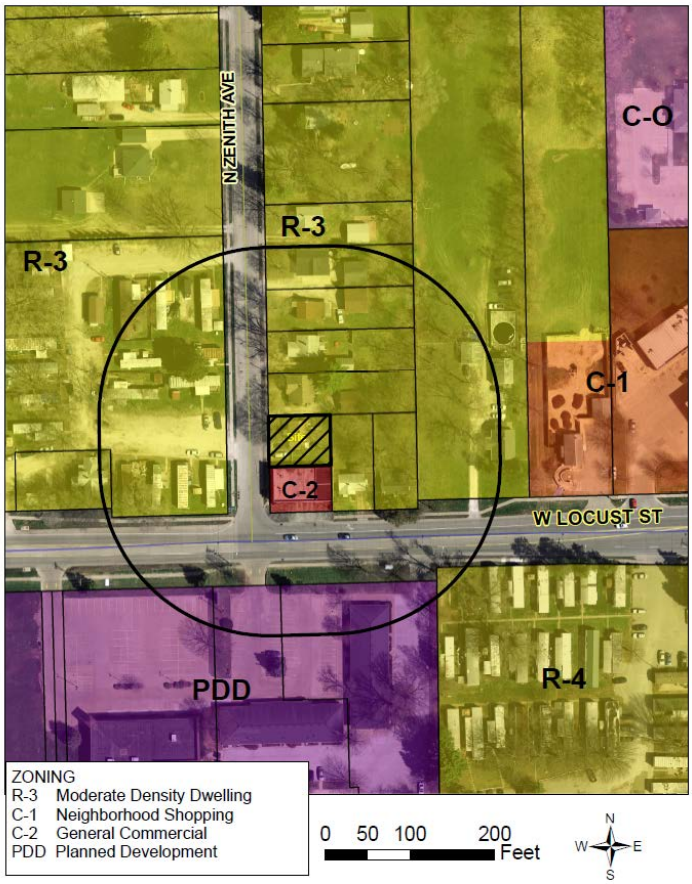
Note: there is a companion zoning request for 3816 West Locust Street. While these are separate requests they act in tandem.

AREA CHARACTERISTICS:

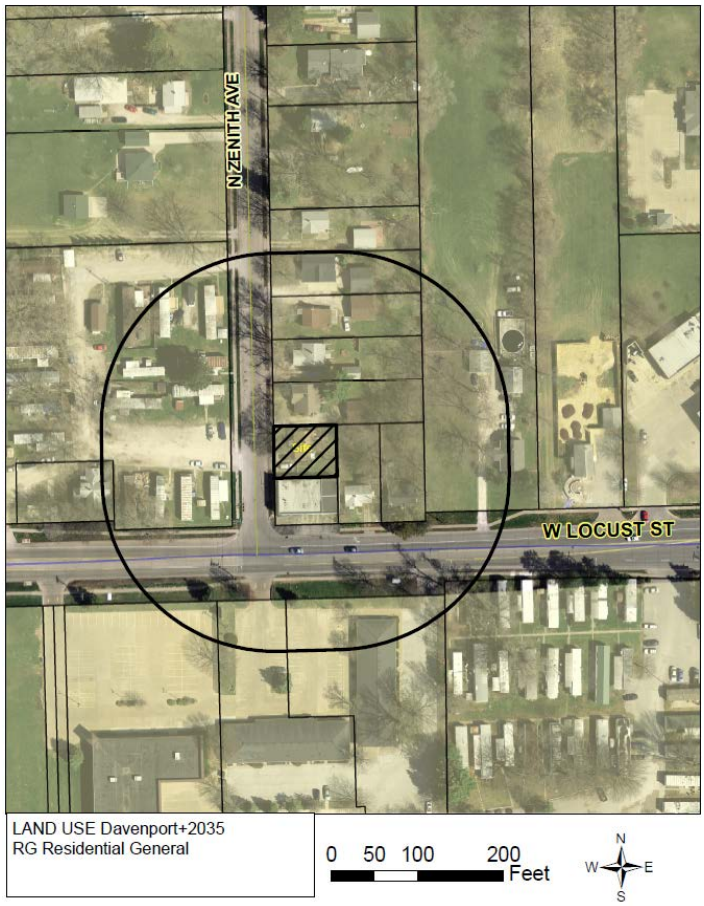
Aerial



Zoning Map



Land Use



<u>Background:</u>
Comprehensive Plan:

Within Urban Service Boundary +2035: Yes

Future Land Use Designation: The property being rezoned and the surrounding properties are designated as Residential General (RG).

> *Note: The abutting business property, Dales Service Center at 3830 W Locust Street, was zoned to the "C-2" General Commercial classification in 2015. At that time the Davenport 2025 Land Use plan designated the property as CN Commercial Neighborhood.*

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

Relevant Goals to be considered in this Case:
Identify and reserve land for current and future development – *encourage a full range of development.*

Zoning:
The subject property is currently zoned "R-3" Moderate Density Dwelling District. The abutting business, Dales Service Center, located at 3830 W Locust Street, is zoned "C-2" General Commercial District. Planned Development (PDD) zoning is located across Locust Street to the south and Neighborhood Commercial (C-1) zoning is located on the two lots west of the Fairmount Street.

Technical Review:

<u>Streets</u>. The property is located on the east side of North Zenith Avenue just north of West Locust Street.

<u>Storm Water</u>. Stormwater infrastructure (inlets) is located in both North Zenith Avenue and West Locust Street at the intersection. Redevelopment of the site may require compliance with the City's stormwater regulations.

<u>Sanitary Sewer</u>. Sanitary sewer service is located within North Zenith Avenue (8-inch line).

<u>Other Utilities</u>. This is an urban area and normal utility services are available.

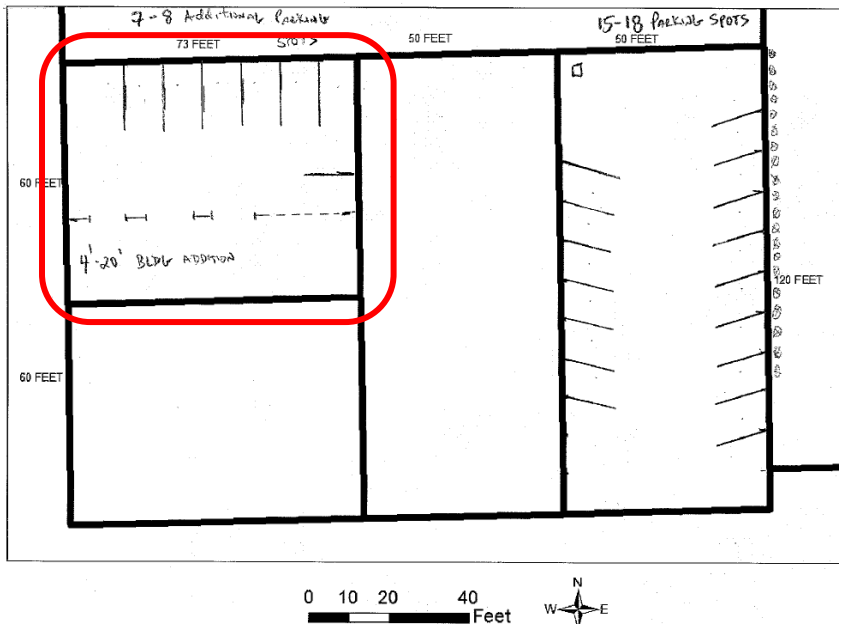
<u>Emergency Services</u>. The property is located approximately 1-2/3 miles from Fire Stations No. 6 at 1735 West Pleasant Street and approximately 2 miles from Fire Station No. 5 at 2808 Telegraph Road.

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

Public Input:
The neighborhood meeting was held on Thursday May 24th at the business location. A larger area was notified north along Zenith Avenue for the neighborhood meeting at the request of the Ward Alderman. Apparently complaints in the past have been received from those residents further north on Zenith Avenue about parking issues associated with Dale's Automotive. According to the Council Office it would seem as though these parking areas would help some of the problems they have had and it would be beneficial for those neighbors who have had problems in the past know what's going on. No one from the public attended though one owner had indicated in his protest that he could not attend. At the public hearing one person spoke regarding the vehicles parked on Zenith and the unloading of vehicles blocking the street and turning movements. Also a concern with the tenants of the owner's rental property in the area was raised which is not directly pertinent to this request.

Discussion:
The rezoning is proposed to allow parking of vehicles to be and those finished being worked on as well as customer parking. The public garage use, currently Dales Service Center, was annexed into the City in 1964 as a non-conforming use and remained a non-conforming use until 2015 when is was zoned to the "C-2" General Commercial classification in 2015. In 2007 the non-conforming building (use) was expanded through Zoning Board of Adjustment (the east side was squared off since a portion already encroached into the east side yard). A service use has been at this location since at least the 1950's. As a use grows there are two options; either expand at the current site or relocate. The current owner has chosen the option to try to expand at the current site by requesting this and the companion rezoning.

The adjacent property would be used to alleviate (mitigate) the congestion at the front (Locust Street side) of the building, thereby opening-up the visibility at the intersection. However, by doing so this may allow traffic to speed into the intersection and cut the corner as many drivers are want to do rather than slowing down due to the visibility being reduced. The added property would be used to allow the current building to be used more efficiently with traffic moving in one direction alleviating backing out onto Locust Street. This property alone will not solve the problem of temporarily blocking Zenith Avenue with a tow vehicle while dropping off a vehicle, some backing movement will need to occur.



If the problem of parking of vehicles on Zenith Avenue that are related to the business persists, the residents do have an option to request “resident only parking” in front of their homes through the City’s Traffic Engineer.

Staff Recommendation:

Findings:

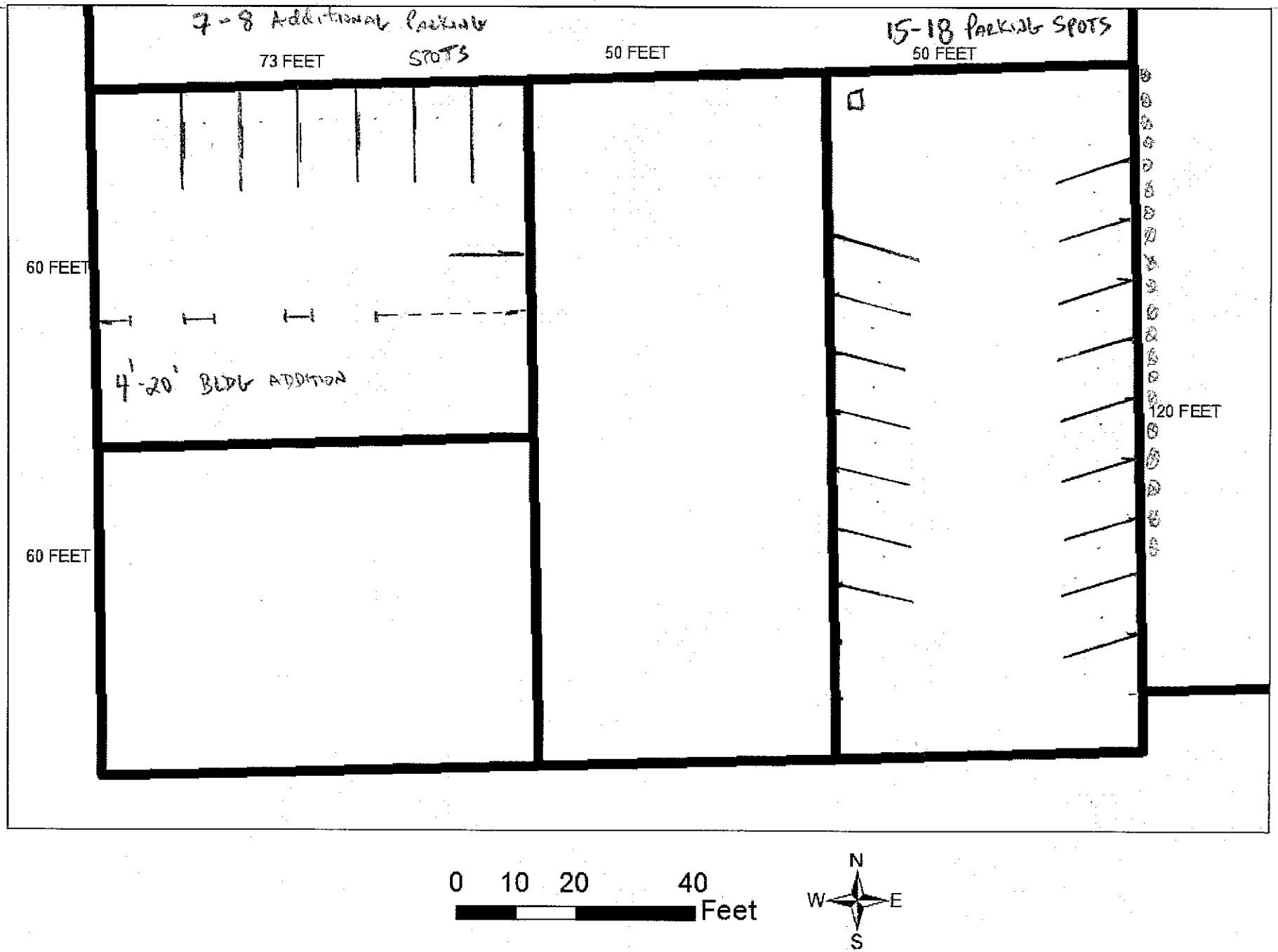
- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

Recommendation:
Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-06 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north property line (four foot height in the required front yard).

Prepared by:

Wayne Wille, CFM - Planner II
Community Planning Division


7 - 8 Additional Parking Spots
73 FEET
50 FEET
15-18 Parking Spots
50 FEET
60 FEET
4'-20' Bldg Addition
120 FEET
60 FEET
0 10 20 40
Feet
N
W
E
S

0 15 30 60 Feet

N
W E
S

PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT

Public Hearing Details:

Date:	06/05/2018
Time:	5:00 PM
Location:	Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject:	Public hearing for a rezoning (map amendment) before the Plan and Zoning Commission
Case #:	REZ18-06 & REZ18-07

To: All property owners within 200 feet of the subject property located at: **1909 North Zenith Avenue** and **3816 West Locust Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a rezoning (map amendment) request. The purpose of the rezoning is to allow residential townhomes on individual lots.

Request Description

- Case No. REZ18-06: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]
- Case No. REZ18-07: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 6,000 square feet (0.14) acre of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]

What are the Next Steps after the Public Hearing?

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

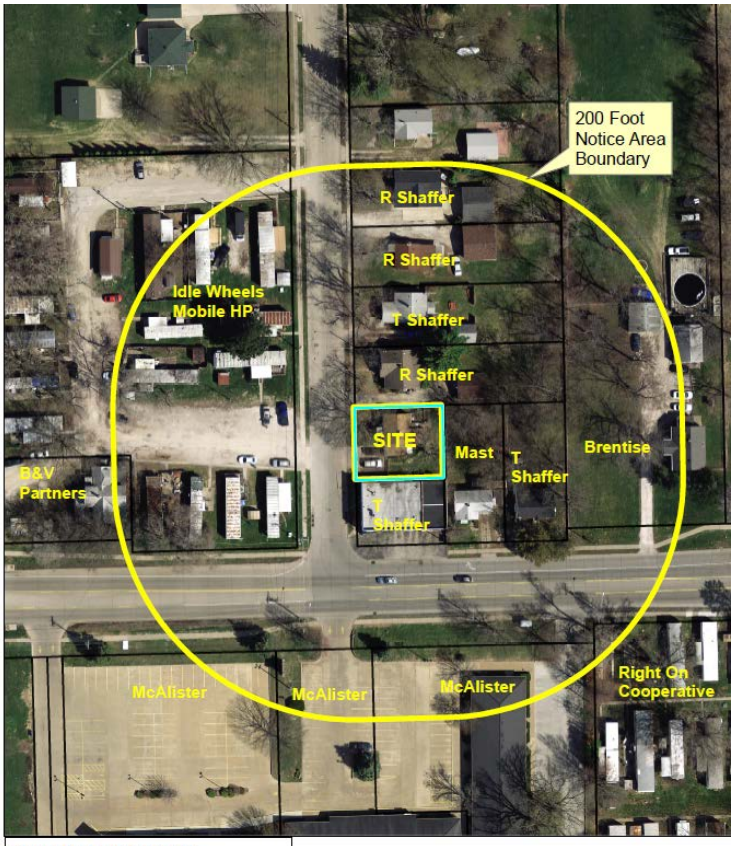
Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if ADA/special accommodations are needed, please contact Wayne Wille, CFM-Planner II, the planner assigned to this project at wtw@ci.davenport.ia.us or 563-326-6172.

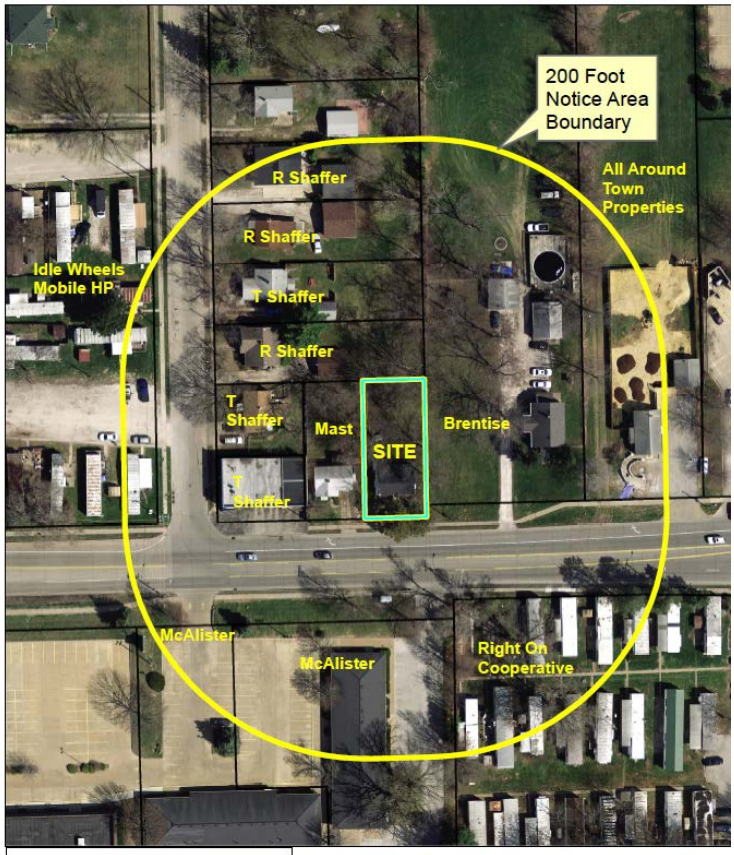
Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.



Case No. REZ18-06
1909 N Zenith Ave

0 37.5 75 150 Feet

N W E S



Case No. REZ18-07
3816 W Locust St

0 37.5 75 150 Feet

N W E S

Owner		Address	C-S-Z
RICHARD W SHAFFER	DIANE K SHAFFER	2130 OKLAHOMA AVE	DAVENPORT IA 52804
TIMOTHY SHAFFER	AMANDA SHAFFER	12023 - 70TH AVE	BLUE GRASS IA 52726
GEORGE A MAST	GERALDINE L MAST	806 W BROOKSHIRE	ORANGE CA 92865
WILLIAM JAMES MAST		3822 W LOCUST ST	DAVENPORT IA 52804
DONALD E BRENTISE	KRISTIN K BRENTISE	3804 W LOCUST ST	DAVENPORT IA 52804
B & V PARTNERS LLC		2490 HEATHER GLEN AVE	BETTENDORF IA 52722
IDLE WHEELS MOBILE HOME PARK		1108 WAVERLY RD	DAVENPORT IA 52804
RIGHT ON COOPERATIVE		PO BOX 131	BETTENDORF IA 52722
MCALISTER PROPERTIES LLC		1314 VAIL AVE	DURANT IA 52747
ALL AROUND TOWN ENTERPRISES		PO BOX 5267	DAVENPORT IA 52808
TIM SHAFFER	dba DALES SERVICE	3830 W LOCUST ST	DAVENPORT IA 52804
extra mailing as per Tiffany & Ald Dunn			
LORAS W JAEGER	MARCHETTA JAEGER	2421 HIGH ST	DES MOINES IA 50312
FRANKIE R BENNETT		2036 N ZENITH AVE	DAVENPORT IA 52804
FREDERICK L HIGGINS	DAWN M HIGGINS	2031 N ZENITH AVE	DAVENPORT IA 52804
JACOB R SHAFFER JR		2030 N ZENITH AVE	DAVENPORT IA 52804
ROGER DUGAN	GEORGIA J DUGAN	2018 N ZENITH AVE	DAVENPORT IA 52804
SEAN R CARTER	ROSA M BRIBRIESCO	2017 N ZENITH AVE	DAVENPORT IA 52804
DAVID C BLOOM	LAURA L BLOOM	2015 N ZENITH AVE	DAVENPORT IA 52804
JOHN C COOKSEY		2018 N ZENITH AVE	DAVENPORT IA 52804
REX COOPER	LUCILLE COOPER	126 N IVAN AVE	GALESBURG IL 61401
TLC REAL ESTATE LLC		4319 W 30TH ST	DAVENPORT IA 52804
STEPHEN C CLOUGH	CAROL M CLOUGH	2107 N ZENITH AVE	DAVENPORT IA 52804

EMAIL ONLY

ALD DUNN	rdunn@ci.davenport.ia.us
ALD GRIPP	kgripp@ci.davenport.ia.us
ALD CONDON	jcondon@ci.davenport.ia.us
TIFFANY THORNDIKE	tthorndike@ci.davenport.ia.us
TIM SHAFFER	tim@dalesqc.com
ROBERT INGHRAM	binghram@activethermal.net

City of Davenport

226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7711 TDD: 563-326-6145
www.cityofdavenportiowa.com

NEIGHBORHOOD MEETING NOTICE

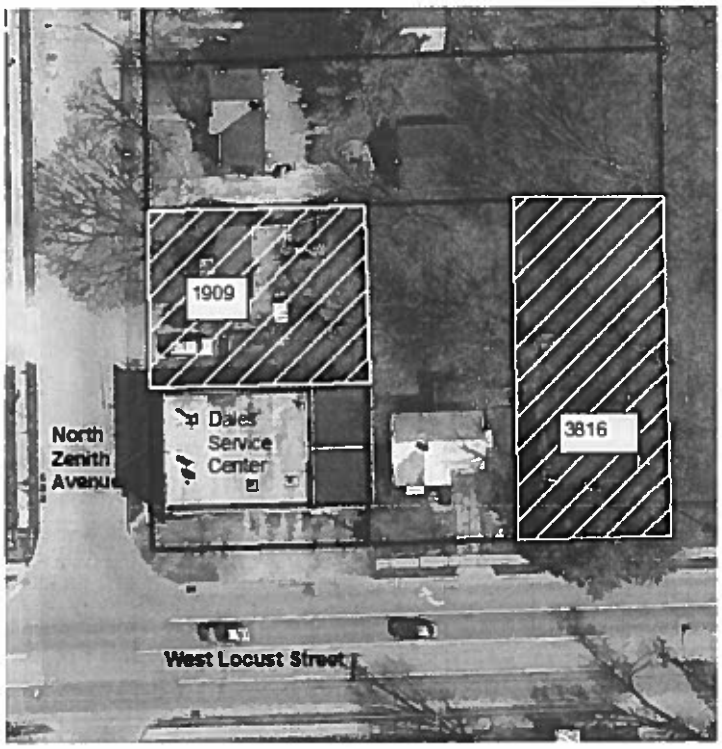
Date – Time - Place

On May 24, 2018 at 5:00 P.M. a neighborhood meeting will be held to introduce you to a project that requires a property to be rezoned. The meeting will be held at Dales Service Center 3830 West Locust Street (northeast corner of Zenith Avenue and Locust Street)

What is it about?

The applicant is proposing to develop parking/storage lots for his business (customers and vehicles to be or having been worked on). The business location is 3830 West Locust Street. The two locations that are subject of the rezoning requests are:

1) 1909 North Zenith Avenue being north of and abutting the business property; and
2) 3816 West Locust Street being one lot further east.



This is the first step in a rezoning process. Public hearings will be held before both the Plan and Zoning Commission and City Council. You will shortly be receiving notice of the City Plan and Zoning Commission's public hearing scheduled for June 5th at 5:00 P.M. in the Council Chambers at Davenport City Hall.

The proposed schedule is as follows (the remaining meetings are held in the Council Chambers of City Hall at 226 W 4th Street:

- Tuesday – 06/05/2018 at 5:00 P.M. – Plan and Zoning Commission Public Hearing

- Tuesday – 06/19/2018 at 5:00 P.M. – Plan and Zoning Commission regular meeting (recommendation to City Council made)

The City Council requires three readings or considerations for a rezoning to be approved (unless waived by the City Council). (The following is a tentative schedule for the City Council meetings – You will also receive a notice of the public hearing at the City Council).

- Wednesday – 06/20/2018 at 5:30 P.M – Committee of the Whole (City Council public hearing)

- Wednesday – 06/27/2018 at 5:30 P.M. – First consideration by City Council

- Tuesday – 07/03/2018 at 5:30 P.M – Committee of the Whole (date changed due to holiday)

- Wednesday - 07/11/2018 at 5:30 P.M. – Second consideration by City Council

- Wednesday – 07/18/2018 at 5:30 P.M – Committee of the Whole

- Wednesday - 07/25/2018 at 5:30 P.M. – Third & Final consideration by City Council

A tabling (delay) may occur at any point in this process.

I you have any questions, please contact the Community Planning Office at 563-326-7765 or use the office e-mail planning@ci.davenport.ia.us

3816 W Locust Street

1909 N Zenith Avenue

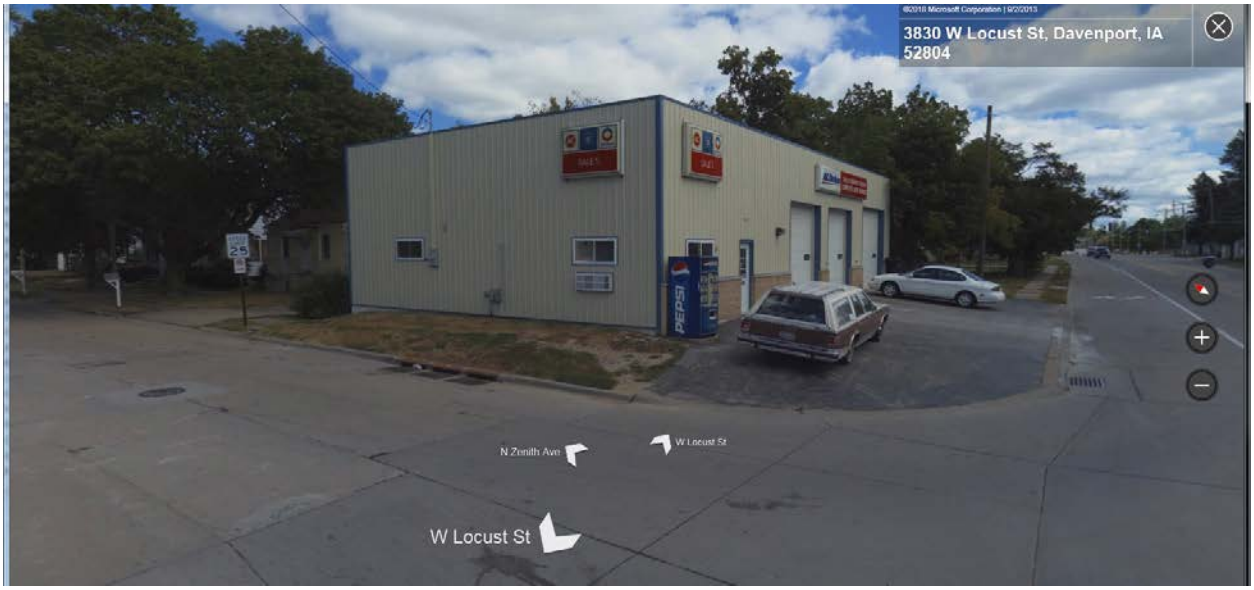
3830 W Locust Street

Bing Maps

3822 W Locust St

3816 W Locust St

1909 N Zenith Ave



3830 W Locust Street

DATE: May 24, 2018
TO: Community Planning

Please be informed of my opposition to the rezoning of the properties located at 1909 N. Zenith Ave and 3816 W. Locust St.

For the following reasons I am in opposition the rezoning:

1. There is no assertion or indication that encroachment on Zenith Ave. will in anyway help the immediate area or community. Further, there is no assertion or indication that this will help the community in general.

2. If the property on Zenith is rezoned it will increase an already busy intersection (Locust & Zenith) both from Zenith and turning onto Zenith.
   - As the garage business has increased the business has consistently parked vehicles of all types abutting the West Locust Street curb line blocking the needed view of anyone wishing to enter West Locust Street from Zenith Avenue.

3. As sited in # 2 above it is extremely dangerous to enter the intersection from Zenith Avenue onto West Locust Street – turning either way. To look for traffic turning onto Locust Street you must pull into Locust Street beyond the vehicles parked in the right of way, of the Dale's Garage to check for oncoming traffic.

4. Wrecker and flatbed trucks deliver vehicles blocking traffic on West Locust Street which creates traffic flow problems as well as great safety problems for anyone using West Locust Street. Traffic backs up causing further safety problems.

5. Wrecker and flatbed trucks deliver vehicles blocking traffic on Zenith Avenue which creates traffic flow problems as well as great safety problems for anyone using Zenith Avenue or wanting to enter Zenith Avenue from West Locust Street. Traffic backs up in both directions causing further safety problems.

6. To rezone a single family home in a clearly residential strip of homes and to replace it into a dangerous traffic situation for all the reasons above is not warranted or advisable.

7. Dales has clearly outgrown his business location and needs to consider relocating, which is a good thing. What is not good is the unrestricted conversion to a commercial Zenith Avenue.

Should you have any questions regarding this letter or the issues that I have presented please feel free to contact me using the following information.

Regards,

Steve Clough
2107 N. Zenith Ave.
Davenport, Iowa 52804
563-370-4713

From:	Longlett, Eric
To:	Wille, Wayne
Subject:	RE: two companion zonings
Date:	Friday, May 25, 2018 3:33:20 PM
Attachments:	image002.jpg image003.png

With diagonal parking northbound, how would they exit on the 3816 property?

Any drive entrance will need to have the proper permits (drive/excavation and sw) constructed per City SUDAS standards with appropriate inspections.

Eric Longlett

Engineering Manager

City of Davenport, Iowa

Phone: 563-327-5153

Cell: 563-370-3972

CoD logo 322c lrg

From: Wille, Wayne

Sent: Friday, May 25, 2018 9:53 AM

To: Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne

Subject: two companion zonings

Here are two rezoning requests to create parking for Dales Service Center at 3830 W Locust Street (the sketch is preliminary). These are going to Public Hearing on June 5th. Please respond with comments by Friday the 8th. Thank you

Wayne Wille, CFM - Planner II

Community Planning Division

226 W 4th St – Davenport IA 52801

563-326-6172 - wtw@ci.davenport.ia.us

563-326-7765 – planning@ci.davenport.ia.us

E Plan is now live. Click here for more information.

From:	Fisher, William (Billy)
To:	Wille, Wayne
Cc:	Kay, Amy
Subject:	RE: two companion zonings
Date:	Friday, June 01, 2018 1:47:38 PM
Attachments:	image001.png

The two properties combine for 10,400 square feet. Depending on how much they decide to pave, they will need to treat the WQv.

Thank you,

Billy Fisher, CPMSM
Urban Conservationist
City of Davenport
Ph - 563-888-2107
Fax - 563-327-5182

From: Wille, Wayne
Sent: Friday, May 25, 2018 9:53 AM
To: Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne
Subject: two companion zonings

Here are two rezoning requests to create parking for Dales Service Center at 3830 W Locust Street (the sketch is preliminary). These are going to Public Hearing on June 5th. Please respond with comments by Friday the 8th. Thank you

Wayne Wille, CFM - Planner II
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E Plan is now live. Click here for more information.

City of Davenport

Agenda Group: Community Development **Action / Date**
Department: Community Planning & Economic Development **CD7/3/2018**
Contact Info: Matt Flynn 888-2286
Wards: 1

Subject:
Third Consideration: Ordinance for Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward 1]

Recommendation:
Adopt the ordiance

Relationship to Goals:
Neighborhood Improvements
Fiscal Vitality

Background:
Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

Recommendation:

The Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

The Commission vote was 6-yes, 0-no and 0-abstention.

Protest Rate 0.0 percent

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
Cover Memo	REZ 18-07 Ord Only
Backup Material	REZ18-07 Background 3816 W Locust

REVIEWERS:

Department	Reviewer	Action	Date

Community Planning & Economic Development	Berger, Bruce	Approved	6/28/2018 - 10:04 AM
Community Development Committee	Berger, Bruce	Approved	6/28/2018 - 10:04 AM
City Clerk	Admin, Default	Approved	6/28/2018 - 10:07 AM

ORDINANCE NO.

ORDINANCE for Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned.

The property has the following legal description:

Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 78 North Range 3 East of the 5th P.M. being more particularly described as follows: Commencing in the Southeast Corner of Section 20, Township 78 North Range 3 East of the 5th P.M.; thence West along the south line of said Section 20 to a point of intersection with the east line of North Zenith Avenue as extended southerly; North 35.00 feet to the north line of West Locust Street as it currently exists; thence East along the north line of said West Locust Street a distance of 123.0 feet to the point of beginning; thence continuing east along the north line of West Locust Street a distance of 50.0 feet; thence North parallel to the east line of Zenith Avenue a distance of 120 feet; thence West parallel to the north line of West Locust Street a distance of 50 feet; thence South parallel to the east line of North Zenith Avenue a distance of 120 feet to the point of beginning. The above described parcel is also known as Scott County Tax Parcel T2057-13.

Said parcel contains 6,000 square feet, more or less.

The City Plan and Zoning Commission accepted the findings and forwards Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, MMC, Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7711 TDD: 563-326-6145
www.cityofdavenportiowa.com

June 20, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 19, 2018, the City Plan and Zoning Commission considered Case No. REZ18-07 being the request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

Findings:

- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

The Plan and Zoning Commission accept the findings and forward Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

Respectfully submitted,

Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record Meeting Date: 06-19-18 Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED	APPROVED	APPROVED	APPROVED			
Name:	Roll Call	REZ18-06 Tim Shaffer 1909 N Zenith Ave	REZ18-07 Tim Shaffer 3816 W Locust St	F18-05 Seng Meadows 1st Add'n	F18-06 Crow Valley Plaza 11th Add'n	F18-07 Monarch Hills 1sy Add'n			
Connell	P	Y	Y	Y	Y	Y			
Hepner	P	Y	Y	Y	Y	Y			
Inghram	P								
Johnson	P	Y	Y	Y	Y	Y			
Kelling	EX								
Lammers	P	Y	Y	Y	Y	Y			
Maness	EX								
Medd	EX								
Quinn	P	Y	Y	Y	ABS	Y			
Reinartz	P	Y	Y	Y	Y	Y			
Tallman	P	Y	Y	Y	Y	Y			
		6-YES 0-NO 0-ABSTAIN	6-YES 0-NO 0-ABSTAIN	6-YES 0-NO 0-ABSTAIN	5-YES 0-NO 1-ABSTAIN	6-YES 0-NO 0-ABSTAIN			

City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

Meeting Date: June 19, 2018
Request: R-3 Moderate Density Dwelling to C-2 General Commercial
Address: 3816 West Locust Street (N of W Locust St & E of N Zenith Ave)
Case No.: REZ18-07
Applicant: Tim Shaffer dba Shaffer Automotive / Dales Service

Recommendation:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-07 to the City Council for approval subject to the listed conditions.

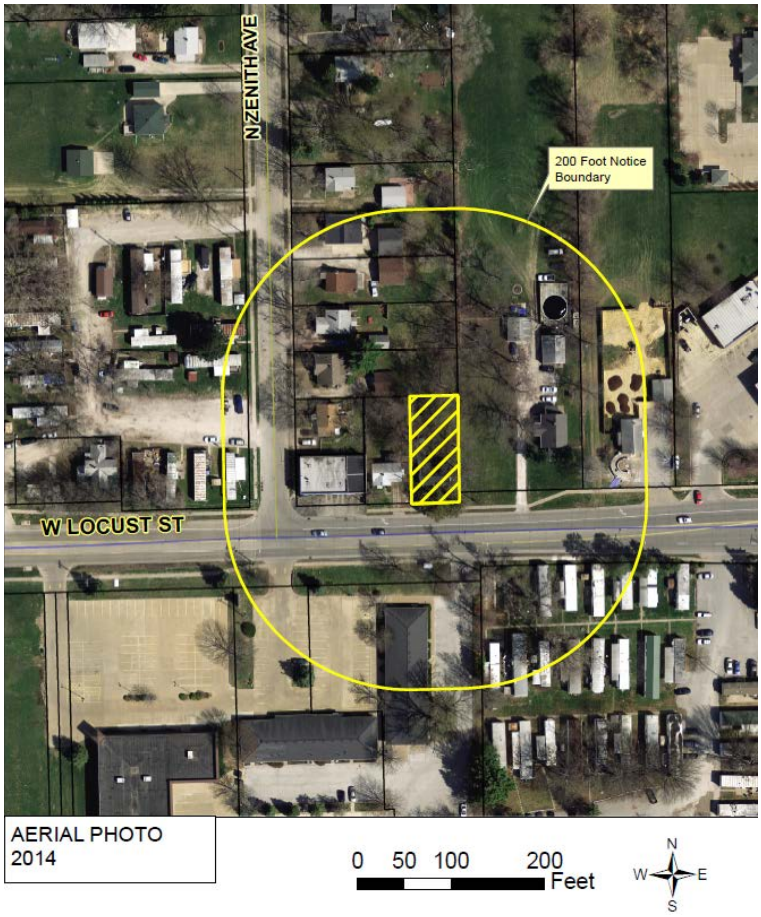
Introduction:

Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service for a rezoning (map amendment) on 6,000 square feet, more or less, of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking for the associated business Dales Service Center. [Ward1]

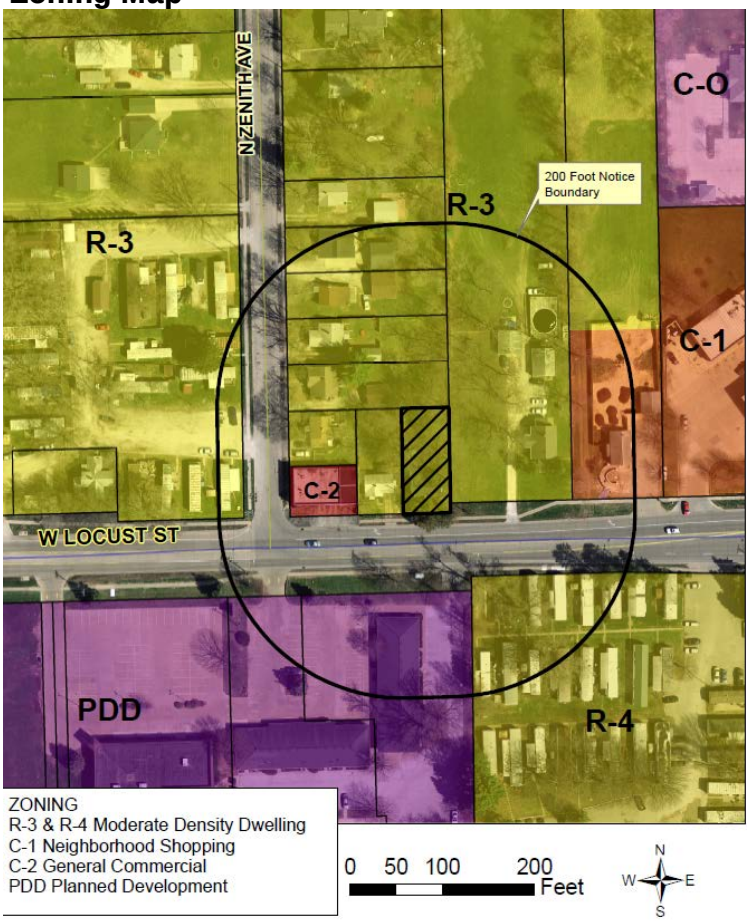
Note: there is a companion zoning request for 1909 North Zenith Avenue. While separate these two requests work in tandem.

AREA CHARACTERISTICS:

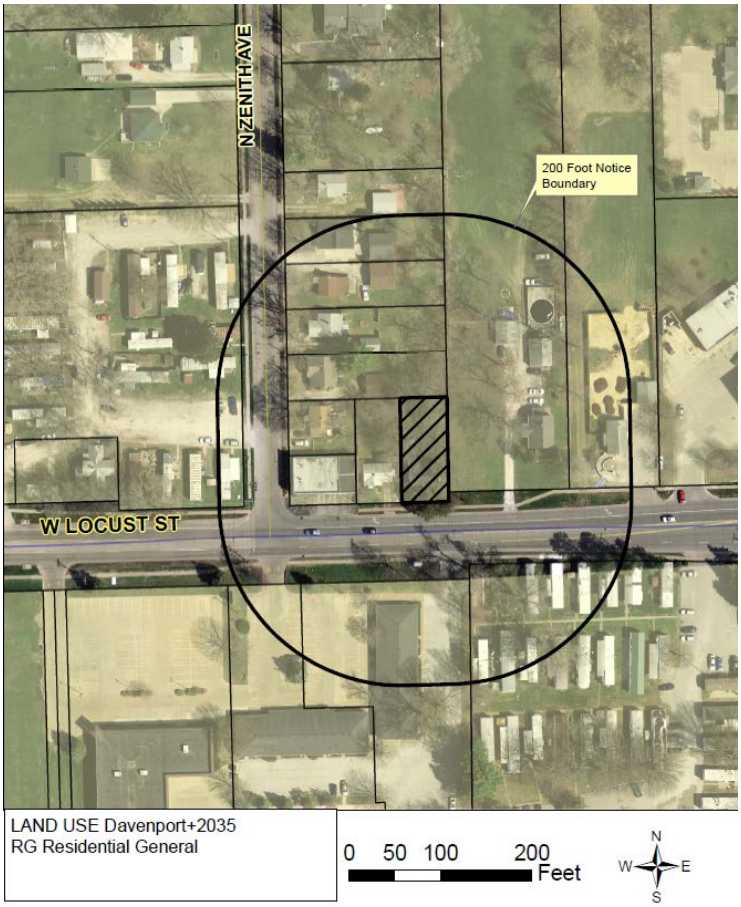
Aerial



Zoning Map



Land Use - 2035



<u>Background:</u>
Comprehensive Plan:

Within Urban Service Boundary +2035: Yes

Future Land Use Designation: The property being rezoned and the surrounding properties are designated as Residential General (RG).

> *Note: The abutting business property, Dales Service Center at 3830 W Locust Street, was zoned to the "C-2" General Commercial classification in 2015. At that time the Davenport 2025 Land Use plan designated the property as CN Commercial Neighborhood.*

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

Relevant Goals to be considered in this Case:
Identify and reserve land for current and future development – *encourage a full range of development.*

Zoning:
The subject property is currently zoned "R-3" Moderate Density Dwelling District. The abutting business, Dales Service Center, located at 3830 W Locust Street, is zoned "C-2" General Commercial District. Planned Development (PDD) zoning is located across Locust Street to the south and Neighborhood Commercial (C-1) zoning is located on the two lots west of the Fairmount Street.

Technical Review:

<u>Streets</u>. The property is located on the east side of North Zenith Avenue just north of West Locust Street.

<u>Storm Water</u>. Stormwater infrastructure (inlets) is located in both North Zenith Avenue and West Locust Street at the intersection. Redevelopment of the site may require compliance with the City's stormwater regulations.

<u>Sanitary Sewer</u>. Sanitary sewer service is located within North Zenith Avenue (8-inch line).

<u>Other Utilities</u>. This is an urban area and normal utility services are available.

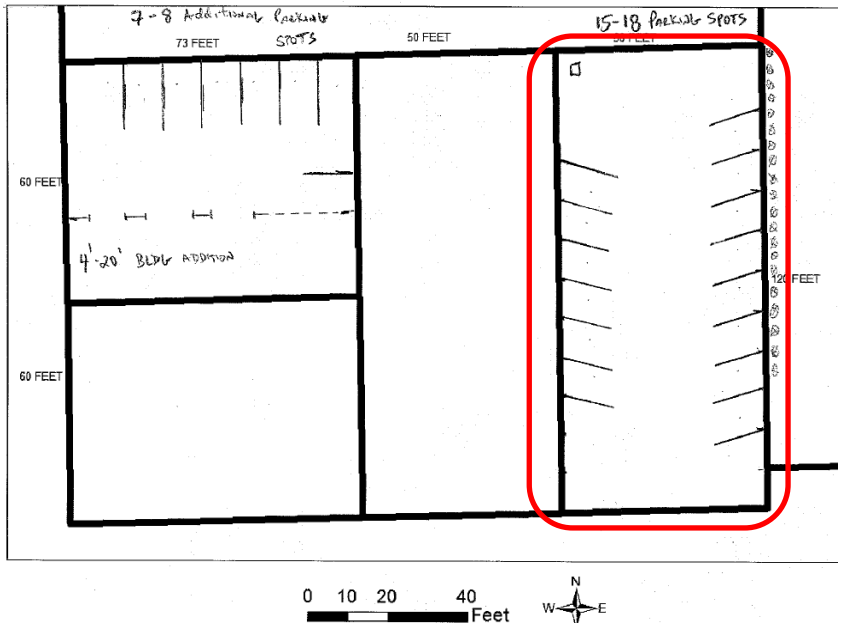
<u>Emergency Services</u>. The property is located approximately 1-2/3 miles from Fire Stations No. 6 at 1735 West Pleasant Street and approximately 2 miles from Fire Station No. 5 at 2808 Telegraph Road.

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

Public Input:
The neighborhood meeting was held on Thursday May 24th at the business location. A larger area was notified north along Zenith Avenue for the neighborhood meeting at the request of the Ward Alderman. Apparently complaints in the past have been received from those residents further north on Zenith Avenue about parking issues associated with Dale's Automotive. According to the Council Office it would seem as though these parking areas would help some of the problems they have had and it would be beneficial for those neighbors who have had problems in the past know what's going on. No one from the public attended though one owner had indicated in his protest that he could not attend. At the public hearing one person spoke regarding the vehicles parked on Zenith and the unloading of vehicles blocking the street and turning movements. Also a concern with the tenants of the owner's rental property in the area was raised which is not directly pertinent to this request

<u>Discussion:</u>
The rezoning is proposed to allow parking of vehicles to be and those finished being worked on as well as customer parking. The public garage use, currently Dales Service Center was annexed into the City in 1964 as a non-conforming use and remained a non-conforming use until 2015 when is was zoned to the "C-2" General Commercial classification in 2015. In 2007 the non-conforming building (use) was expanded through Zoning Board of Adjustment (the east side was squared off since a portion already encroached into the east side yard). A service use has been at this location since at least the 1950's. As a use grows there are two options; either expand at the current site or relocate. The current owner has chosen the option to try to expand at the current site by requesting this and the companion rezoning.

The property east of the business would also be used to alleviate (mitigate) the congestion at the business. This added property would be used to allow the current building to be used more efficiently with this property mitigating problem of temporarily blocking Zenith Avenue with a tow vehicle while dropping off a vehicle. The use of this lot would allow the tow vehicle to drop the vehicle off and turn around to avoid backing out onto Locust Street.



Staff Recommendation:

Findings:

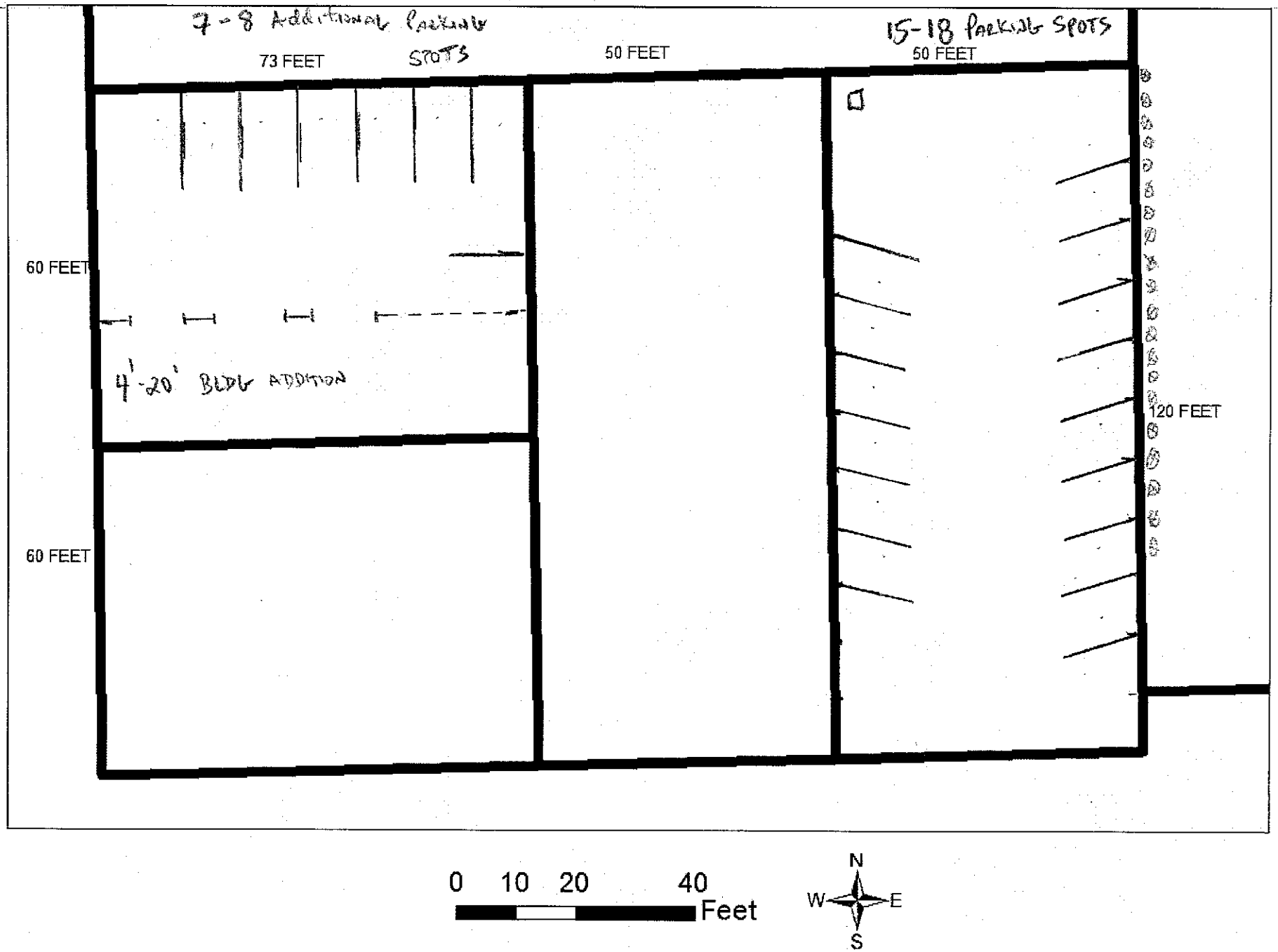
- The request mitigates congestion on the local streets.
- The request mitigates the business impact on the surrounding area.
- This request allows a small business to grow and remain.

Recommendation:
Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-07 to the City Council for approval subject to the following conditions:

1. That a six foot solid fence be constructed along the north and east property lines property lines (four foot height in the required front yard).

Prepared by:

Wayne Wille, CFM - Planner II
Community Planning Division


7 - 8 Additional Parking Spots
73 FEET
50 FEET
15-18 Parking Spots
50 FEET
60 FEET
4'-20' Bldg Addition
120 FEET
60 FEET
0 10 20 40
Feet
N
W
E
S

0 15 30 60 Feet

N
W E
S

PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT

Public Hearing Details:

Date:	06/05/2018
Time:	5:00 PM
Location:	Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject:	Public hearing for a rezoning (map amendment) before the Plan and Zoning Commission
Case #:	REZ18-06 & REZ18-07

To: All property owners within 200 feet of the subject property located at: **1909 North Zenith Avenue** and **3816 West Locust Street.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a rezoning (map amendment) request. The purpose of the rezoning is to allow residential townhomes on individual lots.

Request Description

- Case No. REZ18-06: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 4,380 square feet (0.10) acre of property known as 1909 North Zenith Avenue located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]
- Case No. REZ18-07: Request of Tim Shaffer of Shaffer Automotive Service LLC dba Dales Service Center for a rezoning on 6,000 square feet (0.14) acre of property known as 3816 West Locust Street located north of West Locust Street and east of North Zenith Avenue. The rezoning is from "R-3" Moderate Density Dwelling District to "C-2" General Commercial District to provide parking/storage for the associated business Dales Service. [Ward 1]

What are the Next Steps after the Public Hearing?

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

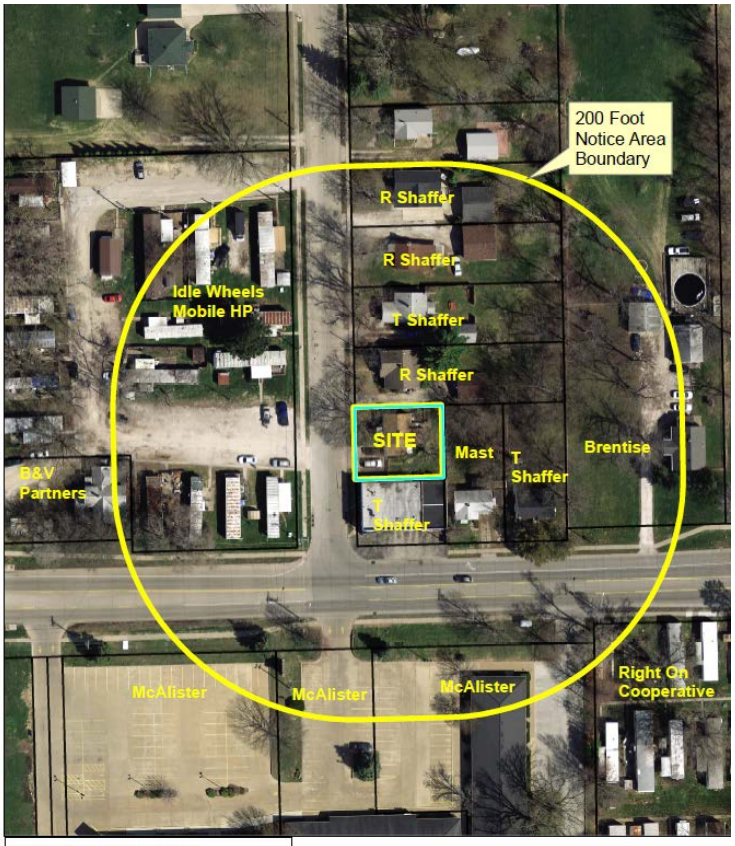
Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if ADA/special accommodations are needed, please contact Wayne Wille, CFM-Planner II, the planner assigned to this project at wtw@ci.davenport.ia.us or 563-326-6172.

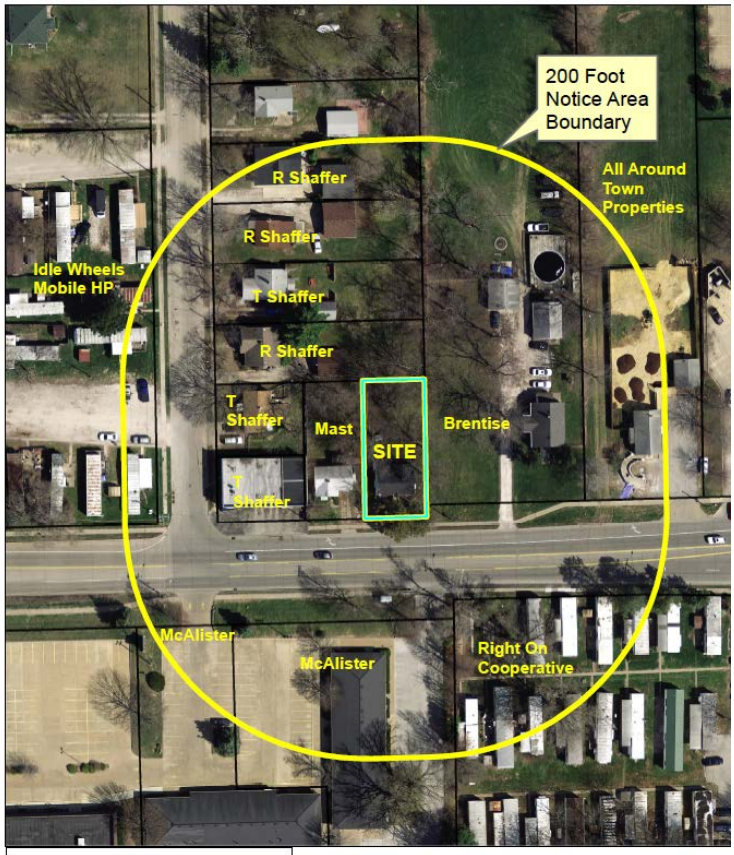
Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the applicant. If you choose to attend the hearing, you may wish to contact Community Planning prior to your departure to learn of any changes to the agenda.



Case No. REZ18-06
1909 N Zenith Ave

0 37.5 75 150 Feet

N W E S



Case No. REZ18-07
3816 W Locust St

0 37.5 75 150 Feet

N W E S

Owner		Address	C-S-Z
RICHARD W SHAFFER	DIANE K SHAFFER	2130 OKLAHOMA AVE	DAVENPORT IA 52804
TIMOTHY SHAFFER	AMANDA SHAFFER	12023 - 70TH AVE	BLUE GRASS IA 52726
GEORGE A MAST	GERALDINE L MAST	806 W BROOKSHIRE	ORANGE CA 92865
WILLIAM JAMES MAST		3822 W LOCUST ST	DAVENPORT IA 52804
DONALD E BRENTISE	KRISTIN K BRENTISE	3804 W LOCUST ST	DAVENPORT IA 52804
B & V PARTNERS LLC		2490 HEATHER GLEN AVE	BETTENDORF IA 52722
IDLE WHEELS MOBILE HOME PARK		1108 WAVERLY RD	DAVENPORT IA 52804
RIGHT ON COOPERATIVE		PO BOX 131	BETTENDORF IA 52722
MCALISTER PROPERTIES LLC		1314 VAIL AVE	DURANT IA 52747
ALL AROUND TOWN ENTERPRISES		PO BOX 5267	DAVENPORT IA 52808
TIM SHAFFER	dba DALES SERVICE	3830 W LOCUST ST	DAVENPORT IA 52804
extra mailing as per Tiffany & Ald Dunn			
LORAS W JAEGER	MARCHETTA JAEGER	2421 HIGH ST	DES MOINES IA 50312
FRANKIE R BENNETT		2036 N ZENITH AVE	DAVENPORT IA 52804
FREDERICK L HIGGINS	DAWN M HIGGINS	2031 N ZENITH AVE	DAVENPORT IA 52804
JACOB R SHAFFER JR		2030 N ZENITH AVE	DAVENPORT IA 52804
ROGER DUGAN	GEORGIA J DUGAN	2018 N ZENITH AVE	DAVENPORT IA 52804
SEAN R CARTER	ROSA M BRIBRIESCO	2017 N ZENITH AVE	DAVENPORT IA 52804
DAVID C BLOOM	LAURA L BLOOM	2015 N ZENITH AVE	DAVENPORT IA 52804
JOHN C COOKSEY		2018 N ZENITH AVE	DAVENPORT IA 52804
REX COOPER	LUCILLE COOPER	126 N IVAN AVE	GALESBURG IL 61401
TLC REAL ESTATE LLC		4319 W 30TH ST	DAVENPORT IA 52804
STEPHEN C CLOUGH	CAROL M CLOUGH	2107 N ZENITH AVE	DAVENPORT IA 52804

EMAIL ONLY

ALD DUNN	rdunn@ci.davenport.ia.us
ALD GRIPP	kgripp@ci.davenport.ia.us
ALD CONDON	jcondon@ci.davenport.ia.us
TIFFANY THORNDIKE	tthorndike@ci.davenport.ia.us
TIM SHAFFER	tim@dalesqc.com
ROBERT INGHRAM	binghram@activethermal.net

City of Davenport

226 West Fourth Street • Davenport, Iowa 52801
Telephone: 563-326-7711 TDD: 563-326-6145
www.cityofdavenportiowa.com

NEIGHBORHOOD MEETING NOTICE

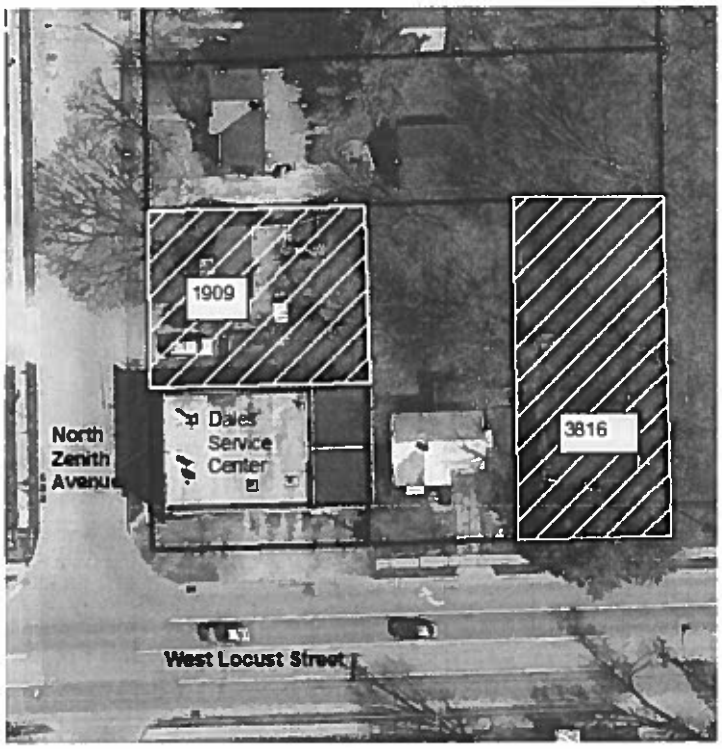
Date – Time - Place

On May 24, 2018 at 5:00 P.M. a neighborhood meeting will be held to introduce you to a project that requires a property to be rezoned. The meeting will be held at Dales Service Center 3830 West Locust Street (northeast corner of Zenith Avenue and Locust Street)

What is it about?

The applicant is proposing to develop parking/storage lots for his business (customers and vehicles to be or having been worked on). The business location is 3830 West Locust Street. The two locations that are subject of the rezoning requests are:

1) 1909 North Zenith Avenue being north of and abutting the business property; and
2) 3816 West Locust Street being one lot further east.



This is the first step in a rezoning process. Public hearings will be held before both the Plan and Zoning Commission and City Council. You will shortly be receiving notice of the City Plan and Zoning Commission's public hearing scheduled for June 5th at 5:00 P.M. in the Council Chambers at Davenport City Hall.

The proposed schedule is as follows (the remaining meetings are held in the Council Chambers of City Hall at 226 W 4th Street:

- Tuesday – 06/05/2018 at 5:00 P.M. – Plan and Zoning Commission Public Hearing

- Tuesday – 06/19/2018 at 5:00 P.M. – Plan and Zoning Commission regular meeting (recommendation to City Council made)

The City Council requires three readings or considerations for a rezoning to be approved (unless waived by the City Council). (The following is a tentative schedule for the City Council meetings – You will also receive a notice of the public hearing at the City Council).

- Wednesday – 06/20/2018 at 5:30 P.M – Committee of the Whole (City Council public hearing)

- Wednesday – 06/27/2018 at 5:30 P.M. – First consideration by City Council

- Tuesday – 07/03/2018 at 5:30 P.M – Committee of the Whole (date changed due to holiday)

- Wednesday - 07/11/2018 at 5:30 P.M. – Second consideration by City Council

- Wednesday – 07/18/2018 at 5:30 P.M – Committee of the Whole

- Wednesday - 07/25/2018 at 5:30 P.M. – Third & Final consideration by City Council

A tabling (delay) may occur at any point in this process.

I you have any questions, please contact the Community Planning Office at 563-326-7765 or use the office e-mail planning@ci.davenport.ia.us

3816 W Locust Street

1909 N Zenith Avenue

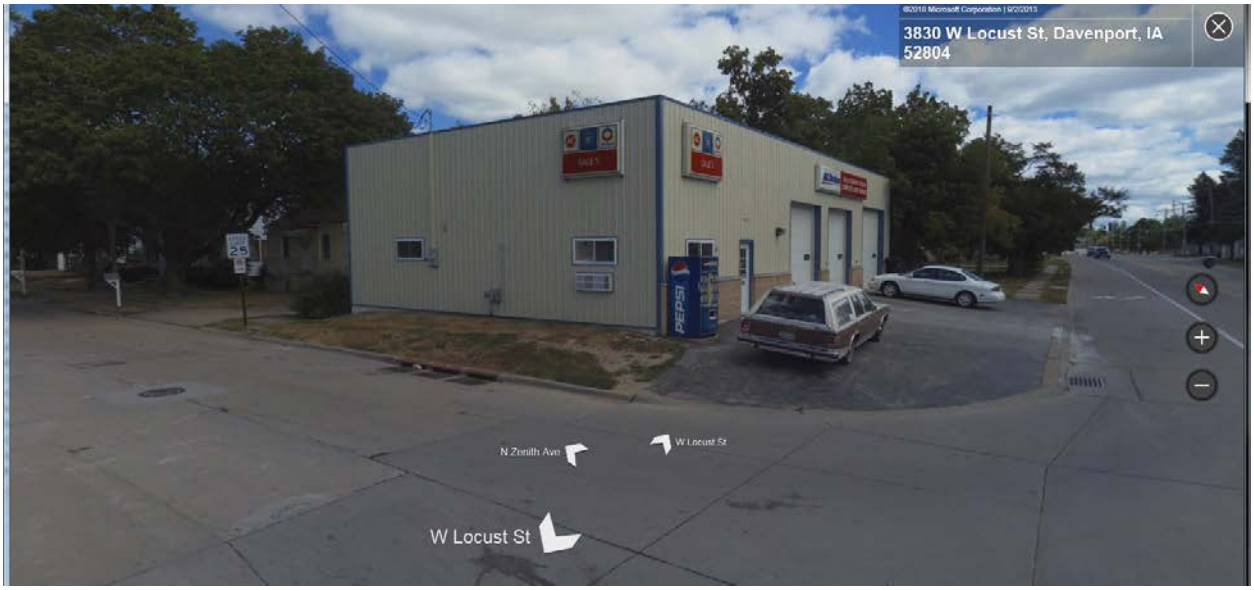
3830 W Locust Street

Bing Maps

3822 W Locust St

3816 W Locust St

1909 N Zenith Ave



3830 W Locust Street

DATE: May 24, 2018
TO: Community Planning

Please be informed of my opposition to the rezoning of the properties located at 1909 N. Zenith Ave and 3816 W. Locust St.

For the following reasons I am in opposition the rezoning:

1. There is no assertion or indication that encroachment on Zenith Ave. will in anyway help the immediate area or community. Further, there is no assertion or indication that this will help the community in general.

2. If the property on Zenith is rezoned it will increase an already busy intersection (Locust & Zenith) both from Zenith and turning onto Zenith.
   - As the garage business has increased the business has consistently parked vehicles of all types abutting the West Locust Street curb line blocking the needed view of anyone wishing to enter West Locust Street from Zenith Avenue.

3. As sited in # 2 above it is extremely dangerous to enter the intersection from Zenith Avenue onto West Locust Street – turning either way. To look for traffic turning onto Locust Street you must pull into Locust Street beyond the vehicles parked in the right of way, of the Dale's Garage to check for oncoming traffic.

4. Wrecker and flatbed trucks deliver vehicles blocking traffic on West Locust Street which creates traffic flow problems as well as great safety problems for anyone using West Locust Street. Traffic backs up causing further safety problems.

5. Wrecker and flatbed trucks deliver vehicles blocking traffic on Zenith Avenue which creates traffic flow problems as well as great safety problems for anyone using Zenith Avenue or wanting to enter Zenith Avenue from West Locust Street. Traffic backs up in both directions causing further safety problems.

6. To rezone a single family home in a clearly residential strip of homes and to replace it into a dangerous traffic situation for all the reasons above is not warranted or advisable.

7. Dales has clearly outgrown his business location and needs to consider relocating, which is a good thing. What is not good is the unrestricted conversion to a commercial Zenith Avenue.

Should you have any questions regarding this letter or the issues that I have presented please feel free to contact me using the following information.

Regards,

Steve Clough
2107 N. Zenith Ave.
Davenport, Iowa 52804
563-370-4713

From:	Fisher, William (Billy)
To:	Wille, Wayne
Cc:	Kay, Amy
Subject:	RE: two companion zonings
Date:	Friday, June 01, 2018 1:47:38 PM
Attachments:	image001.png

The two properties combine for 10,400 square feet. Depending on how much they decide to pave, they will need to treat the WQv.

Thank you,

Billy Fisher, CPMSM
Urban Conservationist
City of Davenport
Ph - 563-888-2107
Fax - 563-327-5182

From: Wille, Wayne
Sent: Friday, May 25, 2018 9:53 AM
To: Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne
Subject: two companion zonings

Here are two rezoning requests to create parking for Dales Service Center at 3830 W Locust Street (the sketch is preliminary). These are going to Public Hearing on June 5th. Please respond with comments by Friday the 8th. Thank you

Wayne Wille, CFM - Planner II
Community Planning Division
226 W 4th St – Davenport IA 52801
563-326-6172 - wtw@ci.davenport.ia.us
563-326-7765 – planning@ci.davenport.ia.us

E Plan is now live. Click here for more information.

From:	Longlett, Eric
To:	Wille, Wayne
Subject:	RE: two companion zonings
Date:	Friday, May 25, 2018 3:33:20 PM
Attachments:	image002.jpg image003.png

With diagonal parking northbound, how would they exit on the 3816 property?

Any drive entrance will need to have the proper permits (drive/excavation and sw) constructed per City SUDAS standards with appropriate inspections.

Eric Longlett

Engineering Manager

City of Davenport, Iowa

Phone: 563-327-5153

Cell: 563-370-3972

CoD logo 322c lrg

From: Wille, Wayne

Sent: Friday, May 25, 2018 9:53 AM

To: Allender, Julie; Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Glessner, Antonio ; Heyer, Brian; Hock, Scott; Jacobsen, Henry; Johnson, Joy ; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, James; Morris, Kathy; Ralfs, Jacob; Rusnak, Ryan; Sim, Nicholas; Tate, Art; Wahlheim, Derek; Wille, Wayne

Subject: two companion zonings

Here are two rezoning requests to create parking for Dales Service Center at 3830 W Locust Street (the sketch is preliminary). These are going to Public Hearing on June 5th. Please respond with comments by Friday the 8th. Thank you

Wayne Wille, CFM - Planner II

Community Planning Division

226 W 4th St – Davenport IA 52801

563-326-6172 - wtw@ci.davenport.ia.us

563-326-7765 – planning@ci.davenport.ia.us

E Plan is now live. Click here for more information.

City of Davenport

Agenda Group: **Action / Date**
Department: Community Planning & Economic Development **7/18/2018**
Contact Info: Matt Flynn 563.888.2286
matt.flynn@ci.davenport.ia.us
Wards: 6

Subject:
Second Consideration: Ordinance for Case No. REZ18-08 being the request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District to facilitate commercial development. [Ward 6]

Recommendation:
Adopt the ordinance.

Relationship to Goals:
Welcome investment.

Background:
Please see attached documentation for background information.

At its regular meeting of July 2, 2018, the City Plan and Zoning Commission considered Case No. REZ18-08.

Findings:

1. The commercial use of the property would comply with the Davenport 2035 Future Land Use Map designation due to the proposed scale of the development as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff;
2. The design of the proposed commercial use of the property as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff help mitigate potential negative impacts to surrounding residential property owners;
3. The traffic impact study demonstrates that additional traffic caused by the proposed development would not significantly impact adjacent roadways; and
4. Planned improvements to East 53rd Street facilitate commercial development at this location.

The Plan and Zoning Commission accepted the listed findings and forwards Case No. REZ18-08 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That a 25 foot wide landscape buffer be maintained along the south property line. This landscape buffer shall contain a 6 foot high fence along the northern portion of the landscape buffer;

3. That a 25 foot wide landscape buffer be maintained along the west property line;
4. That there be no vehicular access to Lorton Avenue;
5. That the following uses be prohibited because the potential for incompatibility with the surrounding residential properties: carryout sales of alcoholic beverages; gasoline stations and car washes;
6. That any dumpsters be located at least 60 feet from the south and west property line;
7. That parking lot lighting be shielded and directed away from the residential properties to the south and west;
8. That a sidewalk be installed from the East 53rd Street sidewalk into the proposed development to facilitate pedestrian access to the commercial development;
9. That the west driveway access to East 53rd Street turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue; and
10. In the event that the “PDD” Planned Development District and/or “HCOD” Highway Corridor Overlay District are supplanted by new zoning ordinance classifications and regulations, the City or property owner shall rezone the property to a commercial classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

The Commission vote was 5 yes, 4 no and 0 abstention.

The protest rate is 7.4%.

ATTACHMENTS:

Type	Description
Ordinance	Proposed Ordinance
Backup Material	Proposed PDD Land Use Plan
Backup Material	Plan and Zoning Commission Letter to City Council - 7-3-2018
Backup Material	7-2-2018 - Plan and Zoning Commission Vote Results
Backup Material	Applicant Acceptance of Rezoning Conditions
Backup Material	Plan and Zoning Commission Staff Report - 7-2-2018 Public Meeting
Backup Material	Developer Presentation
Backup Material	Traffic Impact Study
Backup Material	Rezoning Protest List of Property Owners within 200 Feet of the Subject Proeprty
Backup Material	Non-Objection, Protests and Correspondence
Backup Material	Public Hearing and Neighborhood Meeting Notice
Backup Material	Public Hearing Notice - QC Times - 7-10-2018
Backup Material	Application

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	7/11/2018 - 3:17 PM
Community Development			

Committee	Berger, Bruce	Approved	7/11/2018 - 3:17 PM
City Clerk	Admin, Default	Approved	7/11/2018 - 5:04 PM

ORDINANCE NO.

ORDINANCE for Case No. REZ18-08 being the request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District to facilitate commercial development. [Ward 6]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned.

The property has the following legal description:

Part of the Southeast Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

A part of lots four (4) through eight (8) in Hanlin's Addition, the plat of which is recorded in book 65, at page 123 in the office of the Scott County Recorder of Deeds, a part of lot 1 and all of lot 2 in the final plat of the Replat of lot 2 in Hanlin's Addition, the plat of which is recorded in document number 9727-76 in the office of the Scott County Recorder of Deeds, a part of lot 1 and all of lot 2 in the final plat of the Replat of lot 3 in Hanlin's Addition, the plat of which is recorded in document number 13789-75 in the office of the Scott County Recorder of Deeds and a part of Fairhaven Road lying adjacent to said final plat of the Replat of lot 2 and said final plat of the Replat of lot 3, being more particularly described as follows:

Beginning at the southwest corner of said lot eight (8) of said Hanlin's Addition, thence northerly along the east right of way line of Lorton avenue 288 feet, more or less, to the south right of way line of east 53rd street; thence east along said south right of way line 667 feet, more of less, to the west line of lot two (2) of the final plat of the Replat of lot 3 in Hanlin's Addition; thence north, along said west line of said lot two (2) 12 feet, more or less, to the northwest corner of said lot two (2) and said south right of way line of east 53rd street; thence east along said south right of way line 133 feet, more or less, to the west right of way line of Fairhaven road; thence south along said west right of way line 18 feet, more or less; thence east 55 feet, more or less, to said south right of way line of east 53rd street; thence in a northeasterly direction, along a curve to the right, having a radius of 20 feet, for an arc distance of 15.9 feet more or less; thence east along said south right of way line 113 feet, more or less, to the east line of lot one (1) of the final Replat of lot 2 in Hanlin's Addition; thence south along said east line 288 feet, more or less, to the southeast corner of lot two (2) of the final Replat of lot 2 in Hanlin's Addition; thence west, 984 feet more or less to the point of beginning. Said tract contains 6.5 acres, more or less.

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

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That a 25 foot wide landscape buffer be maintained along the south property line. This landscape buffer has contain a 6 foot high fence along the northern portion of the landscape buffer;
3. That a 25 foot wide landscape buffer be maintained along the west property line;
4. That there be no vehicular access to Lorton Avenue;
5. That the following uses be prohibited because the potential for incompatibility with the surrounding residential properties: carryout sales of alcoholic beverages; gasoline stations and car washes;
6. That any dumpsters be located at least 60 feet from the south and west property line;
7. That parking lot lighting be shielded and directed away from the residential properties to the south and west;
8. That a sidewalk be installed from the East 53rd Street sidewalk into the proposed development to facilitate pedestrian access to the commercial development;
9. That the west driveway access to East 53rd Street turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue; and
10. In the event that the "PDD" Planned Development District and/or "HCOD" Highway Corridor Overlay District are supplanted by new zoning ordinance classifications and regulations, the City or property owner shall rezone the property to a commercial classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

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

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

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

First Consideration _____

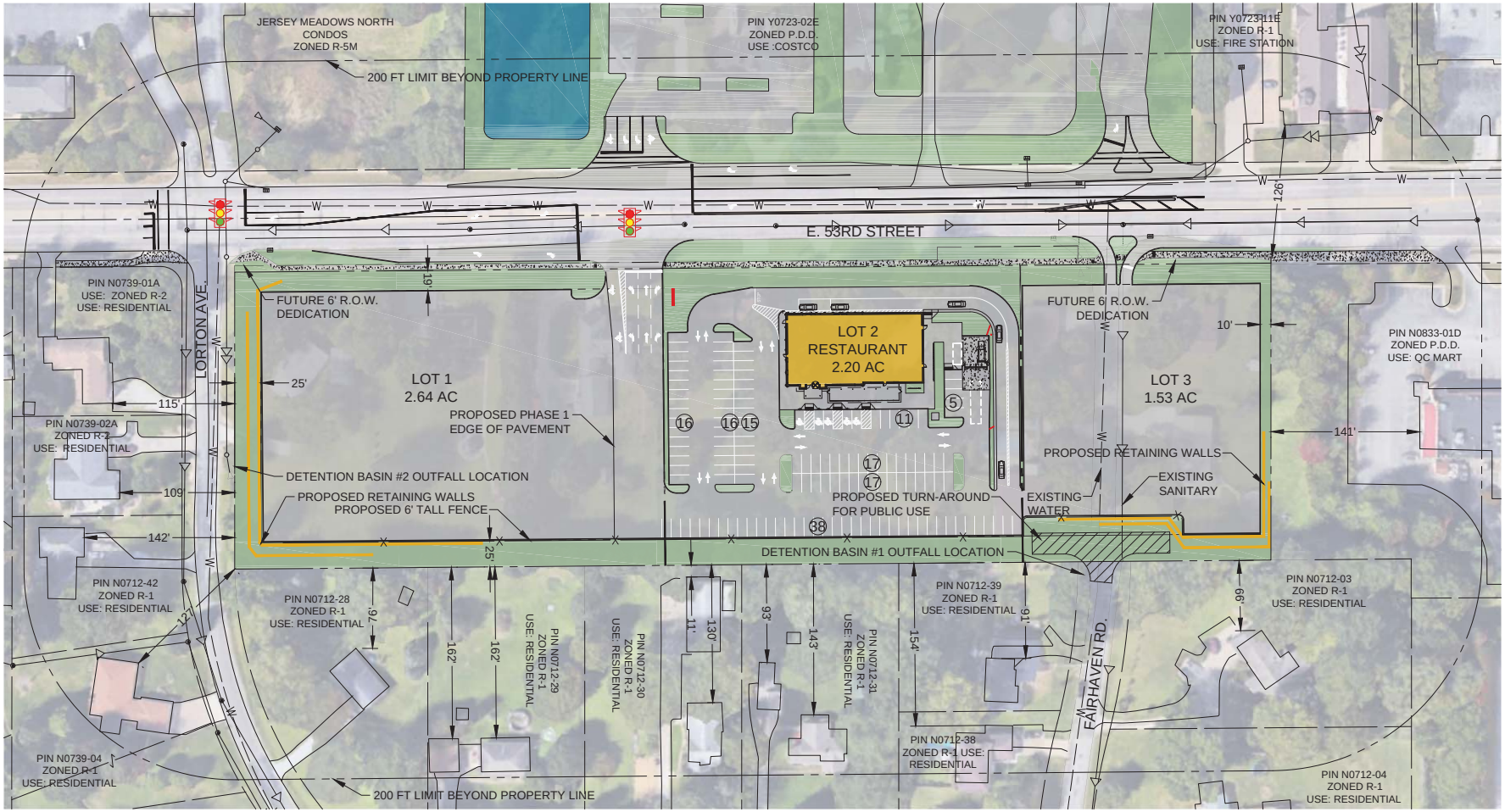
Second Consideration _____

Approved _____

_____
Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC, Deputy City Clerk

Published in the *Quad City Times* on _____



LAND USE TABLE

	LOT SIZE	USES	BUILDING SF (MAX)	IMPERVIOUS SURFACE AREA	NUMBER OF STORIES
LOT 1	2.64 ACRE	RESTAURANT/RETAIL/OFFICE	15,000 SF	91,500 SF (79.6%)	1
LOT 2	2.20 ACRE	RESTAURANT	9,500 SF	76,500 SF (79.8%)	1
LOT 3	1.53 ACRE	RESTAURANT/RETAIL/OFFICE	9,000 SF	53,000 SF (79.5%)	1

LEGEND

- BOUNDARY LINE
- SETBACK LINE
- EXISTING PROPERTY LINE
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- PROPOSED MONUMENT SIGN

AUSTIN ENGINEERING CO., INC.
Consulting Engineers / Surveyors
220 Emerson Place, Suite 305
Davenport, Iowa 52801
Certificate No. CS131338

LAND USE PLAN

WCT INVESTMENTS
DAVENPORT, IOWA

E. 53RD STREET
DAVENPORT, IA 52807

ISSUED
06-28-18 LAND USE PLAN

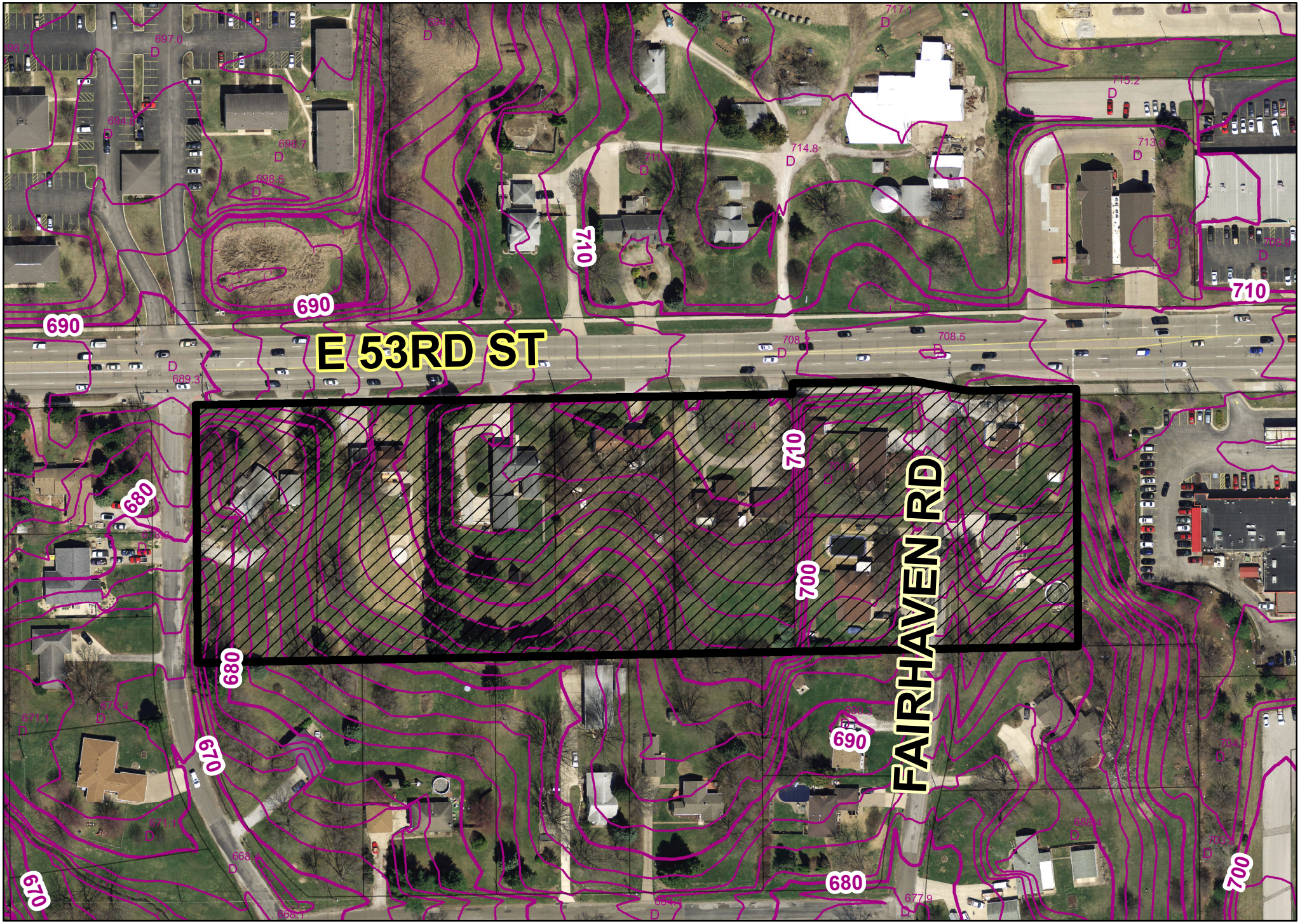
LAND USE PLAN

PROJECT NO IA76-18-023

DATE 06-28-18

SHEET C-1

Rendering depicting finished grade of site, retaining walls and fence adjacent to the rear property line.



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City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

July 3, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 2, 2018, the City Plan and Zoning Commission considered Case No. REZ18-08: Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District to facilitate commercial development. [Ward 6]

Findings:

1. The commercial use of the property would comply with the Davenport 2035 Future Land Use Map designation due to the proposed scale of the development as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff;
2. The design of the proposed commercial use of the property as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff help mitigate potential any negative impacts to surrounding residential property owners;
3. The traffic impact study demonstrates that additional traffic caused by the proposed development would not significantly impact adjacent roadways; and
4. Planned improvements to East 53rd Street facilitate commercial development at this location.

The Plan and Zoning Commission accepted the listed findings and forwards Case No. REZ18-08 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That a 25 foot wide landscape buffer be maintained along the south property line. This landscape buffer has contain a 6 foot high fence along the northern portion of the landscape buffer;
3. That a 25 foot wide landscape buffer be maintained along the west property line;
4. That there be no vehicular access to Lorton Avenue;
5. That the following uses be prohibited because the potential for incompatibility with the surrounding residential properties: carryout sales of alcoholic beverages; gasoline stations and car washes;
6. That any dumpsters be located at least 60 feet from the south and west property line;
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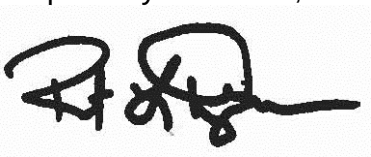
9. That the west driveway access to East 53rd Street turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue; and
10. In the event that the “PDD” Planned Development District and/or “HCOD” Highway Corridor Overlay District are supplanted by new zoning ordinance classifications and regulations, the City or property owner shall rezone the property to a commercial classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

The Commission vote was 5 yes, 4 no and 0 abstention.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record
Meeting Date: 7-2-2018
Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED	APPROVED	APPROVED
Name:	Roll Call	REZ18-08	CP18-02	ROW18-01	F18-08
Connell	P	Y	Y	Y	Y
Hepner	P	N	N	N	Y
Inghram	P				
Johnson	P	Y	Y	Y	Y
Kelling	P	N	N	N	Y
Lammers	P	N	N	N	Y
Maness	EX				
Medd	P	Y	Y	Y	Y
Quinn	P	Y	Y	Y	Y
Reinartz	P	N	N	N	Y
Tallman	P	Y	Y	Y	Y
		5-YES 4-NO 0-ABSTAIN	5-YES 4-NO 0-ABSTAIN	5-YES 4-NO 0-ABSTAIN	9-YES 0-NO 1-ABSTAIN

WCT Investments, LLC.
2813 N. Main Street.
East Peoria, Illinois 61611

July 5, 2018

Honorable Mayor and City Council
City Hall
Davenport, Iowa 52801

Honorable Mayor and City Council:

The undersigned, William Torchia on behalf of WCT Investments Davenport Series, LLC, as applicant for the Case No. REZ18-08 does hereby agree and accept the recommended conditions of the rezoning approval listed in the letter of the City Plan and Zoning Commission to the City Council, dated July 3, 2018. This agreement is pursuant to Chapter 414.5, of the Code of Iowa and as set forth by exhibit "A" attached.

By: _____
William Torchia

414.5 Changes — protest.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the city clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the council. The protest, if filed, must be filed before or at the public hearing. The provisions of section 414.4 relative to public hearings and official notice apply equally to all changes or amendments.

[C24, 27, 31, 35, 39, §**6456;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.5]

84 Acts, ch 1176, §1; 85 Acts, ch 9, §2; 88 Acts, ch 1246, §8

Referred to in **§657.9**

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

July 3, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 2, 2018, the City Plan and Zoning Commission considered Case No. REZ18-08: Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District to facilitate commercial development. [Ward 6]

Findings:

1. The commercial use of the property would comply with the Davenport 2035 Future Land Use Map designation due to the proposed scale of the development as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff;
2. The design of the proposed commercial use of the property as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff help mitigate potential any negative impacts to surrounding residential property owners;
3. The traffic impact study demonstrates that additional traffic caused by the proposed development would not significantly impact adjacent roadways; and
4. Planned improvements to East 53rd Street facilitate commercial development at this location.

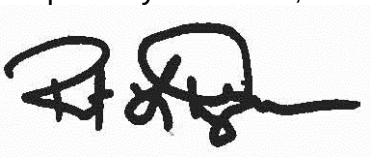
The Plan and Zoning Commission accepted the listed findings and forwards Case No. REZ18-08 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That a 25 foot wide landscape buffer be maintained along the south property line. This landscape buffer has contain a 6 foot high fence along the northern portion of the landscape buffer;
3. That a 25 foot wide landscape buffer be maintained along the west property line;
4. That there be no vehicular access to Lorton Avenue;
5. That the following uses be prohibited because the potential for incompatibility with the surrounding residential properties: carryout sales of alcoholic beverages; gasoline stations and car washes;
6. That any dumpsters be located at least 60 feet from the south and west property line;
7. That parking lot lighting be shielded and directed away from the residential properties to the south and west;
8. That a sidewalk be installed from the East 53rd Street sidewalk into the proposed development to facilitate pedestrian access to the commercial development;

9. That the west driveway access to East 53rd Street turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue; and
10. In the event that the “PDD” Planned Development District and/or “HCOD” Highway Corridor Overlay District are supplanted by new zoning ordinance classifications and regulations, the City or property owner shall rezone the property to a commercial classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

The Commission vote was 5 yes, 4 no and 0 abstention.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

Meeting Date: July 2, 2018
Request: Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series for a rezoning on 6.5 acres, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District to facilitate commercial development. [Ward 6]

Recommendation:

Staff recommends that the Plan and Zoning Commission accept the listed findings and forward Case No. REZ18-08 to the City Council with a recommendation for approval subject to the listed conditions.

Introduction:

The applicant is requesting to rezone 6.5 acres of property, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District. The purpose of the request is to facilitate commercial development. [Ward 6].

AREA CHARACTERISTICS:

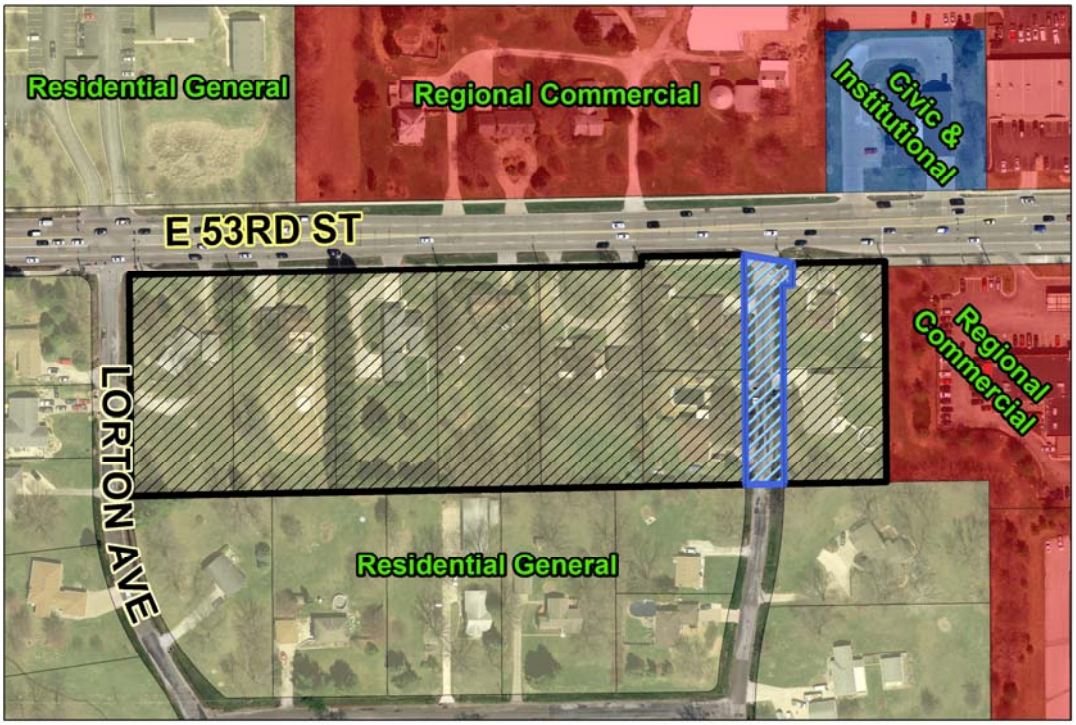
Aerial Map

Zoning Map

Property Requested to be Rezoned
Right-of-Way Requested to be Vacated

N

Land Use Map



Property Requested to be Rezoned
Right-of-Way Requested to be Vacated

N

Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation: *Residential General*

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.

Discussion:

Request Summary:

The applicant is requesting to rezone to "PDD" Planned Development District and partially vacate Fairhaven Road to facilitate redevelopment of the property as commercial. Nine properties would be acquired for the redevelopment. The development would be subject to "HCOD" Highway Corridor Overlay District regulations.

Comprehensive Plan:

Davenport 2035 currently designates the subject property *Residential General*. After a detailed analysis of the rezoning (REZ18-08) and right-of-way vacation (ROW18-01) requests, staff has concluded that the proposed commercial use of the property would comply with the Davenport 2035 Future Land Use Map designation. This is due to the proposed scale of the development as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff.

Davenport 2035 Residential General reads in part,

> *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.*

It is staff's opinion that East 53rd Street is an edge where higher intensity may be considered. Higher intensity contemplates commercial development. If only residential development were contemplated along an edge, the language would read, "higher density may be considered".

Davenport 2035 Residential General also reads in part,

> *Residential General designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services…*

Since the adoption of Davenport 2035 Land Use Plan Update in 2016, the East 53rd Street corridor has commercial developments under construction or in design and the roadway is being designed to be expanded to permit better access and traffic control. Construction of the Costco on East 53rd Street immediately north of the subject property is ongoing and the proposed automotive dealership at the southeast corner of East 53rd Street and Eastern Avenue has received zoning approval and is being designed. Costco will be improving East 53rd Street with a signalized intersection with turn lanes into its entrance and two eastbound and two westbound travel lanes. Additionally, East 53rd Street is being designed to be improved to two eastbound and two westbound travel lanes with center turn lanes from Brady Street to west of Elmore Circle.

Therefore, in order for the Davenport 2035 Future Land Use Map to better reflect the commercial development of the property and the commercial corridor, staff initiated an amendment from "RG" Residential General to "CC" Commercial Corridor.

Davenport 2035 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.

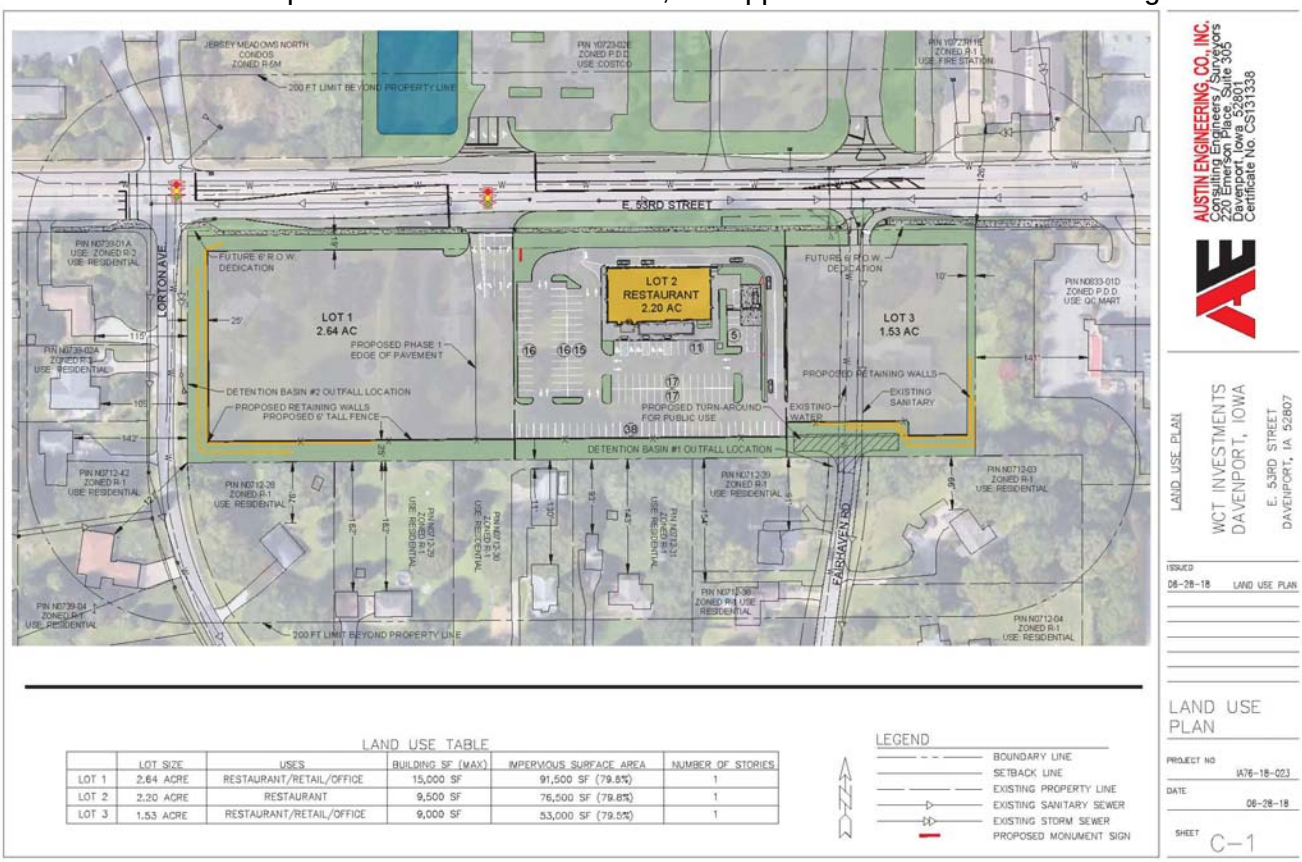
<u>Proposed Land Use Plan:</u>

"PDD" Planned Development District requires approval of the zoning and associated Land Use Plan and subsequent (or corresponding) approval of a Final Development Plan.

The concept plan shows two drive-thru restaurants, a dine-in only restaurant, and a retail building with a total of 341 parking spaces. The applicant's representative indicated at the June 19, 2018 Plan and Zoning Commission Public Hearing that the 8,964 square foot drive-thru restaurant would be the initial phase of the development. The rest of the development would be marketed and would be driven by actual tenants. The applicant's representative further indicated some adjustments would be expected, but the overall concept of the plan with respect to the adjacent properties to the west and south would remain the same.

Concept Plan – Revised 6-26-2018.

Understanding the flexibility needed based on future tenants while achieving consistency with the "PDD" Planned Development District Land Use Plan, the applicant submitted the following:

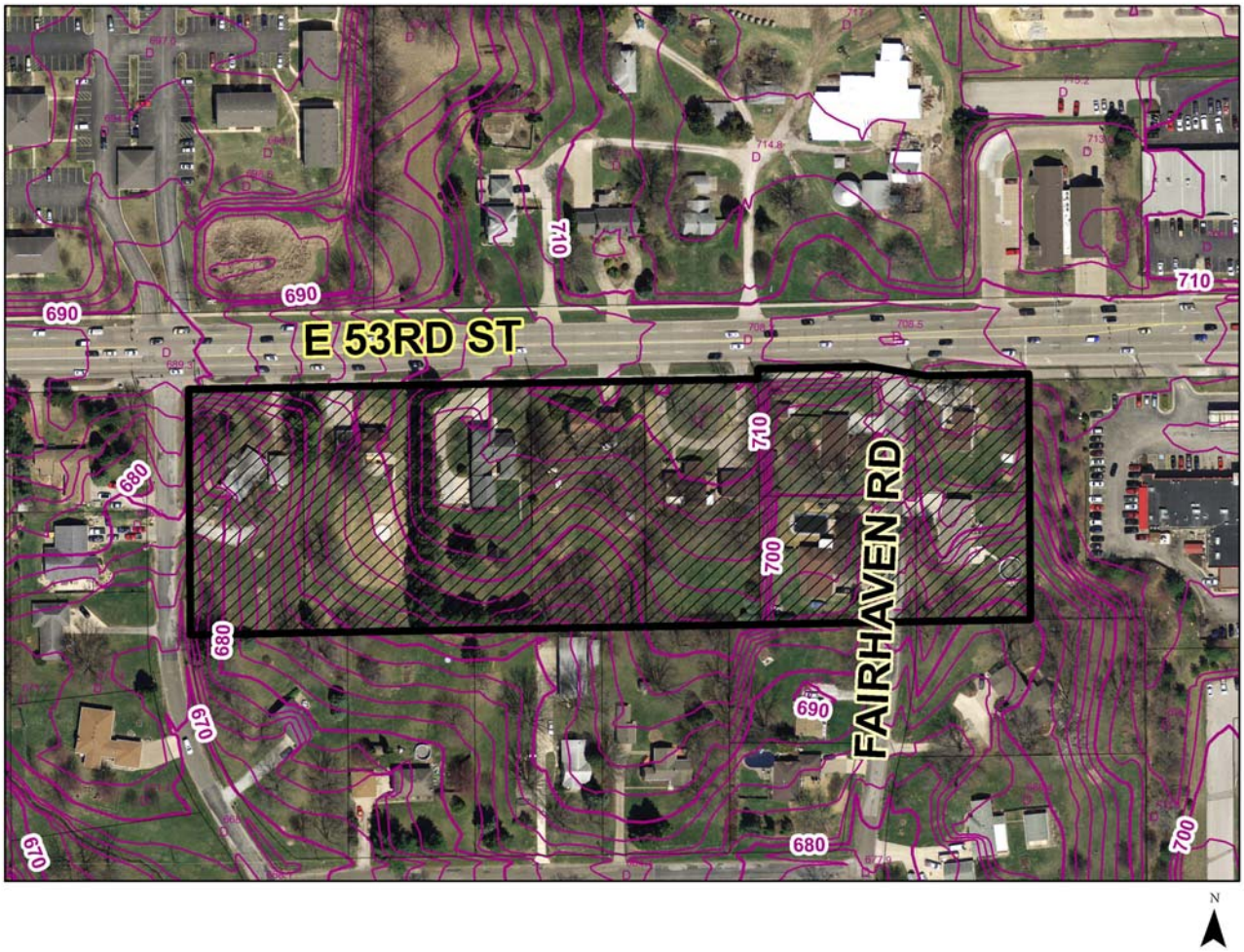


	LOT SIZE	USES	BUILDING SF (MAX)	IMPERVIOUS SURFACE AREA	NUMBER OF STORIES
LOT 1	2.64 ACRE	RESTAURANT/RETAIL/OFFICE	15,000 SF	91,500 SF (79.8%)	1
LOT 2	2.20 ACRE	RESTAURANT	9,500 SF	76,500 SF (79.8%)	1
LOT 3	1.53 ACRE	RESTAURANT/RETAIL/OFFICE	9,000 SF	53,000 SF (79.5%)	1

Proposed "PDD" Land Use Plan page 1

Rendering depicting finished grade of site, retaining walls and fence adjacent to the rear property line.

Proposed "PDD" Land Use Plan page 2



Proposed "PDD" Land Use Plan page 3

The "PDD" Planned Development District requires a Land Use Plan to including the following (Section 17.32.050 of the Davenport City Code):

A. A drawing or set of drawings and other materials that include, but may not be limited to, the following:

1. The existing land use and zoning surrounding the proposed development and the distance from the subject property line to the nearest structures on all abutting properties within two hundred feet of the perimeter of the site.

Staff commentary: The proposed PDD Land Use Plan depicts the existing land use and zoning surrounding the proposed development.

2. The location of existing services, including: water, sanitary and storm sewer, electric, gas, streets, the capacity of those services and the service requirements of the development.

Staff commentary: The proposed PDD Land Use Plan depicts the location of existing services. City staff waived the requirement that the capacity of those services and the service requirements of the development be provided as this will be reviewed during administrative site plan review.

3. *The site constraints including:*
   a. *Slopes in excess of ten percent;*

   Staff commentary: A contour map has been provided.

   b. *Drainage ways that carry water from abutting properties, drainage ways that drain areas on the site in excess of one acre and any area designated as a flood plain or floodway as defined in Chapter 15.44*

   Staff commentary: The proposed PDD Land Use Plan depicts the location of drainage ways that will carry stormwater from the development.

   c. *Soils that are unsuitable or require special treatment to support urban development as determined by the Soil Conservation Service Soil Survey. If unsuitable conditions are indicated field testing may be required.*

   Staff commentary: A soils maps has not been provided. City staff waived the requirement that unsuitable soils been identified as this will be reviewed during administrative site plan review.

4. *The total area in square feet of uses proposed for the site and the percentage of the site that is to be used for parking and building (impervious surface).*

   Staff commentary: The proposed PDD Land Use Plan contains total area in square feet of uses proposed for the site and the percentage of the site that is to be used for parking and building.

5. *A two foot interval topographic map of the site on a scale base of one inch equals fifty feet or other scale as approved by the development official.*

   Staff commentary: The proposed PDD Land Use Plan contains a contour map.

6. *A traffic study which analyzes the aggregate trip generation to and from the site and the ability of the existing street system to accommodate the anticipated generation. Specific improvements should be proposed if the development causes the projected level of service to be less than level "C," as defined by the most recent version of the Highway Capacity Manual by the Transportation Research Board of The National Safety Research Council.*

   Staff commentary: The submitted traffic impact study demonstrates that additional traffic caused by the proposed development would not significantly impact adjacent roadways.

The city council delegates authority to the city staff's development official to waive, at his or her discretion, any of the required submissions stated in Section 17.32.052A, 1 through Section 17.32.052A, 6 if the scale of the project, topography of the site or other reasons make them unnecessary. The city plan and zoning commission will be notified of any requirements that have been waived.

The proposed “PDD” Land Use Plan depicts three building sites:
Lot 1.

- Area – 2.64 acres.
- Allowable uses – Restaurant/retail/office.
- Maximum building square footage – 15,000 square feet.
- Impervious surface area – 79.6% of the site area.
- Number of stories – one.

Lot 2.

- Area – 2.20 acres.
- Allowable uses – Restaurant.
- Maximum building square footage – 9,500 square feet.
- Impervious surface area – 79.8% of the site area.
- Number of stories – one.

Lot 3.

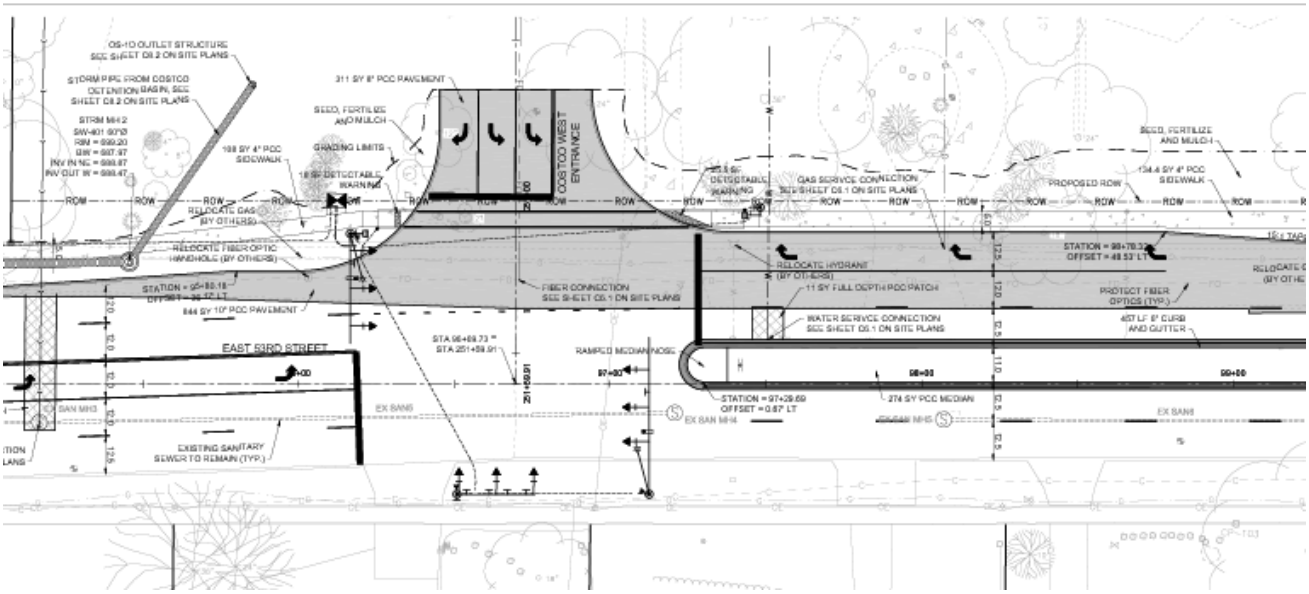
- Area – 1.53 acres.
- Allowable uses – Restaurant/retail/office.
- Maximum building square footage – 9,000 square feet.
- Impervious surface area – 79.5% of the site area.
- Number of stories – one.

The proposed “PDD” Proposed Land Use Plan also depicts a 25 foot landscape buffer with a 6 foot high fence along the south property line and a 25 foot landscape buffer along Lorton Avenue. No access to Lorton Avenue is proposed.

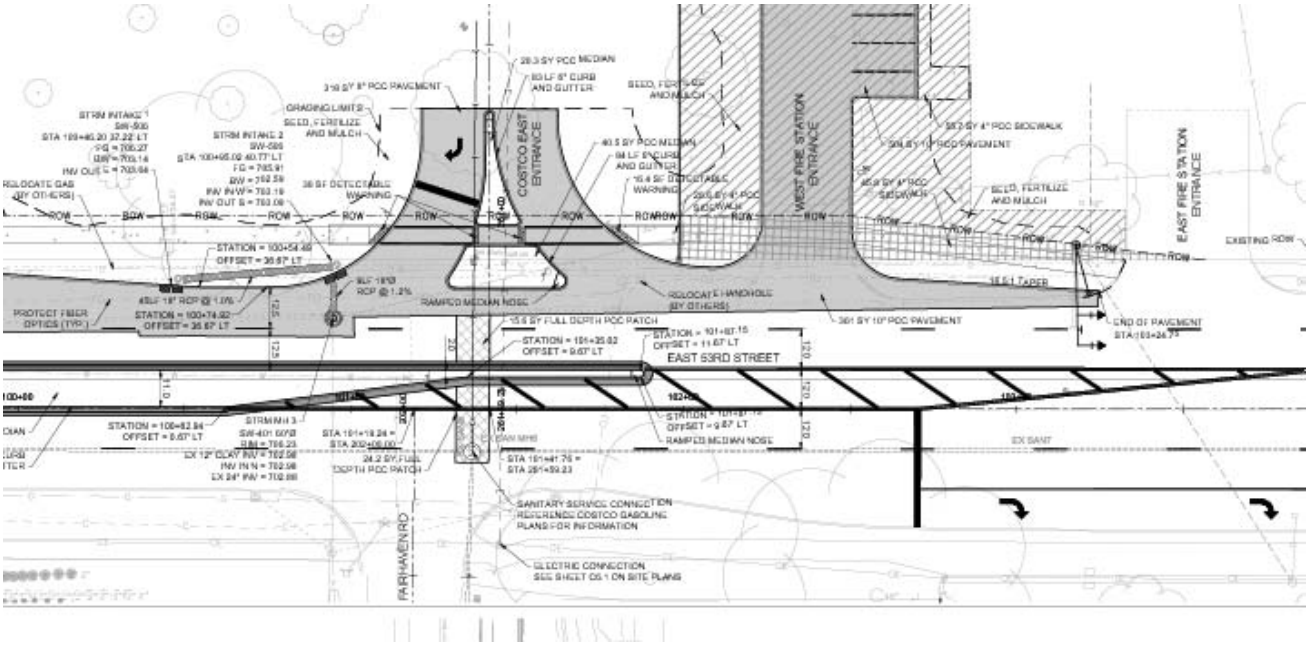
Fairhaven Road would be partially vacated and incorporated into the development. Fairhaven Road would contain a turnaround at the newly terminated roadway. There would be two driveway entrances on East 53rd Street. The primary driveway entrance would be at the new signalized intersection, which would be constructed in conjunction with the Costco development. Due to project phasing, this would be first driveway entrance constructed. The second driveway entrance would be located to the east at the location of the existing East 53rd Street/Fairhaven Road intersection. This would be converted to a right-in/right-out driveway entrance. No driveway entrance on Lorton Avenue is being proposed.

Approved design improvements to East 53rd Street related to the Costco development include a median at the intersection of East 53rd Street and Fairhaven Road, which would convert Fairhaven Road to right-in/right-out only. The development would modify the median to allow a left turn at the new signalized intersection.

Approved design improvements to East 53rd Street related to the Costco development are shown below:



Design of the main entrance into Costco.



Design of the right-in/right-out entrance at Costco.

The grade of East 53rd Street increases from west to east until it reaches a high point at Fairhaven Road. The grades of the properties generally follow the grade of East 53rd Street except there is some undulation and the grade decreases from north to south. This will affect the design of the development as stormwater will be directed away from adjacent homeowners and into the Lorton Avenue and Fairhaven Road drainage ways.

The rendering below depicts the finished grade of the site, retaining walls and fence adjacent to the rear property line.

The proposed development looking northeast.

<u>Proposed Traffic Impact from the Development.</u>

The applicant hired Traffic Impact Group, LLC, which completed a traffic study on June 26, 2018. A summary of the results are as follows:

The purpose of utilizing PM and Saturday Peak time measurements is because that is the time period, which the most cars will travel the roadway.

The proposed development is expected to generate 414 new entering trips and 383 new exiting trips in the PM peak hour, and 574 new entering and 564 new exiting trips in the Saturday peak hour. This site will also experience pass-by and diverted link trips, which have also been included in the driveway analysis.

The study area included the following intersections:

- East 53rd Street & Lorton Avenue;
- East 53rd Street & Costco west driveway/West Access;
- East 53rd Street & Costco east driveway/Fairhaven Road (East Access);
- East 53rd Street & Elmore Circle; and
- East 53rd Street & Elmore Avenue.

Analysis of 2019 full build conditions for all intersections indicated acceptable levels of service would be maintained with existing intersection configurations. Some signal timing adjustments may be needed for the added traffic volumes.

The traffic impact study is recommending that the west driveway access be modified such that the turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue.

These changes have been partially incorporated into the Land Use Plan.

The traffic impact study was reviewed and accepted by the City traffic engineer.

Proposed Traffic Impact to Fairhaven Road.

The traffic impact study shows that existing northbound Fairhaven Road traffic entering the East 53rd Street intersection is 6 vehicles during the PM peak and 4 vehicles during the Saturday peak. The traffic impact study shows that existing East 53rd Street turning southbound onto Fairhaven Road is 11 vehicles during the PM peak and 8 vehicles during the Saturday peak. The traffic impact study shows the total number of vehicles (both direction) on Fairhaven Road is 17 vehicles during the PM peak and 12 vehicles during the Saturday peak.

In response to concerns regarding increased traffic and raised at the June 14, 2018 Neighborhood Meeting and the June 19, 2018 Plan and Zoning Commission Public Hearing Davenport Public Works measured traffic on Fairhaven Road to better understand the number of vehicles traveling on the roadway and their traveling speed. Traffic was measured June 20-25, 2018. A summary of the results are as follows:

Three day count on Fairhaven Road north of East 51st Street

- Averaged 140 vehicles per day.

Additionally, there was one reported crash on Fairhaven Road within the past seven years. A parked car was sideswiped in 2013.

Proposed Traffic Impact to Lorton Avenue.

The traffic impact study shows that existing northbound Lorton Avenue traffic entering the East 53rd Street intersection is 15 vehicles during the PM peak and 15 vehicles during the Saturday peak. The traffic impact study shows that existing East 53rd Street turning southbound onto Lorton Avenue is 22 vehicles during the PM peak and 19 vehicles during the Saturday peak. The traffic impact study shows the total number of vehicles (both direction) on Lorton Avenue is 37 vehicles during the PM peak and 34 vehicles during the Saturday peak.

The traffic impact study projects that 2019 full build northbound Lorton Avenue traffic entering the East 53rd Street intersection would be 21 vehicles during the PM peak and 19 vehicles during the Saturday peak. The traffic impact study shows that existing East 53rd Street turning southbound onto Lorton Avenue is 33 vehicles during the PM peak and 27 vehicles during the Saturday peak. The traffic impact study shows the total number of vehicles (both direction) on Lorton Avenue would be 54 vehicles during the PM peak and 46 vehicles during the Saturday peak.

The 2019 full build out (includes the Costco development and the subject property fully developed) projects an increase on Lorton Avenue of 17 vehicles (both directions) during the PM peak and 12 vehicles (both directions) during the Saturday peak.

Davenport Public Works measured traffic on Lorton Avenue to better understand the number of vehicles traveling on the roadway and their traveling speed. Traffic was measured June 20-25, 2018. A summary of the results are as follows:

Three day count on Lorton Avenue just south of 53rd St

- Averaged 377 vehicles per day.

Three day count on Lorton Avenue at a point approximately half way between East 46th Street and East 51st Street

- Averaged 420 vehicles per day. *Please note that traffic measured in October 2017 was 482 vehicles per day.*
- Average speed was 27.6 mph and 85th percentile was 33 mph.

Additionally, there was one reported crash on Lorton Avenue between East 46th and East 53rd Streets within the past seven years. A parked car was sideswiped in 2015.

<u>Proposed Storm Water from the Development.</u>

Storm water detention and water quality treatment would be required with the proposed development. The Unified Sizing Criteria from the water quality volume up to the Extreme Flood Protection determines the volumes for stormwater detention. The release rate of the 100 year event shall not exceed the runoff rate from a pre-developed two-year frequency using the runoff coefficient of 0.15. As developed, the 100 year storm event release rate would be the equivalent of a 2 year rain event running off a prairie meadow.

Additionally, the water quality volume would provide 100% retention, infiltration or abstraction of the 1.25”/24 hour rainfall.

In order to achieve consistency with these requirements, the development would contain two sub-surface storm water detention systems. One system would outfall to the Lorton Avenue drainage way and the other system would outfall to the Fairhaven Road drainage way. Stormwater is directed south via open drainage ways along Lorton Avenue and Fairhaven Road, which drain into Hamlin’s Creek. The first phase of the project would drain into the Fairhaven Road drainage way.

Map showing location of drainage ways.

Public Input:

A neighborhood meeting was held on June 14, 2018 at the Eastern Avenue Library. Approximately 55 people attended. Stated concerns include:

- Increased traffic on East 53rd Street caused by the proposed development, adjacent proposed development (Costco) and existing development (Chick-fil-A);
- The potential for increased traffic on Lorton Avenue due to the proposed development.
- The potential for increased stormwater drainage along Lorton Avenue;
- Existing condition of stormwater drainage along Lorton Avenue;
- The existing roadway condition of Lorton Avenue and Fairhaven Road;
- The signal at the intersection of Lorton Avenue is not properly timed; and

At the June 19, 2018 Plan and Zoning Commission meeting several residents spoke in regards to the request. Stated concerns include:

- The encroachment of commercial development into the neighborhood and will monetarily devalue property;
- The potential for increased traffic on Lorton Avenue due and Fairhaven Avenue to the proposed development and the adjacent proposed development (Costco).
- The development being inconsistent with the long term plans for Davenport;
- The effect of the existing school bus stop at East 51st Street and Fairhaven Road if Fairhaven Road is partially vacated;
- The potential for increased stormwater drainage along Lorton Avenue; and
- That the projected traffic for Costco may be incorrect.

Homeowners' representative indicated that the clients he represents would withdraw their objection if the following conditions were added to the rezoning request:

- Vacate the area south of the intersection of East 53rd Street and Lorton Avenue and install a cul-de-sac with a gate allowing only emergency vehicles to enter;
- Repaving the blacktop on Lorton Avenue and Fairhaven Road between East 53rd Street and East 36th Street;
- Install a 3-way stop sign at the intersection of East 51st Street and Lorton Avenue;
- Install speed bumps on Lorton Avenue between East 46th Street and East 53rd Street; and
- Disallow commercial trucks on Lorton Avenue and Fairhaven Road.

A written protest was provided from property owners at the following locations:

- 4728 Lorton Avenue
- 5115 Lorton Avenue – located within the 200 foot notification radius
- 4907 Lorton Avenue
- 5112 Lorton Avenue – located within the 200 foot notification radius
- 4921 Fairhaven Road
- 4711 Lorton Avenue
- 4718 Lorton Avenue

A written non protest was provided from property owners located at the following locations:

- 5220 Lorton Avenue – located within the 200 foot notification radius.

City's Response to Stated Concerns.

Concern #1:

Increased traffic on East 53rd Street caused by the proposed development, adjacent proposed development (Costco) and existing development (Chick-fil-A).

City's response:

The traffic impact analysis performed by Traffic Impact Group, LLC, indicates that the 2019 Full Build conditions for all intersections would maintain acceptable levels of service with existing intersection configurations. Some signal timing adjustments may be needed for the added traffic volumes.

The traffic impact study is recommending that the west driveway access be modified to one left turn lane, one through lane, and a right-turn lane. Additionally, one of the left-turn lanes and the right-turn lane is recommended to extend all the way to the east-west driveway at the south end of the parking lot to avoid being blocked by the through movement queue.

These changes have been partially incorporated into the Land Use Plan.

Concern #2:

Increased traffic on Lorton Avenue and Fairhaven Road caused by the proposed development, adjacent proposed development and the partial vacation of Fairhaven Road. It was suggested at the June 19, 2018 Plan and Zoning Commission Public Hearing that the area south of the intersection of East 53rd Street and Lorton Avenue should be vacated and a cul-de-sac with a gate installed allowing only emergency vehicles to enter.

City's response:

The 2019 full build out (includes the Costco development and the subject property fully developed) projects an increase on Lorton Avenue of 17 vehicles (both directions) during the PM peak and 12 vehicles (both directions) during the Saturday peak.

Davenport Fire Department has provided an official position that it does not have any concerns related to access based on the conceptual drawing or the partial vacation of Fairhaven Road. Furthermore, Davenport Fire Department has indicated that it has several concerns with vacating Lorton Avenue due to accessibility and response times.

Concern #3:

The potential for increased stormwater drainage along Lorton Avenue and Fairhaven Road.

City's response:

As developed the release rate would be less than the release rate of the properties as currently developed. The 100 year storm event release rate would be the equivalent of a 2 year rain event running off a prairie meadow. Additionally, the water quality volume would provide 100% retention, infiltration or abstraction of the 1.25"/24 hour rainfall.

In order to achieve consistency with these requirements, the development would contain two sub-surface storm water detention systems. One system would outfall to the Lorton Avenue drainage way and the other system would outfall to the Fairhaven Road drainage way. Stormwater is directed south via open drainage ways along Lorton Avenue and Fairhaven Road, which drain into Hamlin's Creek. The first phase of the project would drain into the Fairhaven Road drainage way.

Concern #4:
The existing condition stormwater drainage along Lorton Avenue. See photographs provided by adjacent homeowner.

City's response:
As developed the release rate would be less than the release rate of the properties as currently developed. Therefore, this would not be exasperated by the proposed development. However, there appear to be opportunities to maintain infrastructure. At the June 14, 2018 neighborhood meeting, one homeowner indicated that the culvert under their driveway was blocked.

Concern #5:
The existing roadway condition of Lorton Avenue and Fairhaven Road.

City's response:
These roadways were built when the area was unincorporated, and therefore, not built to current City specifications. Nevertheless, this concern relates to maintenance of existing infrastructure.

Davenport Public Works measured traffic on Lorton Avenue and Fairhaven Avenue to better understand the number of vehicles traveling on the roadways and their traveling speed. Traffic was measured June 20-25, 2018. The results indicate that Lorton Avenue and Fairhaven Road carry only a small amount of traffic. Furthermore, the traffic impact studies projects that the 2019 full build out (includes the Costco development and the subject property fully developed) a small increase in traffic on Lorton Avenue.

Concern #6:
The signal at the intersection of Lorton Avenue is not properly timed.

City's response:
This concern relates to maintenance of existing infrastructure.

Concern #7:
The encroachment of commercial development into the neighborhood and will devalue property.

City's response:
It is staff's opinion that the development as proposed and rezoning conditions recommended by City staff adequately safeguard surrounding properties and would not monetarily devalue property.

Concern #8:
The development being inconsistent with the long term plans for Davenport.

City's response:
After a detailed analysis of the rezoning (REZ18-08) and right-of-way vacation (ROW18-01) requests, staff has concluded that the proposed commercial use of the property would comply with the Davenport 2035 Future Land Use Map designation. This is due to the proposed scale of the development as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff.

Concern #9:
That the projected traffic for Costco may be incorrect.

City's response:
The Costco traffic impact study was performed using professional traffic engineer standards. The traffic impact study was reviewed and accepted by the City traffic engineer.

Staff Recommendation:

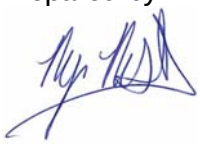
Findings:

1. The commercial use of the property would comply with the Davenport 2035 Future Land Use Map designation due to the proposed scale of the development as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff;
2. The design of the proposed commercial use of the property as depicted on the "PDD" Planned Development District Land Use Plan and the rezoning conditions recommended by City staff help mitigate potential any negative impacts to surrounding residential property owners;
3. The traffic impact study demonstrates that additional traffic caused by the proposed development would not significantly impact adjacent roadways; and
4. Planned improvements to East 53rd Street facilitate commercial development at this location.

Recommendation:
Staff recommends that the Plan and Zoning Commission forward Case No. REZ18-08 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That a 25 foot wide landscape buffer be maintained along the south property line. This landscape buffer has contain a 6 foot high fence along the northern portion of the landscape buffer;
3. That a 25 foot wide landscape buffer be maintained along the west property line;
4. That there be no vehicular access to Lorton Avenue;
5. That the following uses be prohibited because the potential for incompatibility with the surrounding residential properties: carryout sales of alcoholic beverages; gasoline stations and car washes;
6. That any dumpsters be located at least 60 feet from the south and west property line;
7. That parking lot lighting be shielded and directed away from the residential properties to the south and west;
8. That a sidewalk be installed from the East 53rd Street sidewalk into the proposed development to facilitate pedestrian access to the commercial development;
9. That the west driveway access to East 53rd Street turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue; and
10. In the event that the "PDD" Planned Development District and/or "HCOD" Highway Corridor Overlay District are supplanted by new zoning ordinance classifications and regulations, the City or property owner shall rezone the property to a commercial classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

Prepared by:



Ryan Rusnak, AICP
Planner III

RE-ZONING & FAIRHAVEN ROAD RIGHT OF WAY VACATION REQUESTS

53RD STREET – DAVENPORT, IOWA

PLANS FOR RE-DEVELOPMENT

WCT Investments Davenport Series – Developer

Austin Engineering Company, Inc. – Engineer

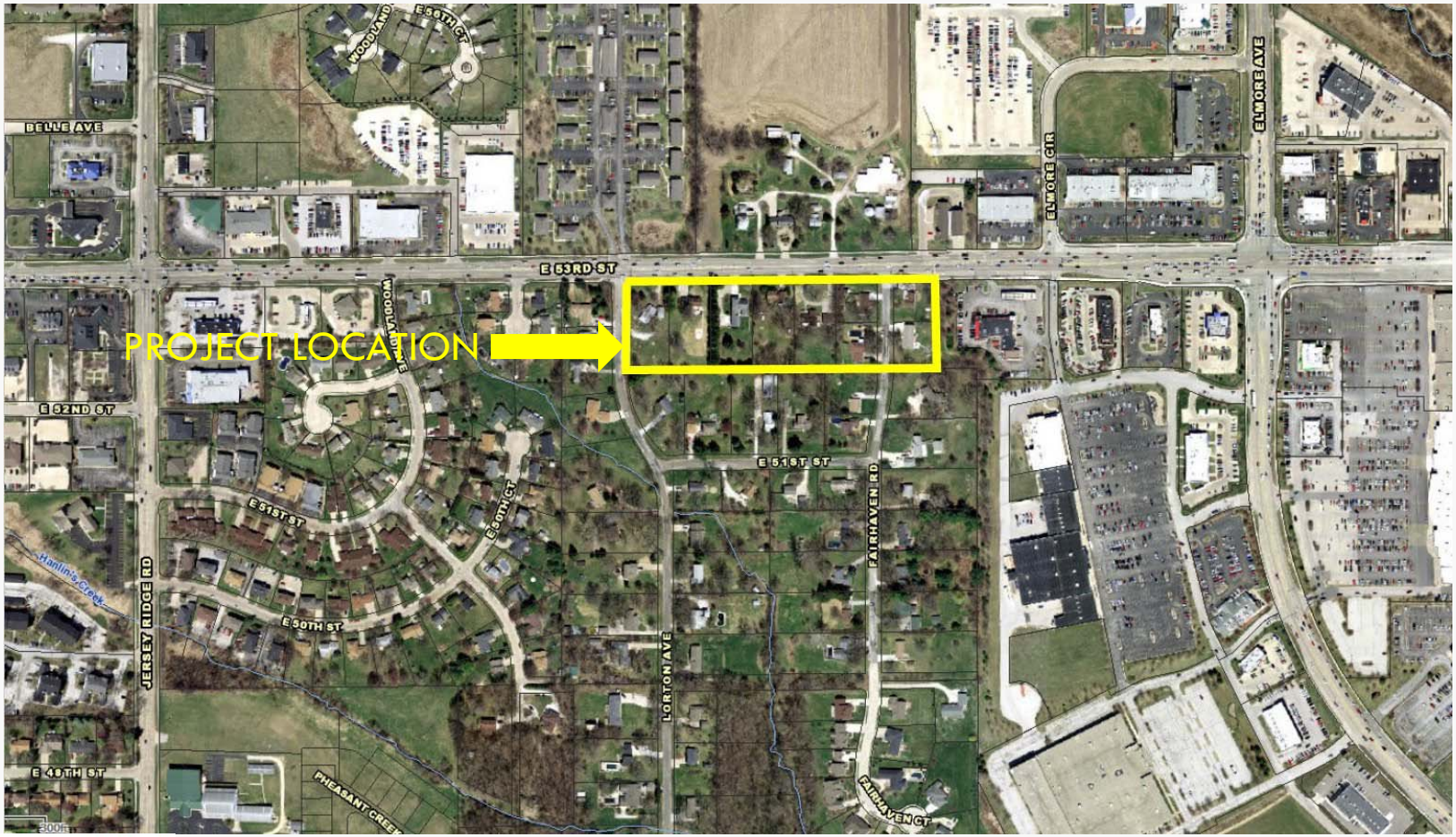
WCT PROPERTIES

AUSTIN ENGINEERING
Consulting Engineers / Surveyors

PROJECT LOCATION MAP

WCT PROPERTIES

GIS MAP



WCT PROPERTIES

ABOUT WCT

William (Willie) Torchia, President

Real Estate Developer for 25+ Years

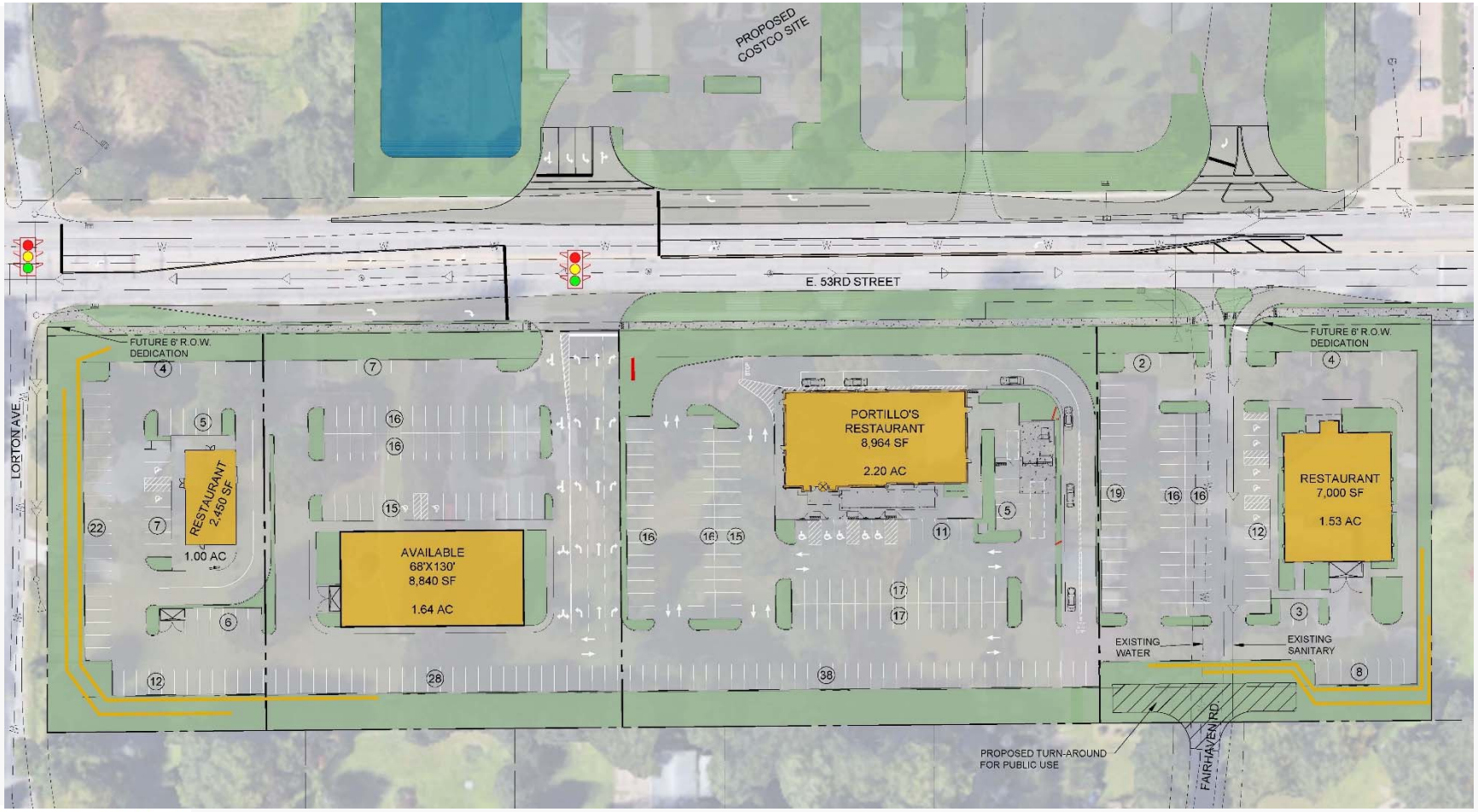
Corporate Office in East Peoria, IL

PAST PROJECTS

- 5270 Elmore Ave. – Davenport, IA (Aspen Dental, Chipotle, Vitamin Shoppe)
- 4770 Elmore Ave. – Davenport, IA (Men's Wearhouse, Sport Clips, All About Eyes, Book Rack)
- 4730 Elmore Ave. – Davenport, IA (FedEx Office/Athletico)
- 3805 E. 53rd Street – Davenport, IA (Natural Grocers)
- Portillo's Restaurant - Peoria, IL (Opened April 2018)

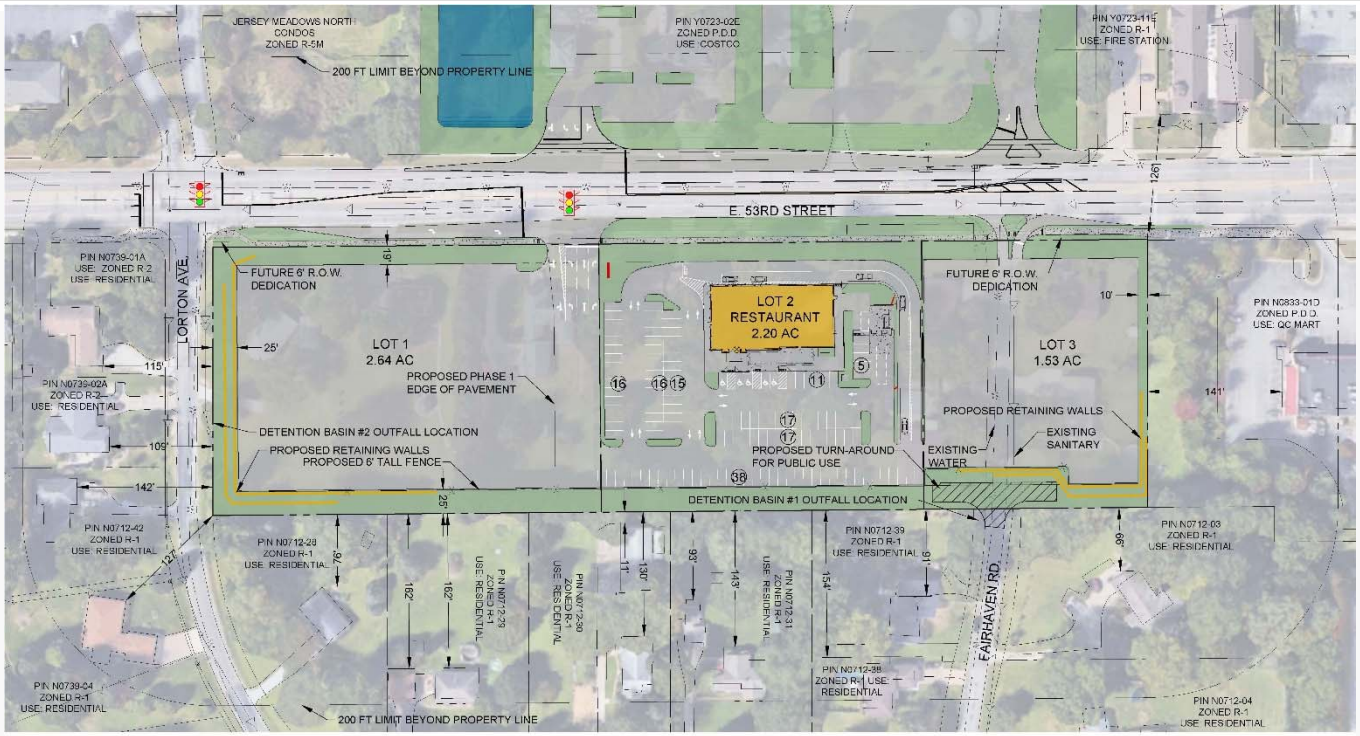
WCT PROPERTIES

PROPOSED RE-DEVELOPMENT PLAN



WCT PROPERTIES

PROPOSED LAND USE PLAN



LAND USE TABLE

	LOT SIZE	USES	BUILDING SF (MAX)	IMPERVIOUS SURFACE AREA	NUMBER OF STORIES
LOT 1	2.64 ACRE	RESTAURANT/RETAIL/OFFICE	15,000 SF	91,500 SF (79.8%)	1
LOT 2	2.20 ACRE	RESTAURANT	9,500 SF	76,500 SF (79.8%)	1
LOT 3	1.53 ACRE	RESTAURANT/RETAIL/OFFICE	9,000 SF	53,000 SF (79.8%)	1

LEGEND

- BOUNDARY LINE
- SETBACK LINE
- EXISTING PROPERTY LINE
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- PROPOSED MONUMENT SIGN

WCT PROPERTIES

DEVELOPMENT DETAILS

- Request to Re-Zone Property from R-1 to PDD (Planned Development District)
- Overall Size of Development – 6.5 Acres (6.4 after ROW Dedication)
- Access to 53rd Street – 1-Full Signalized (COSTCO) & 1-Right In-Out Only
- Proposed Uses at Time of Request
  - Four (4) Separate Buildings shown on Conceptual Siteplan
  - Portillo's Restaurant – 2.20 Acres +/- (135 Parking Spaces)
  - No other tenants are presently known.
  - Conceptual Design Plan has an additional Drive-Thru Restaurant, Dine-In Only Restaurant, and a Retail Building. These sites and proposed uses are presently being marketed by Broker Chris Wilkins of Ruhl Commercial. There are 218 parking spaces shown in the current plan for these three buildings (353 Site Total).
  - Final Layout to be determined by actual tenant buildings. Some adjustments can be expected, but the overall concept of the plan with respect to the adjacent properties to the West and South will remain the same.

WCT PROPERTIES

AE

ABOUT Portillo's®

The first Portillo's hot dog stand known as "The Dog House" opened in 1963 on North Avenue in Villa Park, a Metro-Chicago, IL community. Owner and founder Dick Portillo invests $1,100 into a 6' x 12' trailer without a bathroom or running water. To get the water he needs, he runs 250 feet of garden hose from a nearby building into the trailer.

In 2017, Portillo's Opened their 50th Location.

Locations in Seven (7) States presently, IL-CA-AZ-WI-MN-IN-FL

DAVENPORT WILL BE THE FIRST PORTILLO'S IN IOWA!

"Bring Portillo's to the Quad Cities" Facebook Community currently has more than 15,500 fans.

WCT PROPERTIES

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ARTIST RENDERING

WCT PROPERTIES

53RD STREET VIEW

2 NORTH - DRIVE THRU ELEVATION
A4.1 Scale: 3/16" = 1'-0"

WCT PROPERTIES

Portillo's® FRONT DOOR VIEW

WCT PROPERTIES

Portillo's SIDE VIEWS

WCT PROPERTIES

FINISHES

DAVENPORT, IA

EXTERIOR FINISHES

(PT 3)
SW6991 "BLACK MAGIC"

WROUGHT IRON

(PT 9)
SW6979 "ARTICHOKE"

ACCENT PAINT

(PT 11)
SW6979 "ARTICHOKE"

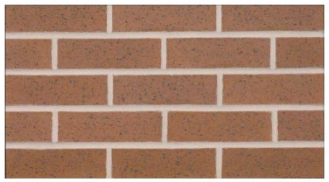
ACCENT PAINT

UNI-CLAD
MATTE BLACK SR
ALUM. BREAK METAL

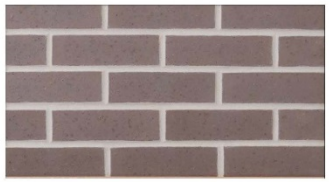
UNI-CLAD
CHARCOAL GREY SR
ALUM. BREAK METAL

CULTURED LIMESTONE

GALVANIZED ROOFING



BR-1
SIOUX CITY BRICK - CINNAMON
IRONSPOT SMOOTH



BR-2
SIOUX CITY BRICK - BROWN
SMOOTH

BR-3
SIOUX CITY BRICK - EBONITE
SMOOTH

WCT PROPERTIES

Portillo's PEORIA, IL

WCT PROPERTIES

AE

Portillo's PEORIA, IL

WCT PROPERTIES

AE

DEVELOPMENT TOPICS

The following topics are common among re-development projects like the one WCT Properties is proposing for 53rd Street in Davenport, IA.

- Storm Water Control and Site Drainage
- Transitional Buffering to Adjacent Residential Properties.
- Traffic Impact
- Lighting

WCT PROPERTIES

STORM WATER CONTROL & DRAINAGE

Our development will incorporate a Sub-Surface Storm Water Detention System.

- Benefits
  - Reduced Run-off Rates for All Major Storm Events to a Pre-Developed 2-Year Event.
  - Our design will Exceed Davenport's Ordinance Requirements.
  - Re-charge of ground water (Environment Friendly design that meets the new Water Quality regulations.)
  - Proven Design & Reliability with easy maintenance to clean up separated solids and keep runoff clean.
  - Aesthetically Pleasing (No ugly detention basin)
  - Safe (No Standing Water, Mosquitos, etc)
  - Diversion of existing sheet flows from rear yards to the public right of ways.
- There are two separate systems proposed on site, to evenly distribute the post detention flows into two separate discharges to best match the existing flow paths.
  - The first system constructed will handle the East part (+/- 60%) of the Development with post detention flows to the Fairhaven Road right of way ditch.
  - The second system will handle the West part (+/- 40%) of the Development with post detention flows to the Lorton Avenue right of way ditch.

WCT PROPERTIES

AE

STORMTECH SUB-SURFACE SYSTEM

WCT PROPERTIES

STORMTECH SUB-SURFACE SYSTEM

WCT PROPERTIES

TRANSITIONAL BUFFERING

It is our goal to be the best neighbor we can be. We are sensitive to the established neighborhood that we are proposing to re-develop, particularly those residents adjacent to our site. We have conceptual design components planned, but we want your input before final design plans are completed.

- Buffer Yard Design Components
  - 25 Foot Setback to the Parking Lot
  - A 6 foot tall privacy fence is planned along the entire South property line
  - Planting materials and ground cover types are open for discussion and will exceed Davenport ordinance requirements
  - Retaining walls are proposed to negotiate grade change and assist with buffering.
    - We are planning a two-tier retaining wall design where grade changes are greater than 5 feet in elevation.
    - Walls are proposed in the Southeast Corner and at the West Side/Southwest Corner
    - The walls are each +/- five (5) feet in height, for a total grade change of +/- ten (10) feet at some points.

WCT PROPERTIES

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AERIAL VIEW RENDERING

WCT PROPERTIES

AERIAL VIEW RENDERING

WCT PROPERTIES

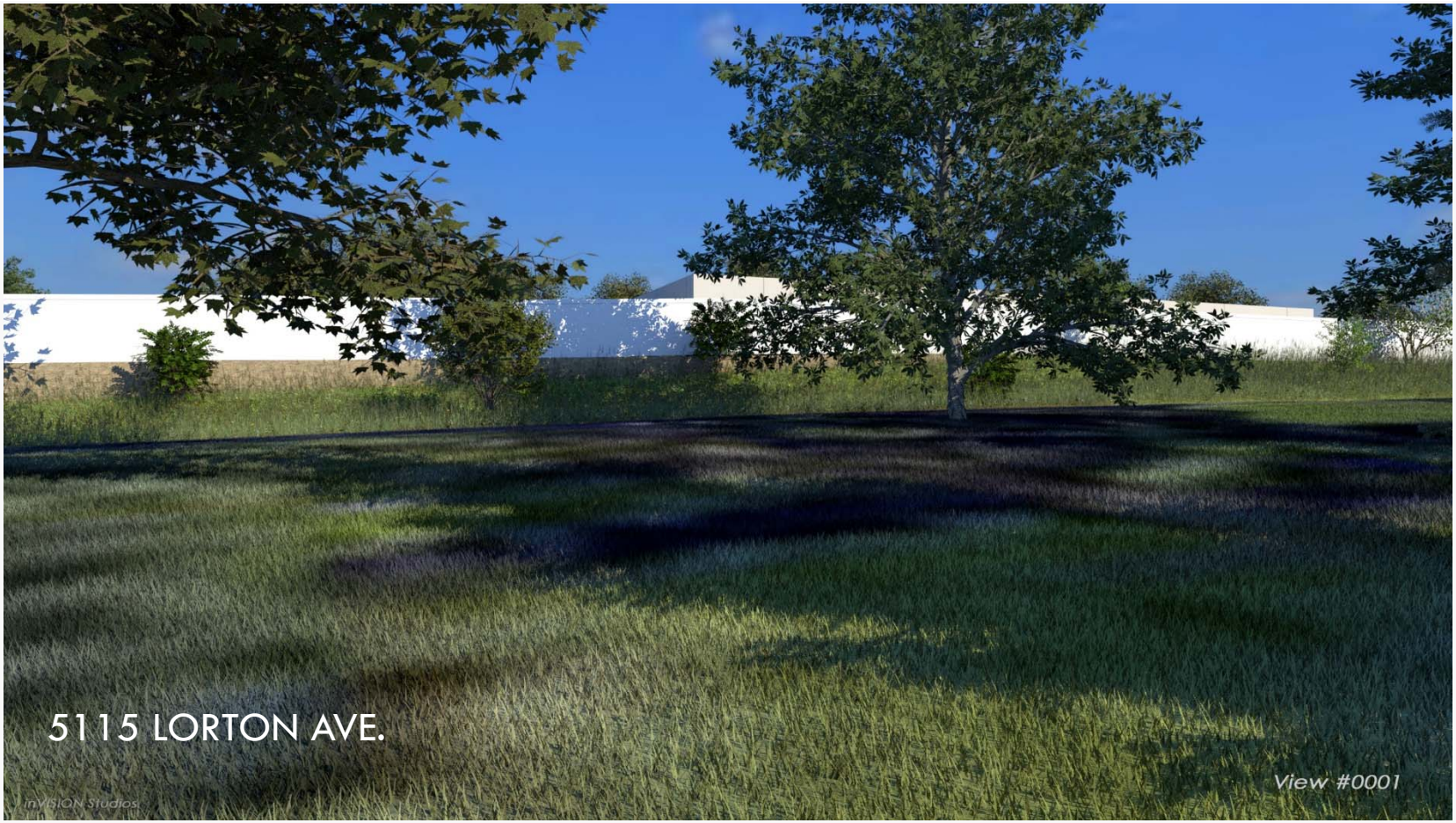
RENDERING FROM LORTON

WCT PROPERTIES

RENDERING FROM LORTON

WCT PROPERTIES

RENDERING OF VIEW FROM BACKYARDS



WCT PROPERTIES

RENDERING OF VIEW FROM BACKYARDS

WCT PROPERTIES

RENDERING OF VIEW FROM BACKYARDS

WCT PROPERTIES

RENDERING OF VIEW FROM BACKYARDS

WCT PROPERTIES

RENDERING OF VIEW FROM BACKYARDS

WCT PROPERTIES

RENDERING OF VIEW FROM BACKYARDS

WCT PROPERTIES

RETAINING WALL EXAMPLE

WCT PROPERTIES

RETAINING WALL EXAMPLE

WCT PROPERTIES

RETAINING WALL EXAMPLE

WCT PROPERTIES

TRAFFIC

A traffic study has been completed by Traffic Impact Group (TIG). TIG specializes in traffic studies and are a national firm.

We will add a fourth leg to the proposed COSTCO signalized entrance, which will have fully dedicated North bound straight through traffic, a dedicated East bound right hand turn que, and a dedicated West bound left hand turn lane along with the inbound lane to line up with COSTCO. Improvements to 53rd street include an East bound right hand turn lane, and a West bound left hand turn lane to provide efficient and safe access to our development from 53rd Street.

Our entrance configuration will closely align with that of the proposed COSTCO entrance directly North.

An alternate entrance to Lorton Avenue was originally considered and planned. After feedback from City Staff and Aldermen, we have agreed that access to Lorton should not be included in our plan.

We have long stacking lines available within our site for drive-thru traffic for Portillo's and for the future restaurants, for both incoming and outgoing vehicles. During the completion of the traffic study by TIG, multiple siteplan revisions were undertaken to provide a continuous improvement to the 53rd Street signalized intersection and our interior traffic flow.

Results from the TIG traffic study show that signal cycle times for the 2019 full development scenario for 53rd Street from the COSTCO traffic study remained at an acceptable level of service after the additional traffic from our proposed development was accounted for.

WCT PROPERTIES

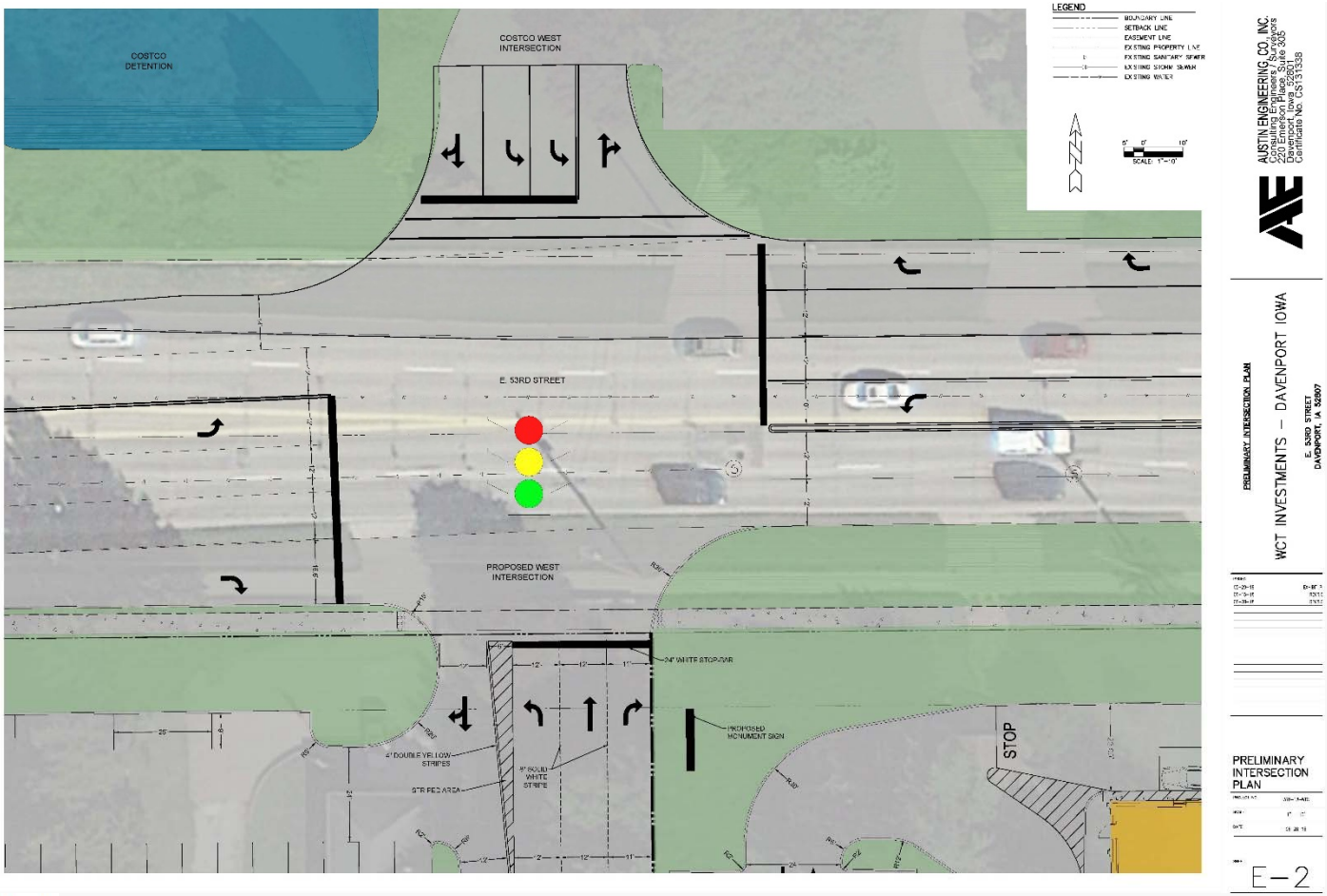
TRAFFIC

The full detailed traffic study is available for review with the following bullet points highlighted for consideration:

- 53rd Street Traffic Impact
  - Pre-Development Traffic Counts (without COSTCO) are 33,100 cars per day on 53rd Street, with 4,971 Weekday PM Peak Hour Trips, and 5,592 Saturday Peak Hour Trips at the 53rd Street & Elmore Ave. Intersection.
  - COSTCO will add 593 (12%) cars to the peak hour weekday traffic while WCT will add 204 (3.6% of Total with COSTCO) cars to the same time period.
  - COSTCO to add 831 (15%) cars to the peak hour Saturday traffic, while WCT will add 307 (5% of Total with COSTCO) cars to the same time period.
- Lorton Ave. & 53rd Street Intersection Impact
  - Currently the Weekday Peak Hour has 37 trips total (in & out). After closure of Fairhaven, this will increase to 56.
  - Currently the Saturday Peak Hour has 34 trips total (in & out). After closure of Fairhaven, this will increase to 61.

WCT PROPERTIES

53RD STREET IMPROVEMENTS



WCT PROPERTIES

LIGHTING

Light pollution is often a concern of residents with homes adjacent to commercial developments. The following design options are planned to minimize the impact on our neighbors.

- LED lighting will be utilized.
  - This provides the design professional the most options to make sure light is directed where it is needed and to help avoid light pollution to neighboring properties.
  - Full cut-off fixtures will be utilized to protect properties to the South and West of the development.
  - When using LED, less lights are needed to provide a safe environment for visitors and workers.
  - "Night Sky Friendly Fixtures" - Reflecting the light down helps to make the ground brighter while reducing the light pollution caused by each bulb.
- The existing tree canopy to the rear of the development will make the best natural barrier to light pollution.

WCT PROPERTIES

A SMART GROWTH OPPORTUNITY

Re-Development projects are the "biggest bang" for a community and an opportunity to realize Smart Growth.

- 53rd Street is recognized by the City of Davenport as a Commercial Corridor.
- The vast majority of the project infrastructure will remain privately owned and maintained. Public resources are conserved with only a minor upgrade to 53rd Street ROW required.
- There is no public money in this project.
- The "Highest & Best" use for the land will be realized. All tax dollars generated will be a net gain to the community.
- Re-Development offers an option to avoid urban sprawl.
- An area presently without storm water control facilities will be upgraded and will now provide protection from all major rain events to downstream properties.

WCT PROPERTIES

AE

THANK YOU FOR YOUR TIME

WCT PROPERTIES

CONTACT INFORMATION:

WILLIE TORCHIA

CELL: (309) 696-7185

EMAIL:
wtorchia@wctproperties.com

WCT PROPERTIES

Traffic Impact Study

E 53rd Street Commercial

Davenport, Iowa
WCT Investments

26 June 2018

TRAFFIC IMPACT GROUP, LLC
1431 Opus Place, Suite 110
Downers Grove, IL 60515
312.343.2151

TRAFFIC IMPACT
GROUP, LLC

E. 53rd Street Commercial, Davenport, WCT Investments

TIG Project Number 18-IA03129-1

I hereby certify that this report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa.

(Signature) 6/26/2018 (Date)

Printed Name: Scott P. Israelson, P.E., PTOE

License Number 20363

My license renewal date is December 31, 2018

Pages or sheets covered by this seal: All

Executive Summary

Project Description

WCT Investments is proposing to develop a commercial site in Davenport, Iowa. The development is proposed to consist of three restaurants and a retail building. Access to the property will be via a full-access driveway to E 53rd Street which will align with the proposed Costco west driveway, and a right-in/right-out driveway to E 53rd Street.

The *Costco Traffic Impact Study* was performed in March 2017 to examine impacts from that site. The Costco will be located immediately north of this development. This analysis incorporates those trips and examines the cumulative impacts of the two developments.

Trip Generation

The proposed combined developments are expected to generate 414 new entering trips and 383 new exiting trips in the PM peak hour, and 574 new entering and 564 new exiting trips in the Saturday peak hour. This site will also experience pass-by and diverted link trips, which have also been included in the driveway analysis.

Traffic Impacts

The study area included the following intersections:

- E. 53rd Street & Lorton Avenue
- E. 53rd Street & Costco west driveway/West Access
- E. 53rd Street & Costco east driveway/Fairhaven Road (East Access)
- E. 53rd Street & Elmore Circle
- E. 53rd Street & Elmore Avenue

Analysis of 2019 Full Build conditions for all intersections indicated acceptable levels of service are maintained with existing intersection configurations. Some signal timing adjustments may be needed for the added traffic volumes.

It is recommended that the West Access Driveways include the addition of separate right-turn lanes and through lanes at the driveway approaches along with the single/double left-turn lanes, as proposed. This is a change to the preliminary design concept for WCT Commercial Development and the existing design for the Costco project.

For the 2039 Future condition, traffic volumes should be monitored to determine if the projected increase utilized in this study has been lessened by the connection at Veteran's Memorial Parkway. If the traffic on E. 53rd Street does not increase at the rate projected, this would provide added intersection capacity and allow additional green time to be assigned to lower level of service turning movements.

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I. Introduction

WCT Investments is proposing to develop a commercial site in Davenport, Iowa. The site is located on the south side of E. 53rd Street between Lorton Avenue and Fairhaven Road.

The development is proposed to consist of three restaurants and a retail building. Access to the property will be via a full-access driveway to E. 53rd Street which will align with the proposed Costco west driveway. There will also be a right-in/right-out driveway to E. 53rd Street on the east side of the property. This right-in/right-out access will be located immediately across from the Costco east driveway, which is also right-in/right-out, and will replace Fairhaven Road which will no longer connect to E. 53rd Street. All Fairhaven Road traffic will reroute to the signalized intersection at E. 53rd Street & Lorton Avenue via E. 51st Street to Lorton Avenue.

The *Costco Traffic Impact Study* was performed in March 2017 to examine impacts from that site. The Costco will be located immediately north of this development. This analysis incorporates those trips and examines the cumulative impacts of the two developments.

The study area included the following intersections:

- E. 53rd Street & Lorton Avenue
- E. 53rd Street & Costco west driveway/West Access
- E. 53rd Street & Costco east driveway/Fairhaven Road (East Access)
- E. 53rd Street & Elmore Circle
- E. 53rd Street & Elmore Avenue

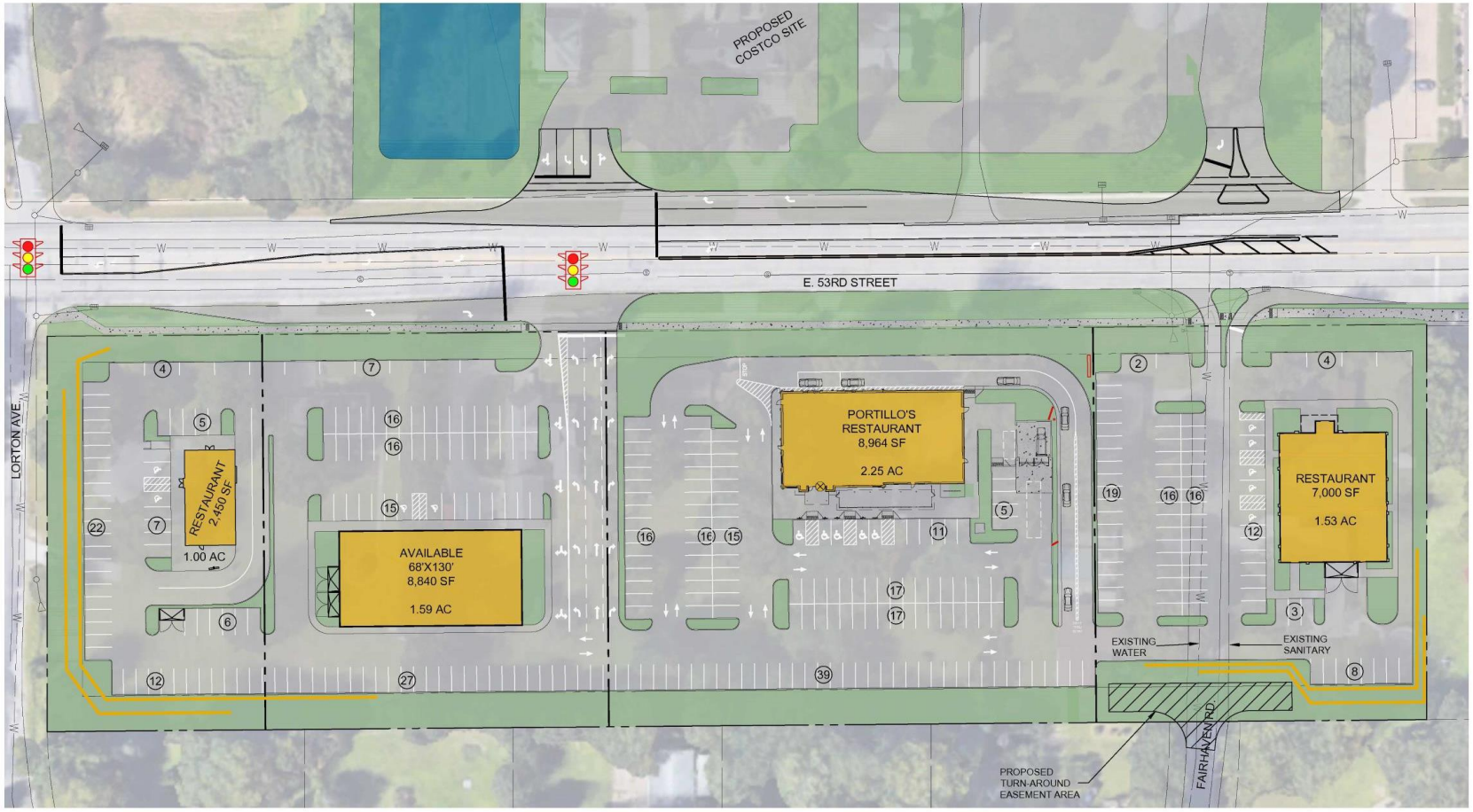
The study analyzed the following scenarios:

- Full Build 2019 Conditions
- Design Year 2039 Conditions

This study does not include an analysis of Existing Conditions or No-Build Conditions because the *Costco Traffic Impact Study* included those scenarios in its document.

The PM peak hour and Saturday peak hour were analyzed.

Figure 1 shows the most recent site plan. **Figure 2** shows the project vicinity map.



PROPOSED SITE PLAN W/ ADJACENT LOTS

SCALE: N.T.S.

PORTILLO'S HOT DOGS, LLC

LEGEND

- BOUNDARY LINE
- SETBACK LINE
- EASEMENT LINE
- EXISTING PROPERTY LINE
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER

AUSTIN ENGINEERING CO., INC.
Consulting Engineers / Surveyors
220 Emerson Place, Suite 305
Davenport, Iowa 52801
Certificate No. CS131338

SITE PLAN

WCT INVESTMENTS
DAVENPORT, IOWA

E. 53RD STREET
DAVENPORT, IA 52807

ISSUED	
06-12-18	SITE PLAN
06-15-18	REVISIONS
06-26-18	REVISIONS

SITE PLAN

PROJECT NO IA76-18-023

DATE 06-26-18

SHEET C-1

Site Plan

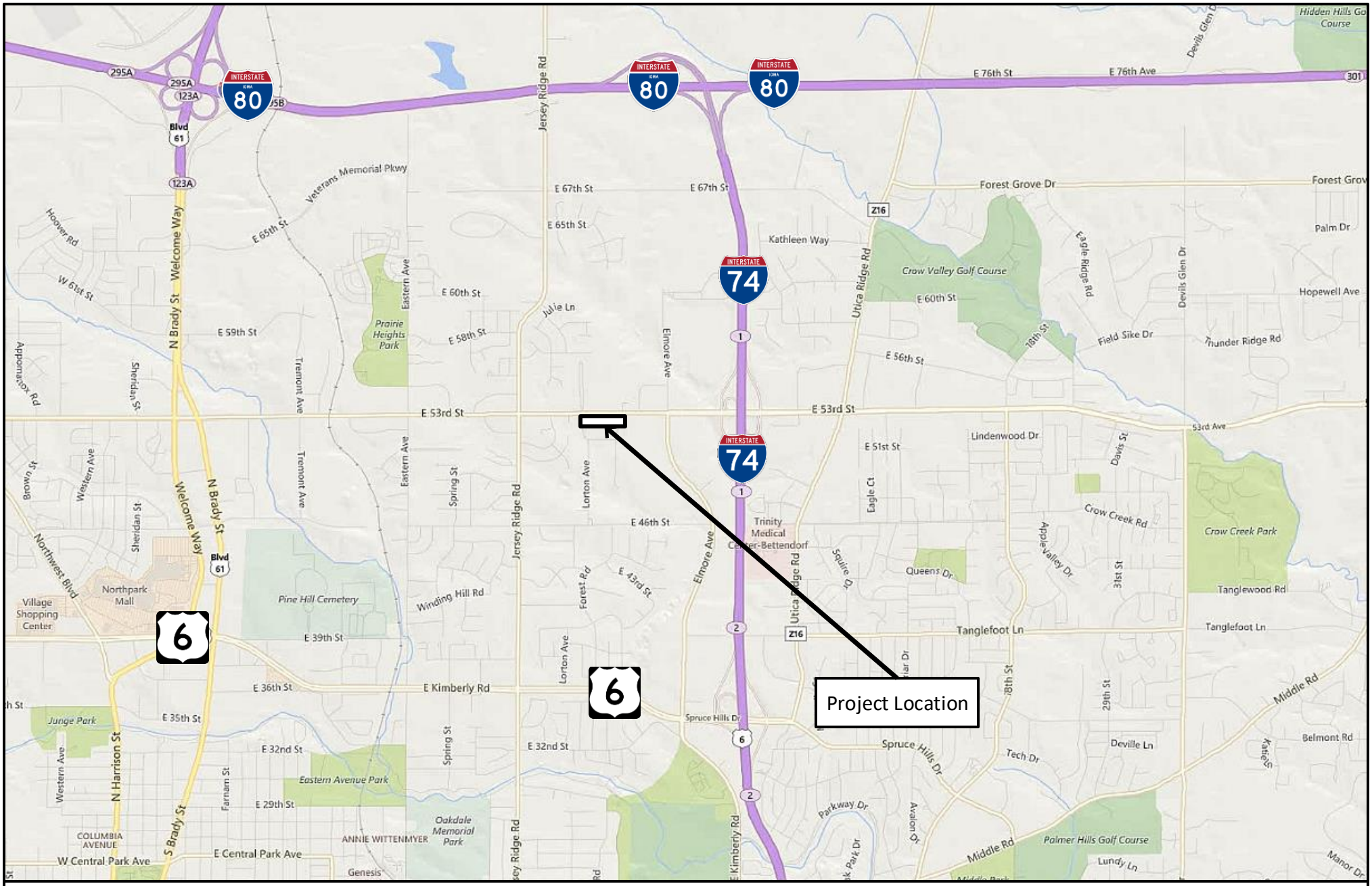
Figure 1

E 53rd Street Commercial – Davenport – WCT Investments

Project No: 18-IA03129-1

Date: 26 June 2018

TRAFFIC IMPACT GROUP, LLC



Vicinity Map

Figure 2

E 53rd Street Commercial – Davenport – WCT Investments

Project No: 18-IA03129-1

Date: 26 June 2018

TRAFFIC IMPACT GROUP, LLC

II. Existing Conditions

A. EXISTING ROADWAY CONDITIONS

Table 2.1 presents a summary of the existing roadway conditions in the study area. **Figure 3** shows the roadways in the study area.

Table 2.1 - Existing Roadways				
Street Name	Functional Class	Typical Section	Posted Speed	AADT
E. 53rd Street	Minor Arterial	Four-lane undivided	45 mph	33,100
Elmore Avenue	Minor Arterial	Five-lane with two-way left-turn lane (TWLTL)	45 mph	17,100
Elmore Circle	Local street	Two-lane undivided	25 mph	n/a
Lorton Avenue	Local street	two-lane undivided	25 mph	n/a

The *Costco Traffic Impact Study* was completed in March 2017. This site is located immediately north of the E. 53rd Street Commercial development. This study includes trips from the Costco development to determine the cumulative impact of both developments.

B. EXISTING INTERSECTION GEOMETRY

E. 53rd Street & Lorton Avenue is a signalized intersection with protected-permitted phasing for eastbound and westbound left turns and permitted phasing for northbound and southbound left turns. The eastbound and westbound approaches both have a left-turn lane, one through lane, and a shared through-right lane. The northbound approach consists of a single lane. The southbound approach has a left-turn lane and a shared through-right lane. The north leg of the intersection is a driveway for Jersey Meadows Apartments.

The Costco west driveway is proposed to be located approximately 450 feet east of Lorton Avenue. The *Costco Traffic Impact Study* recommended that the intersection operate under signalized control and recommended eastbound left-turn and westbound right-turn lanes on E. 53rd Street, with the southbound approach having dual left-turn lanes and a right-turn lane.

The West Access of the E. 53rd Street Commercial development will align with this signalized intersection.

E. 53rd Street & Fairhaven Avenue is an unsignalized intersection with stop control for northbound Fairhaven Avenue. The Costco east driveway is proposed to be aligned with Fairhaven Avenue. The *Costco Traffic Impact Study* recommended that both the east driveway and Fairhaven Avenue operate as right-in/right-out accesses.

The East Access of the E. 53rd Street Commercial development will align with this intersection. Fairhaven Avenue will be terminated and the right-of-way vacated, to a point south of the property, and all Fairhaven traffic will be rerouted to the E 53rd Street & Lorton Avenue intersection.

E. 53rd Street & Elmore Circle is signalized with protected-permitted phasing for eastbound and westbound left turns and permitted phasing for northbound and southbound left turns. The eastbound and westbound approaches both consist of a left-turn lane, two through lanes, and a right-turn lane. The northbound and southbound approaches both have a left-turn lane and a shared through-right lane.

E. 53rd Street & Elmore Avenue is signalized with protected phasing for all left turns. All approaches have dual left-turn lanes. The eastbound approach has three through lanes, and a right-turn lane, the westbound approach has two through lanes with a shared through-right lane. The northbound and southbound approaches both have two through lanes and right-turn lanes. The northbound right-turn lane connects to an additional eastbound lane which provides free-flow conditions for this movement.

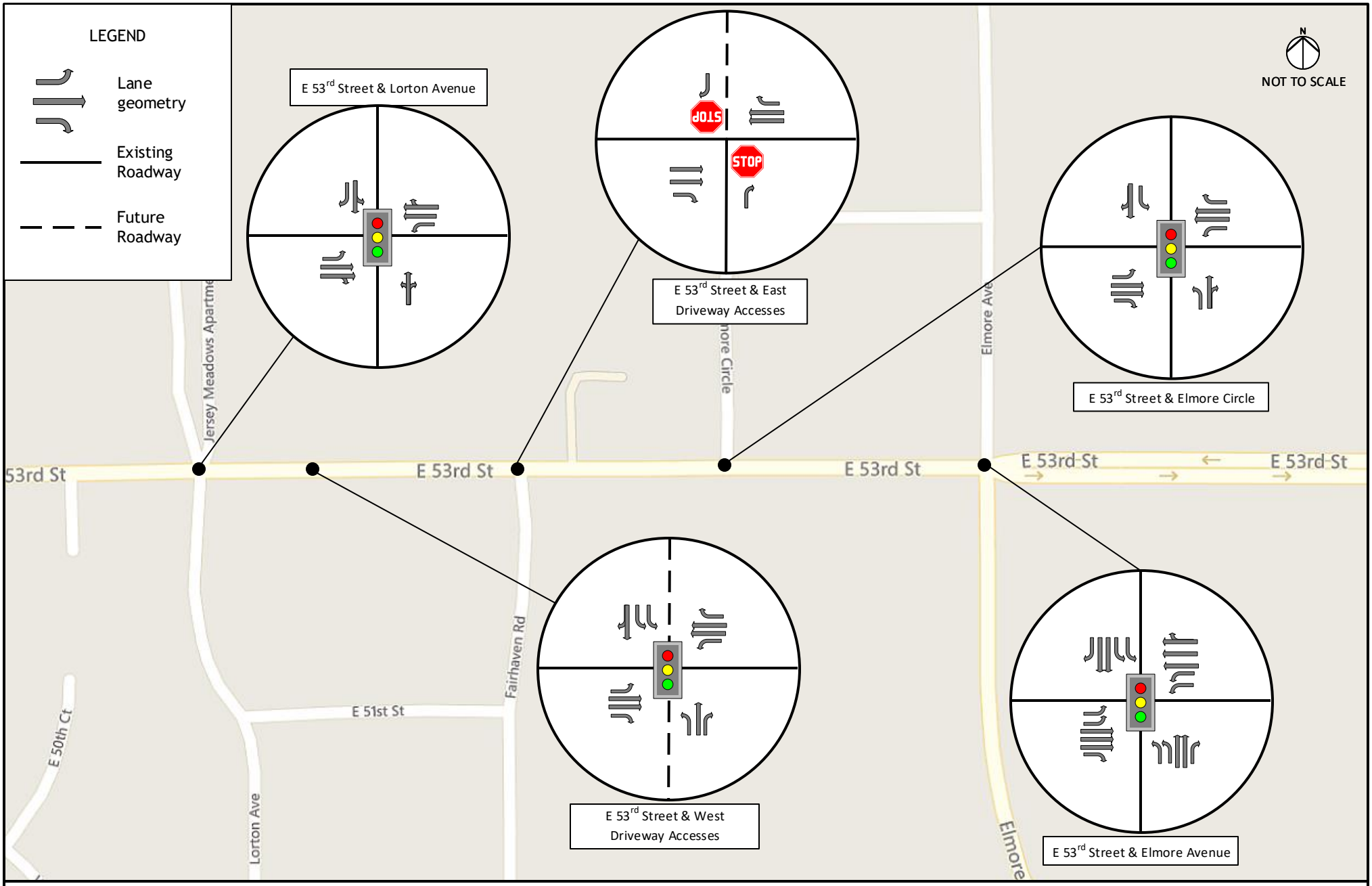
The geometric configuration of all intersections in the study area is shown in **Figure 3**.

C. TRAFFIC VOLUMES

Traffic data collection for study area intersections was performed in February, 2017 as part of the *Costco Traffic Impact Study*. **Figure 4** displays existing 2018 traffic volumes from the that study. These volumes can be found in the Appendix.

Current Average Annual Daily Traffic (AADT) volumes were retrieved from the Iowa DOT Planning Office website.

Lorton Avenue – Looking South from E. 53rd Street



Study Area Roadways and Intersections

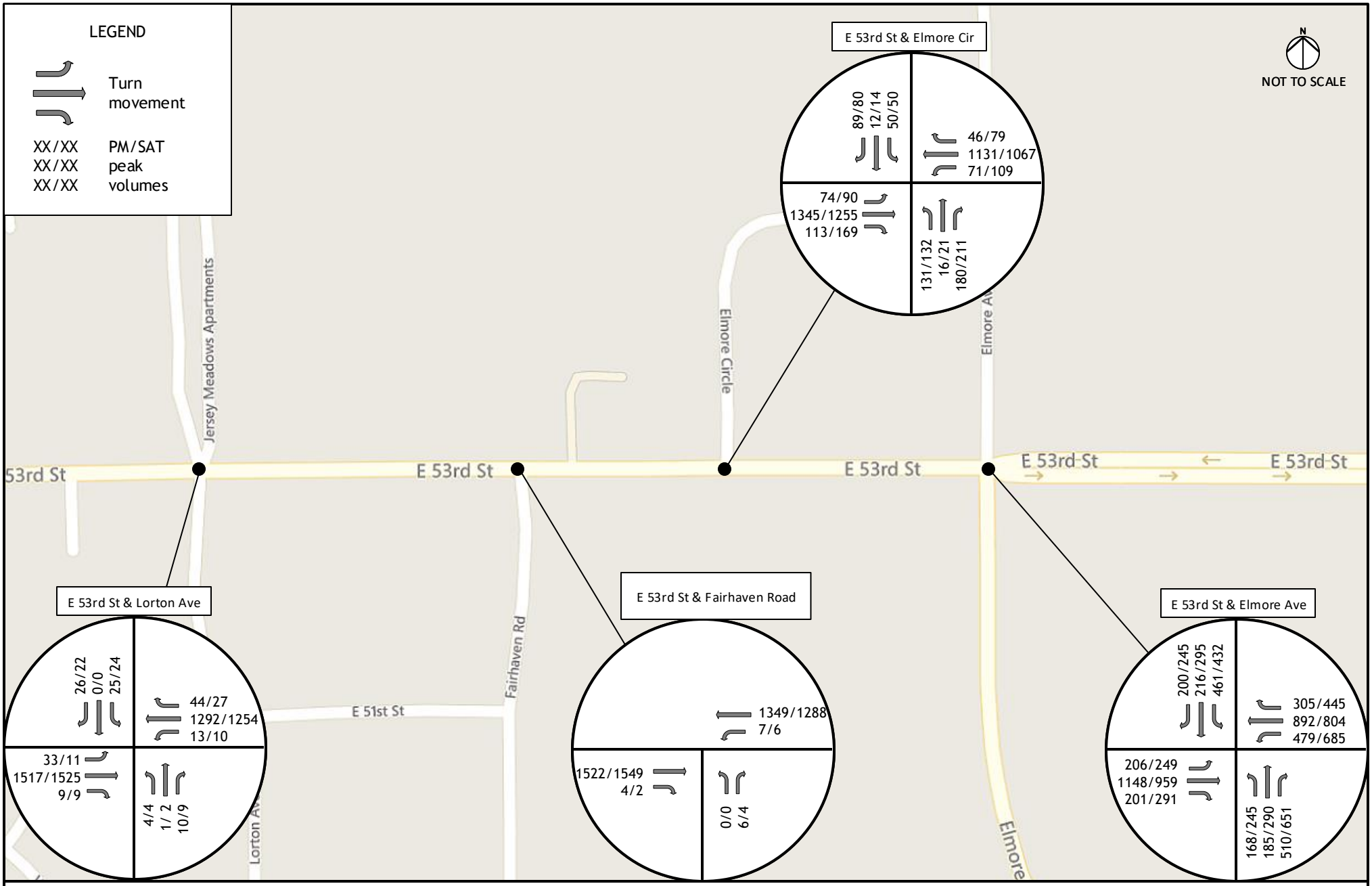
Figure 3

E 53rd Street Commercial – Davenport – WCT Investments

Project No: 18-IA03129-1

Date: 26 June 2018

TRAFFIC IMPACT GROUP, LLC



Existing Traffic

Figure 4

E 53rd Street Commercial – Davenport – WCT Investments

Project No: 18-IA03129-1

Date: 26 June 2018

TRAFFIC IMPACT GROUP, LLC

III. Methodology

A. BASE ASSUMPTIONS

Intersection capacity analysis was conducted using Synchro v10.0. Trip generation was calculated using the 10th edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*. Signal timing was determined from the City of Davenport traffic engineering department.

B. BACKGROUND GROWTH

The *Costco Traffic Impact Study* assumed a background growth rate of 1.8% per year between 2017 and 2028 and 0.9% per year between 2028 and 2038.

C. TRIP GENERATION

The development is proposed to consist of a 2,450 SF fast food restaurant with drive-through, an 8,840 SF retail building, an 8,964 SF Portillo's, and a 7,000 SF quality restaurant.

The *ITE Trip Generation Manual, 10th Edition* was used to estimate the projected trips by this development.

Costco Construction Entrance

Table 3.1 contains a summary of the land uses and sizes used for trip generation estimates.

Table 3.1 - ITE Trip Generation							
Average Weekday Driveway Volumes				PM Peak Hour		SAT Peak Hour	
Land Use	ITE Code	Size		Enter	Exit	Enter	Exit
E. 53rd Street Commercial Site							
Shopping Center	820	8.8	Th.Sq.Ft. GLA	43	47	47	44
Quality Restaurant	931	7	Th.Sq.Ft. GFA	37	18	44	31
Fast Food Restaurant with Drive-Through Window (Portillo's)	934	8.9	Th.Sq.Ft. GFA	151	140	249	239
Fast Food Restaurant with Drive-Through Window	934	2.5	Th.Sq.Ft. GFA	43	39	70	67
Costco Site							
Discount Club	857	156	Th.Sq.Ft. GLA	327	326	488	507
Gas Station (70% reduction)	944	16	Vehicle Fueling Positions	34	34	31	31
Unadjusted Peak Hour Trips				**635**	**604**	**929**	**919**
Internal Capture Reduction - from NCHRP No 684							
Internal Capture Reduction		*Shopping Center*		*-10*	*-9*	*-10*	*-7*
		Quality Restaurant		*-10*	*-7*	*-13*	*-13*
		Portillo's		*-44*	*-57*	*-72*	*-98*
		Fast Food Restaurant with Drive-Through Window		*-13*	*-16*	*-20*	*-27*
		Discount Club		*-70*	*-58*	*-128*	*-98*
Driveway Peak Hour Trips				**488**	**457**	**686**	**676**
Pass-By/Diverted Link Reduction - from ITE Manual							
Pass-By/Diverted Link Reduction		*Shopping Center*		*-12*	*-12*	*-10*	*-10*
		Quality Restaurant		*-8*	*-8*	*-11*	*-11*
		Portillo's		*-41*	*-41*	*-69*	*-69*
		Fast Food Restaurant with Drive-Through Window		*-13*	*-13*	*-22*	*-22*
Total New Peak Hour Trips to Adjacent Network				**414**	**383**	**574**	**564**

Because of the proximity to the Costco site, there will be some driver interaction between the two developments that can be estimated as internal capture as shown in the table above.

Internal capture trip reduction is a method to estimate interaction between different uses within the same development. While each land use in a development generates vehicle trips, some people will visit more than one land use within the development. This phenomenon of multiple land uses adjacent to each other ultimately results in fewer vehicle trips to the external road network, and less impact, than free-standing retail, office, or residential areas. This reduction was calculated in accordance with the *NCHRP Report No. 684, Enhancing Internal Trip Capture for Mixed-use Development*.

In this study, internal capture trips between Costco and the E. 53rd Street Commercial development are not removed from the analysis, but rather will be counted as northbound and southbound through movements at the intersection of E. 53rd Street & the West Access Driveways.

Pass-by reductions are included to account for the phenomenon where land uses such as convenience stores or other similar uses attract vehicles whose ultimate destination is elsewhere. These driveway turning movement trips replace what would otherwise be "through" movements, but do not contribute to "new trips" on the roadway network. This reduction was calculated in accordance with the *ITE Trip Generation Handbook, 3rd Edition*.

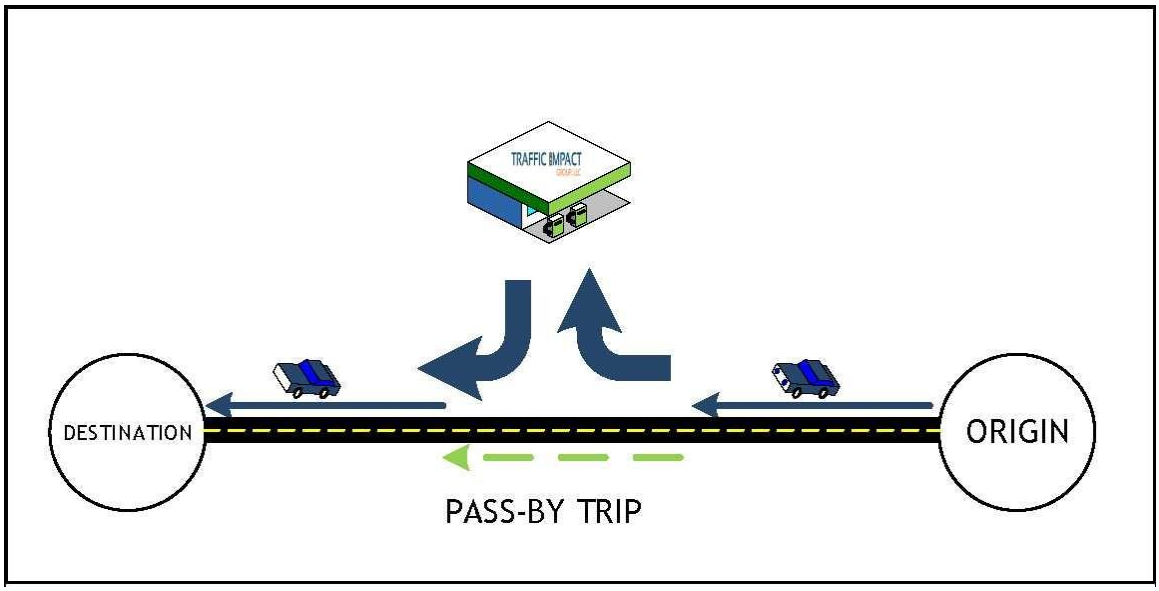
It should be noted that the *Costco Traffic Impact Study* did not apply pass-by trip reductions for the Costco site gas station, but assumed a 70% reduction for what it termed "linked trips".

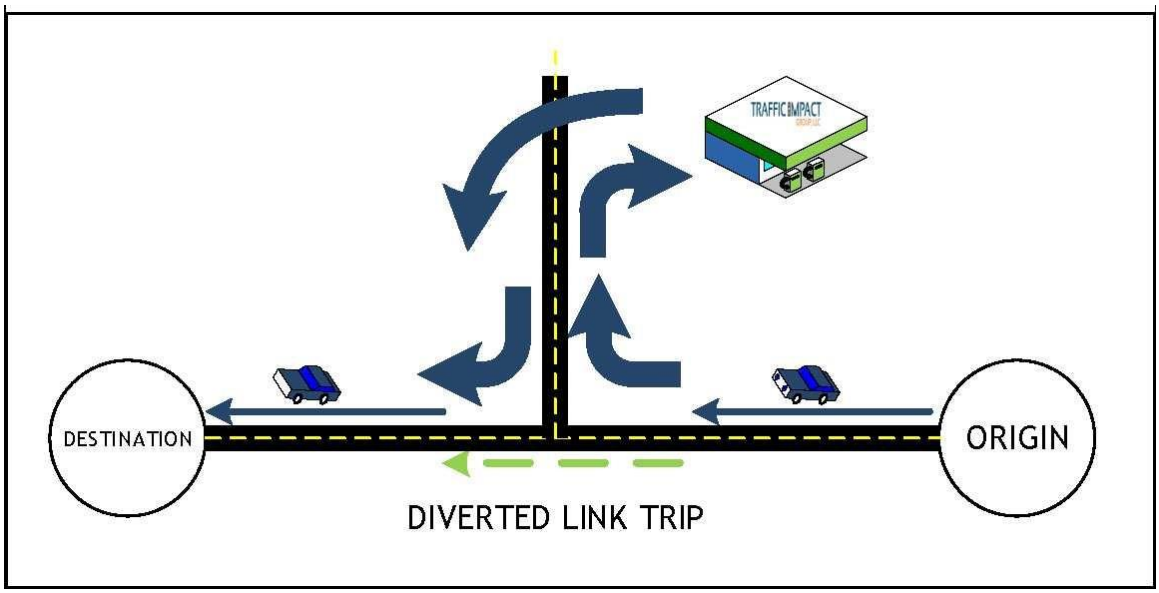
The percentages and directionality of pass-by and diverted link trips is based on the count data collected in the PM peak. Table 3.2 summarizes the calculation.

Table 3.2 - Pass-by/Diverted Link Trips

Roadway	Direction	PM Volume	% of total PM	PM Pass-by Trips	SAT Volume	% of total Sat	SAT Pass-by Trips
E 53rd Street	EB Through	1495	53.0%	39	1522	54.6%	61
	WB Through	1325	47.0%	35	1265	45.4%	51

The following graphic illustrates how pass-by and diverted link trips affect traffic calculations at the project driveways and adjacent intersection.





Pass-by trips are shown in **Figure 5**.

In order to confirm the volume of traffic which will be generated by the Portillo's restaurant, site traffic generation was provided for four restaurants in the suburban Chicago, Illinois area. These included Arlington Heights, Elgin, New Lenox and Willowbrook. These counts were based on transaction data for seven consecutive days. This data indicated good correlation between the ITE *Trip General Manual* values used in this report in table 3.1 above and the actual counts provided. The highest of these counts from the Chicago stores are included in the Appendix.

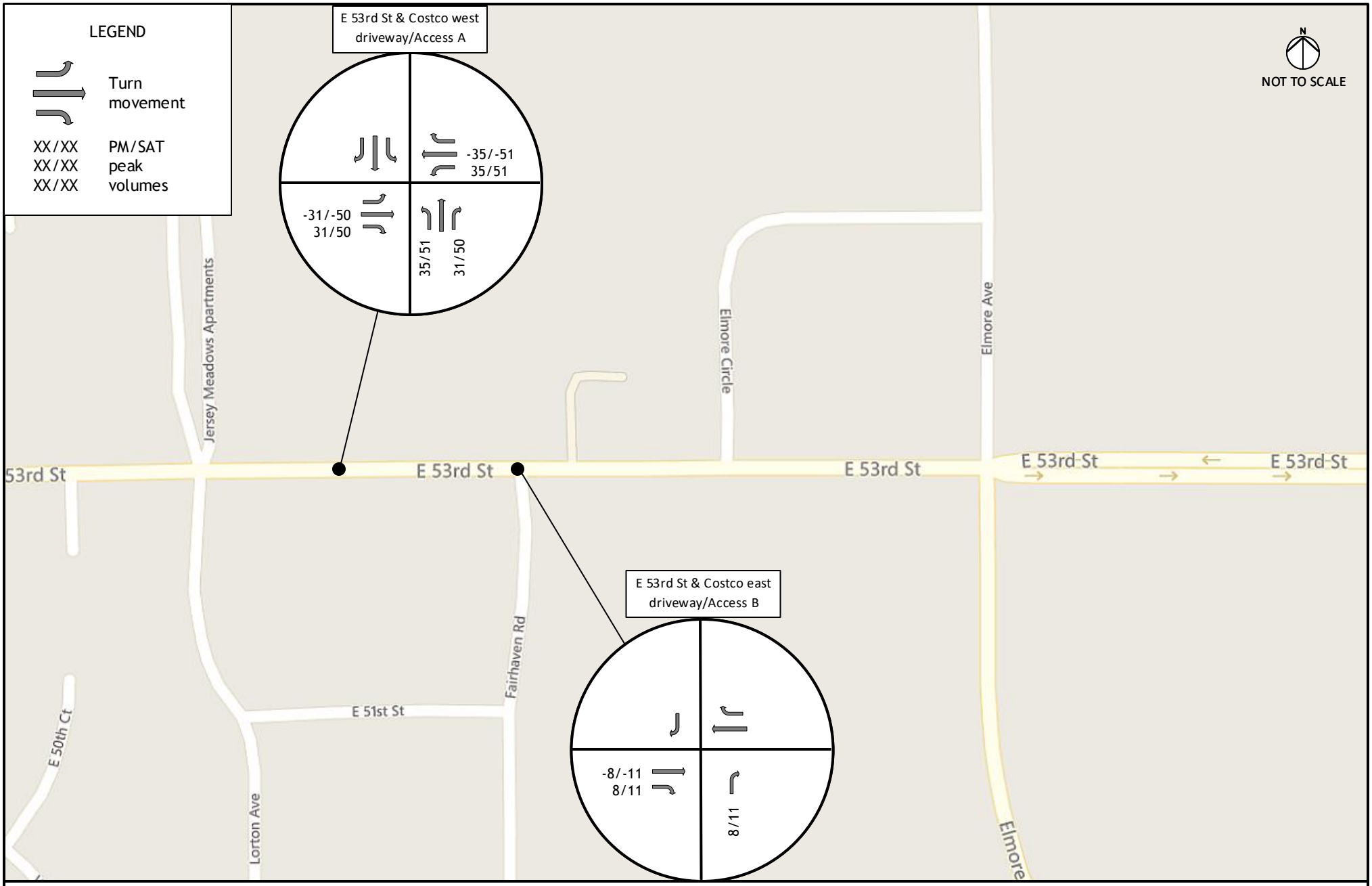
D. TRIP DISTRIBUTION

Trips for this proposed development were assigned to the surrounding roadway network based on the *Costco Traffic Impact Study*. The proposed trip distribution for this project can be found in **Figure 6**, and the projected site trips are shown in **Figure 7**.

Full Build 2019 volumes are shown in **Figure 8** and Future Year 2039 volumes are shown in **Figure 9.**

E. RECOMMENDED OR PROGRAMMED IMPROVEMENTS

The City of Davenport is currently constructing the last phase of the Veterans Memorial Parkway extension project, which is located north of this site at 67th Street. City staff believe this extension will reduce the volume of traffic on E. 53rd Street once it is completed.



Pass-By Trips

Figure 5

E 53rd Street Commercial – Davenport – WCT Investments

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Trip Distribution

Figure 6

E 53rd Street Commercial – Davenport – WCT Investments

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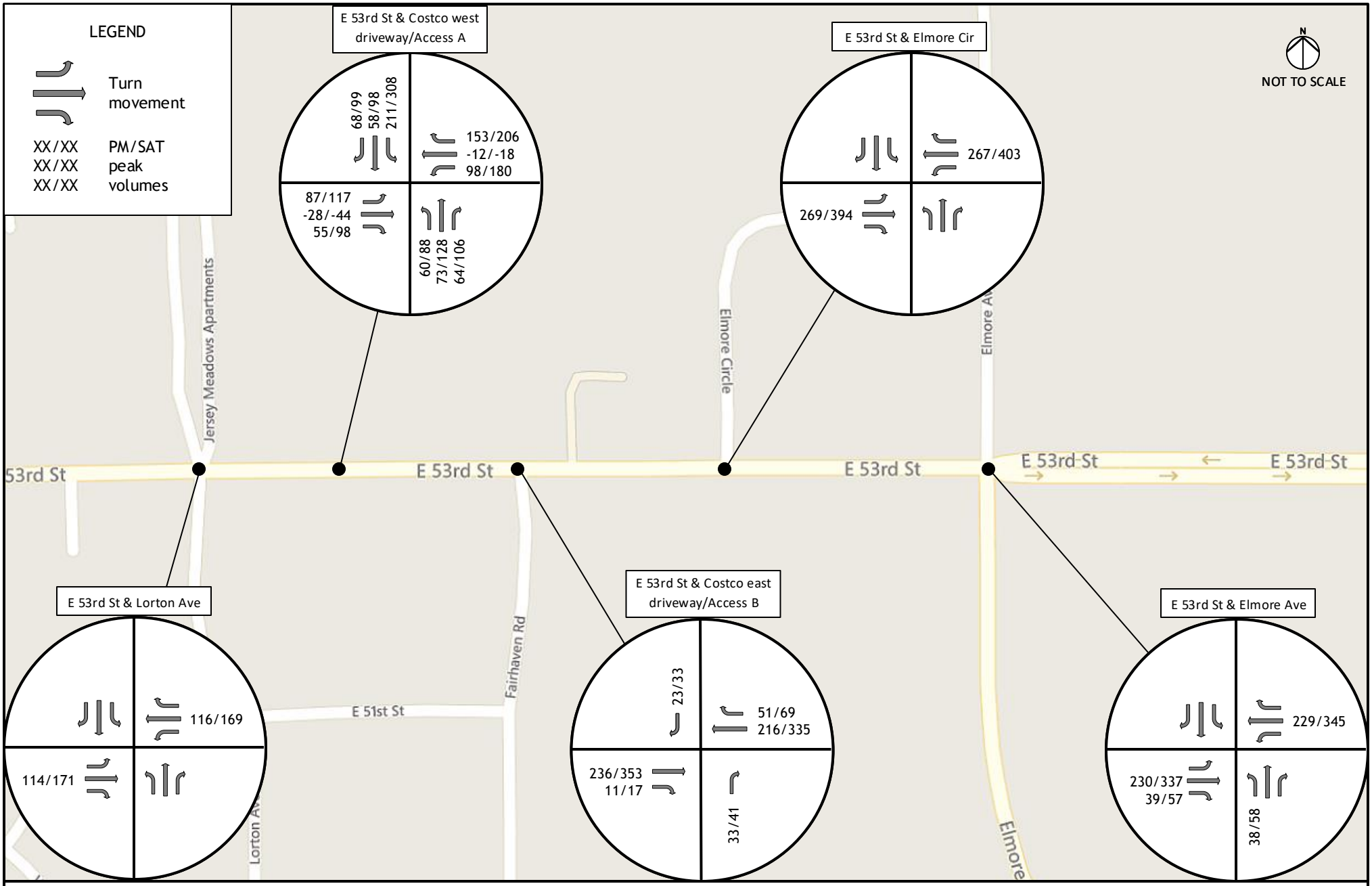

Site Trips

Figure 7

E 53rd Street Commercial – Davenport – WCT Investments

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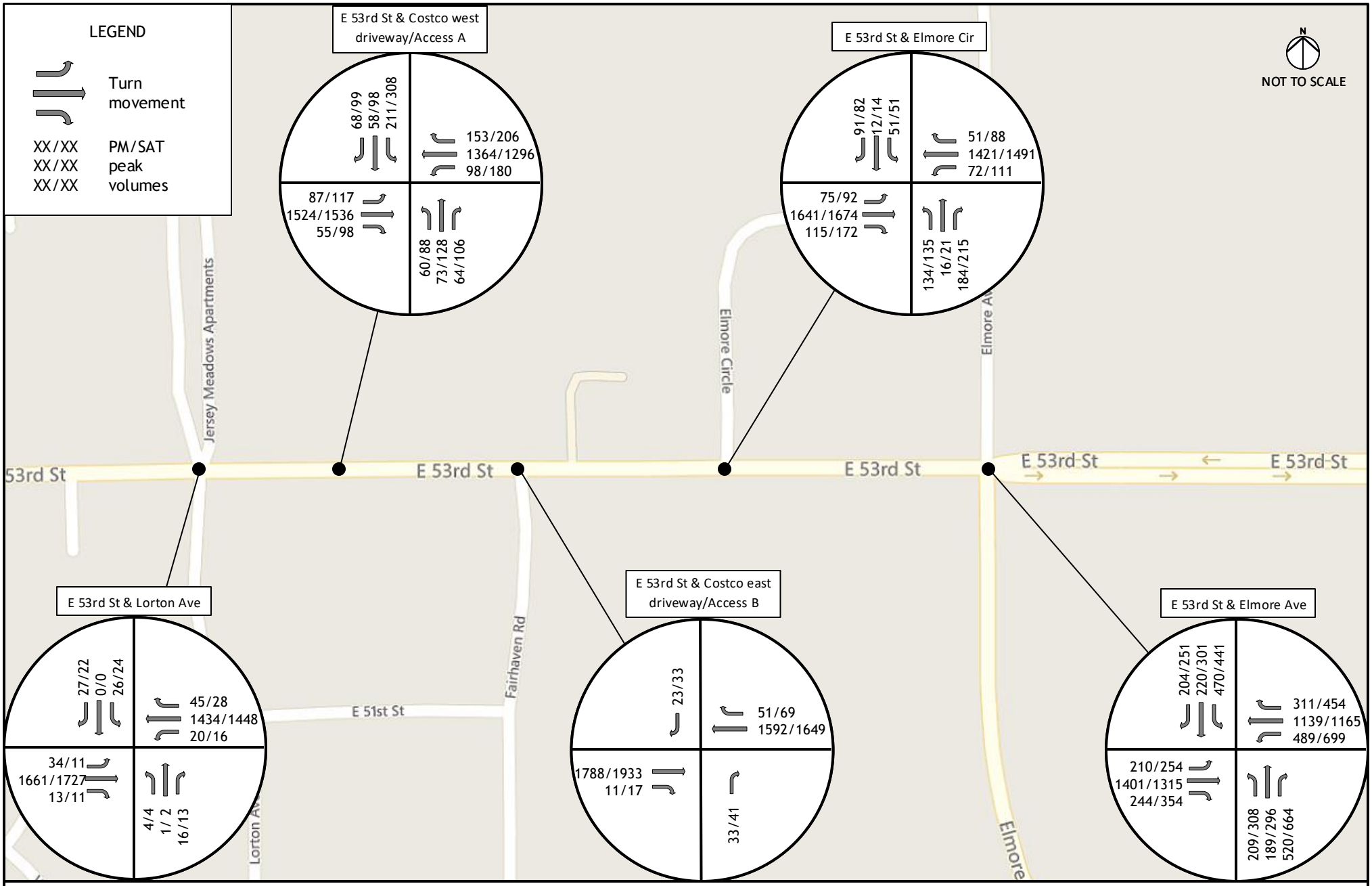

Full Build 2019 Traffic

Figure 8

E 53rd Street Commercial – Davenport – WCT Investments

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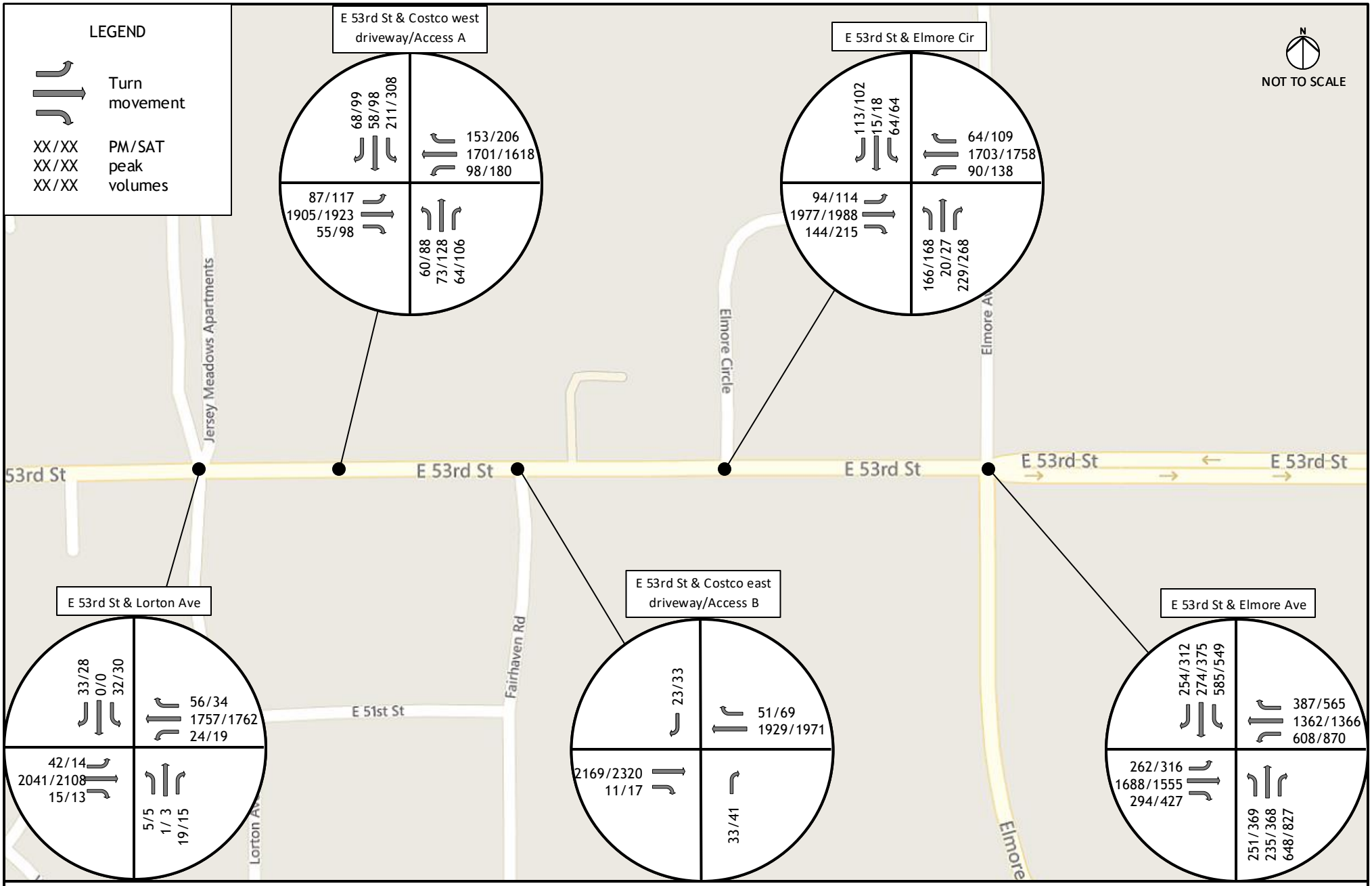

Future 2039 Traffic

Figure 9

E 53rd Street Commercial – Davenport – WCT Investments

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IV. Capacity Analysis

The Transportation Research Board's Highway Capacity Manual (HCM) uses a term "level of service" (LOS) to measure how traffic operates in intersections. There are currently six levels of service ranging from A to F. Level of Service "A" represents the best conditions and Level of Service "F" represents the worst. Synchro software was used to determine the level of service for intersections in the study area. All worksheet reports from the analyses can be found in the Appendix.

Table 4.1 shows the control delay per vehicle associated with LOS A through F for signalized and unsignalized intersections.

Table 4.1 - Highway Capacity Manual Levels of Service and Control Delay

Signalized Intersection		Unsignalized Intersection	
Level of Service	**Control Delay per Vehicle (sec)**	**Level of Service**	**Control Delay per Vehicle (sec)**
A	≤ 10	A	≤ 10
B	> 10 and ≤ 20	B	> 10 and ≤ 15
C	> 20 and ≤ 35	C	> 15 and ≤ 25
D	> 35 and ≤ 55	D	> 25 and ≤ 35
E	> 55 and ≤ 80	E	> 35 and ≤ 50
F	> 80	F	> 50

Full Build 2019 capacity analyses were performed using existing timing on 53rd Street with a 110 second cycle length. It is our understanding that signal coordination east to west on 53rd Street begins at Elmore Avenue, as the western most coordinated signal, and proceeds to the eastern intersections from there. Our analysis was run with the signal timing between Elmore Avenue and Lorton Avenue as actuated/coordinated, holding the 110 second cycle length and optimizing splits at each intersection, which will mimic operation today.

For the 2039 Future analysis, we calculated the optimum intersection timing offsets and optimum cycle length over the range from 50 seconds to 150 seconds. This analysis assumed a fully coordinated signal system from Lorton Avenue through Elmore Avenue. This resulted in a 120 second cycle length as optimum given intersection spacing and projected 2039 traffic volumes. It should be noted that future volumes include a 27% increase in existing on-street traffic volumes, with development volumes remaining the same as full-build conditions. Results at individual intersections are discussed below.

It is difficult to compare the results of this study with the Costco study on an individual approach basis. Differing assumptions in the analyses would result in varying levels of service, delays and queue lengths. Also, the West Access Driveway in the previous study was a tee intersection, which changes operational characteristics dramatically with the added fourth leg for this development.

A. LORTON AVENUE & E. 53RD STREET

Table 4.2 shows the current LOS, control delay, and 95th percentile queue length for Full Build 2019 conditions.

Table 4.2 - Intersection LOS, Delay, and Queue by Movement - 2019 Full Build

Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
Lorton Avenue & E. 53rd Street	EB	LT	A	4.1	14’	A	3.3	6’
		TH	A	5.9	368’	A	6.4	364’
		RT						
	WB	LT	A	1.6	1’	A	0.8	0’
		TH	A	1.7	37’	A	0.8	12’
		RT						
	NB	LT	C	29.6	30’	C	32.1	29’
		TH						
		RT						
	SB	LT	A	4.0	0’	A	3.5	0’
		TH						
		RT						
	OVERALL		A (4.1)			A (4.0)		

Table 4.3 shows the expected LOS, control delay, and 95th percentile queue length for Future 2039 conditions.

Table 4.3 - Intersection LOS, Delay, and Queue by Movement - 2039 Future

Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
Lorton Avenue & E. 53rd Street	EB	LT	A	6.3	15’	A	3.4	7’
		TH	A	9.2	564’	B	10.4	580’
		RT						
	WB	LT	A	1.8	0’	A	1.7	1’
		TH	A	1.4	10’	A	1.2	55’
		RT						
	NB	LT	C	33.7	35’	D	36.0	34’
		TH						
		RT						
	SB	LT	A	9.9	17’	A	7.0	8’
		TH						
		RT						
	OVERALL		A (5.8)			A (6.4)		

Analysis shows that acceptable levels of service are maintained on all approaches for 2019 Full Build and 2039 Future conditions. No improvements are recommended at this location.

B. E. 53RD STREET & WEST ACCESS DRIVEWAYS

The West Access of the development is proposed to align with the Costco West Access at a signalized intersection. This access is proposed to have a northbound left-turn lane, one through lane, and a right-turn lane.

Table 4.4 shows the current LOS, control delay, and 95th percentile queue length for Full Build 2019 conditions.

Table 4.4 - Intersection LOS, Delay, and Queue by Movement - 2019 Full Build

Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
West Access Driveways & E. 53rd Street	EB	LT	C	31.0	65’	C	28.1	77’
		TH	B	18.0	196’	C	31.0	700’
		RT	A	0.1	0’	A	0.9	5’
	WB	LT	C	26.8	61’	D	55.8	211’
		TH	A	7.3	173’	B	12.9	325’
		RT	A	1.0	5’	A	1.7	8’
	NB	LT	E	55.1	89’	E	56.5	59’
		TH	E	56.7	104’	E	72.5	192’
		RT	A	1.8	0’	A	5.4	16’
	SB	LT	E	62.8	134’	E	65.7	190’
		TH	D	50.6	87’	E	56.0	127’
		RT	A	1.5	0’	A	4.0	10’
	OVERALL		B (17.5)			C (28.0)		

Analysis shows that acceptable levels of service are maintained on all approaches for the 2019 Full Build calculation. The eastbound through movement 95th percentile queue length is projected to extend past the Lorton Avenue intersection. This occurs due to the 428 ft. intersection spacing and the low volume of traffic on Lorton Avenue. This results in a 20 second difference in allotted green time on E. 53rd Street. Signal timing may need to be adjusted to stop traffic at Lorton to match the green time at the West Access Driveways. No improvements are recommended at this location.

Table 4.5 shows the expected LOS, control delay, and 95th percentile queue length for Future 2039 conditions.

Table 4.5 - Intersection LOS, Delay, and Queue by Movement - 2039 Future								
Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
West Access Driveways & E. 53rd Street	EB	LT	D	43.6	52’	E	58.9	95’
		TH	C	23.9	506’	E	61.4	1029’
		RT	A	0.1	0’	A	0.9	1’
	WB	LT	D	45.9	50’	F	88.4	210’
		TH	A	7.9	227’	B	10.2	347’
		RT	A	0.6	1’	A	0.9	8’
	NB	LT	E	62.2	96’	E	69.4	148’
		TH	E	64.1	112’	F	100.3	229’
		RT	A	2.2	0’	A	7.8	27’
	SB	LT	E	74.3	153’	F	95.0	229’
		TH	E	56.4	94’	E	66.7	141’
		RT	A	1.8	0’	A	6.0	20’
	OVERALL		C (20.9)			D (43.0)		

Analysis shows that acceptable overall levels of service are maintained on all approaches for the 2039 Future calculation. The eastbound through movement queue length is forecast to increase, making the likelihood of Lorton Avenue intersection blockages more frequent. Signal timing modifications to match green times on E. 53rd Street between the West Access Driveways and Lorton Avenue would alleviate this blockage.

The 90 second green time for the E. 53rd Street through and left phases are the primary cause of the Saturday LOS F on individual movements shown above due to the inherent delay waiting for the side street green. The LOS F movements volume to capacity ratios are between 0.88 and 1.0. Increased Saturday turning volumes are also evident in the results for these specific movements. Traffic volumes should be monitored to determine if the projected increase utilized in this study has been lessened by the connection at Veteran’s Memorial Parkway which would provide added intersection capacity and allow additional green time to be assigned to these movements.

It is recommended to construct the northbound, West Access with dual left-turn lanes, one through lane, and a right-turn lane. One of the left-turn lanes and the right-turn lane should extend all the way to the east-west driveway at the south end of the parking lot to avoid being blocked by the through movement queue.

It is also recommended to revise the construction plans for Costco and provide a separate right-turn lane, through lane, double left-turn lane configuration for the southbound approach. This configuration will operate more efficiently, if the change can be accomplished economically.

C. E. 53RD STREET & EAST ACCESS DRIVEWAYS

Table 4.6 shows the current LOS, control delay, and 95th percentile queue length for Full Build 2019 conditions.

Table 4.6 - Intersection LOS, Delay, and Queue by Movement - 2019 Full Build								
Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
East Access Driveways & E. 53rd Street	EB	TH	Free					
		RT						
	WB	TH	Free					
		RT						
	NB	RT	C	22.6	13’	C	23.7	18’
	SB	RT	C	18.5	8’	C	19.5	10’

Table 4.7 shows the expected LOS, control delay, and 95th percentile queue length for Future 2039 conditions.

Table 4.7 - Intersection LOS, Delay, and Queue by Movement - 2039 Future								
Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
East Access Driveways & E. 53rd Street	EB	TH	Free					
		RT						
	WB	TH	Free					
		RT						
	NB	RT	D	28.6	18’	D	32.8	23’
	SB	RT	C	23.2	10’	C	24.5	15’

Analysis shows that acceptable levels of service are maintained on all approaches for the 20-year design period. No improvements are recommended at this location.

D. E. 53RD STREET & ELMORE CIRCLE

Table 4.8 shows the current LOS, control delay, and 95th percentile queue length for Full Build 2019 conditions.

Table 4.8 - Intersection LOS, Delay, and Queue by Movement - 2019 Full Build

Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
Elmore Circle & E. 53rd Street	EB	LT	A	9.1	10’	A	5.2	9’
		TH	A	4.6	210’	A	3.1	143’
		RT	A	0.5	3’	A	0.4	4’
	WB	LT	C	35.0	54’	D	38.4	75’
		TH	C	22.2	644’	A	3.7	103’
		RT	A	2.4	10’	A	0.1	1’
	NB	LT	E	69.4	165’	E	65.2	154’
		TH	C	28.8	145’	C	22.2	125’
		RT						
	SB	LT	E	61.0	78’	F	97.1	91’
		TH	B	12.5	56’	B	13.9	54’
		RT						
	OVERALL		B (16.0)			A (8.5)		

Analysis shows that acceptable levels of service are maintained on all approaches for the 2019 Full Build calculation. No improvements are recommended for 2019 Full-Build conditions.

Table 4.9 shows the expected LOS, control delay, and 95th percentile queue length for Future 2039 conditions.

Table 4.9 - Intersection LOS, Delay, and Queue by Movement - 2039 Future

Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
Elmore Circle & E. 53rd Street	EB	LT	C	25.7	32’	C	20.6	22’
		TH	A	8.9	241’	A	6.6	209’
		RT	A	0.4	2’	A	0.5	4’
	WB	LT	D	45.9	61’	D	49.3	80’
		TH	A	6.5	114’	A	5.1	202’
		RT	A	0.2	0’	A	0.1	0’
	NB	LT	F	93.7	270’	E	79.8	229’
		TH	D	45.4	239’	D	43.8	241’
		RT						
	SB	LT	F	98.7	136’	F	179.6	143’
		TH	B	13.3	70’	B	13.1	63’
		RT						
	OVERALL		B (15.0)			B (14.2)		

Analysis shows that acceptable levels of service are maintained on all approaches for the 2039 Future design period. Increased Saturday turning volumes do create some increasing delays and pushes the overall intersection utilization above 100%. Traffic volumes should be monitored to determine if the projected increase in traffic volumes utilized in this study is lessened by the connection at Veteran's Memorial Parkway. No improvements are recommended at this location.

E. E. 53RD STREET & ELMORE AVENUE

Table 4.10 shows the current LOS, control delay, and 95th percentile queue length for Full Build 2019 conditions.

Table 4.10 - Intersection LOS, Delay, and Queue by Movement - 2019 Full Build

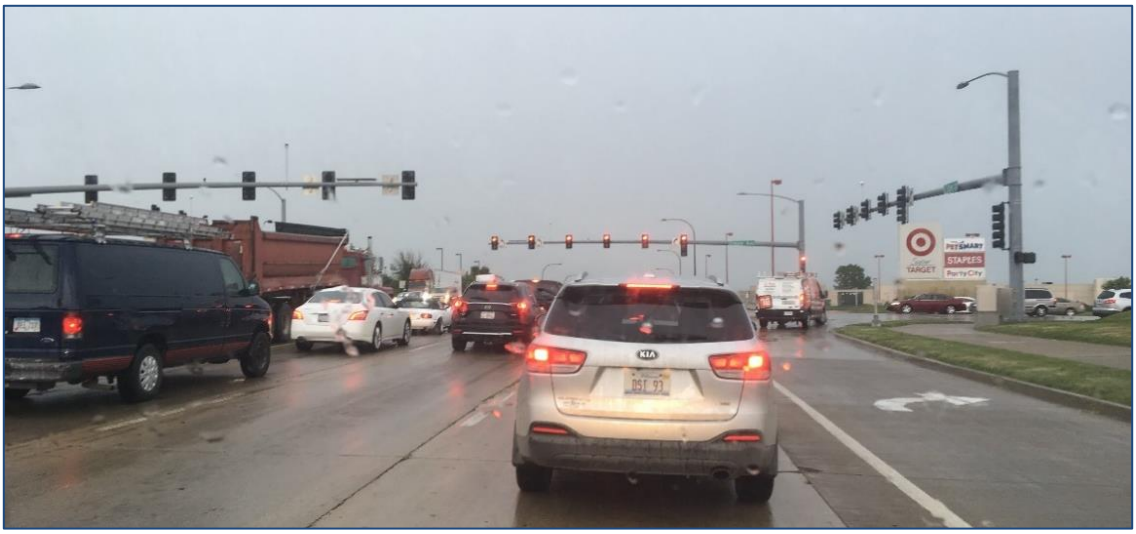
Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
Elmore Avenue & E. 53rd Street	EB	LT	D	48.8	104'	D	37.3	124'
		TH	C	31.1	356'	C	21.9	332'
		RT	A	4.6	86'	B	10.2	174'
	WB	LT	E	55.2	242'	E	55.4	338'
		TH	C	25.6	361'	C	25.7	380'
		RT						
	NB	LT	D	45.3	115'	E	56.7	180'
		TH	E	56.8	112'	E	63.0	171'
		RT	A	0.6	0'	A	0.8	0'
	SB	LT	D	54.3	232'	E	62.0	237'
		TH	D	50.9	120'	D	51.3	151'
		RT	B	12.3	67'	B	14.8	93'
	OVERALL		C (31.9)			C (31.6)		

Analysis shows that acceptable levels of service are maintained on all approaches for the 2019 Full Build calculation. No improvements are recommended for 2019 Full-Build conditions.

Table 4.11 shows the expected LOS, control delay, and 95th percentile queue length for Future 2039 conditions.

Table 4.11 - Intersection LOS, Delay, and Queue by Movement - 2039 Future								
Intersection	Approach	Movement	PM			SAT		
			LOS	Delay	Queue	LOS	Delay	Queue
Elmore Avenue & E. 53rd Street	EB	LT	D	50.5	122’	D	47.9	143’
		TH	C	29.5	526’	C	34.2	519’
		RT	A	4.9	47’	A	9.8	137’
	WB	LT	E	75.4	375’	E	76.6	492’
		TH	C	28.6	481’	C	30.9	521’
		RT						
	NB	LT	D	54.3	164’	E	63.4	214’
		TH	E	77.5	172’	F	111.2	264’
		RT	A	0.8	0’	A	1.2	0’
	SB	LT	E	77.6	366’	F	91.8	345’
		TH	E	55.3	155’	E	71.2	233’
		RT	C	27.2	149’	C	34.0	219’
	OVERALL		D (38.0)			D (44.6)		

Analysis shows that acceptable levels of service are maintained on all approaches for the 20-year design period. Significant turning volumes are projected at this intersection for the 2039 future conditions. Westbound and Southbound left turns are projected to be 550 up to 800 vehicles. These volumes require considerable amounts of intersection capacity, even utilizing double left-turn lanes. Traffic volumes should be monitored to determine if the projected increase in traffic volumes utilized in this study is lessened by the connection at Veteran’s Memorial Parkway. No improvements are recommended at this location.



E. 53rd Street – Looking East at Elmore Avenue

V. Summary and Conclusion

This study serves as an analysis of the traffic impacts from the E. 53rd Street Commercial Development in Davenport, Iowa.

This analysis incorporates the trips from the Costco Development, which is located directly north of this property across E. 53rd Street, and examines the cumulative impacts of the two developments.

The proposed development combination is expected to generate 414 entering and 383 exiting trips in the PM weekday peak hour, and 574 entering and 564 exiting trips in the Saturday, mid-day peak hour. This analysis also included pass-by/diverted link trip reductions and internal capture trips between the two projects.

Analysis shows that acceptable levels of service are maintained on all approaches for the 2019 Full Build scenario. Levels of service, seconds of delay and queue lengths are increasing over the 20-year design period. Traffic volumes should be monitored to determine if the projected increase in traffic volumes utilized in this study is lessened by the connection at Veteran's Memorial Parkway. This would result in the ability to adjust traffic signal timing to improve side street and development access capacities due to less demand on E. 53rd Street.

Recommended improvements for the West Access Driveways include the addition of separate right-turn lanes and through lanes at the driveway approaches along with the double left-turn lanes previously proposed.

Appendix

Background Information

Traffic Volumes

Trip Generation

Trip Distribution

Capacity Analysis

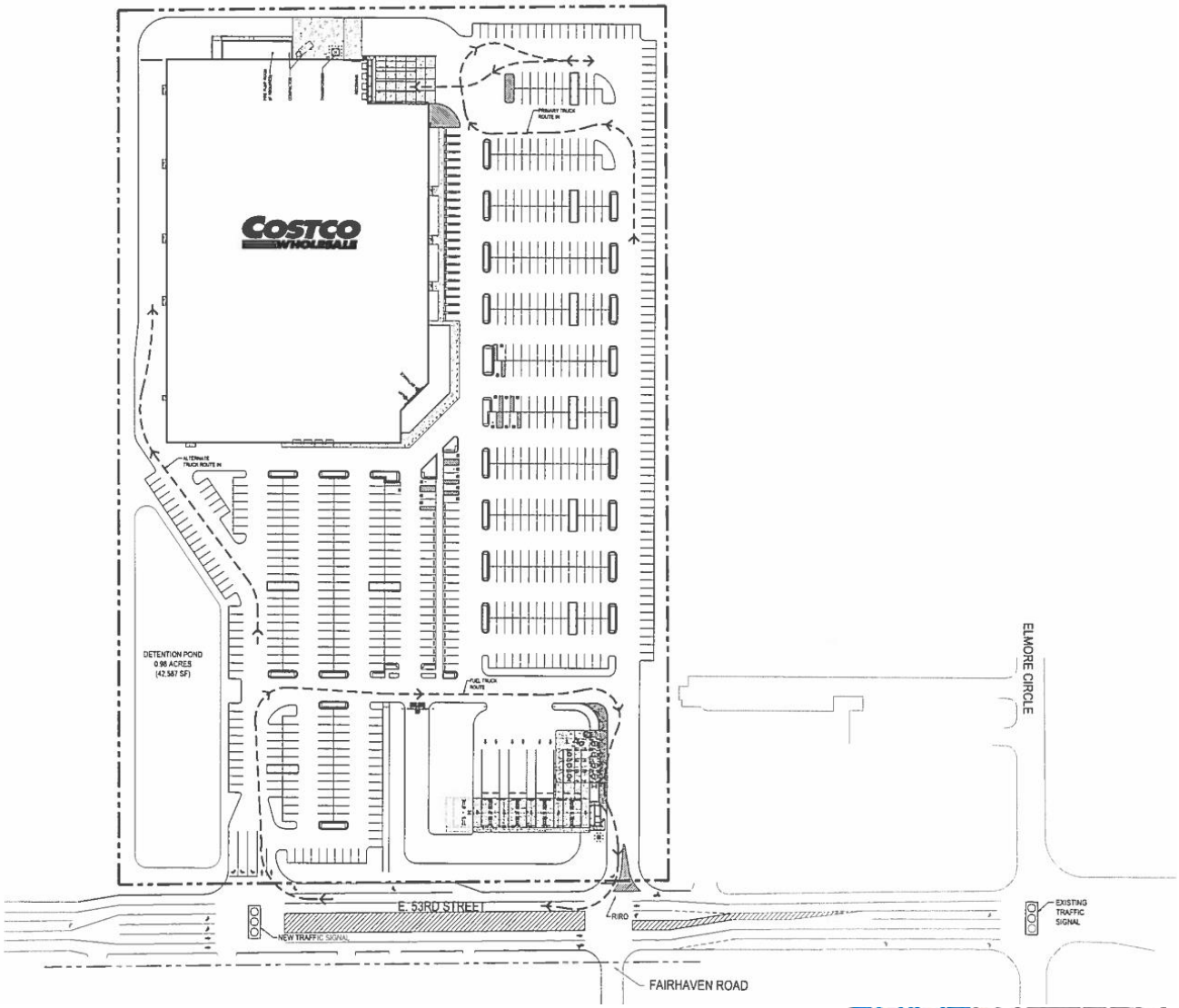
Background Information

Project Description

The Costco Wholesale warehouse development will consist of a 156,170 square foot footprint warehouse, as well as a gas station with 16 vehicle fueling positions. The proposed development will be located directly north of 53rd Street, east of the Jersey Meadows Apartments, and west of the AT&T Call Center that abuts Elmore Circle. The Costco Wholesale warehouse development is expected to be completely built by the end of 2018. The development is proposing two access points. One access point will be located between Lorton Avenue and Fairhaven Road. This access point will be a full access point, meaning there will not be any restricted turning movements. The second access point will become the southbound approach to the intersection of 53rd Street and Fairhaven Road, which will restrict southbound left-turn, eastbound and westbound left-turn, and northbound through and left-turn movements. Costco anticipates having to install a traffic control signal at the full access point between Lorton Avenue and Fairhaven Road (West Access). Sight visibility zones corresponding to intersection sight distance calculations as defined through AASHTO should be identified and maintained at these access points. These zones should not contain structures or plantings that would preclude unobstructed views of oncoming traffic. Current designs for the development do not indicate obstructions within the sight visibility zones.

A preliminary site plan is provided in Figure 2.

Figure 2 Preliminary Site Plan



SHIVEHATTERY
ARCHITECTURE + ENGINEERING

Traffic Volumes

Existing and Projected Volumes

(1) 53rd Street & Lorton Avenue/Jersey Meadows Apartments - All Vehicles

	15-min Interval	From North (Southbound) Jersey Meadows Apartments			From East (Westbound) 53rd Street			From South (Northbound) Lorton Avenue			From West (Eastbound) 53rd Street			Intersection Count
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
Weekday	12:00 - 12:15 PM	3	1	2	6	213	1	0	0	5	4	329	2	566
	12:15 - 12:30 PM	5	0	8	4	313	3	1	1	4	4	282	0	625
	12:30 - 12:45 PM	0	0	4	1	304	5	1	0	2	4	267	1	589
	12:45 - 1:00 PM	2	0	1	3	302	1	2	0	2	3	288	1	605
	Existing 2017 Volume	**10**	**1**	**15**	**14**	**1132**	**10**	**4**	**1**	**13**	**15**	**1166**	**4**	**2385**
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	**10**	**1**	**15**	**14**	**1152**	**10**	**4**	**1**	**13**	**15**	**1187**	**4**	**2428**
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	**12**	**1**	**18**	**17**	**1377**	**12**	**5**	**1**	**16**	**18**	**1419**	**5**	**2902**
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	**13**	**1**	**20**	**19**	**1507**	**13**	**5**	**1**	**17**	**20**	**1552**	**5**	**3174**
	Percent Heavy Vehicle	0%	0%	7%	7%	2%	10%	0%	0%	0%	0%	2%	0%	-

0.95

Weekday	**4:45 - 5:00 PM**	3	0	4	5	309	5	2	0	4	8	387	5	732
	5:00 - 5:15 PM	4	0	10	2	374	18	1	1	5	8	377	3	803
	5:15 - 5:30 PM	8	0	7	4	279	11	0	0	1	9	359	1	679
	5:30 - 5:45 PM	10	0	5	2	307	9	1	0	0	7	367	0	708
	Existing 2017 Volume	**25**	**0**	**26**	**13**	**1269**	**43**	**4**	**1**	**10**	**32**	**1490**	**9**	**2922**
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	**25**	**0**	**26**	**13**	**1292**	**44**	**4**	**1**	**10**	**33**	**1517**	**9**	**2975**
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	**30**	**0**	**32**	**16**	**1544**	**52**	**5**	**1**	**12**	**39**	**1813**	**11**	**3556**
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	**33**	**0**	**35**	**17**	**1689**	**57**	**5**	**1**	**13**	**43**	**1983**	**12**	**3889**
	Percent Heavy Vehicle	0%	#DIV/0!	0%	0%	0%	0%	0%	0%	10%	0%	0%	0%	-

0.91

Saturday	**12:00 - 12:15 PM**	4	0	2	4	283	4	1	1	2	1	382	2	686
	12:15 - 12:30 PM	6	0	5	2	298	9	1	0	1	3	386	2	713
	12:30 - 12:45 PM	8	0	6	3	351	11	0	0	4	1	379	3	766
	12:45 - 1:00 PM	6	0	9	1	300	3	2	1	2	6	351	2	683
	Existing 2017 Volume	**24**	**0**	**22**	**10**	**1232**	**27**	**4**	**2**	**9**	**11**	**1498**	**9**	**2848**
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	**24**	**0**	**22**	**10**	**1254**	**27**	**4**	**2**	**9**	**11**	**1525**	**9**	**2899**
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	**29**	**0**	**27**	**12**	**1499**	**33**	**5**	**2**	**11**	**13**	**1823**	**11**	**3465**
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	**32**	**0**	**29**	**13**	**1640**	**36**	**5**	**3**	**12**	**15**	**1994**	**12**	**3790**
	Percent Heavy Vehicle	0%	#DIV/0!	0%	10%	0%	0%	0%	0%	0%	0%	0%	0%	-

0.93

Existing and Projected Volumes

(3) 53rd Street & Fairhaven Road - All Vehicles

	15-min Interval	From North (Southbound)			From East (Westbound)			From South (Northbound)			From West (Eastbound)			Intersection Count
		NA			53rd Street			Fairhaven Road			53rd Street			
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
Weekday	12:00 - 12:15 PM				1	212		0		1		334	1	549
	12:15 - 12:30 PM				1	304		1		3		304	2	615
	12:30 - 12:45 PM				1	310		0		1		274	0	586
	12:45 - 1:00 PM				0	296		0		1		279	0	576
	Existing 2017 Volume	0	0	0	3	1122	0	1	0	6	0	1191	3	2326
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	0	0	0	3	1142	0	1	0	6	0	1212	3	2368
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	0	0	0	4	1365	0	1	0	7	0	1449	4	2830
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	0	0	0	4	1493	0	1	0	8	0	1585	4	3096
	Percent Heavy Vehicle	#DIV/0!	#DIV/0!	#DIV/0!	0%	2%	#DIV/0!	0%	#DIV/0!	0%	#DIV/0!	2%	0%	-
														0.95

Weekday	4:45 - 5:00 PM				0	313		0		0		396	1	710
	5:00 - 5:15 PM				4	396		0		3		357	1	761
	5:15 - 5:30 PM				0	297		0		1		376	0	674
	5:30 - 5:45 PM				3	319		0		2		366	2	692
	Existing 2017 Volume	0	0	0	7	1325	0	0	0	6	0	1495	4	2837
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	0	0	0	7	1349	0	0	0	6	0	1522	4	2888
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	0	0	0	9	1612	0	0	0	7	0	1819	5	3452
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	0	0	0	9	1763	0	0	0	8	0	1990	5	3776
	Percent Heavy Vehicle	#DIV/0!	#DIV/0!	#DIV/0!	0%	1%	#DIV/0!	#DIV/0!	#DIV/0!	0%	#DIV/0!	0%	0%	-
														0.93

Saturday	12:00 - 12:15 PM				1	289		0		2		378	0	670
	12:15 - 12:30 PM				3	326		0		1		398	1	729
	12:30 - 12:45 PM				0	350		0		0		383	1	734
	12:45 - 1:00 PM				2	300		0		1		363	0	666
	Existing 2017 Volume	0	0	0	6	1265	0	0	0	4	0	1522	2	2799
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	0	0	0	6	1288	0	0	0	4	0	1549	2	2849
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	0	0	0	7	1539	0	0	0	5	0	1852	2	3406
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	0	0	0	8	1684	0	0	0	5	0	2026	3	3725
	Percent Heavy Vehicle	#DIV/0!	#DIV/0!	#DIV/0!	0%	0%	#DIV/0!	#DIV/0!	#DIV/0!	0%	#DIV/0!	0%	0%	-
														0.95

Existing and Projected Volumes

(4) 53rd Street & Elmore Circle - All Vehicles

	15-min Interval	From North (Southbound) Elmore Circle			From East (Westbound) 53rd Street			From South (Northbound) Elmore Circle			From West (Eastbound) 53rd Street			Intersection Count
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
Weekday	**12:00 - 12:15 PM**	2	4	30	1	152	27	11	2	52	2	231	73	587
	12:15 - 12:30 PM	11	4	29	22	250	11	49	8	48	16	256	42	746
	12:30 - 12:45 PM	12	4	19	24	249	17	45	5	46	20	211	37	689
	12:45 - 1:00 PM	14	5	18	15	264	3	38	5	51	17	238	34	702
	Existing 2017 Volume	**39**	**17**	**96**	**62**	**915**	**58**	**143**	**20**	**197**	**55**	**936**	**186**	**2724**
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	**40**	**17**	**98**	**63**	**931**	**59**	**146**	**20**	**201**	**56**	**953**	**189**	**2773**
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	**47**	**21**	**117**	**75**	**1113**	**71**	**174**	**24**	**240**	**67**	**1139**	**226**	**3315**
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	**52**	**23**	**128**	**83**	**1218**	**77**	**190**	**27**	**262**	**73**	**1246**	**248**	**3625**
	Percent Heavy Vehicle	5%	0%	1%	2%	2%	0%	1%	0%	2%	5%	2%	1%	-
														0.91

Weekday	**4:45 - 5:00 PM**	8	2	15	12	269	10	28	3	50	23	333	33	786
	5:00 - 5:15 PM	22	4	29	18	346	6	23	4	44	11	334	29	870
	5:15 - 5:30 PM	12	4	28	20	254	11	22	6	43	19	339	23	781
	5:30 - 5:45 PM	7	2	15	20	242	18	56	3	40	20	315	26	764
	Existing 2017 Volume	**49**	**12**	**87**	**70**	**1111**	**45**	**129**	**16**	**177**	**73**	**1321**	**111**	**3201**
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	**50**	**12**	**89**	**71**	**1131**	**46**	**131**	**16**	**180**	**74**	**1345**	**113**	**3259**
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	**60**	**15**	**106**	**85**	**1352**	**55**	**157**	**19**	**215**	**89**	**1607**	**135**	**3895**
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	**65**	**16**	**116**	**93**	**1479**	**60**	**172**	**21**	**236**	**97**	**1758**	**148**	**4260**
	Percent Heavy Vehicle	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%	-
														0.92

Saturday	**12:00 - 12:15 PM**	7	5	20	32	258	22	27	7	47	19	313	49	806
	12:15 - 12:30 PM	14	3	16	21	246	22	37	7	69	25	314	43	817
	12:30 - 12:45 PM	14	3	22	33	289	14	30	2	42	30	295	36	810
	12:45 - 1:00 PM	14	3	21	21	255	20	36	5	49	14	311	38	787
	Existing 2017 Volume	**49**	**14**	**79**	**107**	**1048**	**78**	**130**	**21**	**207**	**88**	**1233**	**166**	**3220**
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	**50**	**14**	**80**	**109**	**1067**	**79**	**132**	**21**	**211**	**90**	**1255**	**169**	**3278**
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	**60**	**17**	**96**	**130**	**1275**	**95**	**158**	**26**	**252**	**107**	**1500**	**202**	**3918**
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	**65**	**19**	**105**	**142**	**1395**	**104**	**173**	**28**	**275**	**117**	**1641**	**221**	**4285**
	Percent Heavy Vehicle	2%	0%	0%	0%	0%	0%	0%	0%	0%	1%	0%	1%	-
														0.99

Existing and Projected Volumes

(5) 53rd Street & Elmore Avenue - All Vehicles

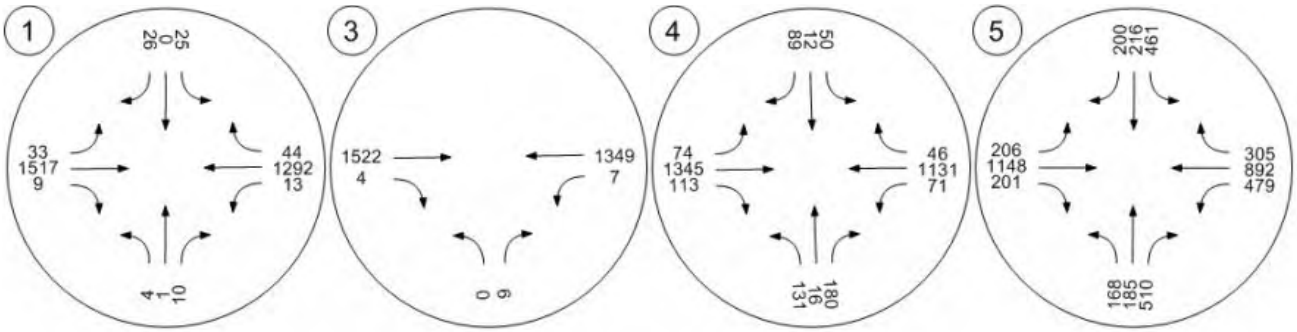
	15-min Interval	From North (Southbound) Elmore Avenue			From East (Westbound) 53rd Street			From South (Northbound) Elmore Avenue			From West (Eastbound) 53rd Street			Intersection Count
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
Weekday	**12:00 - 12:15 PM**	101	71	36	119	107	86	40	55	132	54	193	45	1039
	12:15 - 12:30 PM	83	55	37	148	186	79	45	62	125	56	212	49	1137
	12:30 - 12:45 PM	92	69	50	137	199	84	47	58	115	37	179	45	1112
	12:45 - 1:00 PM	99	60	47	125	182	76	41	51	108	49	201	38	1077
	Existing 2017 Volume	**375**	**255**	**170**	**529**	**674**	**325**	**173**	**226**	**480**	**196**	**785**	**177**	**4365**
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	**382**	**260**	**173**	**539**	**686**	**331**	**176**	**230**	**489**	**200**	**799**	**180**	**4444**
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	**456**	**310**	**207**	**644**	**820**	**395**	**211**	**275**	**584**	**238**	**955**	**215**	**5311**
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	**499**	**339**	**226**	**704**	**897**	**433**	**230**	**301**	**639**	**261**	**1045**	**236**	**5809**
	Percent Heavy Vehicle	1%	1%	2%	1%	1%	2%	1%	1%	1%	1%	2%	0%	-
														0.96

Weekday	**4:45 - 5:00 PM**	105	50	49	134	214	86	37	50	112	56	282	43	1218
	5:00 - 5:15 PM	129	58	69	113	255	69	41	39	141	55	290	44	1303
	5:15 - 5:30 PM	114	47	33	109	204	79	49	51	122	56	288	55	1207
	5:30 - 5:45 PM	105	57	45	115	203	66	38	42	126	35	268	55	1155
	Existing 2017 Volume	**453**	**212**	**196**	**471**	**876**	**300**	**165**	**182**	**501**	**202**	**1128**	**197**	**4883**
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	**461**	**216**	**200**	**479**	**892**	**305**	**168**	**185**	**510**	**206**	**1148**	**201**	**4971**
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	**551**	**258**	**238**	**573**	**1066**	**365**	**201**	**221**	**610**	**246**	**1373**	**240**	**5942**
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	**603**	**282**	**261**	**627**	**1166**	**399**	**220**	**242**	**667**	**269**	**1501**	**262**	**6499**
	Percent Heavy Vehicle	0%	1%	1%	0%	0%	2%	0%	0%	0%	0%	0%	0%	-
														0.94

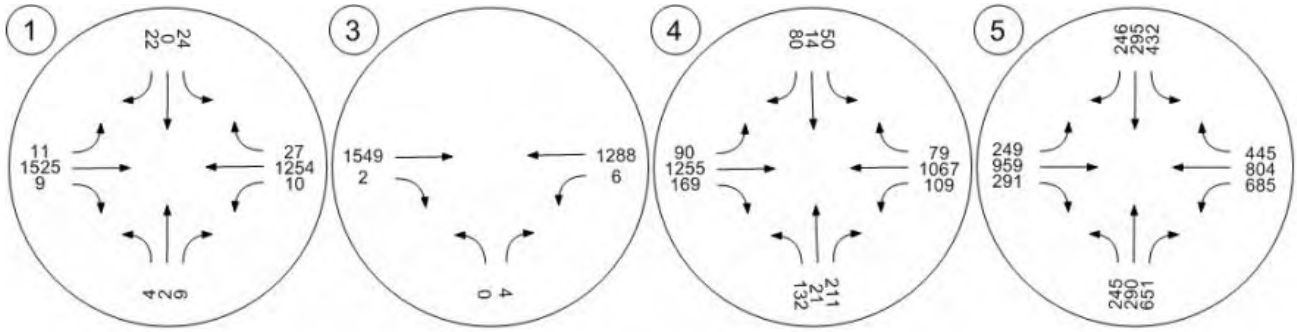
Saturday	**12:00 - 12:15 PM**	109	71	56	155	214	114	58	65	149	59	233	65	1348
	12:15 - 12:30 PM	87	74	47	182	205	111	54	70	145	62	263	70	1370
	12:30 - 12:45 PM	104	74	79	181	195	94	62	80	166	62	222	73	1392
	12:45 - 1:00 PM	124	71	60	155	176	118	67	70	179	62	224	78	1384
	Existing 2017 Volume	**424**	**290**	**242**	**673**	**790**	**437**	**241**	**285**	**639**	**245**	**942**	**286**	**5494**
	Growth Factor	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180	1.0180
	Projected 2018 Volumes	**432**	**295**	**246**	**685**	**804**	**445**	**245**	**290**	**651**	**249**	**959**	**291**	**5593**
	Growth Factor	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953	1.1953
	Projected 2028 Volumes	**516**	**353**	**294**	**819**	**961**	**532**	**293**	**347**	**778**	**298**	**1146**	**348**	**6685**
	Growth Factor	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937	1.0937
	Projected 2038 Volumes	**564**	**386**	**322**	**896**	**1051**	**582**	**321**	**379**	**850**	**326**	**1254**	**381**	**7312**
	Percent Heavy Vehicle	1%	1%	1%	0%	0%	1%	0%	1%	0%	0%	0%	0%	-
														0.99

Figure 5 Study Intersections – Projected 2018 Weekday PM and Saturday Midday Peak Hour No Build Volumes

Projected 2018 Weekday PM Peak Hour No Build Volumes:



Projected 2018 Saturday Midday Peak Hour No Build Volumes:



Trip Generation

PERIOD SETTING

DATA PROVI

Specify the Independent Variable, Time Period, and Calculation Method to be used in the calculation of the of Trips generated in the analysis. To record any notes, click Add Notes above.

PROJECT NAME: DAVENPORT WCT

ANALYSIS NAME: PM Peak

LAND USE	INDEPENDENT VARIABLE	SIZE	LOCATION	TIME PERIOD	METHOD	ENTRY
820 - Shopping Center	1000 Sq. Ft. GLA	8.8	General Urban/Suburban	Weekday, Peak Hou	Best Fit (LOG) Ln(T) = 0.74Ln(X) + 2.89	43
944 - Gasoline/Service Station	Vehicle Fueling Posi	16	General Urban/Suburban	Weekday, Peak Hou	Average 14.03	112
857 - Discount Club	1000 Sq. Ft. GFA	156.2(0)	General Urban/Suburban	Weekday, Peak Hou	Average 4.18	327
934 - Fast-Food Restaurant with Drive-Through Window	1000 Sq. Ft. GFA	2.5	General Urban/Suburban	Weekday, Peak Hou	Average 32.67	43
934 - Fast-Food Restaurant with Drive-Through Window - 1	1000 Sq. Ft. GFA	8.9	General Urban/Suburban	Weekday, Peak Hou	Average 32.67	151
931 - Quality Restaurant	1000 Sq. Ft. GFA	7	General Urban/Suburban	Weekday, Peak Hou	Average 7.8	37

(0) indicates size out of range.

TRAFFIC REDUCTIONS

Specify a percentage by which the Entry Trip and Exit Trip will be reduced for each Land Use. This reductic applied to the Entry Trip and Exit Trip from the previous section. To record any notes, click Add Notes al

LAND USE	ENTRY REDUCTION	ADJUSTED ENTRY	EXIT REDUCTION	ADJ
820 - Shopping Center	0 %	43	0 %	
944 - Gasoline/Service Station	70 %	34	70 %	
857 - Discount Club	0 %	327	0 %	
934 - Fast-Food Restaurant with Drive-Through Window	0 %	43	0 %	
934 - Fast-Food Restaurant with Drive-Through Window - 1	0 %	151	0 %	
931 - Quality Restaurant	0 %	37	0 %	

INTERNAL TRIPS

Specify the percentage of trips that occur between the Land Use on the left and the Land Use on the right. below displays the total number of trips that have been reduced from a particular Land Use. The total numb Internal Trips for each Land Use will be deducted from the adjusted Entry Trips and Exit Trips from the prev section. To record any notes, click the icon above. For recommended values see the ITE Handbook or N 684.

820 - Shopping Center — **944 - Gasoline/Serv**

Exit	47	Demand Exit:	0 % (0)	Balanced:	0	Demand Entry:	0 % (0)
Entry	43	Demand Entry:	0 % (0)	Balanced:	0	Demand Exit:	0 % (0)

820 - Shopping Center — **857 - Disc**

Exit	47	Demand Exit:	0 % (0)	Balanced:	0	Demand Entry:	0 % (0)
Entry	43	Demand Entry:	0 % (0)	Balanced:	0	Demand Exit:	0 % (0)

820 - Shopping Center — **934 - Fast-Food Restaurant with Drive-Throug**

Exit	47	Demand Exit:	6 % (3)	Balanced:	2	Demand Entry:	4 % (2)
Entry	43	Demand Entry:	10 % (4)	Balanced:	2	Demand Exit:	5 % (2)

820 - Shopping Center — **934 - Fast-Food Restaurant with Drive-Through W**

Exit	47	Demand Exit:	20 % (9)	Balanced:	6	Demand Entry:	4 % (6)
Entry	43	Demand Entry:	34 % (15)	Balanced:	7	Demand Exit:	5 % (7)

820 - Shopping Center | **931 - Quality I**

Exit	47	Demand Exit:	4 % (2)	Balanced: 1	Demand Entry:	4 % (1)
Entry	43	Demand Entry:	6 % (3)	Balanced: 1	Demand Exit:	5 % (1)

944 - Gasoline/Service Station | **857 - Disc**

Exit	34	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	34	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

944 - Gasoline/Service Station | **934 - Fast-Food Restaurant with Drive-Throug**

Exit	34	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	34	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

944 - Gasoline/Service Station | **934 - Fast-Food Restaurant with Drive-Through **

Exit	34	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	34	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

944 - Gasoline/Service Station | **931 - Quality I**

Exit	34	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	34	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

857 - Discount Club | **934 - Fast-Food Restaurant with Drive-Throug**

Exit	326	Demand Exit:	6 % (20)	Balanced: 11	Demand Entry:	25 % (11)
Entry	327	Demand Entry:	10 % (33)	Balanced: 14	Demand Exit:	36 % (14)

857 - Discount Club | **934 - Fast-Food Restaurant with Drive-Through **

Exit	326	Demand Exit:	20 % (65)	Balanced: 38	Demand Entry:	25 % (38)
Entry	327	Demand Entry:	34 % (111)	Balanced: 50	Demand Exit:	36 % (50)

857 - Discount Club | **931 - Quality I**

Exit	326	Demand Exit:	4 % (13)	Balanced: 9	Demand Entry:	25 % (9)
Entry	327	Demand Entry:	6 % (20)	Balanced: 6	Demand Exit:	36 % (6)

934 - Fast-Food Restaurant with Drive-Through Window | **934 - Fast-Food Restaurant with Drive-Through **

Exit	39	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	43	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

934 - Fast-Food Restaurant with Drive-Through Window | **931 - Quality I**

Exit	39	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	43	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

934 - Fast-Food Restaurant with Drive-Through Window - 1 | **931 - Quality I**

Exit	140	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	151	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

820 - Shopping Center

	TOTAL TRIPS	INTERNAL TRIPS					
		944 - Gasoline/Service Station	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window**	**934 - Fast-Food Restaurant with Drive-Through Window - 1**	**931 - Quality Restaurant**	**Total**
Entry	43 (100%)	0 (0%)	0 (0%)	2 (5%)	7 (16%)	1 (2%)	10 (23%)
Exit	47 (100%)	0 (0%)	0 (0%)	2 (4%)	6 (13%)	1 (2%)	9 (19%)
Total	90 (100%)	0 (0%)	0 (0%)	4 (4%)	13 (14%)	2 (2%)	19 (21%)

944 - Gasoline/Service Station

	TOTAL TRIPS	INTERNAL TRIPS					
		820 - Shopping Center	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window**	**934 - Fast-Food Restaurant with Drive-Through Window - 1**	**931 - Quality Restaurant**	**Total**
Entry	34 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Exit	34 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Total	68 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)

857 - Discount Club

TOTAL TRIPS	INTERNAL TRIPS					
	820 - Shopping Center	**944 - Gasoline/Service Station**	**934 - Fast-Food Restaurant**	**934 - Fast-Food Restaurant**	**931 - Quality Restaurant**	**Total**

				with Drive-Through Window	with Drive-Through Window - 1		
Entry	327 (100%)	0 (0%)	0 (0%)	14 (4%)	50 (15%)	6 (2%)	70 (21%)
Exit	326 (100%)	0 (0%)	0 (0%)	11 (3%)	38 (12%)	9 (3%)	58 (18%)
Total	653 (100%)	0 (0%)	0 (0%)	25 (4%)	88 (13%)	15 (2%)	128 (20%)

934 - Fast-Food Restaurant with Drive-Through Window

	TOTAL TRIPS	INTERNAL TRIPS					
		820 - Shopping Center	**944 - Gasoline/Service Station**	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window - 1**	**931 - Quality Restaurant**	**Total**
Entry	43 (100%)	2 (5%)	0 (0%)	11 (26%)	0 (0%)	0 (0%)	13 (30%)
Exit	39 (100%)	2 (5%)	0 (0%)	14 (36%)	0 (0%)	0 (0%)	16 (41%)
Total	82 (100%)	4 (5%)	0 (0%)	25 (30%)	0 (0%)	0 (0%)	29 (35%)

934 - Fast-Food Restaurant with Drive-Through Window - 1

	TOTAL TRIPS	INTERNAL TRIPS					
		820 - Shopping Center	**944 - Gasoline/Service Station**	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window**	**931 - Quality Restaurant**	**Total**
Entry	151 (100%)	6 (4%)	0 (0%)	38 (25%)	0 (0%)	0 (0%)	44 (29%)
Exit	140 (100%)	7 (5%)	0 (0%)	50 (36%)	0 (0%)	0 (0%)	57 (41%)
Total	291 (100%)	13 (4%)	0 (0%)	88 (30%)	0 (0%)	0 (0%)	101 (35%)

931 - Quality Restaurant

	TOTAL TRIPS	INTERNAL TRIPS					
		820 - Shopping Center	**944 - Gasoline/Service Station**	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window**	**934 - Fast-Food Restaurant with Drive-Through Window - 1**	**Total**
Entry	37 (100%)	1 (3%)	0 (0%)	9 (24%)	0 (0%)	0 (0%)	10 (27%)
Exit	18 (100%)	1 (6%)	0 (0%)	6 (33%)	0 (0%)	0 (0%)	7 (39%)
Total	55 (100%)	2 (4%)	0 (0%)	15 (27%)	0 (0%)	0 (0%)	17 (31%)

EXTERNAL TRIPS

Specify the percentage of Pass-by Trips for each Land Use. The percentage will be reduced from the total External Trips from the previous section. To record any notes, click Add Notes above.

The icon preceding the Pass-by% value indicates data provided by ITE. Clicking the icon changes a cus by% value to data provided by ITE.

LAND USE	EXTERNAL TRIPS	PASS-BY%	PASS-BY TRIPS
820 - Shopping Center	71	34 %	24
944 - Gasoline/Service Station	68	0 %	0
857 - Discount Club	525	0 %	0
934 - Fast-Food Restaurant with Drive-Through Window	53	50 %	27
934 - Fast-Food Restaurant with Drive-Through Window - 1	190	43 %	82
931 - Quality Restaurant	38	44 %	17

NO

Print Report Save Analysis

PERIOD SETTING

DATA PROVI

Specify the Independent Variable, Time Period, and Calculation Method to be used in the calculation of the of Trips generated in the analysis. To record any notes, click Add Notes above.

PROJECT NAME: DAVENPORT WCT

ANALYSIS NAME: Saturday Peak

LAND USE	INDEPENDENT VARIABLE	SIZE	LOCATION	TIME PERIOD	METHOD	ENTRY
820 - Shopping Center	1000 Sq. Ft. GLA	8.8	General Urban/Suburban	Saturday, Peak Hou	Best Fit (LOG) Ln(T) = 0.79Ln(X) + 2.79	47
944 - Gasoline/Service Station	Vehicle Fueling Posi	16(0)	General Urban/Suburban	Saturday, Peak Hou	Average 12.77	102(1)
857 - Discount Club	1000 Sq. Ft. GFA	156.2(0)	General Urban/Suburban	Saturday, Peak Hou	Average 6.37	488
934 - Fast-Food Restaurant with Drive-Through Window	1000 Sq. Ft. GFA	2.5	General Urban/Suburban	Saturday, Peak Hou	Average 54.86	70
934 - Fast-Food Restaurant with Drive-Through Window - 1	1000 Sq. Ft. GFA	8.9(0)	General Urban/Suburban	Saturday, Peak Hou	Average 54.86	249
931 - Quality Restaurant	1000 Sq. Ft. GFA	7	General Urban/Suburban	Saturday, Peak Hou	Average 10.68	44

(0) indicates size out of range.
(1) indicates small sample size, use carefully.

TRAFFIC REDUCTIONS

Specify a percentage by which the Entry Trip and Exit Trip will be reduced for each Land Use. This reductic applied to the Entry Trip and Exit Trip from the previous section. To record any notes, click Add Notes al

LAND USE	ENTRY REDUCTION	ADJUSTED ENTRY	EXIT REDUCTION	ADJ
820 - Shopping Center	0 %	47	0 %	
944 - Gasoline/Service Station	70 %	31	70 %	
857 - Discount Club	0 %	488	0 %	
934 - Fast-Food Restaurant with Drive-Through Window	0 %	70	0 %	
934 - Fast-Food Restaurant with Drive-Through Window - 1	0 %	249	0 %	
931 - Quality Restaurant	0 %	44	0 %	

INTERNAL TRIPS

Specify the percentage of trips that occur between the Land Use on the left and the Land Use on the right. below displays the total number of trips that have been reduced from a particular Land Use. The total numb Internal Trips for each Land Use will be deducted from the adjusted Entry Trips and Exit Trips from the prev section. To record any notes, click the icon above. For recommended values see the ITE Handbook or N 684.

820 - Shopping Center — **944 - Gasoline/Serv**

Exit	44	Demand Exit:	0 % (0)	Balanced:	0	Demand Entry:	0 % (0)
Entry	47	Demand Entry:	0 % (0)	Balanced:	0	Demand Exit:	0 % (0)

820 - Shopping Center — **857 - Disc**

Exit	44	Demand Exit:	0 % (0)	Balanced:	0	Demand Entry:	0 % (0)
Entry	47	Demand Entry:	0 % (0)	Balanced:	0	Demand Exit:	0 % (0)

820 - Shopping Center — **934 - Fast-Food Restaurant with Drive-Throug**

Exit	44	Demand Exit:	6 % (3)	Balanced:	1	Demand Entry:	2 % (1)
Entry	47	Demand Entry:	10 % (5)	Balanced:	2	Demand Exit:	3 % (2)

820 - Shopping Center — **934 - Fast-Food Restaurant with Drive-Through W**

Exit	44	Demand Exit:	20 % (9)	Balanced:	5	Demand Entry:	2 % (5)
Entry	47	Demand Entry:	35 % (16)	Balanced:	7	Demand Exit:	3 % (7)

820 - Shopping Center | **931 - Quality I**

Exit	44	Demand Exit:	3 % (1)	Balanced: 1	Demand Entry:	5 % (2)
Entry	47	Demand Entry:	5 % (2)	Balanced: 1	Demand Exit:	3 % (1)

944 - Gasoline/Service Station | **857 - Disc**

Exit	31	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	31	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

944 - Gasoline/Service Station | **934 - Fast-Food Restaurant with Drive-Throug**

Exit	31	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	31	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

944 - Gasoline/Service Station | **934 - Fast-Food Restaurant with Drive-Through**

Exit	31	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	31	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

944 - Gasoline/Service Station | **931 - Quality I**

Exit	31	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	31	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

857 - Discount Club | **934 - Fast-Food Restaurant with Drive-Throug**

Exit	507	Demand Exit:	6 % (30)	Balanced: 19	Demand Entry:	27 % (19)
Entry	488	Demand Entry:	10 % (49)	Balanced: 25	Demand Exit:	38 % (25)

857 - Discount Club | **934 - Fast-Food Restaurant with Drive-Through**

Exit	507	Demand Exit:	20 % (101)	Balanced: 67	Demand Entry:	27 % (67)
Entry	488	Demand Entry:	35 % (171)	Balanced: 91	Demand Exit:	38 % (91)

857 - Discount Club | **931 - Quality I**

Exit	507	Demand Exit:	3 % (15)	Balanced: 12	Demand Entry:	27 % (12)
Entry	488	Demand Entry:	5 % (24)	Balanced: 12	Demand Exit:	38 % (12)

934 - Fast-Food Restaurant with Drive-Through Window | **934 - Fast-Food Restaurant with Drive-Through**

Exit	67	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	70	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

934 - Fast-Food Restaurant with Drive-Through Window | **931 - Quality I**

Exit	67	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	70	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

934 - Fast-Food Restaurant with Drive-Through Window - 1 | **931 - Quality I**

Exit	239	Demand Exit:	0 % (0)	Balanced: 0	Demand Entry:	0 % (0)
Entry	249	Demand Entry:	0 % (0)	Balanced: 0	Demand Exit:	0 % (0)

820 - Shopping Center

	TOTAL TRIPS	INTERNAL TRIPS					
		944 - Gasoline/Service Station	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window**	**934 - Fast-Food Restaurant with Drive-Through Window - 1**	**931 - Quality Restaurant**	**Total**
Entry	47 (100%)	0 (0%)	0 (0%)	2 (4%)	7 (15%)	1 (2%)	10 (21%)
Exit	44 (100%)	0 (0%)	0 (0%)	1 (2%)	5 (11%)	1 (2%)	7 (16%)
Total	91 (100%)	0 (0%)	0 (0%)	3 (3%)	12 (13%)	2 (2%)	17 (19%)

944 - Gasoline/Service Station

	TOTAL TRIPS	INTERNAL TRIPS					
		820 - Shopping Center	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window**	**934 - Fast-Food Restaurant with Drive-Through Window - 1**	**931 - Quality Restaurant**	**Total**
Entry	31 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Exit	31 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Total	62 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)

857 - Discount Club

TOTAL TRIPS	INTERNAL TRIPS				
820 - Shopping Center	**944 - Gasoline/Service Station**	**934 - Fast-Food Restaurant**	**934 - Fast-Food Restaurant**	**931 - Quality Restaurant**	**Total**

				with Drive-Through Window	with Drive-Through Window - 1		
Entry	488 (100%)	0 (0%)	0 (0%)	25 (5%)	91 (19%)	12 (2%)	128 (26%)
Exit	507 (100%)	0 (0%)	0 (0%)	19 (4%)	67 (13%)	12 (2%)	98 (19%)
Total	995 (100%)	0 (0%)	0 (0%)	44 (4%)	158 (16%)	24 (2%)	226 (23%)

934 - Fast-Food Restaurant with Drive-Through Window

	TOTAL TRIPS	INTERNAL TRIPS					
		820 - Shopping Center	**944 - Gasoline/Service Station**	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window - 1**	**931 - Quality Restaurant**	**Total**
Entry	70 (100%)	1 (1%)	0 (0%)	19 (27%)	0 (0%)	0 (0%)	20 (29%)
Exit	67 (100%)	2 (3%)	0 (0%)	25 (37%)	0 (0%)	0 (0%)	27 (40%)
Total	137 (100%)	3 (2%)	0 (0%)	44 (32%)	0 (0%)	0 (0%)	47 (34%)

934 - Fast-Food Restaurant with Drive-Through Window - 1

	TOTAL TRIPS	INTERNAL TRIPS					
		820 - Shopping Center	**944 - Gasoline/Service Station**	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window**	**931 - Quality Restaurant**	**Total**
Entry	249 (100%)	5 (2%)	0 (0%)	67 (27%)	0 (0%)	0 (0%)	72 (29%)
Exit	239 (100%)	7 (3%)	0 (0%)	91 (38%)	0 (0%)	0 (0%)	98 (41%)
Total	488 (100%)	12 (2%)	0 (0%)	158 (32%)	0 (0%)	0 (0%)	170 (35%)

931 - Quality Restaurant

	TOTAL TRIPS	INTERNAL TRIPS					
		820 - Shopping Center	**944 - Gasoline/Service Station**	**857 - Discount Club**	**934 - Fast-Food Restaurant with Drive-Through Window**	**934 - Fast-Food Restaurant with Drive-Through Window - 1**	**Total**
Entry	44 (100%)	1 (2%)	0 (0%)	12 (27%)	0 (0%)	0 (0%)	13 (30%)
Exit	31 (100%)	1 (3%)	0 (0%)	12 (39%)	0 (0%)	0 (0%)	13 (42%)
Total	75 (100%)	2 (3%)	0 (0%)	24 (32%)	0 (0%)	0 (0%)	26 (35%)

EXTERNAL TRIPS

Specify the percentage of Pass-by Trips for each Land Use. The percentage will be reduced from the total External Trips from the previous section. To record any notes, click Add Notes above.

The icon preceding the Pass-by% value indicates data provided by ITE. Clicking the icon changes a cus by% value to data provided by ITE.

LAND USE	EXTERNAL TRIPS	PASS-BY%	PASS-BY TRIPS
820 - Shopping Center	74	26 %	19
944 - Gasoline/Service Station	62	0 %	0
857 - Discount Club	769	0 %	0
934 - Fast-Food Restaurant with Drive-Through Window	90	50 %	45
934 - Fast-Food Restaurant with Drive-Through Window - 1	318	43 %	137
931 - Quality Restaurant	49	44 %	22

NO

Print Report Save Analysis

Table 1 shows the projected new trips to be generated by the proposed Portillo's restaurant.

Table 1
ESTIMATED PEAK HOUR TRAFFIC VOLUMES

		Midday		P.M.	
Land-Use	Size	In	Out	In	Out
Portillo's Restaurant	10,507 s.f.	258	258	124	124

It is important to note that due to the following, the traffic to be generated by the restaurant will not be all new traffic to the existing roadway system.

- Surveys conducted by the Institute of Transportation Engineers (ITE) have shown that a considerable number of trips made to drive-through restaurants are diverted from existing passing traffic. This is particularly true during the weekday morning and evening peak hours when traffic is diverted from the home-to-work and work-to-home trips. Such diverted trips are referred to as pass-by traffic. These surveys indicate that, on average, 60 percent of the peak hour trips generated by a drive-through restaurant are diverted from existing traffic on adjacent roadways.

- It is expected that the number of trips generated by the restaurant will be reduced due to the interaction (multipurpose trips) between the other uses in the immediate area (i.e., office buildings).

However, in order to provide a conservative analysis, the new traffic that will be generated by the Portillo's restaurant was not adjusted to reflect pass-by trips or interaction with other uses.

Site Traffic Assignment

The peak hour traffic volumes projected to be generated by the proposed restaurant (Table 1) were assigned to the access drives based on the directional distribution analysis (Figure 4) and are shown in **Figure 5**.

Trip Distribution

E 53rd St Commercial - Davenport

Vistro File: C:\...\Davenport vistro.vistro
Report File: C:\...\pm.pdf

Scenario 1 2019 PM Peak
6/20/2018

Turning Movement Volume: Detail

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
1	E 53rd St & Lorton Ave	Final Base	4	1	10	25	0	26	33	1517	9	13	1292	44	2974
		Growth Rate	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	-
		In Process	0	0	6	0	0	0	0	0	4	7	0	0	17
		Net New Trips	0	0	0	0	0	0	0	114	0	0	116	0	230
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**4**	**1**	**16**	**26**	**0**	**27**	**34**	**1661**	**13**	**20**	**1434**	**45**	**3281**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
2	E 53rd St & Costco west/access a	Final Base	0	0	0	0	0	0	0	1522	0	0	1349	0	2871
		Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.02	1.00	1.00	1.02	1.00	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	60	73	64	211	58	68	87	-28	55	98	-12	153	887
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**60**	**73**	**64**	**211**	**58**	**68**	**87**	**1524**	**55**	**98**	**1364**	**153**	**3815**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
3	E 53rd St & Costco east/access b	Final Base	0	0	0	0	0	0	0	1522	0	0	1349	0	2871
		Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.02	1.00	1.00	1.02	1.00	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	0	0	33	0	0	23	0	236	11	0	216	51	570
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**0**	**0**	**33**	**0**	**0**	**23**	**0**	**1788**	**11**	**0**	**1592**	**51**	**3498**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4	E 53rd St & Elmore Cir	Final Base	131	16	180	50	12	89	74	1345	113	71	1131	50	3262
		Growth Rate	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	0	0	0	0	0	0	0	269	0	0	267	0	536
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**134**	**16**	**184**	**51**	**12**	**91**	**75**	**1641**	**115**	**72**	**1421**	**51**	**3863**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
5	E 53rd St & Elmore Ave	Final Base	168	185	510	461	216	200	206	1148	201	479	892	305	4971
		Growth Rate	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	38	0	0	0	0	0	0	230	39	0	229	0	536
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**209**	**189**	**520**	**470**	**220**	**204**	**210**	**1401**	**244**	**489**	**1139**	**311**	**5606**

E 53rd St Commercial - Davenport

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Scenario 2 2019 Sat Peak
6/20/2018

Turning Movement Volume: Detail

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
1	E 53rd St & Lorton Ave	Final Base	4	2	9	24	0	22	11	1525	9	10	1254	27	2897
		Growth Rate	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	-
		In Process	0	0	4	0	0	0	0	0	2	6	0	0	12
		Net New Trips	0	0	0	0	0	0	0	171	0	0	169	0	340
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**4**	**2**	**13**	**24**	**0**	**22**	**11**	**1727**	**11**	**16**	**1448**	**28**	**3306**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
2	E 53rd St & Costco west/access a	Final Base	0	0	0	0	0	0	0	1549	0	0	1288	0	2837
		Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.02	1.00	1.00	1.02	1.00	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	88	128	106	308	98	99	117	-44	98	180	-18	206	1366
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**88**	**128**	**106**	**308**	**98**	**99**	**117**	**1536**	**98**	**180**	**1296**	**206**	**4260**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
3	E 53rd St & Costco east/access b	Final Base	0	0	0	0	0	0	0	1549	0	0	1288	0	2837
		Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.02	1.00	1.00	1.02	1.00	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	0	0	41	0	0	33	0	353	17	0	335	69	848
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**0**	**0**	**41**	**0**	**0**	**33**	**0**	**1933**	**17**	**0**	**1649**	**69**	**3742**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4	E 53rd St & Elmore Cir	Final Base	132	21	211	50	14	80	90	1255	169	109	1067	86	3284
		Growth Rate	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	0	0	0	0	0	0	0	394	0	0	403	0	797
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**135**	**21**	**215**	**51**	**14**	**82**	**92**	**1674**	**172**	**111**	**1491**	**88**	**4146**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
5	E 53rd St & Elmore Ave	Final Base	245	290	651	432	295	246	249	959	291	685	804	445	5592
		Growth Rate	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	58	0	0	0	0	0	0	337	57	0	345	0	797
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**308**	**296**	**664**	**441**	**301**	**251**	**254**	**1315**	**354**	**699**	**1165**	**454**	**6502**

E 53rd St Commercial - Davenport

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Scenario 3 2039 PM Peak
6/22/2018

Turning Movement Volume: Detail

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
1	E 53rd St & Lorton Ave	Final Base	4	1	10	25	0	26	33	1517	9	13	1292	44	2974
		Growth Rate	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	-
		In Process	0	0	6	0	0	0	0	0	4	7	0	0	17
		Net New Trips	0	0	0	0	0	0	0	114	0	0	116	0	230
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**5**	**1**	**19**	**32**	**0**	**33**	**42**	**2041**	**15**	**24**	**1757**	**56**	**4025**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
2	E 53rd St & Costco west/access a	Final Base	0	0	0	0	0	0	0	1522	0	0	1349	0	2871
		Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.27	1.00	1.00	1.27	1.00	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	60	73	64	211	58	68	87	-28	55	98	-12	153	887
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**60**	**73**	**64**	**211**	**58**	**68**	**87**	**1905**	**55**	**98**	**1701**	**153**	**4533**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
3	E 53rd St & Costco east/access b	Final Base	0	0	0	0	0	0	0	1522	0	0	1349	0	2871
		Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.27	1.00	1.00	1.27	1.00	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	0	0	33	0	0	23	0	236	11	0	216	51	570
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**0**	**0**	**33**	**0**	**0**	**23**	**0**	**2169**	**11**	**0**	**1929**	**51**	**4216**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4	E 53rd St & Elmore Cir	Final Base	131	16	180	50	12	89	74	1345	113	71	1131	50	3262
		Growth Rate	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	0	0	0	0	0	0	0	269	0	0	267	0	536
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**166**	**20**	**229**	**64**	**15**	**113**	**94**	**1977**	**144**	**90**	**1703**	**64**	**4679**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
5	E 53rd St & Elmore Ave	Final Base	168	185	510	461	216	200	206	1148	201	479	892	305	4971
		Growth Rate	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	38	0	0	0	0	0	0	230	39	0	229	0	536
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**251**	**235**	**648**	**585**	**274**	**254**	**262**	**1688**	**294**	**608**	**1362**	**387**	**6848**

E 53rd St Commercial - Davenport

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Report File: C:\...\2039 sat.pdf

Scenario 4 2039 Sat Peak
6/22/2018

Turning Movement Volume: Detail

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
1	E 53rd St & Lorton Ave	Final Base	4	2	9	24	0	22	11	1525	9	10	1254	27	2897
		Growth Rate	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	-
		In Process	0	0	4	0	0	0	0	0	2	6	0	0	12
		Net New Trips	0	0	0	0	0	0	0	171	0	0	169	0	340
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**5**	**3**	**15**	**30**	**0**	**28**	**14**	**2108**	**13**	**19**	**1762**	**34**	**4031**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
2	E 53rd St & Costco west/access a	Final Base	0	0	0	0	0	0	0	1549	0	0	1288	0	2837
		Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.27	1.00	1.00	1.27	1.00	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	88	128	106	308	98	99	117	-44	98	180	-18	206	1366
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**88**	**128**	**106**	**308**	**98**	**99**	**117**	**1923**	**98**	**180**	**1618**	**206**	**4969**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
3	E 53rd St & Costco east/access b	Final Base	0	0	0	0	0	0	0	1549	0	0	1288	0	2837
		Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.27	1.00	1.00	1.27	1.00	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	0	0	41	0	0	33	0	353	17	0	335	69	848
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**0**	**0**	**41**	**0**	**0**	**33**	**0**	**2320**	**17**	**0**	**1971**	**69**	**4451**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
4	E 53rd St & Elmore Cir	Final Base	132	21	211	50	14	80	90	1255	169	109	1067	86	3284
		Growth Rate	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	0	0	0	0	0	0	0	394	0	0	403	0	797
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**168**	**27**	**268**	**64**	**18**	**102**	**114**	**1988**	**215**	**138**	**1758**	**109**	**4969**

ID	Intersection Name	Volume Type	Northbound			Southbound			Eastbound			Westbound			Total Volume
			Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
5	E 53rd St & Elmore Ave	Final Base	245	290	651	432	295	246	249	959	291	685	804	445	5592
		Growth Rate	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	1.27	-
		In Process	0	0	0	0	0	0	0	0	0	0	0	0	0
		Net New Trips	58	0	0	0	0	0	0	337	57	0	345	0	797
		Other	0	0	0	0	0	0	0	0	0	0	0	0	0
		Future Total	**369**	**368**	**827**	**549**	**375**	**312**	**316**	**1555**	**427**	**870**	**1366**	**565**	**7899**

Capacity Analysis

E. 53rd Street & Lorton Avenue

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	34	1661	13	20	1434	45	4	1	16	26	0	27
Future Volume (vph)	34	1661	13	20	1434	45	4	1	16	26	0	27
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	55		0	0		0	0		0
Storage Lanes	1		0	1		0	0		0	0		0
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.999			0.995			0.894			0.931	
Flt Protected	0.950			0.950				0.991			0.976	
Satd. Flow (prot)	1805	3606	0	1805	3592	0	0	1561	0	0	1726	0
Flt Permitted	0.112			0.102				0.947			0.832	
Satd. Flow (perm)	213	3606	0	194	3592	0	0	1492	0	0	1472	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		2			8			18			119	
Link Speed (mph)		45			45			25			25	
Link Distance (ft)		636			428			357			303	
Travel Time (s)		9.6			6.5			9.7			8.3	
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Heavy Vehicles (%)	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%	0%	0%
Adj. Flow (vph)	37	1825	14	22	1576	49	4	1	18	29	0	30
Shared Lane Traffic (%)												
Lane Group Flow (vph)	37	1839	0	22	1625	0	0	23	0	0	59	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	5	2		1	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	5.0	20.0		5.0	20.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	10.0	25.0		10.0	25.0		10.0	10.0		10.0	10.0	
Total Split (s)	10.0	87.0		10.0	87.0		13.0	13.0		13.0	13.0	
Total Split (%)	9.1%	79.1%		9.1%	79.1%		11.8%	11.8%		11.8%	11.8%	
Maximum Green (s)	5.0	82.0		5.0	82.0		8.0	8.0		8.0	8.0	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.5	1.5		1.5	1.5		1.5	1.5		1.5	1.5	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0			0.0			0.0	
Total Lost Time (s)	5.0	5.0		5.0	5.0			5.0			5.0	
Lead/Lag	Lead	Lead		Lag	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		None	C-Max		Min	Min		Min	Min	

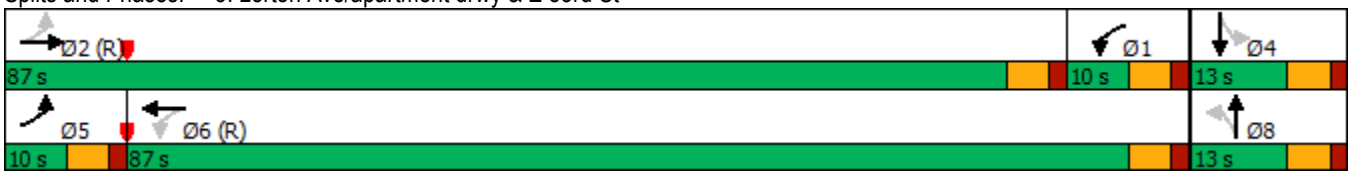
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	89.7	89.7		87.3	87.3			6.3			6.3	
Actuated g/C Ratio	0.82	0.82		0.79	0.79			0.06			0.06	
v/c Ratio	0.15	0.63		0.10	0.57			0.23			0.30	
Control Delay	4.1	5.8		1.6	1.5			29.6			3.9	
Queue Delay	0.0	0.1		0.0	0.2			0.0			0.1	
Total Delay	4.1	5.9		1.6	1.7			29.6			4.0	
LOS	A	A		A	A			C			A	
Approach Delay		5.9			1.7			29.6			4.0	
Approach LOS		A			A			C			A	
Queue Length 50th (ft)	3	134		1	33			3			0	
Queue Length 95th (ft)	14	368		m1	37			30			0	
Internal Link Dist (ft)		556			348			277			223	
Turn Bay Length (ft)	250			55								
Base Capacity (vph)	255	2940		226	2851			125			217	
Starvation Cap Reductn	0	0		0	382			0			0	
Spillback Cap Reductn	0	274		0	0			0			8	
Storage Cap Reductn	0	0		0	0			0			0	
Reduced v/c Ratio	0.15	0.69		0.10	0.66			0.18			0.28	

Intersection Summary

Area Type: Other
Cycle Length: 110
Actuated Cycle Length: 110
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 60
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.63
Intersection Signal Delay: 4.1 Intersection LOS: A
Intersection Capacity Utilization 61.4% ICU Level of Service B
Analysis Period (min) 15

m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 3: Lorton Ave/apartment drwy & E 53rd St



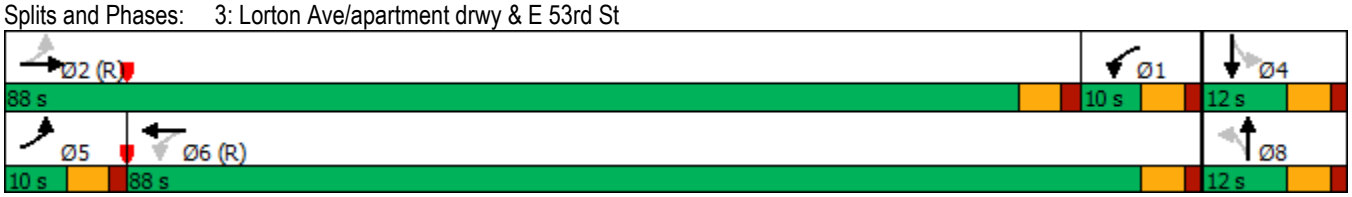
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	11	1727	11	16	1448	28	4	2	13	24	0	22
Future Volume (vph)	11	1727	11	16	1448	28	4	2	13	24	0	22
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	55		0	0		0	0		0
Storage Lanes	1		0	1		0	0		0	0		0
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.999			0.997			0.905			0.935	
Flt Protected	0.950			0.950				0.990			0.975	
Satd. Flow (prot)	1805	3606	0	1805	3599	0	0	1702	0	0	1732	0
Flt Permitted	0.123			0.094				0.947			0.826	
Satd. Flow (perm)	234	3606	0	179	3599	0	0	1628	0	0	1467	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		2			5			14			119	
Link Speed (mph)		45			45			25			25	
Link Distance (ft)		636			428			357			303	
Travel Time (s)		9.6			6.5			9.7			8.3	
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Adj. Flow (vph)	12	1857	12	17	1557	30	4	2	14	26	0	24
Shared Lane Traffic (%)												
Lane Group Flow (vph)	12	1869	0	17	1587	0	0	20	0	0	50	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	5	2		1	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	5.0	20.0		5.0	20.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	10.0	25.0		10.0	25.0		10.0	10.0		10.0	10.0	
Total Split (s)	10.0	88.0		10.0	88.0		12.0	12.0		12.0	12.0	
Total Split (%)	9.1%	80.0%		9.1%	80.0%		10.9%	10.9%		10.9%	10.9%	
Maximum Green (s)	5.0	83.0		5.0	83.0		7.0	7.0		7.0	7.0	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.5	1.5		1.5	1.5		1.5	1.5		1.5	1.5	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0			0.0			0.0	
Total Lost Time (s)	5.0	5.0		5.0	5.0			5.0			5.0	
Lead/Lag	Lead	Lead		Lag	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		None	C-Max		Min	Min		Min	Min	
Act Effct Green (s)	89.9	89.9		91.9	91.9			6.1			6.1	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Actuated g/C Ratio	0.82	0.82		0.84	0.84			0.06			0.06	
v/c Ratio	0.04	0.63		0.08	0.53			0.19			0.26	
Control Delay	3.3	5.7		0.8	0.7			32.1			3.2	
Queue Delay	0.0	0.7		0.0	0.1			0.0			0.2	
Total Delay	3.3	6.4		0.8	0.8			32.1			3.5	
LOS	A	A		A	A			C			A	
Approach Delay		6.4			0.8			32.1			3.5	
Approach LOS		A			A			C			A	
Queue Length 50th (ft)	1	138		0	3			4			0	
Queue Length 95th (ft)	6	364		m0	12			29			0	
Internal Link Dist (ft)		556			348			277			223	
Turn Bay Length (ft)	250			55								
Base Capacity (vph)	267	2947		223	3007			116			204	
Starvation Cap Reductn	0	0		0	278			0			0	
Spillback Cap Reductn	0	648		0	0			0			20	
Storage Cap Reductn	0	0		0	0			0			0	
Reduced v/c Ratio	0.04	0.81		0.08	0.58			0.17			0.27	

Intersection Summary

Area Type: Other
Cycle Length: 110
Actuated Cycle Length: 110
Offset: 63 (57%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 60
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.63
Intersection Signal Delay: 4.0 Intersection LOS: A
Intersection Capacity Utilization 62.2% ICU Level of Service B
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 3: Lorton Ave/apartment drwy & E 53rd St



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	42	2041	15	24	1757	56	5	1	19	32	0	33
Future Volume (vph)	42	2041	15	24	1757	56	5	1	19	32	0	33
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	55		0	0		0	0		0
Storage Lanes	1		0	1		0	0		0	0		0
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.999			0.995			0.895			0.932	
Flt Protected	0.950			0.950				0.991			0.976	
Satd. Flow (prot)	1805	3606	0	1805	3592	0	0	1564	0	0	1728	0
Flt Permitted	0.063			0.051				0.915			0.830	
Satd. Flow (perm)	120	3606	0	97	3592	0	0	1444	0	0	1470	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		2			8			21			109	
Link Speed (mph)		45			45			25			25	
Link Distance (ft)		636			428			357			303	
Travel Time (s)		9.6			6.5			9.7			8.3	
Peak Hour Factor	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Heavy Vehicles (%)	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%	0%	0%
Adj. Flow (vph)	46	2243	16	26	1931	62	5	1	21	35	0	36
Shared Lane Traffic (%)												
Lane Group Flow (vph)	46	2259	0	26	1993	0	0	27	0	0	71	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	5	2		1	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	5.0	20.0		5.0	20.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	10.0	25.0		10.0	25.0		10.0	10.0		10.0	10.0	
Total Split (s)	11.0	98.0		10.0	97.0		12.0	12.0		12.0	12.0	
Total Split (%)	9.2%	81.7%		8.3%	80.8%		10.0%	10.0%		10.0%	10.0%	
Maximum Green (s)	6.0	93.0		5.0	92.0		7.0	7.0		7.0	7.0	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.5	1.5		1.5	1.5		1.5	1.5		1.5	1.5	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0			0.0			0.0	
Total Lost Time (s)	5.0	5.0		5.0	5.0			5.0			5.0	
Lead/Lag	Lead	Lead		Lag	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		None	C-Max		Min	Min		Min	Min	

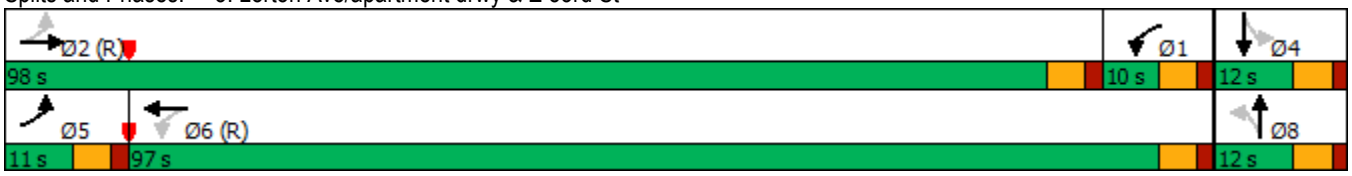
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	97.8	97.8		95.1	95.1			6.2			6.2	
Actuated g/C Ratio	0.82	0.82		0.79	0.79			0.05			0.05	
v/c Ratio	0.26	0.77		0.18	0.70			0.29			0.40	
Control Delay	6.3	8.7		1.8	1.2			33.7			9.7	
Queue Delay	0.0	0.5		0.0	0.2			0.0			0.2	
Total Delay	6.3	9.2		1.8	1.4			33.7			9.9	
LOS	A	A		A	A			C			A	
Approach Delay		9.1			1.4			33.7			9.9	
Approach LOS		A			A			C			A	
Queue Length 50th (ft)	7	439		0	8			5			0	
Queue Length 95th (ft)	15	564		m0	10			35			17	
Internal Link Dist (ft)		556			348			277			223	
Turn Bay Length (ft)	250			55								
Base Capacity (vph)	182	2940		147	2847			104			188	
Starvation Cap Reductn	0	0		0	243			0			0	
Spillback Cap Reductn	0	270		0	0			0			7	
Storage Cap Reductn	0	0		0	0			0			0	
Reduced v/c Ratio	0.25	0.85		0.18	0.77			0.26			0.39	

Intersection Summary

Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 88 (73%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 75
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.77
Intersection Signal Delay: 5.8 — Intersection LOS: A
Intersection Capacity Utilization 73.3% — ICU Level of Service D
Analysis Period (min) 15

m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 3: Lorton Ave/apartment drwy & E 53rd St



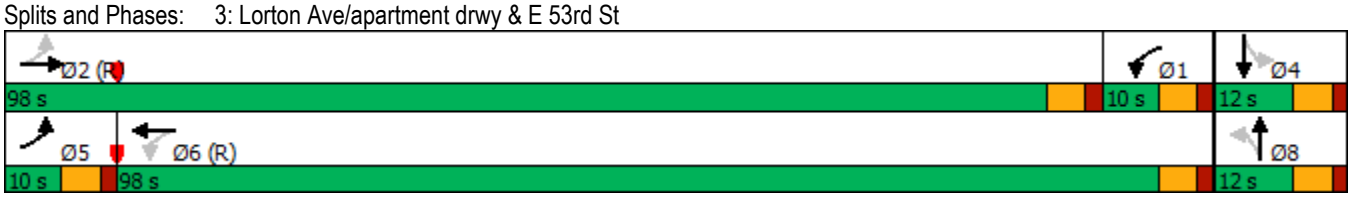
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	14	2108	13	19	1762	34	5	3	15	30	0	28
Future Volume (vph)	14	2108	13	19	1762	34	5	3	15	30	0	28
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	55		0	0		0	0		0
Storage Lanes	1		0	1		0	0		0	0		0
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.999			0.997			0.910			0.935	
Flt Protected	0.950			0.950				0.990			0.975	
Satd. Flow (prot)	1805	3606	0	1805	3599	0	0	1712	0	0	1732	0
Flt Permitted	0.076			0.049				0.925			0.825	
Satd. Flow (perm)	144	3606	0	93	3599	0	0	1599	0	0	1466	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		2			5			16			109	
Link Speed (mph)		45			45			25			25	
Link Distance (ft)		636			428			357			303	
Travel Time (s)		9.6			6.5			9.7			8.3	
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Adj. Flow (vph)	15	2267	14	20	1895	37	5	3	16	32	0	30
Shared Lane Traffic (%)												
Lane Group Flow (vph)	15	2281	0	20	1932	0	0	24	0	0	62	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA		pm+pt	NA		Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	5	2		1	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	5.0	20.0		5.0	20.0		5.0	5.0		5.0	5.0	
Minimum Split (s)	10.0	25.0		10.0	25.0		10.0	10.0		10.0	10.0	
Total Split (s)	10.0	98.0		10.0	98.0		12.0	12.0		12.0	12.0	
Total Split (%)	8.3%	81.7%		8.3%	81.7%		10.0%	10.0%		10.0%	10.0%	
Maximum Green (s)	5.0	93.0		5.0	93.0		7.0	7.0		7.0	7.0	
Yellow Time (s)	3.5	3.5		3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.5	1.5		1.5	1.5		1.5	1.5		1.5	1.5	
Lost Time Adjust (s)	0.0	0.0		0.0	0.0			0.0			0.0	
Total Lost Time (s)	5.0	5.0		5.0	5.0			5.0			5.0	
Lead/Lag	Lead	Lead		Lag	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max		None	C-Max		Min	Min		Min	Min	
Act Effct Green (s)	99.8	99.8		99.8	99.8			6.2			6.2	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Actuated g/C Ratio	0.83	0.83		0.83	0.83			0.05			0.05	
v/c Ratio	0.08	0.76		0.14	0.65			0.25			0.35	
Control Delay	3.4	7.8		1.7	1.1			36.0			6.6	
Queue Delay	0.0	2.7		0.0	0.1			0.0			0.3	
Total Delay	3.4	10.5		1.7	1.2			36.0			7.0	
LOS	A	B		A	A			D			A	
Approach Delay		10.4			1.2			36.0			7.0	
Approach LOS		B			A			D			A	
Queue Length 50th (ft)	1	226		0	3			6			0	
Queue Length 95th (ft)	7	580		m1	55			34			8	
Internal Link Dist (ft)		556			348			277			223	
Turn Bay Length (ft)	250			55								
Base Capacity (vph)	193	2999		148	2993			108			188	
Starvation Cap Reductn	0	0		0	183			0			0	
Spillback Cap Reductn	0	581		0	0			0			16	
Storage Cap Reductn	0	0		0	0			0			0	
Reduced v/c Ratio	0.08	0.94		0.14	0.69			0.22			0.36	

Intersection Summary

Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 78 (65%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 75
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.76
Intersection Signal Delay: 6.4 — Intersection LOS: A
Intersection Capacity Utilization 74.1% — ICU Level of Service D
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 3: Lorton Ave/apartment drwy & E 53rd St



E. 53rd Street & Costco West Driveway/West Access

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	87	1524	55	98	1364	153	60	73	64	211	58	68
Future Volume (vph)	87	1524	55	98	1364	153	60	73	64	211	58	68
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	135		200	250		150	100		0	100		0
Storage Lanes	1		1	1		1	1		1	2		1
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	0.97	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1787	3574	1599	1787	3574	1599	1787	1900	1599	3467	1900	1599
Flt Permitted	0.073			0.073			0.950			0.950		
Satd. Flow (perm)	137	3574	1599	137	3574	1599	1787	1900	1599	3467	1900	1599
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			119			119			169			169
Link Speed (mph)		45			45			25			25	
Link Distance (ft)		428			425			208			202	
Travel Time (s)		6.5			6.4			5.7			5.5	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	0%	1%	1%	0%	1%
Adj. Flow (vph)	95	1657	60	107	1483	166	65	79	70	229	63	74
Shared Lane Traffic (%)												
Lane Group Flow (vph)	95	1657	60	107	1483	166	65	79	70	229	63	74
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	Prot	NA	Perm	Prot	NA	Perm
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases	2		2	6		6			8			4
Detector Phase	5	2	2	1	6	6	3	8	8	7	4	4
Switch Phase												
Minimum Initial (s)	5.0	20.0	20.0	5.0	20.0	20.0	10.0	10.0	10.0	10.0	10.0	10.0
Minimum Split (s)	10.0	25.0	25.0	10.0	25.0	25.0	15.0	15.0	15.0	15.0	15.0	15.0
Total Split (s)	13.0	68.0	68.0	12.0	67.0	67.0	15.0	15.0	15.0	15.0	15.0	15.0
Total Split (%)	11.8%	61.8%	61.8%	10.9%	60.9%	60.9%	13.6%	13.6%	13.6%	13.6%	13.6%	13.6%
Maximum Green (s)	8.0	63.0	63.0	7.0	62.0	62.0	10.0	10.0	10.0	10.0	10.0	10.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lag	Lead	Lead	Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	C-Max	C-Max	None	C-Max	C-Max	None	Min	Min	None	Min	Min

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	63.0	63.0	63.0	62.5	62.5	62.5	10.0	10.0	10.0	10.0	13.0	13.0
Actuated g/C Ratio	0.57	0.57	0.57	0.57	0.57	0.57	0.09	0.09	0.09	0.09	0.12	0.12
v/c Ratio	0.50	0.81	0.06	0.58	0.73	0.17	0.40	0.46	0.23	0.73	0.28	0.22
Control Delay	31.0	17.4	0.1	26.8	7.3	1.0	55.1	56.7	1.8	62.8	50.6	1.5
Queue Delay	0.0	0.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	31.0	18.0	0.1	26.8	7.3	1.0	55.1	56.7	1.8	62.8	50.6	1.5
LOS	C	B	A	C	A	A	E	E	A	E	D	A
Approach Delay		18.1			7.9			38.3			48.3	
Approach LOS		B			A			D			D	
Queue Length 50th (ft)	25	463	0	25	84	1	44	54	0	82	43	0
Queue Length 95th (ft)	m65	196	m0	m61	173	5	89	104	0	#134	87	0
Internal Link Dist (ft)		348			345			128			122	
Turn Bay Length (ft)	135		200	250		150	100			100		
Base Capacity (vph)	198	2046	966	183	2031	960	162	172	299	315	224	338
Starvation Cap Reductn	0	118	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.48	0.86	0.06	0.58	0.73	0.17	0.40	0.46	0.23	0.73	0.28	0.22

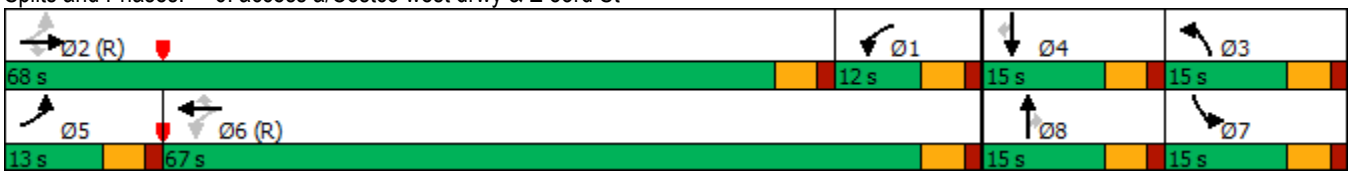
Intersection Summary

Area Type: Other
Cycle Length: 110
Actuated Cycle Length: 110
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.81
Intersection Signal Delay: 17.5 Intersection LOS: B
Intersection Capacity Utilization 72.7% ICU Level of Service C
Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 6: access a/Costco west drwy & E 53rd St



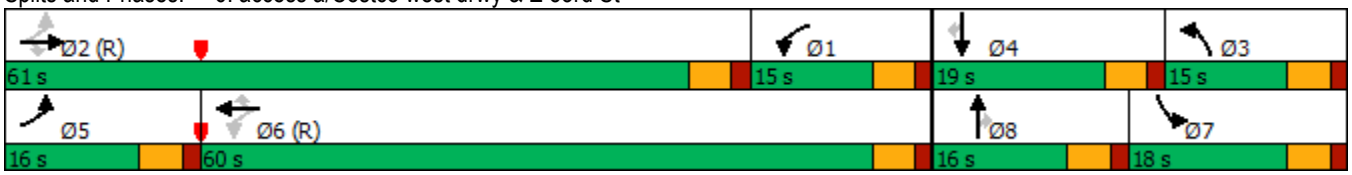
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	117	1536	98	180	1296	206	88	128	106	308	98	99
Future Volume (vph)	117	1536	98	180	1296	206	88	128	106	308	98	99
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	135		200	250		150	100		0	100		0
Storage Lanes	1		1	1		1	1		1	2		1
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	0.97	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1787	3574	1599	1787	3574	1599	1787	1900	1599	3467	1900	1599
Flt Permitted	0.085			0.085			0.950			0.950		
Satd. Flow (perm)	160	3574	1599	160	3574	1599	1787	1900	1599	3467	1900	1599
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			119			138			169			169
Link Speed (mph)		45			45			25			25	
Link Distance (ft)		428			425			208			202	
Travel Time (s)		6.5			6.4			5.7			5.5	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	0%	1%	1%	0%	1%
Adj. Flow (vph)	127	1670	107	196	1409	224	96	139	115	335	107	108
Shared Lane Traffic (%)												
Lane Group Flow (vph)	127	1670	107	196	1409	224	96	139	115	335	107	108
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	Prot	NA	Perm	Prot	NA	Perm
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases	2		2	6		6			8			4
Detector Phase	5	2	2	1	6	6	3	8	8	7	4	4
Switch Phase												
Minimum Initial (s)	5.0	20.0	20.0	5.0	20.0	20.0	10.0	10.0	10.0	10.0	10.0	10.0
Minimum Split (s)	10.0	25.0	25.0	10.0	25.0	25.0	15.0	15.0	15.0	15.0	15.0	15.0
Total Split (s)	16.0	61.0	61.0	15.0	60.0	60.0	15.0	16.0	16.0	18.0	19.0	19.0
Total Split (%)	14.5%	55.5%	55.5%	13.6%	54.5%	54.5%	13.6%	14.5%	14.5%	16.4%	17.3%	17.3%
Maximum Green (s)	11.0	56.0	56.0	10.0	55.0	55.0	10.0	11.0	11.0	13.0	14.0	14.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lag	Lead	Lead	Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	C-Max	C-Max	None	C-Max	C-Max	None	Min	Min	None	Min	Min

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	56.4	56.4	56.4	57.1	57.1	57.1	11.9	10.8	10.8	12.8	11.7	11.7
Actuated g/C Ratio	0.51	0.51	0.51	0.52	0.52	0.52	0.11	0.10	0.10	0.12	0.11	0.11
v/c Ratio	0.58	0.91	0.12	0.85	0.76	0.25	0.50	0.75	0.37	0.83	0.53	0.34
Control Delay	28.1	27.6	0.9	55.8	12.9	1.7	56.5	72.5	5.4	65.7	56.0	4.0
Queue Delay	0.0	3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	28.1	31.0	0.9	55.8	12.9	1.7	56.5	72.5	5.4	65.7	56.0	4.0
LOS	C	C	A	E	B	A	E	E	A	E	E	A
Approach Delay		29.2			16.2			46.1			51.7	
Approach LOS		C			B			D			D	
Queue Length 50th (ft)	36	550	2	84	257	3	64	97	0	120	73	0
Queue Length 95th (ft)	m79	#700	m5	#214	325	8	#129	#192	16	#190	127	10
Internal Link Dist (ft)		348			345			128			122	
Turn Bay Length (ft)	135		200	250		150	100			100		
Base Capacity (vph)	244	1831	877	230	1854	896	193	190	312	409	241	351
Starvation Cap Reductn	0	102	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.52	0.97	0.12	0.85	0.76	0.25	0.50	0.73	0.37	0.82	0.44	0.31

Intersection Summary

Area Type: Other
Cycle Length: 110
Actuated Cycle Length: 110
Offset: 83 (75%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 90
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.91
Intersection Signal Delay: 28.0 Intersection LOS: C
Intersection Capacity Utilization 86.2% ICU Level of Service E
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 6: access a/Costco west drwy & E 53rd St



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	87	1905	55	98	1701	153	60	73	64	211	58	68
Future Volume (vph)	87	1905	55	98	1701	153	60	73	64	211	58	68
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	135		200	250		150	100		0	100		0
Storage Lanes	1		1	1		1	1		1	2		1
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	0.97	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1787	3574	1599	1787	3574	1599	1787	1900	1599	3467	1900	1599
Flt Permitted	0.058			0.058			0.950			0.950		
Satd. Flow (perm)	109	3574	1599	109	3574	1599	1787	1900	1599	3467	1900	1599
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			109			109			155			155
Link Speed (mph)		45			45			25			25	
Link Distance (ft)		428			425			208			202	
Travel Time (s)		6.5			6.4			5.7			5.5	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	0%	1%	1%	0%	1%
Adj. Flow (vph)	95	2071	60	107	1849	166	65	79	70	229	63	74
Shared Lane Traffic (%)												
Lane Group Flow (vph)	95	2071	60	107	1849	166	65	79	70	229	63	74
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	Prot	NA	Perm	Prot	NA	Perm
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases	2		2	6		6			8			4
Detector Phase	5	2	2	1	6	6	3	8	8	7	4	4
Switch Phase												
Minimum Initial (s)	5.0	20.0	20.0	5.0	20.0	20.0	10.0	10.0	10.0	10.0	10.0	10.0
Minimum Split (s)	10.0	25.0	25.0	10.0	25.0	25.0	15.0	15.0	15.0	15.0	15.0	15.0
Total Split (s)	10.0	80.0	80.0	10.0	80.0	80.0	15.0	15.0	15.0	15.0	15.0	15.0
Total Split (%)	8.3%	66.7%	66.7%	8.3%	66.7%	66.7%	12.5%	12.5%	12.5%	12.5%	12.5%	12.5%
Maximum Green (s)	5.0	75.0	75.0	5.0	75.0	75.0	10.0	10.0	10.0	10.0	10.0	10.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lead	Lead	Lead	Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	C-Max	C-Max	None	C-Max	C-Max	None	Min	Min	None	Min	Min

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	75.0	75.0	75.0	75.0	75.0	75.0	10.0	10.0	10.0	10.0	13.0	13.0
Actuated g/C Ratio	0.62	0.62	0.62	0.62	0.62	0.62	0.08	0.08	0.08	0.08	0.11	0.11
v/c Ratio	0.69	0.93	0.06	0.78	0.83	0.16	0.44	0.50	0.25	0.80	0.31	0.24
Control Delay	43.6	19.9	0.1	45.9	7.8	0.6	62.2	64.1	2.2	74.3	56.4	1.8
Queue Delay	0.0	4.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	43.6	23.9	0.1	45.9	7.9	0.6	62.2	64.1	2.2	74.3	56.4	1.8
LOS	D	C	A	D	A	A	E	E	A	E	E	A
Approach Delay		24.1			9.2			43.3			56.5	
Approach LOS		C			A			D			E	
Queue Length 50th (ft)	25	702	0	31	127	1	49	60	0	91	47	0
Queue Length 95th (ft)	m52	506	m0	m50	227	m1	96	112	0	#153	94	0
Internal Link Dist (ft)		348			345			128			122	
Turn Bay Length (ft)	135		200	250		150	100			100		
Base Capacity (vph)	138	2233	1040	138	2233	1040	148	158	275	288	205	311
Starvation Cap Reductn	0	117	0	0	18	0	0	0	0	0	0	0
Spillback Cap Reductn	0	56	0	0	0	0	0	0	2	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.69	0.98	0.06	0.78	0.83	0.16	0.44	0.50	0.26	0.80	0.31	0.24

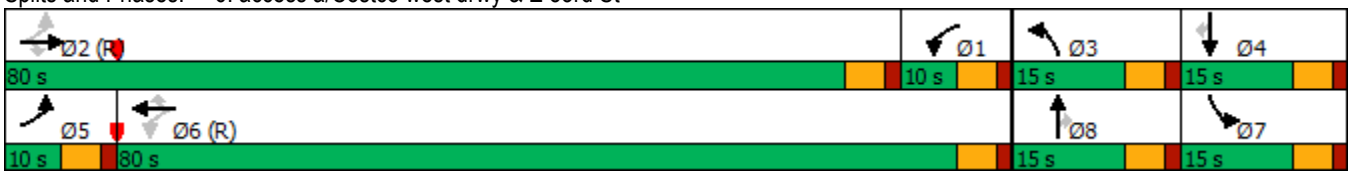
Intersection Summary

Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 88 (73%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 100
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.93
Intersection Signal Delay: 20.9 Intersection LOS: C
Intersection Capacity Utilization 83.3% ICU Level of Service E
Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 6: access a/Costco west drwy & E 53rd St



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	117	1923	98	180	1618	206	88	128	106	308	98	99
Future Volume (vph)	117	1923	98	180	1618	206	88	128	106	308	98	99
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	135		200	250		150	100		0	100		0
Storage Lanes	1		1	1		1	1		1	2		1
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	0.97	1.00	1.00
Frt			0.850			0.850			0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1787	3574	1599	1787	3574	1599	1787	1900	1599	3467	1900	1599
Flt Permitted	0.063			0.063			0.950			0.950		
Satd. Flow (perm)	119	3574	1599	119	3574	1599	1787	1900	1599	3467	1900	1599
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			109			127			155			155
Link Speed (mph)		45			45			25			25	
Link Distance (ft)		428			425			208			202	
Travel Time (s)		6.5			6.4			5.7			5.5	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	0%	1%	1%	0%	1%
Adj. Flow (vph)	127	2090	107	196	1759	224	96	139	115	335	107	108
Shared Lane Traffic (%)												
Lane Group Flow (vph)	127	2090	107	196	1759	224	96	139	115	335	107	108
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	Prot	NA	Perm	Prot	NA	Perm
Protected Phases	5	2		1	6		3	8		7	4	
Permitted Phases	2		2	6		6			8			4
Detector Phase	5	2	2	1	6	6	3	8	8	7	4	4
Switch Phase												
Minimum Initial (s)	5.0	20.0	20.0	5.0	20.0	20.0	10.0	10.0	10.0	10.0	10.0	10.0
Minimum Split (s)	10.0	25.0	25.0	10.0	25.0	25.0	15.0	15.0	15.0	15.0	15.0	15.0
Total Split (s)	11.0	74.0	74.0	14.0	77.0	77.0	15.0	15.0	15.0	17.0	17.0	17.0
Total Split (%)	9.2%	61.7%	61.7%	11.7%	64.2%	64.2%	12.5%	12.5%	12.5%	14.2%	14.2%	14.2%
Maximum Green (s)	6.0	69.0	69.0	9.0	72.0	72.0	10.0	10.0	10.0	12.0	12.0	12.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lead	Lead	Lag	Lag	Lag	Lag	Lead	Lead	Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Recall Mode	None	C-Max	C-Max	None	C-Max	C-Max	None	Min	Min	None	Min	Min

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	69.0	69.0	69.0	72.0	72.0	72.0	10.8	10.0	10.0	12.0	11.2	11.2
Actuated g/C Ratio	0.58	0.58	0.58	0.60	0.60	0.60	0.09	0.08	0.08	0.10	0.09	0.09
v/c Ratio	0.84	1.02	0.11	1.00	0.82	0.22	0.60	0.88	0.42	0.97	0.60	0.37
Control Delay	58.9	41.3	0.9	88.4	10.2	0.9	69.4	100.3	7.8	95.0	66.7	6.0
Queue Delay	0.0	20.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	58.9	61.4	0.9	88.4	10.2	0.9	69.4	100.3	7.8	95.0	66.7	6.0
LOS	E	E	A	F	B	A	E	F	A	F	E	A
Approach Delay		58.5			16.3			61.4			72.0	
Approach LOS		E			B			E			E	
Queue Length 50th (ft)	43	~902	1	~105	201	3	73	108	0	135	80	0
Queue Length 95th (ft)	m#95	#1029	m5	m#210	347	m8	#148	#229	27	#229	141	20
Internal Link Dist (ft)		348			345			128			122	
Turn Bay Length (ft)	135		200	250		150	100			100		
Base Capacity (vph)	151	2055	965	196	2144	1010	159	158	275	346	190	299
Starvation Cap Reductn	0	103	0	0	7	0	0	0	0	0	0	0
Spillback Cap Reductn	0	51	0	0	0	0	0	0	2	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.84	1.07	0.11	1.00	0.82	0.22	0.60	0.88	0.42	0.97	0.56	0.36

Intersection Summary

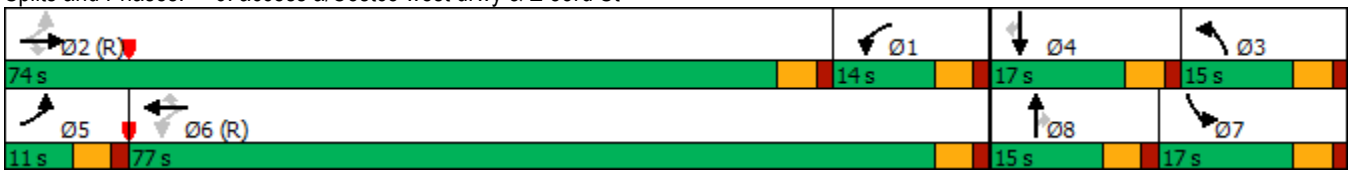
Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 86 (72%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 120
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.02
Intersection Signal Delay: 43.0 Intersection LOS: D
Intersection Capacity Utilization 96.9% ICU Level of Service F
Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 6: access a/Costco west drwy & E 53rd St



E. 53rd Street & Costco East Driveway/East Access

Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	1877	11	0	1592	51	0	0	33	0	0	23
Future Vol, veh/h	0	1877	11	0	1592	51	0	0	33	0	0	23
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	0	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	93	93	93	93	93	93	93	93	93	93	93	93
Heavy Vehicles, %	0	0	0	0	1	0	0	0	0	0	0	0
Mvmt Flow	0	2018	12	0	1712	55	0	0	35	0	0	25

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	-	0	0	-	-	0	-	-	1015	-	-	884
Stage 1	-	-	-	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	-	-	-	6.9	-	-	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-	-	-	-	-	-	-
Follow-up Hdwy	-	-	-	-	-	-	-	-	3.3	-	-	3.3
Pot Cap-1 Maneuver	0	-	-	0	-	-	0	0	240	0	0	292
Stage 1	0	-	-	0	-	-	0	0	-	0	0	-
Stage 2	0	-	-	0	-	-	0	0	-	0	0	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	-	-	-	-	-	-	-	-	240	-	-	292
Mov Cap-2 Maneuver	-	-	-	-	-	-	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	0	22.6	18.5
HCM LOS			C	C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBT	WBR	SBLn1
Capacity (veh/h)	240	-	-	-	-	292
HCM Lane V/C Ratio	0.148	-	-	-	-	0.085
HCM Control Delay (s)	22.6	-	-	-	-	18.5
HCM Lane LOS	C	-	-	-	-	C
HCM 95th %tile Q(veh)	0.5	-	-	-	-	0.3

Intersection	
Int Delay, s/veh	0.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	1933	17	0	1649	69	0	0	41	0	0	33
Future Vol, veh/h	0	1933	17	0	1649	69	0	0	41	0	0	33
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	0	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	95	95	95	95	95	95	95	95	95	95	95	95
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	0	2035	18	0	1736	73	0	0	43	0	0	35

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	-	0	0	-	-	0	-	-	1027	-	-	905
Stage 1	-	-	-	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	-	-	-	6.9	-	-	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-	-	-	-	-	-	-
Follow-up Hdwy	-	-	-	-	-	-	-	-	3.3	-	-	3.3
Pot Cap-1 Maneuver	0	-	-	0	-	-	0	0	235	0	0	283
Stage 1	0	-	-	0	-	-	0	0	-	0	0	-
Stage 2	0	-	-	0	-	-	0	0	-	0	0	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	-	-	-	-	-	-	-	-	235	-	-	283
Mov Cap-2 Maneuver	-	-	-	-	-	-	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	0	23.7	19.5
HCM LOS			C	C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBT	WBR	SBLn1
Capacity (veh/h)	235	-	-	-	-	283
HCM Lane V/C Ratio	0.184	-	-	-	-	0.123
HCM Control Delay (s)	23.7	-	-	-	-	19.5
HCM Lane LOS	C	-	-	-	-	C
HCM 95th %tile Q(veh)	0.7	-	-	-	-	0.4

Intersection	
Int Delay, s/veh	0.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	2169	11	0	1929	51	0	0	33	0	0	23
Future Vol, veh/h	0	2169	11	0	1929	51	0	0	33	0	0	23
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	0	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	93	93	93	93	93	93	93	93	93	93	93	93
Heavy Vehicles, %	0	0	0	0	1	0	0	0	0	0	0	0
Mvmt Flow	0	2332	12	0	2074	55	0	0	35	0	0	25

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	-	0	0	-	-	0	-	-	1172	-	-	1065
Stage 1	-	-	-	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	-	-	-	6.9	-	-	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-	-	-	-	-	-	-
Follow-up Hdwy	-	-	-	-	-	-	-	-	3.3	-	-	3.3
Pot Cap-1 Maneuver	0	-	-	0	-	-	0	0	188	0	0	222
Stage 1	0	-	-	0	-	-	0	0	-	0	0	-
Stage 2	0	-	-	0	-	-	0	0	-	0	0	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	-	-	-	-	-	-	-	-	188	-	-	222
Mov Cap-2 Maneuver	-	-	-	-	-	-	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	0	28.6	23.2
HCM LOS			D	C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBT	WBR	SBLn1
Capacity (veh/h)	188	-	-	-	-	222
HCM Lane V/C Ratio	0.189	-	-	-	-	0.111
HCM Control Delay (s)	28.6	-	-	-	-	23.2
HCM Lane LOS	D	-	-	-	-	C
HCM 95th %tile Q(veh)	0.7	-	-	-	-	0.4

Intersection	
Int Delay, s/veh	0.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	2320	17	0	1971	69	0	0	41	0	0	33
Future Vol, veh/h	0	2320	17	0	1971	69	0	0	41	0	0	33
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	0	-	-	0
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	95	95	95	95	95	95	95	95	95	95	95	95
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	0	2442	18	0	2075	73	0	0	43	0	0	35

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	-	0	0	-	-	0	-	-	1230	-	-	1074
Stage 1	-	-	-	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy	-	-	-	-	-	-	-	-	6.9	-	-	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 2	-	-	-	-	-	-	-	-	-	-	-	-
Follow-up Hdwy	-	-	-	-	-	-	-	-	3.3	-	-	3.3
Pot Cap-1 Maneuver	0	-	-	0	-	-	0	0	172	0	0	219
Stage 1	0	-	-	0	-	-	0	0	-	0	0	-
Stage 2	0	-	-	0	-	-	0	0	-	0	0	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	-	-	-	-	-	-	-	-	172	-	-	219
Mov Cap-2 Maneuver	-	-	-	-	-	-	-	-	-	-	-	-
Stage 1	-	-	-	-	-	-	-	-	-	-	-	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	0	32.8	24.5
HCM LOS			D	C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBT	WBR	SBLn1
Capacity (veh/h)	172	-	-	-	-	219
HCM Lane V/C Ratio	0.251	-	-	-	-	0.159
HCM Control Delay (s)	32.8	-	-	-	-	24.5
HCM Lane LOS	D	-	-	-	-	C
HCM 95th %tile Q(veh)	0.9	-	-	-	-	0.6

E. 53rd Street & Elmore Circle

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	75	1641	115	72	1421	51	134	16	184	51	12	91
Future Volume (vph)	75	1641	115	72	1421	51	134	16	184	51	12	91
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150		330	160		0	85		0	100		0
Storage Lanes	1		1	1		1	1		0	1		0
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850		0.862			0.867	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1805	3610	1615	1805	3574	1615	1805	1638	0	1805	1647	0
Flt Permitted	0.108			0.067			0.639			0.343		
Satd. Flow (perm)	205	3610	1615	127	3574	1615	1214	1638	0	652	1647	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			125			69		108			99	
Link Speed (mph)		45			45			30			30	
Link Distance (ft)		533			675			291			199	
Travel Time (s)		8.1			10.2			6.6			4.5	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%
Adj. Flow (vph)	82	1784	125	78	1545	55	146	17	200	55	13	99
Shared Lane Traffic (%)												
Lane Group Flow (vph)	82	1784	125	78	1545	55	146	217	0	55	112	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2		2	6		6	8			4		
Detector Phase	5	2	2	1	6	6	8	8		4	4	
Switch Phase												
Minimum Initial (s)	5.0	20.0	20.0	5.0	20.0	20.0	10.0	10.0		10.0	10.0	
Minimum Split (s)	10.0	25.0	25.0	10.0	25.0	25.0	15.0	15.0		15.0	15.0	
Total Split (s)	11.0	72.0	72.0	11.0	72.0	72.0	27.0	27.0		27.0	27.0	
Total Split (%)	10.0%	65.5%	65.5%	10.0%	65.5%	65.5%	24.5%	24.5%		24.5%	24.5%	
Maximum Green (s)	6.0	67.0	67.0	6.0	67.0	67.0	22.0	22.0		22.0	22.0	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5		3.5	3.5	
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5		1.5	1.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	
Lead/Lag	Lag	Lead	Lead	Lag	Lead	Lead						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max	C-Max	None	C-Max	C-Max	Min	Min		Min	Min	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	79.9	74.1	74.1	79.9	74.1	74.1	17.2	17.2		17.2	17.2	
Actuated g/C Ratio	0.73	0.67	0.67	0.73	0.67	0.67	0.16	0.16		0.16	0.16	
v/c Ratio	0.35	0.73	0.11	0.44	0.64	0.05	0.77	0.62		0.54	0.33	
Control Delay	9.1	4.6	0.5	35.0	21.1	2.4	69.4	28.8		61.0	12.5	
Queue Delay	0.0	0.0	0.0	0.0	1.1	0.0	0.0	0.0		0.0	0.0	
Total Delay	9.1	4.6	0.5	35.0	22.2	2.4	69.4	28.8		61.0	12.5	
LOS	A	A	A	C	C	A	E	C		E	B	
Approach Delay		4.5			22.1			45.1			28.5	
Approach LOS		A			C			D			C	
Queue Length 50th (ft)	5	102	1	23	588	3	99	70		36	8	
Queue Length 95th (ft)	m10	210	m3	m54	644	m10	165	145		78	56	
Internal Link Dist (ft)		453			595			211			119	
Turn Bay Length (ft)	150		330	160			85			100		
Base Capacity (vph)	236	2431	1128	183	2407	1110	242	414		130	408	
Starvation Cap Reductn	0	0	0	0	569	0	0	0		0	0	
Spillback Cap Reductn	0	0	0	0	0	0	0	0		0	0	
Storage Cap Reductn	0	0	0	0	0	0	0	0		0	0	
Reduced v/c Ratio	0.35	0.73	0.11	0.43	0.84	0.05	0.60	0.52		0.42	0.27	

Intersection Summary

Area Type: Other
Cycle Length: 110
Actuated Cycle Length: 110
Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 60
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.77
Intersection Signal Delay: 16.0 Intersection LOS: B
Intersection Capacity Utilization 86.7% ICU Level of Service E
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 12: Elmore Cir & E 53rd St

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	92	1674	172	111	1491	88	135	21	215	51	14	82
Future Volume (vph)	92	1674	172	111	1491	88	135	21	215	51	14	82
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150		330	160		0	85		0	100		0
Storage Lanes	1		1	1		1	1		0	1		0
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850		0.863			0.872	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1787	3610	1599	1805	3610	1615	1805	1640	0	1770	1657	0
Flt Permitted	0.145			0.060			0.679			0.258		
Satd. Flow (perm)	273	3610	1599	114	3610	1615	1290	1640	0	481	1657	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			174			89		162			83	
Link Speed (mph)		45			45			30			30	
Link Distance (ft)		533			675			291			199	
Travel Time (s)		8.1			10.2			6.6			4.5	
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Heavy Vehicles (%)	1%	0%	1%	0%	0%	0%	0%	0%	0%	2%	0%	0%
Adj. Flow (vph)	93	1691	174	112	1506	89	136	21	217	52	14	83
Shared Lane Traffic (%)												
Lane Group Flow (vph)	93	1691	174	112	1506	89	136	238	0	52	97	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2		2	6		6	8			4		
Detector Phase	5	2	2	1	6	6	8	8		4	4	
Switch Phase												
Minimum Initial (s)	5.0	20.0	20.0	5.0	20.0	20.0	10.0	10.0		10.0	10.0	
Minimum Split (s)	10.0	25.0	25.0	10.0	25.0	25.0	15.0	15.0		15.0	15.0	
Total Split (s)	11.0	70.0	70.0	14.0	73.0	73.0	26.0	26.0		26.0	26.0	
Total Split (%)	10.0%	63.6%	63.6%	12.7%	66.4%	66.4%	23.6%	23.6%		23.6%	23.6%	
Maximum Green (s)	6.0	65.0	65.0	9.0	68.0	68.0	21.0	21.0		21.0	21.0	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5		3.5	3.5	
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5		1.5	1.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	
Lead/Lag	Lag	Lag	Lag	Lead	Lead	Lead						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max	C-Max	None	C-Max	C-Max	Min	Min		Min	Min	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	71.0	71.0	71.0	75.1	75.1	75.1	16.1	16.1		16.1	16.1	
Actuated g/C Ratio	0.65	0.65	0.65	0.68	0.68	0.68	0.15	0.15		0.15	0.15	
v/c Ratio	0.36	0.73	0.16	0.57	0.61	0.08	0.72	0.63		0.74	0.31	
Control Delay	5.2	3.1	0.4	38.4	3.7	0.1	65.2	22.2		97.1	13.9	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Total Delay	5.2	3.1	0.4	38.4	3.7	0.1	65.2	22.2		97.1	13.9	
LOS	A	A	A	D	A	A	E	C		F	B	
Approach Delay		3.0			5.8			37.8			43.0	
Approach LOS		A			A			D			D	
Queue Length 50th (ft)	2	73	0	37	72	0	92	48		35	9	
Queue Length 95th (ft)	m9	m143	m4	m75	103	m1	154	125		#91	54	
Internal Link Dist (ft)		453			595			211			119	
Turn Bay Length (ft)	150		330	160			85			100		
Base Capacity (vph)	258	2330	1094	217	2463	1130	246	444		91	383	
Starvation Cap Reductn	0	0	0	0	76	0	0	0		0	0	
Spillback Cap Reductn	0	0	0	0	0	0	0	0		0	0	
Storage Cap Reductn	0	0	0	0	0	0	0	0		0	0	
Reduced v/c Ratio	0.36	0.73	0.16	0.52	0.63	0.08	0.55	0.54		0.57	0.25	

Intersection Summary

Area Type: Other
Cycle Length: 110
Actuated Cycle Length: 110
Offset: 75 (68%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 60
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.74
Intersection Signal Delay: 8.7 Intersection LOS: A
Intersection Capacity Utilization 91.8% ICU Level of Service F
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 12: Elmore Cir & E 53rd St

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	94	1977	144	90	1703	64	166	20	229	64	15	113
Future Volume (vph)	94	1977	144	90	1703	64	166	20	229	64	15	113
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150		330	160		0	85		0	100		0
Storage Lanes	1		1	1		1	1		0	1		0
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850		0.862			0.867	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1805	3610	1615	1805	3574	1615	1805	1638	0	1805	1647	0
Flt Permitted	0.059			0.056			0.570			0.257		
Satd. Flow (perm)	112	3610	1615	106	3574	1615	1083	1638	0	488	1647	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			157			64		81			117	
Link Speed (mph)		45			45			30			30	
Link Distance (ft)		533			675			291			199	
Travel Time (s)		8.1			10.2			6.6			4.5	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%
Adj. Flow (vph)	102	2149	157	98	1851	70	180	22	249	70	16	123
Shared Lane Traffic (%)												
Lane Group Flow (vph)	102	2149	157	98	1851	70	180	271	0	70	139	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2		2	6		6	8			4		
Detector Phase	5	2	2	1	6	6	8	8		4	4	
Switch Phase												
Minimum Initial (s)	5.0	20.0	20.0	5.0	20.0	20.0	10.0	10.0		10.0	10.0	
Minimum Split (s)	10.0	25.0	25.0	10.0	25.0	25.0	15.0	15.0		15.0	15.0	
Total Split (s)	12.0	82.0	82.0	10.0	80.0	80.0	28.0	28.0		28.0	28.0	
Total Split (%)	10.0%	68.3%	68.3%	8.3%	66.7%	66.7%	23.3%	23.3%		23.3%	23.3%	
Maximum Green (s)	7.0	77.0	77.0	5.0	75.0	75.0	23.0	23.0		23.0	23.0	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5		3.5	3.5	
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5		1.5	1.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	
Lead/Lag	Lag	Lag	Lag	Lead	Lead	Lead						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max	C-Max	None	C-Max	C-Max	Min	Min		Min	Min	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	77.8	77.8	77.8	76.1	76.1	76.1	21.9	21.9		21.9	21.9	
Actuated g/C Ratio	0.65	0.65	0.65	0.63	0.63	0.63	0.18	0.18		0.18	0.18	
v/c Ratio	0.60	0.92	0.14	0.69	0.82	0.07	0.91	0.74		0.80	0.35	
Control Delay	25.7	8.6	0.4	45.9	6.5	0.2	93.7	45.4		98.7	13.3	
Queue Delay	0.0	0.3	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Total Delay	25.7	8.9	0.4	45.9	6.5	0.2	93.7	45.4		98.7	13.3	
LOS	C	A	A	D	A	A	F	D		F	B	
Approach Delay		9.0			8.2			64.6			41.9	
Approach LOS		A			A			E			D	
Queue Length 50th (ft)	25	132	1	30	91	0	136	140		52	14	
Queue Length 95th (ft)	m32	241	m2	m61	114	m0	#270	239		#136	70	
Internal Link Dist (ft)		453			595			211			119	
Turn Bay Length (ft)	150		330	160			85			100		
Base Capacity (vph)	171	2341	1102	142	2267	1048	207	379		93	410	
Starvation Cap Reductn	0	20	0	0	0	0	0	0		0	0	
Spillback Cap Reductn	0	0	0	0	0	0	0	0		0	0	
Storage Cap Reductn	0	0	0	0	0	0	0	0		0	0	
Reduced v/c Ratio	0.60	0.93	0.14	0.69	0.82	0.07	0.87	0.72		0.75	0.34	

Intersection Summary

Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 90 (75%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 90
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.92
Intersection Signal Delay: 15.0 Intersection LOS: B
Intersection Capacity Utilization 99.8% ICU Level of Service F
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 12: Elmore Cir & E 53rd St

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	114	1988	215	138	1758	109	168	27	268	64	18	102
Future Volume (vph)	114	1988	215	138	1758	109	168	27	268	64	18	102
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	150		330	160		0	85		0	100		0
Storage Lanes	1		1	1		1	1		0	1		0
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt			0.850			0.850		0.864			0.872	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1787	3610	1599	1805	3610	1615	1805	1642	0	1770	1657	0
Flt Permitted	0.077			0.058			0.610			0.190		
Satd. Flow (perm)	145	3610	1599	110	3610	1615	1159	1642	0	354	1657	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			217			101		112			103	
Link Speed (mph)		45			45			30			30	
Link Distance (ft)		533			675			291			199	
Travel Time (s)		8.1			10.2			6.6			4.5	
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Heavy Vehicles (%)	1%	0%	1%	0%	0%	0%	0%	0%	0%	2%	0%	0%
Adj. Flow (vph)	115	2008	217	139	1776	110	170	27	271	65	18	103
Shared Lane Traffic (%)												
Lane Group Flow (vph)	115	2008	217	139	1776	110	170	298	0	65	121	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2		2	6		6	8			4		
Detector Phase	5	2	2	1	6	6	8	8		4	4	
Switch Phase												
Minimum Initial (s)	5.0	20.0	20.0	5.0	20.0	20.0	10.0	10.0		10.0	10.0	
Minimum Split (s)	10.0	25.0	25.0	10.0	25.0	25.0	15.0	15.0		15.0	15.0	
Total Split (s)	12.0	79.0	79.0	12.0	79.0	79.0	29.0	29.0		29.0	29.0	
Total Split (%)	10.0%	65.8%	65.8%	10.0%	65.8%	65.8%	24.2%	24.2%		24.2%	24.2%	
Maximum Green (s)	7.0	74.0	74.0	7.0	74.0	74.0	24.0	24.0		24.0	24.0	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5		3.5	3.5	
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5		1.5	1.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0		5.0	5.0	
Lead/Lag	Lag	Lag	Lag	Lead	Lead	Lead						
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes						
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	
Recall Mode	None	C-Max	C-Max	None	C-Max	C-Max	Min	Min		Min	Min	

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	76.3	76.3	76.3	77.0	77.0	77.0	21.0	21.0		21.0	21.0	
Actuated g/C Ratio	0.64	0.64	0.64	0.64	0.64	0.64	0.18	0.18		0.18	0.18	
v/c Ratio	0.61	0.87	0.20	0.78	0.77	0.10	0.84	0.78		1.07	0.32	
Control Delay	20.6	6.2	0.5	49.3	4.9	0.1	79.8	43.8		179.6	13.1	
Queue Delay	0.0	0.4	0.0	0.0	0.2	0.0	0.0	0.0		0.0	0.0	
Total Delay	20.6	6.6	0.5	49.3	5.1	0.1	79.8	43.8		179.6	13.1	
LOS	C	A	A	D	A	A	E	D		F	B	
Approach Delay		6.7			7.8			56.9			71.3	
Approach LOS		A			A			E			E	
Queue Length 50th (ft)	20	192	4	52	172	0	125	136		50	11	
Queue Length 95th (ft)	m22	m209	m4	m#80	202	m0	#229	241		#143	63	
Internal Link Dist (ft)		453			595			211			119	
Turn Bay Length (ft)	150		330	160			85			100		
Base Capacity (vph)	188	2295	1095	178	2315	1071	231	418		70	413	
Starvation Cap Reductn	0	59	0	0	99	0	0	0		0	0	
Spillback Cap Reductn	0	0	0	0	0	0	0	0		0	0	
Storage Cap Reductn	0	0	0	0	0	0	0	0		0	0	
Reduced v/c Ratio	0.61	0.90	0.20	0.78	0.80	0.10	0.74	0.71		0.93	0.29	

Intersection Summary

Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 86 (72%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.07
Intersection Signal Delay: 14.2 Intersection LOS: B
Intersection Capacity Utilization 105.6% ICU Level of Service G
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 12: Elmore Cir & E 53rd St

E. 53rd Street & Elmore Avenue

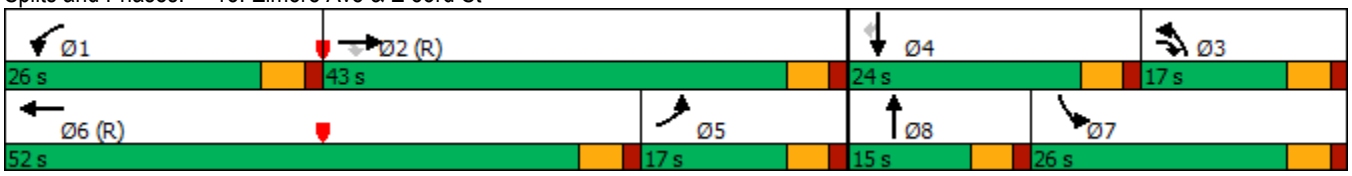
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	210	1401	244	489	1139	311	209	189	520	470	220	204
Future Volume (vph)	210	1401	244	489	1139	311	209	189	520	470	220	204
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	270		270	350		0	180		180	245		150
Storage Lanes	2		1	2		0	2		1	2		1
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	0.97	0.91	1.00	0.97	0.91	0.91	0.97	0.95	1.00	0.97	0.95	1.00
Frt			0.850		0.968				0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3502	5187	1615	3502	5000	0	3502	3610	1615	3502	3574	1599
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3502	5187	1615	3502	5000	0	3502	3610	1615	3502	3574	1599
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			119		78				430			217
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		675			735			586			551	
Travel Time (s)		10.2			11.1			8.9			8.3	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	0%	0%	0%	0%	0%	2%	0%	0%	0%	0%	1%	1%
Adj. Flow (vph)	223	1490	260	520	1212	331	222	201	553	500	234	217
Shared Lane Traffic (%)												
Lane Group Flow (vph)	223	1490	260	520	1543	0	222	201	553	500	234	217
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Prot	NA	pm+ov	Prot	NA		Prot	NA	Free	Prot	NA	Perm
Protected Phases	5	2	3	1	6		3	8		7	4	
Permitted Phases			2						Free			4
Detector Phase	5	2	3	1	6		3	8		7	4	4
Switch Phase												
Minimum Initial (s)	10.0	20.0	10.0	10.0	20.0		10.0	10.0		10.0	10.0	10.0
Minimum Split (s)	15.0	25.0	15.0	15.0	25.0		15.0	15.0		15.0	15.0	15.0
Total Split (s)	17.0	43.0	17.0	26.0	52.0		17.0	15.0		26.0	24.0	24.0
Total Split (%)	15.5%	39.1%	15.5%	23.6%	47.3%		15.5%	13.6%		23.6%	21.8%	21.8%
Maximum Green (s)	12.0	38.0	12.0	21.0	47.0		12.0	10.0		21.0	19.0	19.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5		1.5	1.5		1.5	1.5	1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lag	Lag	Lag	Lead	Lead		Lag	Lead		Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	C-Max	None	None	C-Max		None	Min		None	Min	Min

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	12.0	40.7	57.3	19.8	48.6		16.6	10.0	110.0	19.4	12.8	12.8
Actuated g/C Ratio	0.11	0.37	0.52	0.18	0.44		0.15	0.09	1.00	0.18	0.12	0.12
v/c Ratio	0.58	0.78	0.29	0.82	0.69		0.42	0.61	0.34	0.81	0.56	0.57
Control Delay	48.8	31.1	4.6	55.2	25.4		45.3	56.8	0.6	54.3	50.9	12.3
Queue Delay	0.0	0.0	0.0	0.0	0.1		0.0	0.0	0.0	0.0	0.0	0.1
Total Delay	48.8	31.1	4.6	55.2	25.6		45.3	56.8	0.6	54.3	50.9	12.3
LOS	D	C	A	E	C		D	E	A	D	D	B
Approach Delay		29.6			33.0			22.3			43.9	
Approach LOS		C			C			C			D	
Queue Length 50th (ft)	70	245	34	180	304		72	73	0	173	83	0
Queue Length 95th (ft)	m104	356	m86	242	361		115	112	0	232	120	67
Internal Link Dist (ft)		595			655			506			471	
Turn Bay Length (ft)	270		270	350			180		180	245		150
Base Capacity (vph)	382	1920	898	670	2250		528	328	1615	668	617	455
Starvation Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	126		0	0	0	0	0	12
Storage Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Reduced v/c Ratio	0.58	0.78	0.29	0.78	0.73		0.42	0.61	0.34	0.75	0.38	0.49

Intersection Summary

Area Type: Other
Cycle Length: 110
Actuated Cycle Length: 110
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green, Master Intersection
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.82
Intersection Signal Delay: 31.9 Intersection LOS: C
Intersection Capacity Utilization 79.4% ICU Level of Service D
Analysis Period (min) 15
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 15: Elmore Ave & E 53rd St



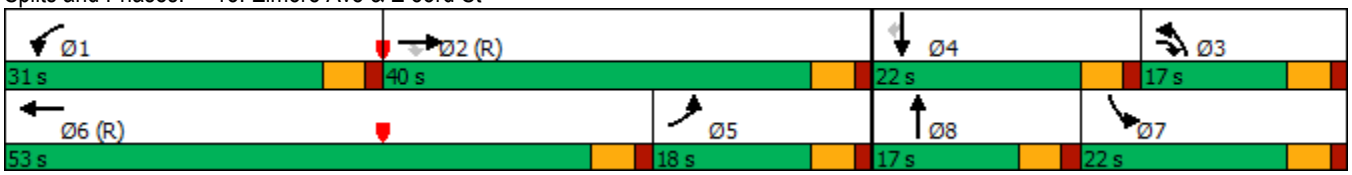
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	254	1315	354	699	1165	454	308	296	664	441	301	251
Future Volume (vph)	254	1315	354	699	1165	454	308	296	664	441	301	251
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	270		270	350		0	180		180	250		150
Storage Lanes	2		1	2		0	2		1	2		1
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	0.97	0.91	1.00	0.97	0.91	0.91	0.97	0.95	1.00	0.97	0.95	1.00
Frt			0.850		0.958				0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3502	5187	1615	3502	4955	0	3502	3574	1615	3467	3574	1599
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3502	5187	1615	3502	4955	0	3502	3574	1615	3467	3574	1599
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			69		113				523			230
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		675			735			586			551	
Travel Time (s)		10.2			11.1			8.9			8.3	
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Heavy Vehicles (%)	0%	0%	0%	0%	0%	1%	0%	1%	0%	1%	1%	1%
Adj. Flow (vph)	257	1328	358	706	1177	459	311	299	671	445	304	254
Shared Lane Traffic (%)												
Lane Group Flow (vph)	257	1328	358	706	1636	0	311	299	671	445	304	254
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Prot	NA	pm+ov	Prot	NA		Prot	NA	Free	Prot	NA	Perm
Protected Phases	5	2	3	1	6		3	8		7	4	
Permitted Phases			2						Free			4
Detector Phase	5	2	3	1	6		3	8		7	4	4
Switch Phase												
Minimum Initial (s)	10.0	20.0	10.0	10.0	20.0		10.0	10.0		10.0	10.0	10.0
Minimum Split (s)	15.0	25.0	15.0	15.0	25.0		15.0	15.0		15.0	15.0	15.0
Total Split (s)	18.0	40.0	17.0	31.0	53.0		17.0	17.0		22.0	22.0	22.0
Total Split (%)	16.4%	36.4%	15.5%	28.2%	48.2%		15.5%	15.5%		20.0%	20.0%	20.0%
Maximum Green (s)	13.0	35.0	12.0	26.0	48.0		12.0	12.0		17.0	17.0	17.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5		1.5	1.5		1.5	1.5	1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lag	Lag	Lag	Lead	Lead		Lag	Lead		Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	C-Max	None	None	C-Max		None	Min		None	Min	Min

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	13.0	36.6	50.4	25.0	48.6		13.7	11.8	110.0	16.6	14.6	14.6
Actuated g/C Ratio	0.12	0.33	0.46	0.23	0.44		0.12	0.11	1.00	0.15	0.13	0.13
v/c Ratio	0.62	0.77	0.46	0.89	0.73		0.71	0.78	0.42	0.85	0.64	0.62
Control Delay	37.3	21.9	10.2	55.4	25.7		56.7	63.0	0.8	62.0	51.3	14.8
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	37.3	21.9	10.2	55.4	25.7		56.7	63.0	0.8	62.0	51.3	14.8
LOS	D	C	B	E	C		E	E	A	E	D	B
Approach Delay		21.8			34.7			28.9			46.8	
Approach LOS		C			C			C			D	
Queue Length 50th (ft)	88	284	123	246	321		110	110	0	158	107	15
Queue Length 95th (ft)	m124	332	174	#338	380		#180	#171	0	#237	151	93
Internal Link Dist (ft)		595			655			506			471	
Turn Bay Length (ft)	270		270	350			180		180	250		150
Base Capacity (vph)	413	1727	776	827	2253		436	389	1615	535	552	441
Starvation Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Reduced v/c Ratio	0.62	0.77	0.46	0.85	0.73		0.71	0.77	0.42	0.83	0.55	0.58

Intersection Summary

Area Type: Other
Cycle Length: 110
Actuated Cycle Length: 110
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green, Master Intersection
Natural Cycle: 80
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.89
Intersection Signal Delay: 31.6 Intersection LOS: C
Intersection Capacity Utilization 82.9% ICU Level of Service E
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 15: Elmore Ave & E 53rd St



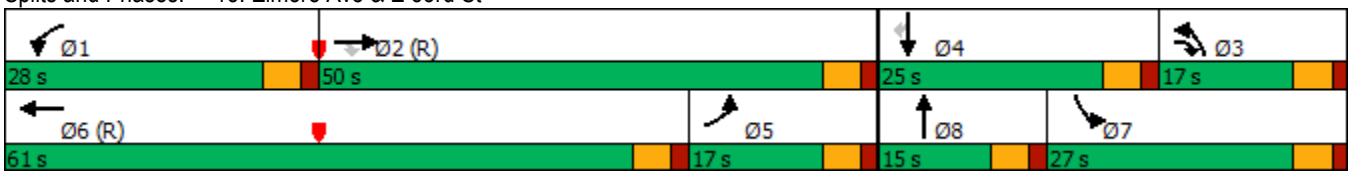
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	262	1688	294	608	1362	387	251	235	648	585	274	254
Future Volume (vph)	262	1688	294	608	1362	387	251	235	648	585	274	254
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	270		270	350		0	180		180	245		150
Storage Lanes	2		1	2		0	2		1	2		1
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	0.97	0.91	1.00	0.97	0.91	0.91	0.97	0.95	1.00	0.97	0.95	1.00
Frt			0.850		0.967				0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3502	5187	1615	3502	4994	0	3502	3610	1615	3502	3574	1599
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3502	5187	1615	3502	4994	0	3502	3610	1615	3502	3574	1599
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			109		80				403			190
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		675			735			586			551	
Travel Time (s)		10.2			11.1			8.9			8.3	
Peak Hour Factor	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Heavy Vehicles (%)	0%	0%	0%	0%	0%	2%	0%	0%	0%	0%	1%	1%
Adj. Flow (vph)	279	1796	313	647	1449	412	267	250	689	622	291	270
Shared Lane Traffic (%)												
Lane Group Flow (vph)	279	1796	313	647	1861	0	267	250	689	622	291	270
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Prot	NA	pm+ov	Prot	NA		Prot	NA	Free	Prot	NA	Perm
Protected Phases	5	2	3	1	6		3	8		7	4	
Permitted Phases			2						Free			4
Detector Phase	5	2	3	1	6		3	8		7	4	4
Switch Phase												
Minimum Initial (s)	10.0	20.0	10.0	10.0	20.0		10.0	10.0		10.0	10.0	10.0
Minimum Split (s)	15.0	25.0	15.0	15.0	25.0		15.0	15.0		15.0	15.0	15.0
Total Split (s)	17.0	50.0	17.0	28.0	61.0		17.0	15.0		27.0	25.0	25.0
Total Split (%)	14.2%	41.7%	14.2%	23.3%	50.8%		14.2%	12.5%		22.5%	20.8%	20.8%
Maximum Green (s)	12.0	45.0	12.0	23.0	56.0		12.0	10.0		22.0	20.0	20.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5		1.5	1.5		1.5	1.5	1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lag	Lag	Lag	Lead	Lead		Lag	Lead		Lag	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	C-Max	None	None	C-Max		None	Min		None	Min	Min

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	12.0	45.0	61.4	23.0	56.0		16.4	10.0	120.0	22.0	15.6	15.6
Actuated g/C Ratio	0.10	0.38	0.51	0.19	0.47		0.14	0.08	1.00	0.18	0.13	0.13
v/c Ratio	0.80	0.92	0.36	0.96	0.78		0.56	0.83	0.43	0.97	0.63	0.73
Control Delay	50.5	29.5	4.9	75.4	28.6		54.3	77.5	0.8	77.6	55.3	27.2
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	50.5	29.5	4.9	75.4	28.6		54.3	77.5	0.8	77.6	55.3	27.2
LOS	D	C	A	E	C		D	E	A	E	E	C
Approach Delay		28.8			40.7			28.6			60.6	
Approach LOS		C			D			C			E	
Queue Length 50th (ft)	105	415	44	258	417		101	102	0	248	113	57
Queue Length 95th (ft)	m122	m#526	m47	#375	481		#164	#172	0	#366	155	149
Internal Link Dist (ft)		595			655			506			471	
Turn Bay Length (ft)	270		270	350			180		180	245		150
Base Capacity (vph)	350	1945	879	671	2373		479	300	1615	642	595	424
Starvation Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Reduced v/c Ratio	0.80	0.92	0.36	0.96	0.78		0.56	0.83	0.43	0.97	0.49	0.64

Intersection Summary

Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green, Master Intersection
Natural Cycle: 90
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 0.97
Intersection Signal Delay: 38.0 Intersection LOS: D
Intersection Capacity Utilization 91.6% ICU Level of Service F
Analysis Period (min) 15
95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.
m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 15: Elmore Ave & E 53rd St



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	316	1555	427	870	1366	565	369	368	827	549	375	312
Future Volume (vph)	316	1555	427	870	1366	565	369	368	827	549	375	312
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	270		270	350		0	180		180	250		150
Storage Lanes	2		1	2		0	2		1	2		1
Taper Length (ft)	60			60			60			60		
Lane Util. Factor	0.97	0.91	1.00	0.97	0.91	0.91	0.97	0.95	1.00	0.97	0.95	1.00
Frt			0.850		0.956				0.850			0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	3502	5187	1615	3502	4944	0	3502	3574	1615	3467	3574	1599
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	3502	5187	1615	3502	4944	0	3502	3574	1615	3467	3574	1599
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			64		115				505			217
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		675			735			586			551	
Travel Time (s)		10.2			11.1			8.9			8.3	
Peak Hour Factor	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99	0.99
Heavy Vehicles (%)	0%	0%	0%	0%	0%	1%	0%	1%	0%	1%	1%	1%
Adj. Flow (vph)	319	1571	431	879	1380	571	373	372	835	555	379	315
Shared Lane Traffic (%)												
Lane Group Flow (vph)	319	1571	431	879	1951	0	373	372	835	555	379	315
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		24			24			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	Prot	NA	pm+ov	Prot	NA		Prot	NA	Free	Prot	NA	Perm
Protected Phases	5	2	3	1	6		3	8		7	4	
Permitted Phases			2						Free			4
Detector Phase	5	2	3	1	6		3	8		7	4	4
Switch Phase												
Minimum Initial (s)	10.0	20.0	10.0	10.0	20.0		10.0	10.0		10.0	10.0	10.0
Minimum Split (s)	15.0	25.0	15.0	15.0	25.0		15.0	15.0		15.0	15.0	15.0
Total Split (s)	19.0	44.0	21.0	35.0	60.0		21.0	17.0		24.0	20.0	20.0
Total Split (%)	15.8%	36.7%	17.5%	29.2%	50.0%		17.5%	14.2%		20.0%	16.7%	16.7%
Maximum Green (s)	14.0	39.0	16.0	30.0	55.0		16.0	12.0		19.0	15.0	15.0
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	3.5
All-Red Time (s)	1.5	1.5	1.5	1.5	1.5		1.5	1.5		1.5	1.5	1.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lag	Lag	Lag	Lead	Lead		Lag	Lag		Lead	Lead	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	C-Max	None	None	C-Max		None	Min		None	Min	Min

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Act Effct Green (s)	14.0	39.0	55.2	30.0	55.0		16.2	12.0	120.0	19.0	14.8	14.8
Actuated g/C Ratio	0.12	0.32	0.46	0.25	0.46		0.14	0.10	1.00	0.16	0.12	0.12
v/c Ratio	0.78	0.93	0.55	1.00	0.84		0.79	1.04	0.52	1.01	0.86	0.81
Control Delay	47.9	34.2	9.8	76.6	30.9		63.4	111.2	1.2	91.8	71.2	34.0
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	47.9	34.2	9.8	76.6	30.9		63.4	111.2	1.2	91.8	71.2	34.0
LOS	D	C	A	E	C		E	F	A	F	E	C
Approach Delay		31.6			45.1			41.8			71.0	
Approach LOS		C			D			D			E	
Queue Length 50th (ft)	121	405	128	~355	452		146	~164	0	~227	153	73
Queue Length 95th (ft)	m143	m#519	m137	#492	521		#214	#264	0	#345	#233	#219
Internal Link Dist (ft)		595			655			506			471	
Turn Bay Length (ft)	270		270	350			180		180	250		150
Base Capacity (vph)	408	1685	777	875	2328		472	357	1615	548	446	389
Starvation Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0		0	0	0	0	0	0
Reduced v/c Ratio	0.78	0.93	0.55	1.00	0.84		0.79	1.04	0.52	1.01	0.85	0.81

Intersection Summary

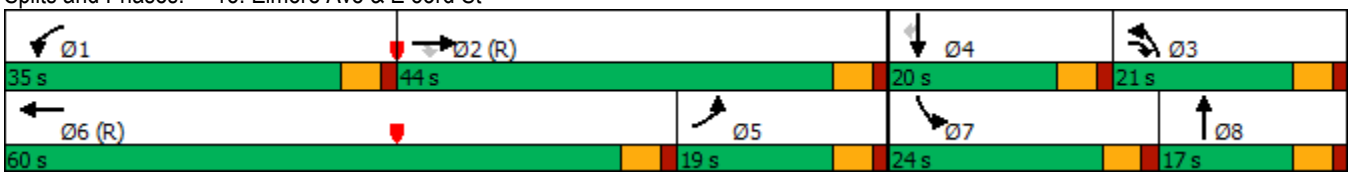
Area Type: Other
Cycle Length: 120
Actuated Cycle Length: 120
Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green, Master Intersection
Natural Cycle: 100
Control Type: Actuated-Coordinated
Maximum v/c Ratio: 1.04
Intersection Signal Delay: 44.6 Intersection LOS: D
Intersection Capacity Utilization 97.4% ICU Level of Service F
Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

m Volume for 95th percentile queue is metered by upstream signal.

Splits and Phases: 15: Elmore Ave & E 53rd St



REZ18-08 - Rezoning Prostest List

PARCEL NUMBER	NOTICE AREA	NOTICE	PROTEST	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
N0712-03	43552.8703	6.9%	NO	0.0%	5119 FAIRHAVEN RD	NANCY J BUSCH	5119 FAIRHAVEN RD	DAVENPORT IA 52807
N0712-04	9943.06847	1.6%	NO	0.0%	5105 FAIRHAVEN RD	JEWELL CHANIN	5105 FAIRHAVEN RD	DAVENPORT IA 52807-3078
N0712-28	32457.4134	5.1%	Yes	5.1%	5115 LORTON AV	APOLINAR JIMENEZ	5115 LORTON AV	DAVENPORT IA 52807
N0712-29	29801.3422	4.7%	NO	0.0%	2714 E 51ST ST	TIMOTHY REDMOND	2714 E 51ST ST	DAVENPORT IA 52807
N0712-30	29801.4156	4.7%	NO	0.0%	2728 E 51ST ST	MARY HOLCK	2728 E 51ST ST	DAVENPORT IA 52807-3085
N0712-31	29806.5998	4.7%	NO	0.0%	2742 E 51ST ST	DAVID & ELLEN ODEAN TRUST	2742 E 51ST ST	DAVENPORT IA 52807-3085
N0712-38	8769.89604	1.4%	NO	0.0%	5102 FAIRHAVEN RD	TIMOTHY KLUDY TAMMY KLUDY	5102 FAIRHAVEN RD	DAVENPORT IA 52807
N0712-39	22911.1943	3.6%	NO	0.0%	5106 FAIRHAVEN RD	GABRIEL COUSSENS SHELLY COUSSENS	5106 FAIRHAVEN RD	DAVENPORT IA 52807
N0712-42	17835.2571	2.8%	NO	0.0%	5120 LORTON AV	JAMES VICTOR	6113 LAKESHORE CR	DAVENPORT IA 52807
N0739-01A	21130.0884	3.3%	NO	0.0%	2643 E 53RD ST	RICHARD JONES LYNN JONES	2643 E 53RD ST	DAVENPORT IA 52807
N0739-02A	14213.893	2.2%	NO	0.0%	5220 LORTON AV	ERIC WILSON COURTNEY WILSON	5220 LORTON AV	DAVENPORT IA 52807-3026
N0739-04	14713.2174	2.3%	Yes	2.3%	5112 LORTON AV	DONALD ANGERER DOLORES ANGERER	5112 LORTON AVE	DAVENPORT IA 52807
N0833-01D	58597.5453	9.2%	NO	0.0%	2843 E 53RD ST	BETHANY ENTERPRISES INC	5 HIGHLAND GREEN CT	BETTENDORF IA 52722
N0833-02H	4507.35171	0.7%	NO	0.0%	5250 ELMORE AV	FALLS PLAZA LLC	3044 VILLAGE PARK DR	PLOVER WI 54467
Y0723-11E	20697.639	3.3%	NO	0.0%	2802 E 53RD ST	CITY OF DAVENPORT	226 W 4TH ST	DAVENPORT IA 52801
Y0817-09G	1423.0326	0.2%	NO	0.0%	2820 E 53RD ST	TORIA SQUARE INC	4928 WOODY CREEK CR	BETTENDORF IA 52722
	38100.2392	6.0%	NO	0.0%		JERSEY MEADOWS NORTH CONDOS	2702 E 53RD ST	DAVENPORT IA 52807
Y0723-02E	78605.5585	12.4%	NO	0.0%	2790 E 53RD ST	COSTCO WHOLESALE CORPORATION	999 LAKE DR	ISSAQUAH WA 98027
PARCELS	476,867.6	75.1%						
ROW	157,894.9	24.9%					Alderman:	Clewell
TOTAL NOTICE AREA	634,762.5	100%	**7.4%**	**PROTEST RATE**	Protests:	2	Properties:	18

Letter of non-objection
5220 Lorton Avenue

Rusnak, Ryan

From: Courtney Wilson <courtneywilson08@outlook.com>
Sent: Monday, June 18, 2018 11:54 AM
To: Planning Division – CPED
Cc: Rusnak, Ryan
Subject: 53rd street & Lorton Ave. commercial development

To Whom It May Concern, 6/18/2018

Regarding the rezoning of the property on 53rd Street, between Lorton Ave. and Fairhaven.

We emailed you last week with some questions prior to the meeting last Thursday regarding how this property development would affect us directly. After hearing what the developer had to say regarding the 25-foot area of green space with landscaping surrounding the new property with retaining walls, and an entrance/exit only from 53rd street, we are allot more optimistic about this being approved. Their willingness to take input from the residents surrounding the area was good to hear from the developers.

Another resident, much further down on Lorton Ave., has hired a lawyer and has been canvassing the neighborhood for donations and support against this development. My family lives directly across from the proposed property and will be affected much more than this resident, and yet we do not agree with his position. One of the main points that he is asking for, is to have Lorton Ave. become a cul-de-sac at 53rd street. We strongly oppose this as it creates a safety issue for the residents above 51st street, both on Fairhaven and Lorton Ave. The safety issue is that it would create only 1 exit/entrance for all the residents in this neighborhood at 46th street. Another reason we oppose this is we already receive a lot of turnaround traffic in our driveway and the driveway across the street from us (which will be gone with the new development). If Lorton Ave. was turned into a cul-de-sac I see this creating even more turnaround from neighbors and city residents that don't know that it is no longer a thoroughfare.

To summarize, we would just like you to know and understand two things.

1. We are optimistic about the new development after attending the last meeting.
2. We very much oppose the thoughts and ideas that are being brought forth by another resident much further down the street. He does not speak for everyone on Lorton Ave.

I thank you for your time, and hope that our concerns and opinions will heard at the next meeting tomorrow evening.

Mr. and Mrs. Wilson
5220 Lorton Ave.
Davenport, IA 52807

MELOY LAW OFFICE

Michael J. Meloy
Attorney at Law
2535 Tech Drive, Suite 206
Bettendorf, Iowa 52722
Telephone 563-359-3959
Fax 563-359-3953

Letter of objection
4728 Lorton Avenue
5115 Lorton Avenue
4907 Lorton Avenue
5112 Lorton Avenue
4921 Fairhaven Road
4711 Lorton Avenue
4718 Lorton Avenue

Michael J. Meloy
mike@meloylaw.com
Attorney at Law

Molly Bonderer
molly@meloylaw.com
Paralegal

June 19, 2018

Bob Inghram
Chairman, Davenport Plan & Zone Commission
City Hall
226 West 4th Street
Davenport, IA 52801

HAND DELIVERED ON JUNE 19, 2018
TO THE PLAN & ZONE COMMISSION

Re. *Portillo's Rezoning of Property South of 53rd Street between Lorton Avenue and Fairhaven Road*

Dear Chairman Inghram.

I represent Craig McManus and other residents who live directly south of the proposed rezoning of this property from a "R-1" Residential District to a "PDD" Planned Development Commercial District. We are opposed to this rezoning because it will encroach on the peaceful enjoyment of the neighborhood and be detrimental to the residential use of the property and will monetarily devalue residential real properties.

My clients would consider withdrawing our opposition to the rezoning if the following conditions were added subject to approval of the rezoning request:

1. Vacate the area south of the intersection at 53rd & Lorton Avenue and install a cul-de-sac with a gate allowing only emergency vehicles to enter.

2. Repaving of the blacktop on Lorton Avenue and Fairhaven Road between 53rd Street and 46th Street. The surface presently is a deteriorated surface that has not been properly maintained and clearly needs repaving.

3. Install a 3-way stop sign at the intersection of 51st Street and Lorton Avenue.

4. Install speed bumps on Lorton Avenue between 46th Street and 53rd Street.

5. No commercial trucks allowed on Lorton Avenue or Fairhaven Road.

These conditions will alleviate residential concerns of the homeowners and neighbors on this matter.

We request that the Plan & Zone Commission approve a recommendation with these conditions attached to the Davenport City Council.

Sincerely,

Michael J. Meloy
Attorney at Law

cc: Craig McManus
Patricia & Paul Jimenez
Debbie & Kenneth Ralfs
Don Angerer & Dolores Angerer
Bob Schickling
Casey Carothes
Zachary & Jeanette Richards

Photograph submitted at the June 19, 2018
Plan and Zoning Commission Public Hearing

Photograph submitted at the June 19, 2018
Plan and Zoning Commission Public Hearing

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Plan and Zoning Commission Public Hearing

Photograph submitted at the June 19, 2018
Plan and Zoning Commission Public Hearing

Photograph submitted at the July 2, 2018 Plan and Zoning Commission meeting 2771 E 51st St. Looking south.

Photograph submitted at the June 19, 2018
Plan and Zoning Commission Public Hearing

We, the undersigned citizens of Davenport, call on our city officials to make Lorton Avenue a cul-de-sac at 53rd with restricted access limited to emergency vehicles and school bus traffic only. Without such modification, we object to the proposed zoning change along 53rd from residential to commercial.

The alternative vision we are proposing will reduce impact on surrounding businesses, neighborhoods and commuters; increase traffic safety on 53rd and Lorton Avenue; reduce congestion during peak travel times; resolve residential traffic concerns and preserve the quiet, family friendly neighborhoods to the south.

	Name	Signature	Street Address	Email Address	Phone
1	Jeffrey L. Talbert		4822 Fairhaven Ct	jefftalbert@msn.com	563.505.1856
2	Lucy Talbert		4822 Fairhaven	zamfan82@yahoo.com	499-6894
3	Aericka Alatorre		4810 Fairhaven	aericka alatorre@yahoo.com	563-529-2403
4	Cathy Schlichting		4921 Fairhaven	Bengee1@msn.com	563-570-0069
5	Robert Schlichting		4921 Fairhaven	" " "	" " "
6	Rachelle Hynes		4802 Fairhaven	rhynes2@msn.com	563 3228697
7	Tom Hynes		"	"	"
8	Mike Williams		4829 Fairhaven	iwaegin@mchsi.com	322-1253
9	Chad Dorrance		4828 Fairhaven	chaddorrance@gmail.com	528-9938
10	Eaton Till		2840 E 46th	eldontill@msn.com	424-5282
11	Virginia Till		2840 E. 46TH	" "	424 5282
12	Craig McMahuslen		5 Lorton		359-4179
13	PATRICIA GRIMM		2510 EDGEWOOD	DAVENPORT, IA	359-4180
14	Bill Duke		4805 Fairhaven		340-5992
15	Nicky Gard		4816 Fairhaven Ct.	Davenport, IA	508-3461
16	Bryan Mertz		1110 W. 17th St	Dav, IA	940-9643
17	Ann Robertson		5120 Lorton Ave	Dav IA	720-309-2862
18	Don Angerer		5112 Lorton Ave		
19	Dolores Angerer		5112 Lorton Ave	dangerer@mchsi.com	563 324-7[illegible]
20	Matt Wilson		5030 Lorton		355-0871
21	Julie Wilson		5030 Lorton		355-0871
22	Gloria Bentley		5001 Lorton	—	515-451-0380
23	Julie Lyle		5002 Lorton	RSJLYLE@mchsi.com	563-676-9[illegible]
24	Hal Reed		4919 Lorton	Halreedblues@yahoo	563-650-4[illegible]
25	Sarah Petersen		4920 Lorton	sarahgrace1025@gmail	319-540-0250

	Name	Signature	Street Address	Email Address	Phone
26	Kris Kleinsmith	Kris Kleinsmith	4920 Lorton Dav. IA 52807	KristyKleinsmith@gmail.com	563-449-4572
27	Ken Ralf	[illegible]	4907 Lorton Ave	n/a	7261988
28	Drake Decker	[illegible]	5014 Lorton Ave	drakedeck@gmail.com	506-8429
29	Alyssa Edwards	[illegible]	5014 Lorton Ave	drakedeck@gmail.com	506-8429
30	Greg Judge	[illegible]	2705 E 51st ST	g.judge@mchsi.com	563 320 8163
31	Dianne Siefers	[illegible]	4420 Fairhaven Rd.	dianne_siefers@gmail.com	563 320 5285
32	Beau Gross	[illegible]	2731 E 18th St	bagbgross@gmail.com	563 821-9860
33	Ray Heim	Ray Heim	4202 MARQUETTE	RHEIM13@GMAIL	563-271-9916
34	Nick VanDeWoord	[illegible]	2624 51st	NVanDeWoord@yahoo.com	563-676-9671
35	Brian Zeigs	[illegible]	1916 W 38th St	BJ Zeigs@aol.com	563-386-9823
36	Daniel Krutzfeldt	[illegible]	116 Hillcrest	dlkrutzfeldt@gmail.com	563-639-9910
37	Jessica Wilhelm	Jessica Wilhelm	1233 Eastern	erjwilhelm@yahoo.com	593-5517
38	Ethel Banda	Ethel Banda	2744 E. 46th	N/A	259-3337
39	John Chapman	[illegible]	4624 Lorton Ave		563 370 3596
40	Dennis + Patty Gamble	[illegible]	4744 Lorton Ave	pattygamble56@gmail	563-340-2835
41	Bryce + Carol Hanford	[illegible]	4908 Fairhaven Rd		563-359-8611
42	Kristine Bennett	[illegible]	4919 Lorton Ave	Krissy@mondaysinfo	563 349 0544
43	Peg Neilson + Brad	[illegible]	4838 Lorton Ave	flutterby4838@msn.com	563 355 6221
44	Robert Herrmann	[illegible]	5105 Fairhaven	bob@rehcpa.com	563-529-6916
45	Lisa VanDamme	Lisa VanDamme	2771 E. 51st ST	grandhair99@gmail.com	563 322 0009
46	Patricia Brunner	[illegible]	4840 Fairhaven Ct	PattyLake25@gmail.com	309-368 0166
47					
48					
49					
50					

Rusnak, Ryan

From: Nancy Busch <happyinia@yahoo.com>
Sent: Monday, July 09, 2018 1:16 PM
To: Rusnak, Ryan
Subject: Fwd: rezoning of fairhaven and lorton/ Ryan Rusnak

Ryan will u pls confirm u received thx so much

Sent from my iPhone

Begin forwarded message:

> **From:** Nancy Busch <happyinia@yahoo.com>
> **Date:** June 26, 2018 at 12:31:23 PM CDT
> **Cc:** <happyinia@yahoo.com>
> **Subject: rezoning of fairhaven and lorton/ Ryan Rusnak**
> **Reply-To:** Nancy Busch <happyinia@yahoo.com>
>
> To whom it may concern;
>
> My name is Nancy J. Busch, residing at 5119 Fairhaven Road, Davenport, Iowa. I have a few questions and concerns about the proposal of rezoning fairhaven and lorton. I'm not sure if the questions should be directed to the rezoning committee or the developer. I wanted to go on record with my questions and hopefully will get some answers.
>
> 1. Do I have the right to ask for an appraisal before and after this project? To be paid by the city or the developer. Any decrease in property value will be paid for by city or developer.
> 2. I would like to request someone from the rezoning office come to my property and show me exactly where the proposed walls, fences, or landscaping will be with regard to my property line. How far away from the wall will the buildings be? Will the developers maintain the landscape after the buildings are complete?
> 3. Will there be a guarantee in writing that any depris will be constantly monitor and disposed of at the expense of the developer?
> 4. Will there be a guarantee in writing that my landscaping will not be damaged during the construction of the buildings and after the completion?
> 5. Will there be a guarantee in writing that the noice level will remain the same if not decreased when all the buildings are occupied?
> 6. If there is any water overage with regard to sewer lines and damage to my property happens will city or developer pay? Or have an insurance that will pay my damages.
> 7. Will the lights that will be used for the parking interfere with my well being?
> 8. Will I get an offer on my house that is double the appraised value?
> 9. Will I get to select the barriors from the buildings to my property?
> 10. If a bar goes in one of the building will I be assured there is proper security in place? What will be the closing hours of the businesses?
> 11. Any chance this area could be converted to a gated community to ensure our safety?
> 12, Will the city or developer pay for wear and tear of my driveway after its been used to turn around in when people get lost or make the wrong turn?
> 13. What are some legitimate reasons why land can not be rezoned in a residential area? (beside

soil samples)
14. When I purchased this home I did so because it was residential if that changes and I don't agree with the change what is my recourse?

I'm sure I'll have more questions in the future, but for now if you could answer these it will give me a good start. I know no one is interested in my opinion or why I moved to Fairhaven so I'll save those details for later. For now I would appreciate some attention to these questions.
Thanks so much for your time,
Nancy J. Busch, BES, MBA, MOL
5119 Fairhaven Road
Davenport, Iowa 52807

DAVENPORT FIRE DEPARTMENT

331 Scott Street, Davenport, Iowa 52801
Tel 563.326.7906 Fax 563.328.7232

June 27, 2018

TO: Ryan Rusnak, AICP Planner III
Community Planning and Economic Development Department

FROM: Assistant Chief James Morris, Fire Marshal

RE: Case No. REZ18-08 and ROW18-01

The Fire Department has reviewed the request to partially vacate Fairhaven Road to facilitate redevelopment of nine home sites as commercial. The Fire Department does not have any concerns related to access based on the conceptual drawing or the partial vacation of Fairhaven Road. The Fire Department has several concerns with vacating Lorton Ave due to accessibility and response times.

Regards,

James Morris, Fire Marshal

City of Davenport
Community Planning & Economic Development Department
Memorandum

To: Captain James Morris, Fire Marshal
Davenport Fire Department

From: Ryan Rusnak, AICP Planner III
Community Planning and Economic Development Department

Subject: Case No. REZ18-08 and ROW18-08

Date: June 21, 2018

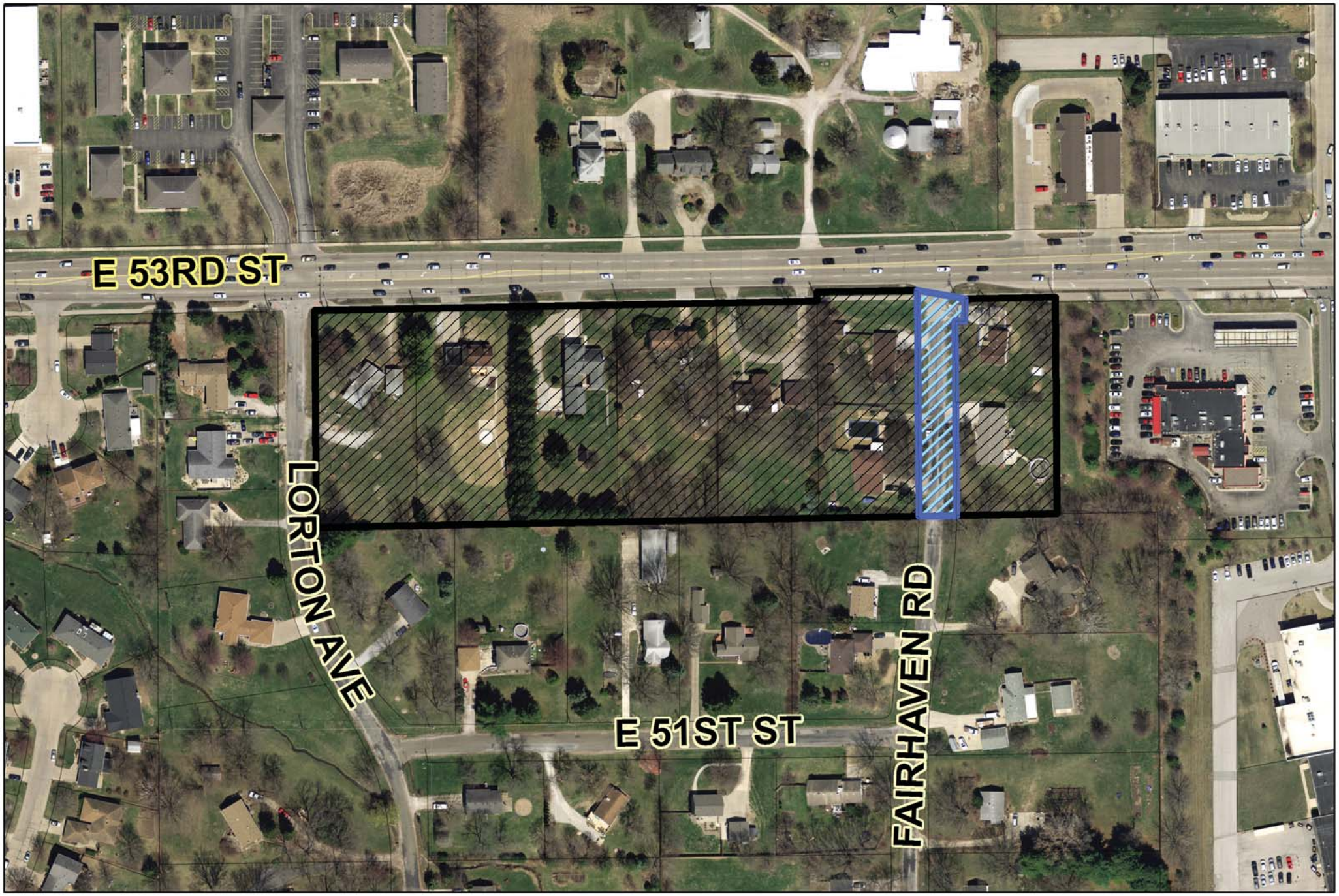
The City has received a request to rezone property and partially vacate Fairhaven Road to facilitate redevelopment of the nine home sites as commercial. The development would be located along East 53rd Street east of Lorton Avenue (see attached locational map and conceptual plan for the proposed development). Access to and from the development would be at the newly created signalized intersection at the Costco entrance. The other access would be at the location of the existing Fairhaven Road. Please note that a median is designed and will be installed within East 53rd Street, thus making Fairhaven Road a right-in/right-out only (see plan design for improvements along East 53rd Street adjacent to the proposed development). This Department would appreciate Davenport Fire Department's position on the following so it can be incorporated into rezoning and vacation request case files:

1. Does Davenport Fire Department have any concerns related to access to and from based on the conceptual drawing that was provided?

2. Does Davenport Fire Department have any concerns related to the partial vacation of Fairhaven Road? Please note a median is designed and will be installed within East 53rd Street, thus making Fairhaven Road a right-in/right-out only.

3. During the June 19, 2018 Plan and Zoning Commission public hearing homeowners' representative suggested that the area south of the intersection of East 53rd Street and Lorton Avenue should be vacated and reconstructed as a cul-de-sac and a gate installed allowing only emergency vehicles to enter. Does the Davenport Fire Department have any concerns related to this suggestion?

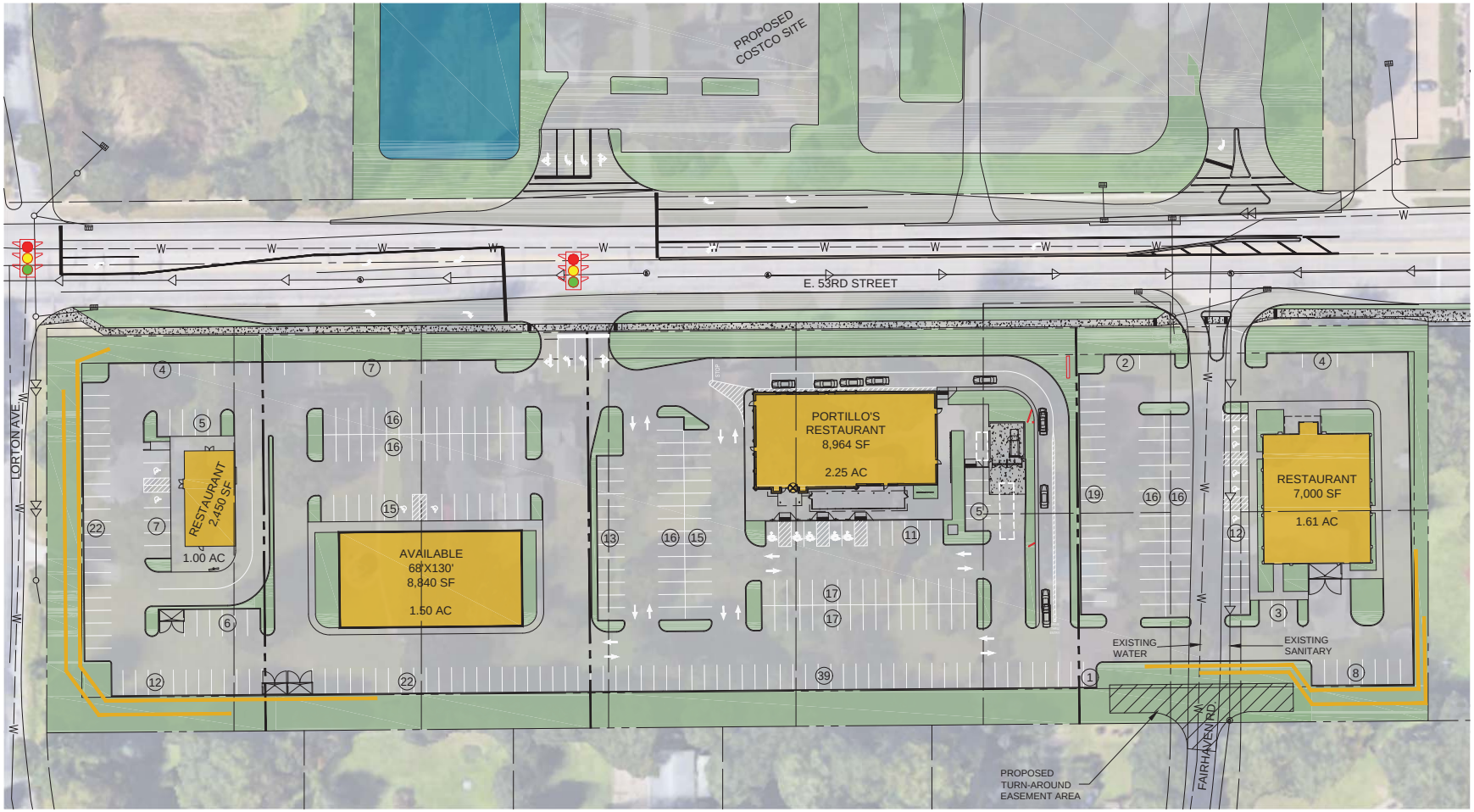
Attachments:
Locational Map
Conceptual Plan for the Proposed Development
Plan Design for Improvements along East 53rd Street Adjacent to the Proposed Development



Property Requested to be Rezoned

Right-of-Way Requested to be Vacated

N



PROPOSED SITE PLAN W/ ADJACENT LOTS

SCALE: N.T.S.

PORTILLO'S HOT DOGS, LLC

LEGEND

- BOUNDARY LINE
- SETBACK LINE
- EASEMENT LINE
- EXISTING PROPERTY LINE
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER

AUSTIN ENGINEERING CO., INC.
Consulting Engineers / Surveyors
220 Emerson Place, Suite 305
Davenport, Iowa 52801
Certificate No. CS131338

SITE PLAN

WCT INVESTMENTS
DAVENPORT, IOWA

E. 53RD STREET
DAVENPORT, IA 52807

ISSUED

06-12-18	SITE PLAN

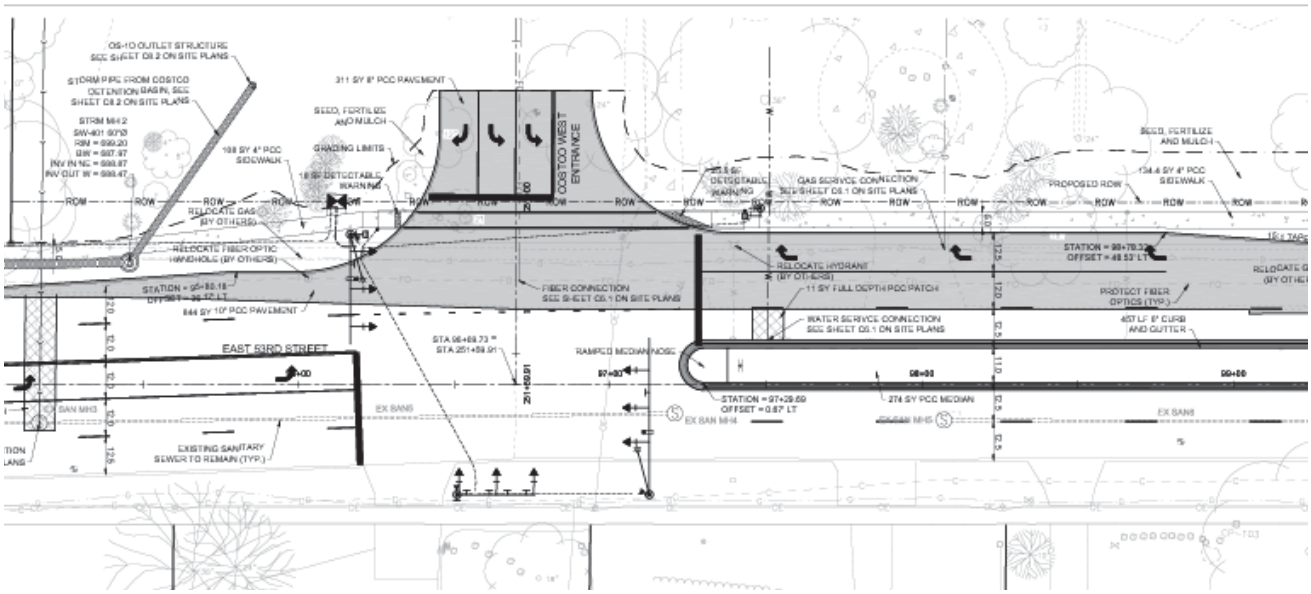
SITE PLAN

PROJECT NO IA76-18-023

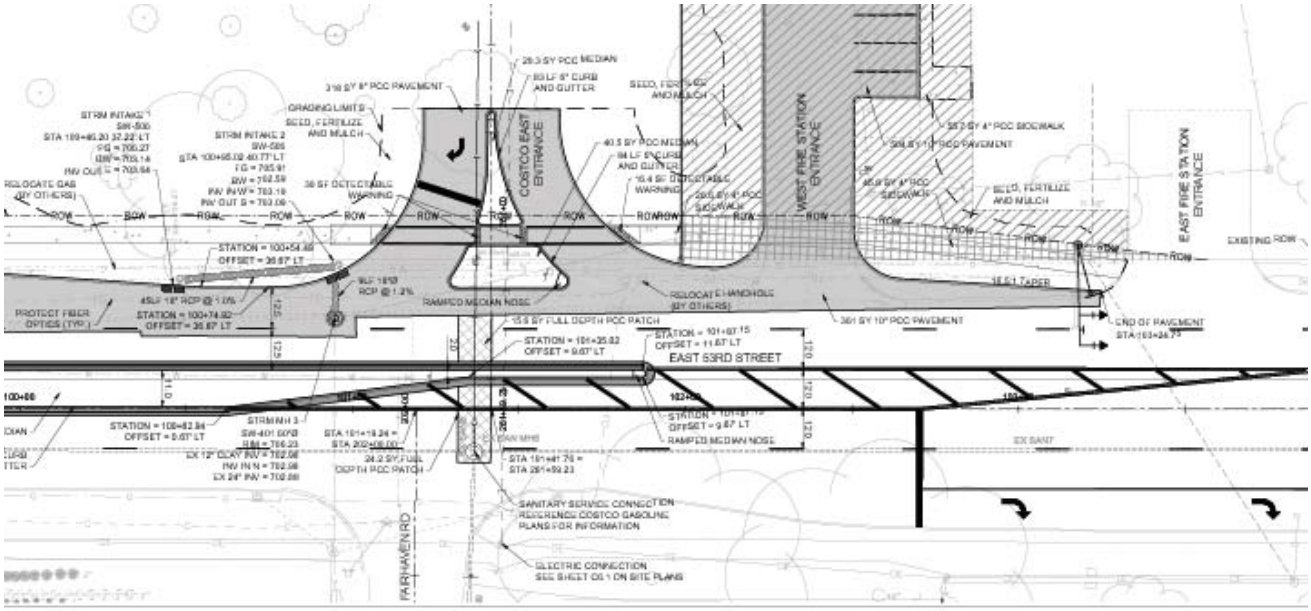
DATE 06-12-18

SHEET C-1

Plan Design for Improvements along East 53rd Street Adjacent to the Proposed Development



Design of the main entrance into Costco.



Design of the right-in/right-out entrance at Costco.

PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT

Public Hearing Details:

Date: 6/19/2018 Ward: **6th**
Time: 5:00 PM
Location: Rezoning: South side of East 53rd Street east of Lorton Avenue.
Right-of-way vacation (abandonment): Fairhaven Road extending approximately 285 feet south from East 53rd Street.
Subject: Public hearing to rezone property and partially vacate (abandon) right-of-way before the Plan and Zoning Commission.
Case #: REZ18-08 and ROW18-01

To: All property owners within 200 feet of the subject property.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a request to rezone property and partially vacate (abandon) right-of-way. The purpose of the request is to facilitate redevelopment of the property as commercial.

Request Description

- Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located south of East 53rd Street and east of Lorton Avenue from "R-1" Low Density Dwelling District to "PDD" Planned Development District to facilitate redevelopment of the property as commercial. [Ward 6]
- Case No. ROW18-01: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate redevelopment of the property as commercial. [Ward 6]

What are the Next Steps after the Public Hearing?

The 6/19/2018 public hearing is the first step in the review/approval process. The Plan and Zoning will meet on 7/2/2018 to vote (provide its recommendation) on the request. 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.

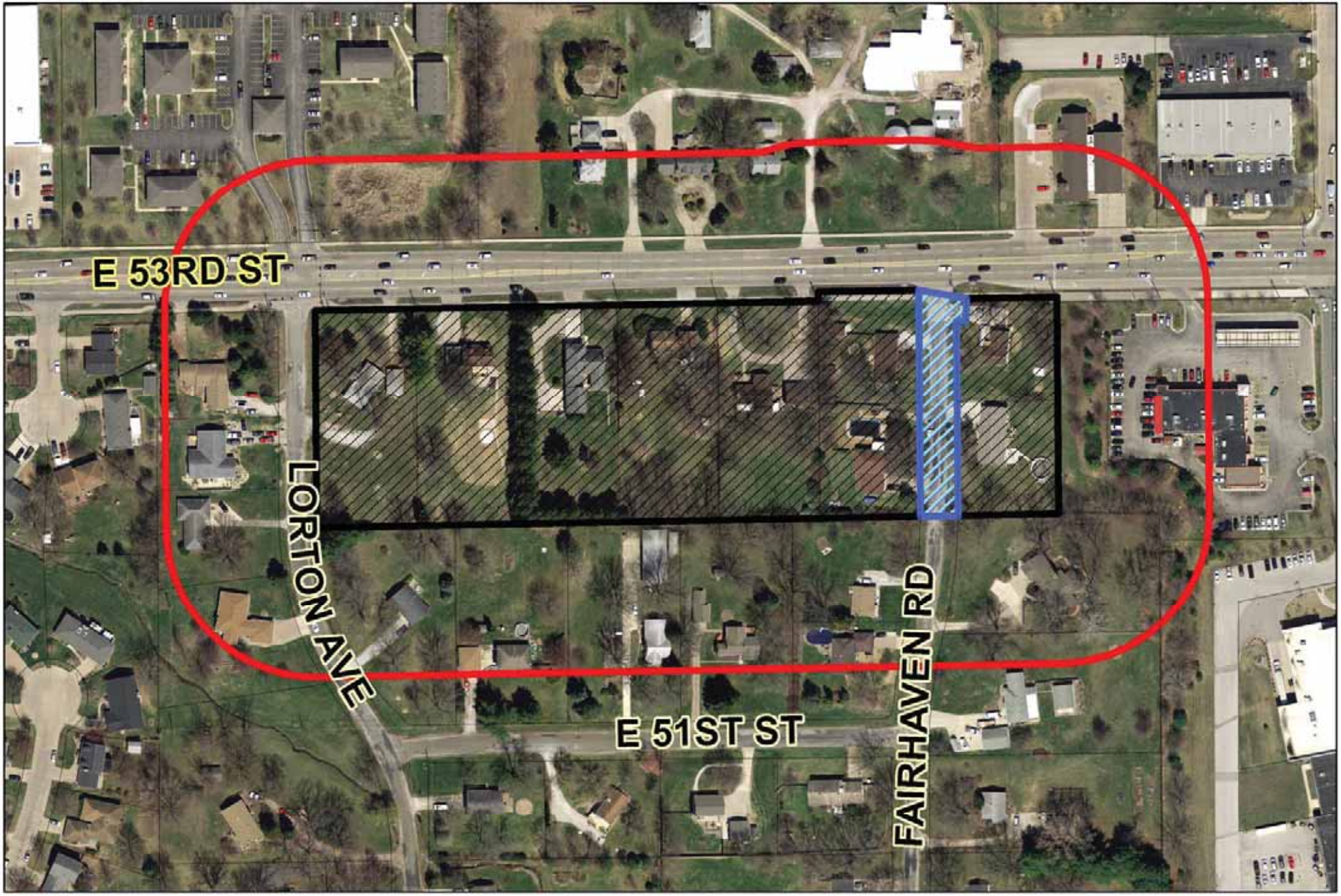
Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Ryan Rusnak, AICP, the case planner assigned to this project at rrusnak@ci.davenport.ia.us or 563-888-2022. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.



Property Requested to be Rezoned

Right-of-Way Requested to be Vacated

200 Foot Notification Radius

N

FID	TAX_RECORD	Parcel	Land_Area	Address	Deed1_Name	Deed1_Addr	Deed1_CSZ
1	SINGLE	N0712-03	43552.87026	5119 FAIRHAVEN RD	NANCY J BUSCH	5119 FAIRHAVEN RD	DAVENPORT IA 52807
2	SINGLE	N0712-04	9943.068475	5105 FAIRHAVEN RD	JEWELL CHANIN	5105 FAIRHAVEN RD	DAVENPORT IA 52807-3078
3	SINGLE	N0712-28	32457.41339	5115 LORTON AV	APOLINAR JIMENEZ	5115 LORTON AV	DAVENPORT IA 52807
4	SINGLE	N0712-29	29801.34219	2714 E 51ST ST	TIMOTHY REDMOND	2714 E 51ST ST	DAVENPORT IA 52807
5	SINGLE	N0712-30	29801.41561	2728 E 51ST ST	MARY HOLCK	2728 E 51ST ST	DAVENPORT IA 52807-3085
6	SINGLE	N0712-31	29806.59985	2742 E 51ST ST	DAVID & ELLEN ODEAN TRUST	2742 E 51ST ST	DAVENPORT IA 52807-3085
7	SINGLE	N0712-38	8769.896041	5102 FAIRHAVEN RD	TIMOTHY KLUDY TAMMY KLUDY	5102 FAIRHAVEN RD	DAVENPORT IA 52807
8	SINGLE	N0712-39	22911.19434	5106 FAIRHAVEN RD	GABRIEL COUSSENS SHELLY COUSSENS	5106 FAIRHAVEN RD	DAVENPORT IA 52807
9	SINGLE	N0712-42	17835.25712	5120 LORTON AV	JAMES VICTOR	6113 LAKESHORE CR	DAVENPORT IA 52807
10	SINGLE	N0739-01A	21130.08836	2643 E 53RD ST	RICHARD JONES LYNN JONES	2643 E 53RD ST	DAVENPORT IA 52807
11	SINGLE	N0739-02A	14213.89297	5220 LORTON AV	ERIC WILSON COURTNEY WILSON	5220 LORTON AV	DAVENPORT IA 52807-3026
12	SINGLE	N0739-04	14713.21736	5112 LORTON AV	DONALD ANGERER DOLORES ANGERER	5112 LORTON AVE	DAVENPORT IA 52807
13	SINGLE	N0833-01D	58597.54531	2843 E 53RD ST	BETHANY ENTERPRISES INC	5 HIGHLAND GREEN CT	BETTENDORF IA 52722
14	SINGLE	N0833-02H	4507.35171	5250 ELMORE AV	FALLS PLAZA LLC	3044 VILLAGE PARK DR	PLOVER WI 54467
15	SINGLE	Y0723-11E	20697.639	2802 E 53RD ST	CITY OF DAVENPORT	226 W 4TH ST	DAVENPORT IA 52801
16	SINGLE	Y0817-09G	1423.032604	2820 E 53RD ST	TORIA SQUARE INC	4928 WOODY CREEK CR	BETTENDORF IA 52722
17	MULTIPLE		38100.23924		JERSEY MEADOWS NORTH CONDOS	2700 E 53RD ST	DAVENPORT IA 52807
18	SINGLE	Y0723-02E	78605.5585	2790 E 53RD ST	COSTCO WHOLESALE CORPORATION	999 LAKE DR	ISSAQUAH WA 98027

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
NEIGHBORHOOD MEETING – PROPOSED DEVELOPMENT
THURSDAY, JUNE 14 2018 – 6:00 P.M.
DAVENPORT PUBLIC LIBRARY – EASTERN BRANCH, 6000 EASTERN AVENUE

You are invited to a neighborhood meeting regarding the following request:

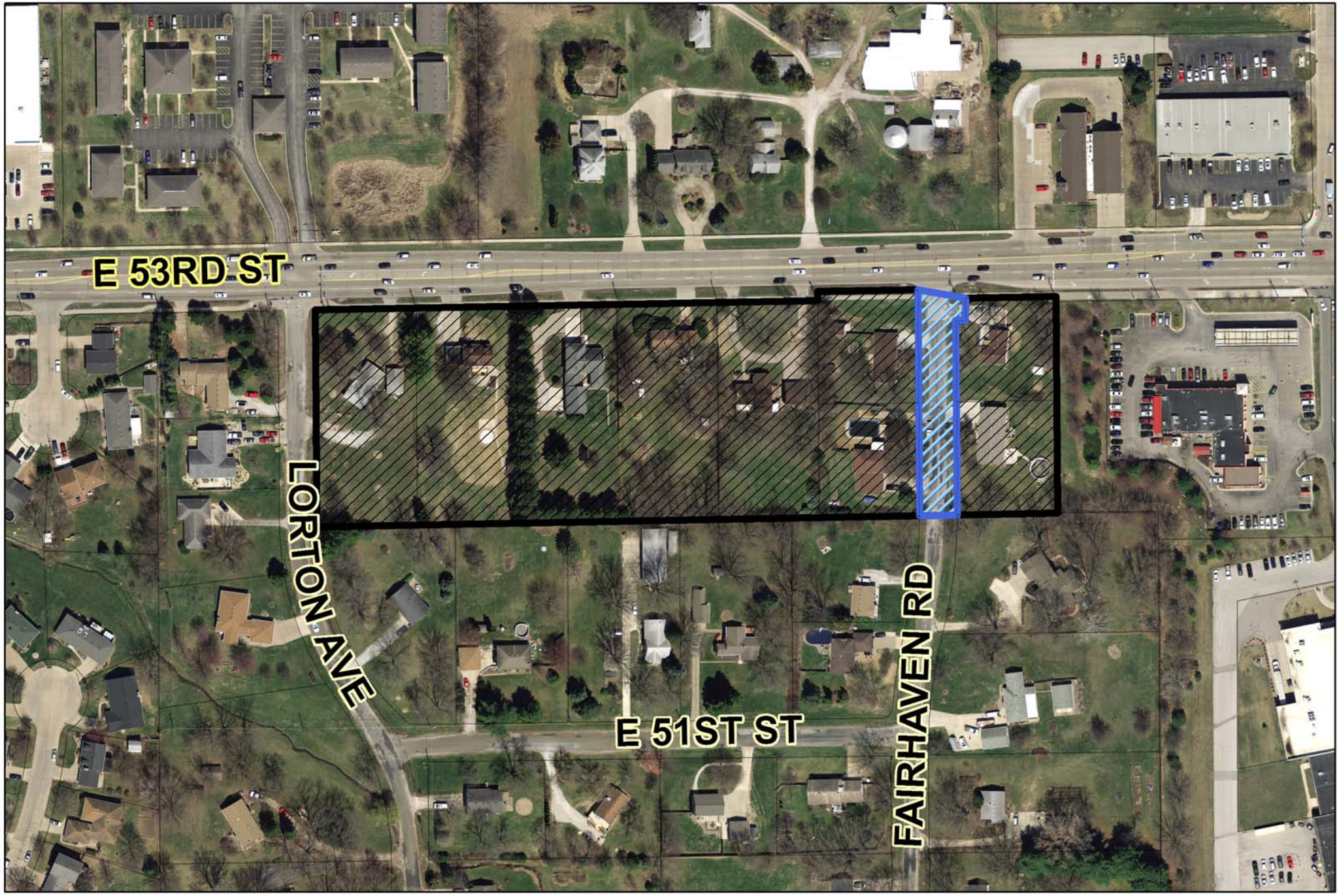
Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District and partially vacate (abandon) Fairhaven Road to facilitate redevelopment of the property as commercial. [Ward 6]

Please see map on the back for the location of the proposed development.

The purpose of the meeting is to allow the developer to describe the proposed development, answer any questions you have and hear any concerns about the proposed development.

The City of Davenport will send additional notices informing you of the date, time and location of public hearings for the rezoning request.

City of Davenport
Community Planning and Economic Development Department
Phone 563-326-7765, email planning@ci.davenport.ia.us



Property Requested to be Rezoned

Right-of-Way Requested to be Vacated

N

FID	TAX_RECORD	Parcel	Land_Area	Address	Deed1_Name	Deed1_Addr	Deed1_CSZ
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18	SINGLE	Y0723-02E	78605.5585	2790 E 53RD ST	COSTCO WHOLESALE CORPORATION	999 LAKE DR	ISSAQUAH WA 98027

To: Accounting/Public Notices

Re: Public Notice

Please publish the following Committee of the Whole public hearing notice in the July 10, 2018 edition of the Quad City Times.

The PO number for this notice is PO1900159.

We would appreciate receiving proof of publication for our records. If you have any questions, please contact me at the same email address this was sent with or at my phone number listed in my email.

NOTICE
PUBLIC HEARING
WEDNESDAY, July 18, 2018, 2018 5:30 PM
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA

There are on file in the City of Davenport Community Planning and Economic Development Department the following petitions:

Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series for a rezoning on 6.5 acres, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District to facilitate commercial development. [Ward 6]

The legal description of the proposed rezoning is as follows:

Part of the Southeast Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

A part of lots four (4) through eight (8) in Hanlin's Addition, the plat of which is recorded in book 65, at page 123 in the office of the Scott County Recorder of Deeds, a part of lot 1 and all of lot 2 in the final plat of the Replat of lot 2 in Hanlin's Addition, the plat of which is recorded in document number 9727-76 in the office of the Scott County Recorder of Deeds, a part of lot 1 and all of lot 2 in the final plat of the Replat of lot 3 in Hanlin's Addition, the plat of which is recorded in document number 13789-75 in the office of the Scott County Recorder of Deeds and a part of Fairhaven Road lying adjacent to said final plat of the Replat of lot 2 and said final plat of the Replat of lot 3, being more particularly described as follows:

Beginning at the southwest corner of said lot eight (8) of said Hanlin's Addition, thence northerly along the east right of way line of Lorton avenue 288 feet, more or less, to the south right of way line of east 53rd street; thence east along said south right of way line 667 feet, more of less, to the west line of lot two (2) of the final plat of the Replat of lot 3 in Hanlin's Addition; thence north, along said west line of said lot two (2) 12 feet, more or less, to the northwest corner of said lot two (2) and said south right of way line of east 53rd street; thence east along said south right of way line 133 feet, more or less, to the west right of way line of Fairhaven road; thence south along said west right of way line 18 feet, more or less; thence east 55 feet, more or less, to said south right of way line of east 53rd street; thence in a northeasterly direction, along a curve to the right, having a radius of 20 feet, for an arc distance of 15.9 feet more or less; thence east along said south right of way line 113 feet, more or less, to the east line of lot one (1) of the final Replat of lot 2 in Hanlin's Addition; thence south along

said east line 288 feet, more or less, to the southeast corner of lot two (2) of the final Replat of lot 2 in Hanlin's Additio; thence west, 984 feet more or less to the point of beginning. Said tract contains 6.5 acres, more or less.

The Plan and Zoning Commission forwards Case REZ18-08 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That a 25 foot wide landscape buffer be maintained along the south property line. This landscape buffer has contain a 6 foot high fence along the northern portion of the landscape buffer;
3. That a 25 foot wide landscape buffer be maintained along the west property line;
4. That there be no vehicular access to Lorton Avenue;
5. That the following uses be prohibited because the potential for incompatibility with the surrounding residential properties: carryout sales of alcoholic beverages; gasoline stations and car washes;
6. That any dumpsters be located at least 60 feet from the south and west property line;
7. That parking lot lighting be shielded and directed away from the residential properties to the south and west;
8. That a sidewalk be installed from the East 53rd Street sidewalk into the proposed development to facilitate pedestrian access to the commercial development;
9. That the west driveway access to East 53rd Street turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue; and
10. In the event that the "PDD" Planned Development District and/or "HCOD" Highway Corridor Overlay District are supplanted by new zoning ordinance classifications and regulations, the City or property owner shall rezone the property to a commercial classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

Case No. ROW18-01: Request of William Torchia on behalf of WCT Investments Davenport Series for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate commercial development. [Ward 6]

The legal description of the proposed rezoning is as follows:

Part of the Southeast Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

A part of Fairhaven Road as shown on the plat of Hanlin's Addition, which is recorded in book 65, at page 123 in the office of the Scott County Recorder of Deeds, being more particularly bounded and described as follows:

Beginning at the southeast corner of lot 3 in said Hanlin's Addition, thence north, along the east line of said lot 3, to the intersection of said east line and the south right of way line of east 53rd street; thence east along said south right of way line to the intersection of said south right of way line and the west line of lot 2 in said Hanlin's Addition; thence south along the said west line of lot 2 to the southwest corner of said lot 2; thence west to the point of beginning. Said tract contains 14,898 square feet, more or less.

The Plan and Zoning Commission forwards Case ROW18-01 to the City Council with a recommendation for approval subject to the following conditions.

1. That the right-of-way vacation be subject to the approval and adoption of the rezoning ordinance for Case No. REZ18-08;
2. That a utility easement be provided in the location existing utilities; and
3. That the area for the Fairhaven Road turnaround be dedicated to the City of Davenport as public right-of-way.

Public hearing(s) on the above matter(s) are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, July 19, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No 1900159.

Department of Community Planning & Economic Development
E-MAIL: planning@ci.davenport.ia.us PHONE: 563-326-7765

Property Address* See attached EXHIBIT A

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

Applicant (Primary Contact)

Name: William Torchia
Company: WCT Investments Davenport Series, LLC
Address: 2813 N. Main St.
City/State/Zip: Peoria, IL 61611
Phone: (309) 696-7185
Email: wiltorchia@aol.com

Owner (If different from Applicant)

Name: See attached EXHIBIT B
Company:
Address:
City/State/Zip
Phone:
Email:

Engineer (If applicable)

Name: Devin Birch
Company: Austin Engineering Company, Inc.
Address: 220 Emerson Place, Ste. 305
City/State/Zip Davenport, IA 52801
Phone: (563) 207-4605
Email: dbirch@austinengineeringcompany.com

Architect (If applicable)

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

Attorney (If applicable)

Name: Thomas J. Pastrnak
Company: Pastrnak Law Firm, P.C.
Address: 313 W. 3rd St.
City/State/Zip: Davenport, IA 52801
Phone: (563) 323-7737
Email: tpastrnak@pastrnak.com

Application Form Type:

Plan and Zoning Commission

- [x] Rezoning (Zoning Map Amendment)
- [ ] Zoning Ordinance Text Amendment
- [ ] Right-of-way or Easement Vacation
- [ ] Final Development Plan
- [ ] Voluntary Annexation
- [ ] Subdivision

Zoning Board of Adjustment

- [ ] Appeal from an Administrative Decision
- [ ] Special Use Permit - New Cell Tower
- [ ] Home Occupation Permit
- [ ] Special Exception
- [ ] Special Use Permit
- [ ] Hardship Variance

Design Review Board

- [ ] Certificate of Design Approval
- [ ] Demolition Request in the Downtown

Historic Preservation Commission

- [ ] Certificate of Appropriateness
- [ ] Landmark Nomination
- [ ] Demolition Request

Administrative

- [ ] Floodplain Development
- [ ] Cell Tower Co-Location
- [ ] Identification Signs
- [ ] Site Plan

Request:

Existing Zoning: R-1

Proposed Zoning Map Amendment: PDD *

Total Land Area: 6.5 , +/- Acres

*with the option to convert to C-3 (excluding HCOD requirements) when new zoning ordinance is approved.

Does the Property Contain a Drainage Way or Is It Located in a Floodplain Area: ☐ Yes ☑ No

Submittal Requirements:

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
  Zoning Map Amendment is less than 1 acre - $400.
  Zoning Map Amendment is one acre but less than 10 acres - $750 plus $25/acre.
  Zoning Map Amendment is 10 acres or more - $1,000 plus $25/acre.
  $5.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:

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

(2) Public Notice for the Plan and Zoning Commission public hearing:
- After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
- The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
- Planning staff will send a public hearing notice to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the request:
- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(4) City Council's consideration of the request:
- Planning staff will send a public hearing notice to surrounding property owners.
- The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: WCT Investments Daevnport Series, LLC Date: 5/29/18

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

Received by: Ryan Rusnak Date: 5/29/2018

Planning staff

Date of the Public Hearing: 6/19/2018

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

Authorization to Act as Applicant

I, William Torchia
authorize Thomas J. Pastrank
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council for the property located at see attached EXHIBIT A.

Signature(s)*
*Please note: original signature(s) required.

EXHIBIT A

Addresses:

2701 E. 53rd St.
Davenport, IA 52807

2719 E. 53rd St.
Davenport, IA 52807

2733 E. 53rd St.
Davenport, IA 52807

2745 E. 53rd St.
Davenport, IA 52807

2757 E. 53rd St.
Davenport, IA 52807

5222 Fairhaven Rd.
Davenport, IA 52807

5221 Fairhaven Rd.
Davenport, IA 52807

5207 Fairhaven Rd.
Davenport, IA 52807

5206 Fairhaven Rd.
Davenport, IA 52807

LEGAL DESCRIPTION OF PARCELS TO BE RE-ZONED PDD

PIN N0712-02A DOC. #: 2018-2034:

A PART OF LOT 1 OF THE FINAL PLAT OF THE REPLAT OF LOT 2 IN HANLIN'S ADDITION TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA; COMMENCING AT THE SOUTHEAST CORNER OF LOT 2 OF THE FINAL PLAT OF THE REPLAT OF LOT 2 IN HANLIN'S ADDITION; THENCE NORTH 288 FEET ALONG THE EAST LINE OF SAID LOTS 1 & 2, TO THE POINT OF BEGINNING; THENCE NORTH 12 FEET; THENCE WEST 133.4 FEET; THENCE SOUTH 32 FEET; THENCE IN A NORTHEASTERLY DIRECTION ON A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 20 FEET, AN ARC DISTANCE OF 31.42 FEET; THENCE EAST 113.4 TO THE POINT OF BEGINNING.

PIN N0712-02B DOC #: 2003-27869:

LOT 2 FINAL PLAT OF REPLAT OF LOT 2 IN HANLIN'S ADDITION IN THE CITY OF DAVENPORT, IOWA.

PIN N0712-33B DOC #: 2014-19371:

LOT 2 OF THE FINAL PLAT OF THE REPLAT OF LOT 3 IN HANLIN'S ADDITION, IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA. EXCEPT THAT PART CONVEYED TO THE CITY OF DAVENPORT, IOWA IN WARRANTY DEED FILED SEPTEMBER 8TH, 1977, AND RECORDED DOCUMENT NO. 19435-77, IN THE RECORDER'S OFFICE OF SCOTT COUNTY, IOWA.

PIN N0712-33A DOC #: 31513-96:

LOT 1 OF THE FINAL PLAT OF THE REPLAT OF LOT 3 IN HANLIN'S ADDITION IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

PIN N07102-34 DOC #: 22654-95:

LOT 4 OF HANLIN'S ADDITION TO THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 78 NORTH RANGE 4 EAST OF THE 5TH P.M., NOW IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF DAVENPORT, IOWA, BY WARRANTY DEED DATED FEBRUARY 16TH, 1979 AND RECORDED AS DOCUMENT #2348-79 IN THE OFFICE OF THE RECORDER OF SCOTT COUNTY, IOWA.

PIN N0712-35:

LOT 5 OF HANLIN'S ADDITION TO THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 78 NORTH RANGE 4 EAST OF THE 5TH P.M., NOW IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF DAVENPORT, IOWA.

PIN N0712-36 DOC #: 2010-7488:

LOT 6 OF HANLIN'S ADDITION OF TH NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA, EXCEPTING THEREFROM THE TRACT CONVEYED TO THE CITY OF DAVENPORT, IOWA BY WARRANTY DEED DATED

MAY 3RD, 1977 AND RECORDED DOCUMENT #8216-77 IN THE OFFICE OF THE RECORDER OF SCOTT COUNTY, IOWA.

PIN N0712-37 DOC #: 2002-29237:

LOT 7, OF HANLIN'S ADDITION TO THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 78 NORTH RANGER 4 EAST OF THE 5TH P.M., SITUATED IN SCOTT COUNTY, IOWA, SUBJECT TO ALL EASEMENTS, EXCEPT. THAT PART CONVEYED TO THE CITY OF DAVENPORT, IOWA IN WARRANTY DEED FILED MAY 10, 1977 AND RECORDED AS DOCUMENT NO. 8730-77, IN THE RECORDER'S OFFICE OF SCOTT COUNTY, IOWA.

PIN N0712-27 DOC #: 2017-23401:

LOT 8 OF HANLIN'S ADDITION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA, EXCEPT PART TO THE CITY.

EXHIBIT B

List of Owners:

Kurt, Shana & Tina Schindler
2701 E. 53rd St.
Davenport, IA 52807

Kurt, Shana & Tina Schindler
2719 E. 53rd St.
Davenport, IA 52807

June M. Schindler
2733 E. 53rd St.
Davenport, IA 52807

Gary L. White
2745 E. 53rd St.
Davenport, IA 52807

Charlotte A. Powers
2757 E. 53rd St.
Davenport, IA 52807

Johnny S. & Ann L. Martin
5222 Fairhaven Rd.
Davenport, IA 52807

Jerry & Marcia Ludden
5221 Fairhaven Rd.
Davenport, IA 52807

Donald Smith
5207 Fairhaven Rd.
Davenport, IA 52807

Lyle & Christine Swanson
5206 Fairhaven Rd.
Davenport, IA 52807

City of Davenport

Agenda Group: Community Development **Action / Date**
Department: Community Planning & Economic Development **CD7/18/2018**
Contact Info: Matt Flynn 563.888.2286
matt.flynn@ci.davenport.ia.us
Wards: 6

Subject:
Second Consideration: Ordinance for Case No. ROW18-01 being the request of William Torchia on behalf of WCT Investments Davenport Series, LLC for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate commercial development. [Ward 6]

Recommendation:
Adopt the ordinance.

Relationship to Goals:
Welcome Investment.

Background:
Please see attached documentation for background information.

At its regular meeting of July 2, 2018, the City Plan and Zoning Commission considered Case No. ROW18-01.

Findings:
1. Approved design improvements to East 53rd Street related to the Costco development include a median at the intersection of East 53rd Street and Fairhaven Road, which would convert Fairhaven Road to right-in/right-out only. This would reduce the number of vehicles entering and exiting the East 53rd Street/Fairhaven Road intersection;
2. The traffic impact study demonstrates that additional traffic caused by the proposed development, which includes partially vacating and incorporating Fairhaven Road into the development, would not significantly impact adjacent roadways; and
3. Partially vacating and incorporating Fairhaven Road into the proposed development would allow for a more efficient design of the commercial development.

Recommendation:
The Plan and Zoning Commission accept the listed findings and forwards Case No. ROW18-01 to the City Council with a recommendation for approval subject to the following conditions:
1. That the right-of-way vacation be subject to the approval and adoption of the rezoning ordinance for Case No. REZ18-08;
2. That a utility easement be provided in the location existing utilities; and
3. That the area for the Fairhaven Road turnaround be dedicated to the City of Davenport as public right-of-way.

ATTACHMENTS:

Type	Description

Ordinance	Ordinance
Backup Material	Plan and Zoning Commission Letter to City Council - 7-3-2018
Backup Material	7-2-2018 - Plan and Zoning Commission Vote Results
Backup Material	Staff Report to Plan and Zoning Commission - 7-2-2018 Meeting
Backup Material	Public Hearing and Neighborhood Meeting Notice
Backup Material	Public Hearing Notice - QC Times - 7-10-2018
Backup Material	Application

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	7/11/2018 - 3:18 PM
Community Development Committee	Berger, Bruce	Approved	7/11/2018 - 3:19 PM
City Clerk	Admin, Default	Approved	7/11/2018 - 5:04 PM

ORDINANCE NO.

ORDINANCE for Case No. ROW18-01: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate commercial development. [Ward 6]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby vacated.

The legal description of the proposed rezoning is as follows:

Part of the Southeast Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

A part of Fairhaven Road as shown on the plat of Hanlin's Addition, which is recorded in book 65, at page 123 in the office of the Scott County Recorder of Deeds, being more particularly bounded and described as follows:

Beginning at the southeast corner of lot 3 in said Hanlin's Addition, thence north, along the east line of said lot 3, to the intersection of said east line and the south right of way line of east 53rd street; thence east along said south right of way line to the intersection of said south right of way line and the west line of lot 2 in said Hanlin's Addition; thence south along the said west line of lot 2 to the southwest corner of said lot 2; thence west to the point of beginning. Said tract contains 14,898 square feet, more or less.

Section 2. That the following findings and conditions are hereby imposed upon said right-of-way vacation:

1. That the right-of-way vacation be subject to the approval and adoption of the rezoning ordinance for Case No. REZ18-08;
2. That a utility easement be provided in the location existing utilities; and
3. That the area for the Fairhaven Road turnaround be dedicated to the City of Davenport as public right-of-way.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC, Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

July 3, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of July 2, 2018, the City Plan and Zoning Commission considered Case No. ROW18-01: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate commercial development. [Ward 6]

Findings:

1. Approved design improvements to East 53rd Street related to the Costco development include a median at the intersection of East 53rd Street and Fairhaven Road, which would convert Fairhaven Road to right-in/right-out only. This would reduce the number of vehicles entering and exiting the East 53rd Street/Fairhaven Road intersection;
2. The traffic impact study demonstrates that additional traffic caused by the proposed development, which includes partially vacating and incorporating Fairhaven Road into the development, would not significantly impact adjacent roadways; and
3. Partially vacating and incorporating Fairhaven Road into the proposed development would allow for a more efficient design of the commercial development.

Recommendation:
Staff recommends that the Plan and Zoning Commission accept the listed findings and forward Case No. ROW18-01 to the City Council with a recommendation for approval subject to the following conditions:

1. That the right-of-way vacation be subject to the approval and adoption of the rezoning ordinance for Case No. REZ18-08;
2. That a utility easement be provided in the location existing utilities; and
3. That the area for the Fairhaven Road turnaround be dedicated to the City of Davenport as public right-of-way.

The Commission vote was 5 yes, 4 no and 0 abstention.

Respectfully submitted,

Robert Inghram, Chairperson
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record
Meeting Date: 7-2-2018
Meeting Location: Council Chambers-City Hall

		APPROVED	APPROVED	APPROVED	APPROVED
Name:	Roll Call	REZ18-08	CP18-02	ROW18-01	F18-08
Connell	P	Y	Y	Y	Y
Hepner	P	N	N	N	Y
Inghram	P				
Johnson	P	Y	Y	Y	Y
Kelling	P	N	N	N	Y
Lammers	P	N	N	N	Y
Maness	EX				
Medd	P	Y	Y	Y	Y
Quinn	P	Y	Y	Y	Y
Reinartz	P	N	N	N	Y
Tallman	P	Y	Y	Y	Y
		5-YES 4-NO 0-ABSTAIN	5-YES 4-NO 0-ABSTAIN	5-YES 4-NO 0-ABSTAIN	9-YES 0-NO 1-ABSTAIN

City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

Meeting Date: July 2, 2018
Request: Case No. ROW18-01: Request of William Torchia on behalf of WCT Investments Davenport Series for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate commercial development. [Ward 6]

Recommendation:

Staff recommends that the Plan and Zoning Commission accept the listed findings and forward Case No. ROW18-01 to the City Council with a recommendation for approval subject to the listed conditions.

Introduction:

The petitioner is requesting to rezone and partially vacate Fairhaven Road to facilitate redevelopment of the property as commercial.

AREA CHARACTERISTICS:

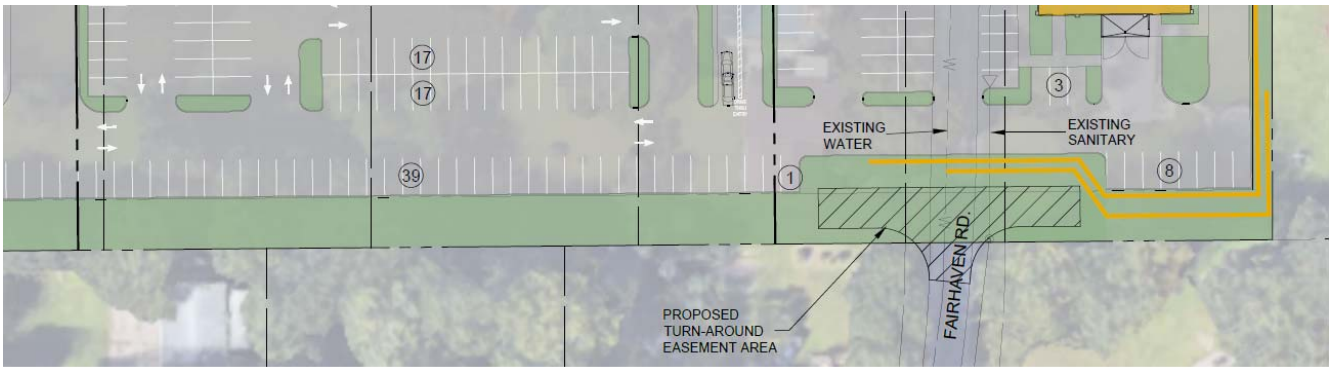
Aerial Map

Discussion:

Request Summary:

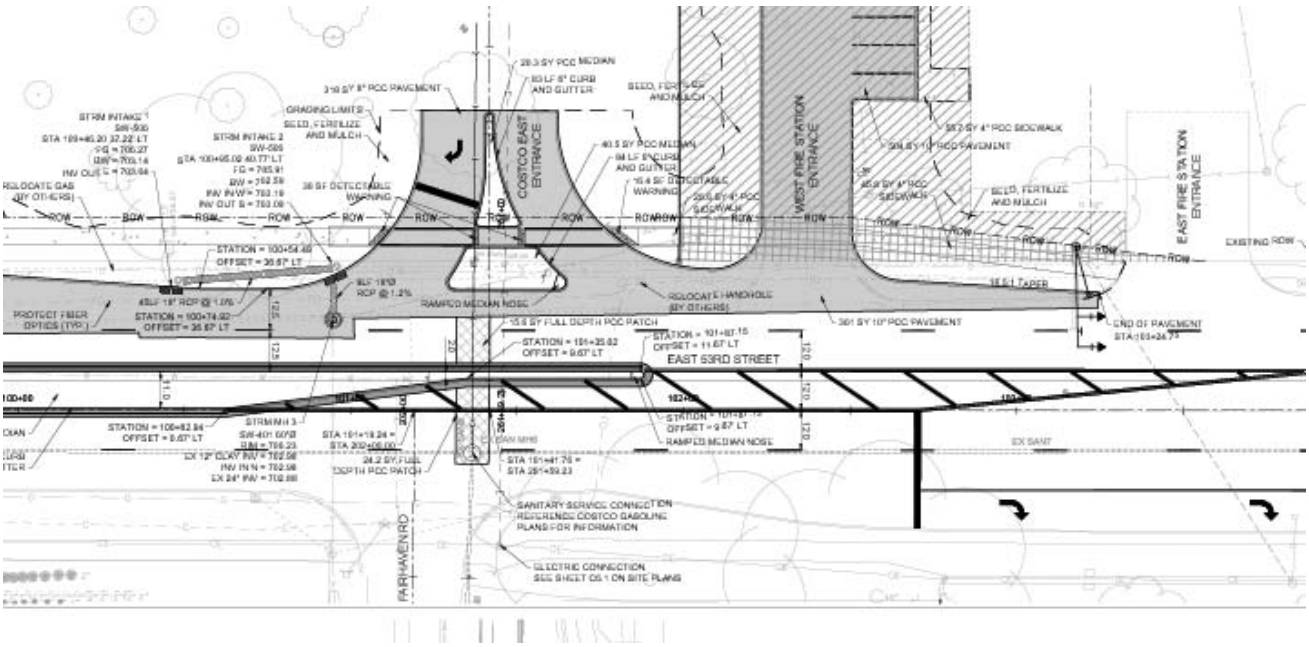
The applicant is requesting to rezone (REZ18-08) to “PDD” Planned Development District to facilitate redevelopment of the property as commercial. Nine properties would be acquired for the redevelopment. The right-of-way vacation is to allow a portion of Fairhaven Road to be incorporated into the development.

A turnaround would be constructed at the applicant expense at the newly terminated roadway.



Concept Plan depicting the turnaround at the newly terminated roadway.

Fairhaven Road is in the location of the proposed development’s second driveway entrance. Approved design improvements to East 53rd Street related to the Costco development include a median at the intersection of East 53rd Street and Fairhaven Road, which would convert Fairhaven Road to right-in/right-out only.



Design of the right-in/right-out entrance at Costco.

The applicant hired Traffic Impact Group, LLC, which completed a traffic study on June 26, 2018. A summary of the results are as follows:

The purpose of utilizing PM and Saturday Peak time measurements is because that is the time period, which the most cars will travel the roadway.

The proposed development is expected to generate 414 new entering trips and 383 new exiting trips in the PM peak hour, and 574 new entering and 564 new exiting trips in the Saturday peak hour. This site will also experience pass-by and diverted link trips, which have also been included in the driveway analysis.

The study area included the following intersections:

- East 53rd Street & Lorton Avenue;
- East 53rd Street & Costco west driveway/West Access;
- East 53rd Street & Costco east driveway/Fairhaven Road (East Access);
- East 53rd Street & Elmore Circle; and
- East 53rd Street & Elmore Avenue.

Analysis of 2019 full build conditions for all intersections indicated acceptable levels of service would be maintained with existing intersection configurations. Some signal timing adjustments may be needed for the added traffic volumes.

The traffic impact study is recommending that the west driveway access be modified such that the turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue.

These changes have been partially incorporated into the Land Use Plan.

The traffic impact study was reviewed and accepted by the City traffic engineer.

<u>Proposed Traffic Impact to Fairhaven Road.</u>
The traffic impact study shows that existing northbound Fairhaven Road traffic entering the East 53rd Street intersection is 6 vehicles during the PM peak and 4 vehicles during the Saturday peak. The traffic impact study shows that existing East 53rd Street turning southbound onto Fairhaven Road is 11 vehicles during the PM peak and 8 vehicles during the Saturday peak. The traffic impact study shows the total number of vehicles (both direction) on Fairhaven Road is 17 vehicles during the PM peak and 12 vehicles during the Saturday peak.

In response to concerns regarding increased traffic and raised at the June 14, 2018 Neighborhood Meeting and the June 19, 2018 Plan and Zoning Commission Public Hearing Davenport Public Works measured traffic on Fairhaven Road to better understand the number of vehicles traveling on the roadway and their traveling speed. Traffic was measured June 20-25, 2018. A summary of the results are as follows:

Three day count on Fairhaven Road north of East 51st Street

- Averaged 140 vehicles per day.

Additionally, there was one reported crash on Fairhaven Road within the past seven years. A parked car was sideswiped in 2013.

Proposed Traffic Impact to Lorton Avenue.

The traffic impact study shows that existing northbound Lorton Avenue traffic entering the East 53rd Street intersection is 15 vehicles during the PM peak and 15 vehicles during the Saturday peak. The traffic impact study shows that existing East 53rd Street turning southbound onto Lorton Avenue is 22 vehicles during the PM peak and 19 vehicles during the Saturday peak. The traffic impact study shows the total number of vehicles (both direction) on Lorton Avenue is 37 vehicles during the PM peak and 34 vehicles during the Saturday peak.

The traffic impact study projects that 2019 full build northbound Lorton Avenue traffic entering the East 53rd Street intersection would be 21 vehicles during the PM peak and 19 vehicles during the Saturday peak. The traffic impact study shows that existing East 53rd Street turning southbound onto Lorton Avenue is 33 vehicles during the PM peak and 27 vehicles during the Saturday peak. The traffic impact study shows the total number of vehicles (both direction) on Lorton Avenue would be 54 vehicles during the PM peak and 46 vehicles during the Saturday peak.

The 2019 full build out (includes the Costco development and the subject property fully developed) projects an increase on Lorton Avenue of 17 vehicles (both directions) during the PM peak and 12 vehicles (both directions) during the Saturday peak.

Davenport Public Works measured traffic on Lorton Avenue to better understand the number of vehicles traveling on the roadway and their traveling speed. Traffic was measured June 20-25, 2018. A summary of the results are as follows:

Three day count on Lorton Avenue just south of 53rd St

- Averaged 377 vehicles per day.

Three day count on Lorton Avenue at a point approximately half way between East 46th Street and East 51st Street

- Averaged 420 vehicles per day. *Please note that traffic measured in October 2017 was 482 vehicles per day.*
- Average speed was 27.6 mph and 85th percentile was 33 mph.

Additionally, there was one reported crash on Lorton Avenue between East 46th and East 53rd Streets within the past seven years. A parked car was sideswiped in 2015.

There are utilities (water, sewer and electric) located within the existing Fairhaven Road right-of-way. Therefore, a utility easement would be to be retained.

Public Input (related to the Fairhaven Road right-of-way vacation):

A neighborhood meeting was held on June 14, 2018 at the Eastern Avenue Library. Approximately 55 people attended. The Plan and Zoning Commission held a public hearing on June 19, 2018. Stated concerns include related to the condition of Fairhaven Road and the potential for increased traffic on Lorton Avenue if Fairhaven Road is closed.

Staff Recommendation

Findings:

1. Approved design improvements to East 53rd Street related to the Costco development include a median at the intersection of East 53rd Street and Fairhaven Road, which would convert Fairhaven Road to right-in/right-out only. This would reduce the number of vehicles entering and exiting the East 53rd Street/Fairhaven Road intersection;
2. The traffic impact study demonstrates that additional traffic caused by the proposed development, which includes partially vacating and incorporating Fairhaven Road into the development, would not significantly impact adjacent roadways; and
3. Partially vacating and incorporating Fairhaven Road into the proposed development would allow for a more efficient design of the commercial development.

Recommendation:
Staff recommends that the Plan and Zoning Commission accept the listed findings and forward Case No. ROW18-01 to the City Council with a recommendation for approval subject to the following conditions:

1. That the right-of-way vacation be subject to the approval and adoption of the rezoning ordinance for Case No. REZ18-08;
2. That a utility easement be provided in the location existing utilities; and
3. That the area for the Fairhaven Road turnaround be dedicated to the City of Davenport as public right-of-way.

Prepared by:

Ryan Rusnak, AICP
Planner III

PUBLIC HEARING NOTICE
CITY COUNCIL
CITY OF DAVENPORT

Public Hearing Details:

Date: 7/18/2018 Ward: **6th**

Time: 5:30 PM

Location: Rezoning: South side of East 53rd Street east of Lorton Avenue.
Right-of-way vacation (abandonment): Fairhaven Road extending approximately 285 feet south from East 53rd Street.

Subject: Public hearing to rezone property and partially vacate (abandon) right-of-way before the City Council.

Case #: REZ18-08 and ROW18-01

To: All property owners within 200 feet of the subject property.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a request to rezone property and partially vacate (abandon) right-of-way. The purpose of the request is to facilitate redevelopment of the property as commercial.

Request Description

- Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located south of East 53rd Street and east of Lorton Avenue from "R-1" Low Density Dwelling District to "PDD" Planned Development District to facilitate redevelopment of the property as commercial. [Ward 6]

The Plan and Zoning Commission accepted the listed findings and forwards Case No. REZ18-08 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That a 25 foot wide landscape buffer be maintained along the south property line. This landscape buffer has contain a 6 foot high fence along the northern portion of the landscape buffer;
3. That a 25 foot wide landscape buffer be maintained along the west property line;
4. That there be no vehicular access to Lorton Avenue;
5. That the following uses be prohibited because the potential for incompatibility with the surrounding residential properties: carryout sales of alcoholic beverages; gasoline stations and car washes;
6. That any dumpsters be located at least 60 feet from the south and west property line;
7. That parking lot lighting be shielded and directed away from the residential properties to the south and west;
8. That a sidewalk be installed from the East 53rd Street sidewalk into the proposed development to facilitate pedestrian access to the commercial development;
9. That the west driveway access to East 53rd Street turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue; and
10. In the event that the "PDD" Planned Development District and/or "HCOD" Highway Corridor Overlay District are supplanted by new zoning ordinance classifications and regulations, the City or property owner shall rezone the property to a commercial classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

The Commission vote was 5 yes, 4 no and 0 abstention.

- Case No. ROW18-01: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate redevelopment of the property as commercial. [Ward 6]

The Plan and Zoning Commission accepted the listed findings and forwards Case No. ROW18-01 to the City Council with a recommendation for approval subject to the following conditions:

1. That the right-of-way vacation be subject to the approval and adoption of the rezoning ordinance for Case No. REZ18-08;
2. That a utility easement be provided in the location existing utilities; and
3. That the area for the Fairhaven Road turnaround be dedicated to the City of Davenport as public right-of-way.

The Commission vote was 5 yes, 4 no and 0 abstention.

What are the Next Steps after the Public Hearing?

The 7/18/2018 public hearing is the first step in the review/approval process by the City Council. For the specific dates and times of subsequent meetings, please contact the case planner on the next page.

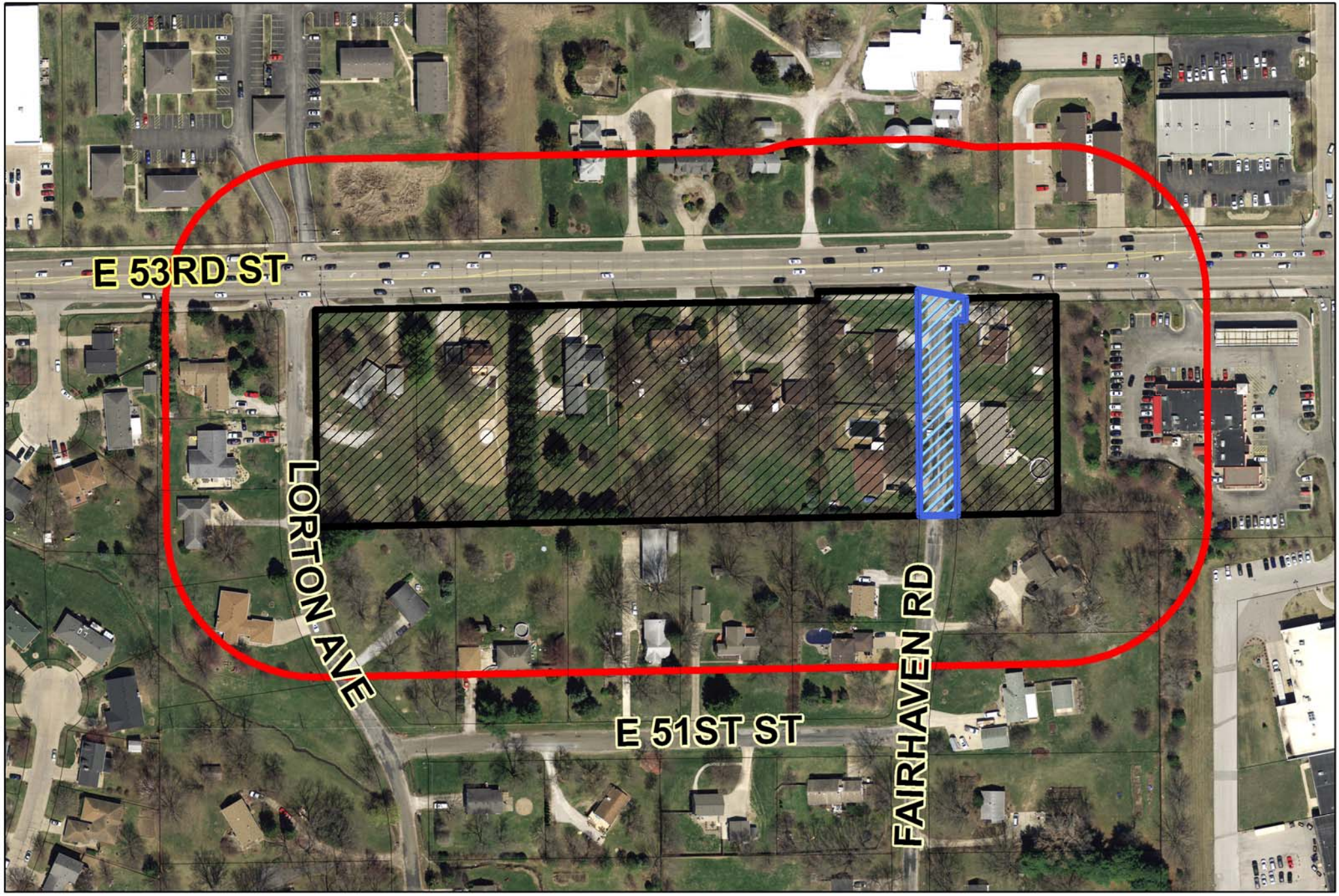
Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Ryan Rusnak, AICP, the case planner assigned to this project at rrusnak@ci.davenport.ia.us or 563-888-2022. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.



Property Requested to be Rezoned

Right-of-Way Requested to be Vacated

200 Foot Notification Radius

N

FID	TAX_RECORD	Parcel	Land_Area	Address	Deed1_Name	Deed1_Addr	Deed1_CSZ
1	SINGLE	N0712-03	43552.87026	5119 FAIRHAVEN RD	NANCY J BUSCH	5119 FAIRHAVEN RD	DAVENPORT IA 52807
2	SINGLE	N0712-04	9943.068475	5105 FAIRHAVEN RD	JEWELL CHANIN	5105 FAIRHAVEN RD	DAVENPORT IA 52807-3078
3	SINGLE	N0712-28	32457.41339	5115 LORTON AV	APOLINAR JIMENEZ	5115 LORTON AV	DAVENPORT IA 52807
4	SINGLE	N0712-29	29801.34219	2714 E 51ST ST	TIMOTHY REDMOND	2714 E 51ST ST	DAVENPORT IA 52807
5	SINGLE	N0712-30	29801.41561	2728 E 51ST ST	MARY HOLCK	2728 E 51ST ST	DAVENPORT IA 52807-3085
6	SINGLE	N0712-31	29806.59985	2742 E 51ST ST	DAVID & ELLEN ODEAN TRUST	2742 E 51ST ST	DAVENPORT IA 52807-3085
7	SINGLE	N0712-38	8769.896041	5102 FAIRHAVEN RD	TIMOTHY KLUDY TAMMY KLUDY	5102 FAIRHAVEN RD	DAVENPORT IA 52807
8	SINGLE	N0712-39	22911.19434	5106 FAIRHAVEN RD	GABRIEL COUSSENS SHELLY COUSSENS	5106 FAIRHAVEN RD	DAVENPORT IA 52807
9	SINGLE	N0712-42	17835.25712	5120 LORTON AV	JAMES VICTOR	6113 LAKESHORE CR	DAVENPORT IA 52807
10	SINGLE	N0739-01A	21130.08836	2643 E 53RD ST	RICHARD JONES LYNN JONES	2643 E 53RD ST	DAVENPORT IA 52807
11	SINGLE	N0739-02A	14213.89297	5220 LORTON AV	ERIC WILSON COURTNEY WILSON	5220 LORTON AV	DAVENPORT IA 52807-3026
12	SINGLE	N0739-04	14713.21736	5112 LORTON AV	DONALD ANGERER DOLORES ANGERER	5112 LORTON AVE	DAVENPORT IA 52807
13	SINGLE	N0833-01D	58597.54531	2843 E 53RD ST	BETHANY ENTERPRISES INC	5 HIGHLAND GREEN CT	BETTENDORF IA 52722
14	SINGLE	N0833-02H	4507.35171	5250 ELMORE AV	FALLS PLAZA LLC	3044 VILLAGE PARK DR	PLOVER WI 54467
15	SINGLE	Y0723-11E	20697.639	2802 E 53RD ST	CITY OF DAVENPORT	226 W 4TH ST	DAVENPORT IA 52801
16	SINGLE	Y0817-09G	1423.032604	2820 E 53RD ST	TORIA SQUARE INC	4928 WOODY CREEK CR	BETTENDORF IA 52722
17	MULTIPLE		38100.23924		JERSEY MEADOWS NORTH CONDOS	2700 E 53RD ST	DAVENPORT IA 52807
18	SINGLE	Y0723-02E	78605.5585	2790 E 53RD ST	COSTCO WHOLESALE CORPORATION	999 LAKE DR	ISSAQUAH WA 98027

PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT

Public Hearing Details:

Date: 6/19/2018 Ward: **6th**
Time: 5:00 PM
Location: Rezoning: South side of East 53rd Street east of Lorton Avenue.
Right-of-way vacation (abandonment): Fairhaven Road extending approximately 285 feet south from East 53rd Street.
Subject: Public hearing to rezone property and partially vacate (abandon) right-of-way before the Plan and Zoning Commission.
Case #: REZ18-08 and ROW18-01

To: All property owners within 200 feet of the subject property.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a request to rezone property and partially vacate (abandon) right-of-way. The purpose of the request is to facilitate redevelopment of the property as commercial.

Request Description

- Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located south of East 53rd Street and east of Lorton Avenue from "R-1" Low Density Dwelling District to "PDD" Planned Development District to facilitate redevelopment of the property as commercial. [Ward 6]
- Case No. ROW18-01: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate redevelopment of the property as commercial. [Ward 6]

What are the Next Steps after the Public Hearing?

The 6/19/2018 public hearing is the first step in the review/approval process. The Plan and Zoning will meet on 7/2/2018 to vote (provide its recommendation) on the request. 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.

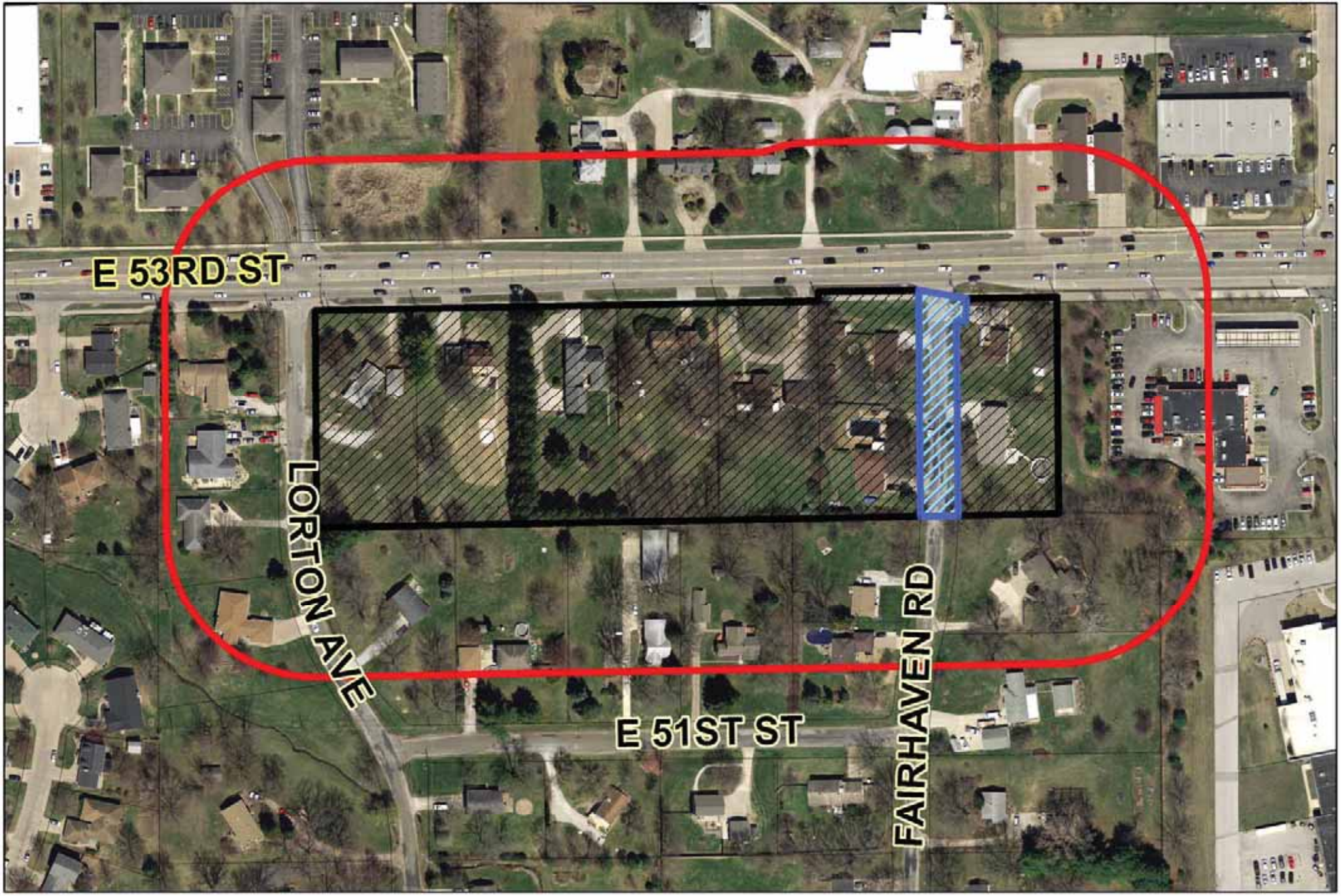
Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Ryan Rusnak, AICP, the case planner assigned to this project at rrusnak@ci.davenport.ia.us or 563-888-2022. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.



Property Requested to be Rezoned

Right-of-Way Requested to be Vacated

200 Foot Notification Radius

N

FID	TAX_RECORD	Parcel	Land_Area	Address	Deed1_Name	Deed1_Addr	Deed1_CSZ
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City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
NEIGHBORHOOD MEETING – PROPOSED DEVELOPMENT
THURSDAY, JUNE 14 2018 – 6:00 P.M.
DAVENPORT PUBLIC LIBRARY – EASTERN BRANCH, 6000 EASTERN AVENUE

You are invited to a neighborhood meeting regarding the following request:

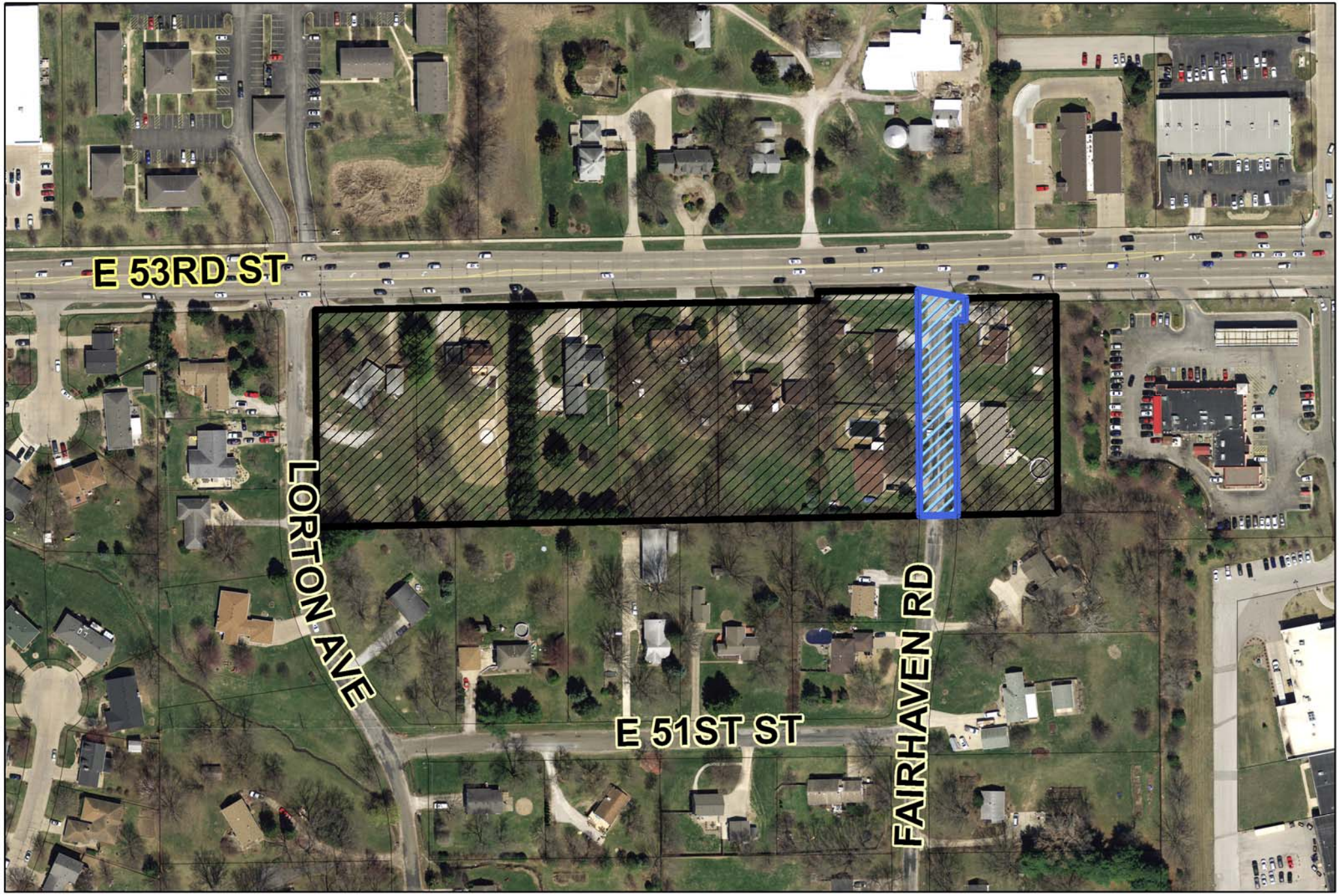
Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a rezoning on 6.5 acres, more or less, located south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District and partially vacate (abandon) Fairhaven Road to facilitate redevelopment of the property as commercial. [Ward 6]

Please see map on the back for the location of the proposed development.

The purpose of the meeting is to allow the developer to describe the proposed development, answer any questions you have and hear any concerns about the proposed development.

The City of Davenport will send additional notices informing you of the date, time and location of public hearings for the rezoning request.

City of Davenport
Community Planning and Economic Development Department
Phone 563-326-7765, email planning@ci.davenport.ia.us



Property Requested to be Rezoned

Right-of-Way Requested to be Vacated

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To: Accounting/Public Notices

Re: Public Notice

Please publish the following Committee of the Whole public hearing notice in the July 10, 2018 edition of the Quad City Times.

The PO number for this notice is PO1900159.

We would appreciate receiving proof of publication for our records. If you have any questions, please contact me at the same email address this was sent with or at my phone number listed in my email.

NOTICE
PUBLIC HEARING
WEDNESDAY, July 18, 2018, 2018 5:30 PM
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA

There are on file in the City of Davenport Community Planning and Economic Development Department the following petitions:

Case No. REZ18-08: Request of William Torchia on behalf of WCT Investments Davenport Series for a rezoning on 6.5 acres, more or less, located along the south of East 53rd Street and east of Lorton Avenue from "R-1 Low Density Dwelling District to "PDD" Planned Development District to facilitate commercial development. [Ward 6]

The legal description of the proposed rezoning is as follows:

Part of the Southeast Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

A part of lots four (4) through eight (8) in Hanlin's Addition, the plat of which is recorded in book 65, at page 123 in the office of the Scott County Recorder of Deeds, a part of lot 1 and all of lot 2 in the final plat of the Replat of lot 2 in Hanlin's Addition, the plat of which is recorded in document number 9727-76 in the office of the Scott County Recorder of Deeds, a part of lot 1 and all of lot 2 in the final plat of the Replat of lot 3 in Hanlin's Addition, the plat of which is recorded in document number 13789-75 in the office of the Scott County Recorder of Deeds and a part of Fairhaven Road lying adjacent to said final plat of the Replat of lot 2 and said final plat of the Replat of lot 3, being more particularly described as follows:

Beginning at the southwest corner of said lot eight (8) of said Hanlin's Addition, thence northerly along the east right of way line of Lorton avenue 288 feet, more or less, to the south right of way line of east 53rd street; thence east along said south right of way line 667 feet, more of less, to the west line of lot two (2) of the final plat of the Replat of lot 3 in Hanlin's Addition; thence north, along said west line of said lot two (2) 12 feet, more or less, to the northwest corner of said lot two (2) and said south right of way line of east 53rd street; thence east along said south right of way line 133 feet, more or less, to the west right of way line of Fairhaven road; thence south along said west right of way line 18 feet, more or less; thence east 55 feet, more or less, to said south right of way line of east 53rd street; thence in a northeasterly direction, along a curve to the right, having a radius of 20 feet, for an arc distance of 15.9 feet more or less; thence east along said south right of way line 113 feet, more or less, to the east line of lot one (1) of the final Replat of lot 2 in Hanlin's Addition; thence south along

said east line 288 feet, more or less, to the southeast corner of lot two (2) of the final Replat of lot 2 in Hanlin's Additio; thence west, 984 feet more or less to the point of beginning. Said tract contains 6.5 acres, more or less.

The Plan and Zoning Commission forwards Case REZ18-08 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That a 25 foot wide landscape buffer be maintained along the south property line. This landscape buffer has contain a 6 foot high fence along the northern portion of the landscape buffer;
3. That a 25 foot wide landscape buffer be maintained along the west property line;
4. That there be no vehicular access to Lorton Avenue;
5. That the following uses be prohibited because the potential for incompatibility with the surrounding residential properties: carryout sales of alcoholic beverages; gasoline stations and car washes;
6. That any dumpsters be located at least 60 feet from the south and west property line;
7. That parking lot lighting be shielded and directed away from the residential properties to the south and west;
8. That a sidewalk be installed from the East 53rd Street sidewalk into the proposed development to facilitate pedestrian access to the commercial development;
9. That the west driveway access to East 53rd Street turn and through lanes extend to the southernmost east-west driveway to avoid being blocked by the through movement queue; and
10. In the event that the "PDD" Planned Development District and/or "HCOD" Highway Corridor Overlay District are supplanted by new zoning ordinance classifications and regulations, the City or property owner shall rezone the property to a commercial classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

Case No. ROW18-01: Request of William Torchia on behalf of WCT Investments Davenport Series for the vacation (abandonment) of 0.34 acre (14,812 square feet), more or less, of right-of-way known as Fairhaven Road extending approximately 285 feet south from East 53rd Street to facilitate commercial development. [Ward 6]

The legal description of the proposed rezoning is as follows:

Part of the Southeast Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

A part of Fairhaven Road as shown on the plat of Hanlin's Addition, which is recorded in book 65, at page 123 in the office of the Scott County Recorder of Deeds, being more particularly bounded and described as follows:

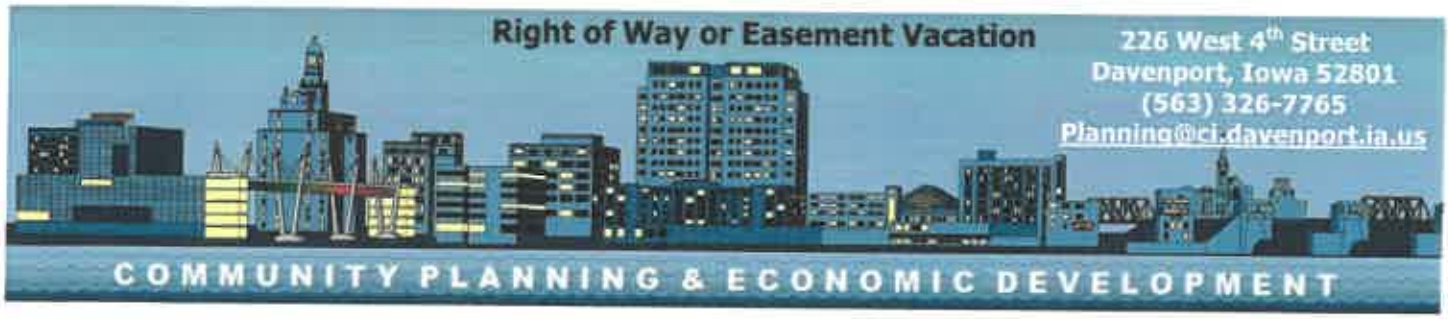
Beginning at the southeast corner of lot 3 in said Hanlin's Addition, thence north, along the east line of said lot 3, to the intersection of said east line and the south right of way line of east 53rd street; thence east along said south right of way line to the intersection of said south right of way line and the west line of lot 2 in said Hanlin's Addition; thence south along the said west line of lot 2 to the southwest corner of said lot 2; thence west to the point of beginning. Said tract contains 14,898 square feet, more or less.

The Plan and Zoning Commission forwards Case ROW18-01 to the City Council with a recommendation for approval subject to the following conditions.

1. That the right-of-way vacation be subject to the approval and adoption of the rezoning ordinance for Case No. REZ18-08;
2. That a utility easement be provided in the location existing utilities; and
3. That the area for the Fairhaven Road turnaround be dedicated to the City of Davenport as public right-of-way.

Public hearing(s) on the above matter(s) are scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, July 19, 2018 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No 1900159.

Department of Community Planning & Economic Development
E-MAIL: planning@ci.davenport.ia.us PHONE: 563-326-7765



Property Address* [redacted] feet on Fairhaven Road, Davenport, IA 52807

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

Applicant (Primary Contact)

Name:	William Torchia
Company:	WCT Investments Davenport Series, LLC
Address:	2813 N. Main St.
City/State/Zip:	Peoria, IL 61611
Phone:	(309) 696-7185
Email:	wiltorchia@aol.com

Owner (If different from Applicant)

Name:	
Company:	City of Davenport
Address:	226 W. 4th St.
City/State/Zip	Davenport, IA 52801
Phone:	(563) 326-7711
Email:	

Engineer (If applicable)

Name:	Devin Birch
Company:	Austin Engineering Company, Inc.
Address:	220 Emerson Place, Ste. 305
City/State/Zip	Davenport, IA 52801
Phone:	(563) 207-4605
Email:	dbirch@austinengineeringcompany.com

Architect (If applicable)

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

Attorney (If applicable)

Name:	Thomas J. Pastrnak
Company:	Pastrnak Law Firm, P.C.
Address:	313 W. 3rd St.
City/State/Zip:	Davenport, IA 52801
Phone:	(563) 323-7737
Email:	tpastrnak@pastrnak.com

Application Form Type:

Plan and Zoning Commission

- Rezoning (Zoning Map Amendment) ☐
- Zoning Ordinance Text Amendment ☐
- Right-of-way or Easement Vacation ☑
- Final Development Plan ☐
- Voluntary Annexation ☐
- Subdivision ☐

Zoning Board of Adjustment

- Appeal from an Administrative Decision ☐
- Special Use Permit - New Cell Tower ☐
- Home Occupation Permit ☐
- Special Exception ☐
- Special Use Permit ☐
- Hardship Variance ☐

Design Review Board

- Certificate of Design Approval ☐
- Demolition Request in the Downtown ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
- Landmark Nomination ☐
- Demolition Request ☐

Administrative

- Floodplain Development ☐
- Cell Tower Co-Location ☐
- Identification Signs ☐
- Site Plan ☐

Request: 285

Vacation of [redacted] of Fairhaven Road, beginning at the corner of 53rd St. and Fairhaven Rd. and continuing south approximately twenty-five (25) feet. Engineer will provide a legal description.

Total Land Area: 0.34, +/- Acres

Submittal Requirements:

- The completed application form.
- Required fee: $400.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:

- Prior to submission of the application for the right-of-way or easement vacation, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the right-of-way or easement vacation process.
- Applications and supporting documentation should be submitted to planning@ci.davenport.ia.us for review.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Public Notice for the Plan and Zoning Commission public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the right-of-way or easement vacation:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(4) City Council's consideration of the right-of-way or easement vacation:

- Planning staff will send a public hearing notice to surrounding property owners.
- The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a right-of-way or easement vacation to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: WCT Investments Davenport Series, LLC Date: 5/29/18

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure.

Received by: Ryan Rusnak Date: 5/29/2018

Planning staff

Public Hearing: 6-19-2018

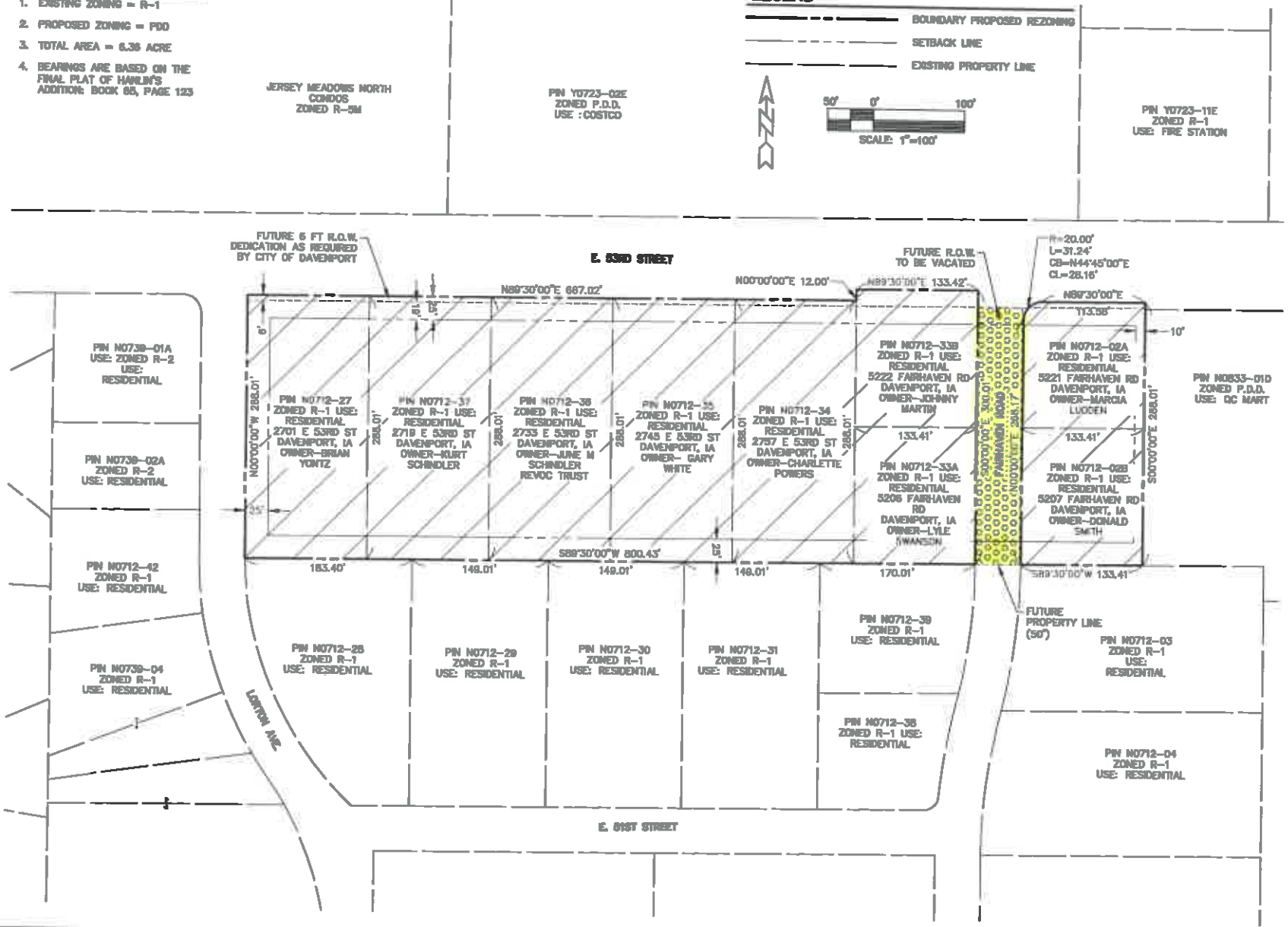
GENERAL NOTES

1. EXISTING ZONING = R-1
2. PROPOSED ZONING = PDD
3. TOTAL AREA = 6.36 ACRE
4. BEARINGS ARE BASED ON THE FINAL PLAT OF HAHLIN'S ADDITION: BOOK 65, PAGE 123

LEGEND

BOUNDARY PROPOSED REZONING
SETBACK LINE
EXISTING PROPERTY LINE

50' 0' 100'
SCALE: 1"=100'



AUSTIN ENGINEERING CO., INC.
Consulting Engineers / Surveyors
220 Emerson Place, Suite 306
Davenport, Iowa 52801
Certificate No. CS131338

ZONING EXHIBIT PLAT

WCT INVESTMENTS
DAVENPORT, IOWA

E. 53RD STREET
DAVENPORT, IA 52807

ISSUED
05-25-18 EXHIBIT PLAT

ZONING EXHIBIT PLAT

PROJECT NO
N76-18-023

DATE
05-25-18

SHEET
E-1

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 563.888.2286
matt.flynn@ci.davenport.ia.us
Wards: 6

Action / Date
COW8/1/2018

Subject:
First Consideration: Ordinance for Case No. REZ18-09 being the request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 8.83 acres, more or less, located along the north side of East 56th Street east of Utica Ridge Road from “C-O” Office Shop District to “C-1” Neighborhood Shopping District on 1.5 acres to facilitate commercial development. [Ward 6]

The Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial. Eight votes are required for passage.

Recommendation:
Adopt the Ordinance.

Relationship to Goals:
Welcome Neighborhoods

Background:
Please see attached documentation for background information.

At its regular meeting of July 17, 2018, the City Plan and Zoning Commission considered Case No. REZ18-09. The Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial.

The Commission vote was 3 yes, 4 no and 1 abstention.

ATTACHMENTS:

Type	Description
Ordinance	Rezoning Ordinance
Backup Material	Plan and Zoning Commission Letter to City Council - 7-18-2018
Backup Material	Plan and Zoning Commission Vote Results - 7-17-2018
Backup Material	Proposed Site Plan
Backup Material	Staff Report to Plan and Zoning Commission - 7-17-2018 Meeting
Backup Material	Public Engagement Summary and Protests

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Rusnak, Ryan	Approved	7/23/2018 - 2:06 PM

ORDINANCE NO.

ORDINANCE for Case No. REZ18-09 being the request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 1.5 acres, more or less, located at the northeast corner of Utica Ridge Road and East 56th Street from "C-O" Office Shop District to "C-1" Neighborhood Shopping District to facilitate commercial development. [Ward 6]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned.

The property has the following legal description:

Part of the Northwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

A Tract of land located in Lot 2 of Crow Valley Plaza Tenth Addition to the City of Davenport, part of the Northwest Quarter of Section 9, Township 78 North, Range 4 East of the Fifth Principal Meridian, Scott County, Iowa, more particularly described as follows:

Commencing at the Southeast corner said Lot 2; Thence North 81° 51' 34" West along the South line of said Lot 2, also being the North line of East 56th Street, a distance of 724.52 feet to the point of beginning; Thence continuing North 81° 51' 34" West along said North right of way line of East 56th Street, a distance of 286.56 feet to a point on a 15.00 feet radius curve, concave Northeasterly; Thence Northwesterly along said curve, a distance of 23.56 feet, with a 21.21 feet chord bearing North 36° 51' 31" West to a point on the Easterly right of way line of Utica Ridge Road ; Thence North 08° 08' 32" East along the Easterly right of way line of Utica Ridge Road, a distance of 201.66 feet; Thence South 81° 51' 34" East, a distance of 301.56 feet; Thence South 08° 08' 32" West, a distance of 216.67 feet to the Point of Beginning, containing 1.5 acres, square feet more or less. Subject to easements and restrictions of record.

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

1. That the following uses not be permitted:
   a. Filling station
   b. Messenger or telegraph service station
   c. Public garage
   d. Used car lot
   e. Garage, storage, and parking lot
   f. Laundry and dry cleaning

g. Theater
h. Drive-in theater
i. Motel/hotel
j. Undertaking establishment
k. Service station
l. Coin operated laundry
m. Open animal kennels or yards

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch, Mayor

Attest: _____
Jackie Holecek, CMC, Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

July 18, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

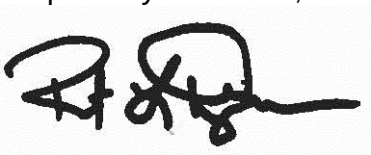
Honorable Mayor and City Council:

At its regular meeting of July 17, 2018, the City Plan and Zoning Commission considered Case No. REZ18-09: Request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 8.83 acres, more or less, located along the north side of East 56th Street east of Utica Ridge Road from "C-O" Office Shop District to "C-1" Neighborhood Shopping District on 1. 5 acres to facilitate commercial development. [Ward 6]

The Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial.

The Commission vote was 3 yes, 4 no and 1 abstention.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

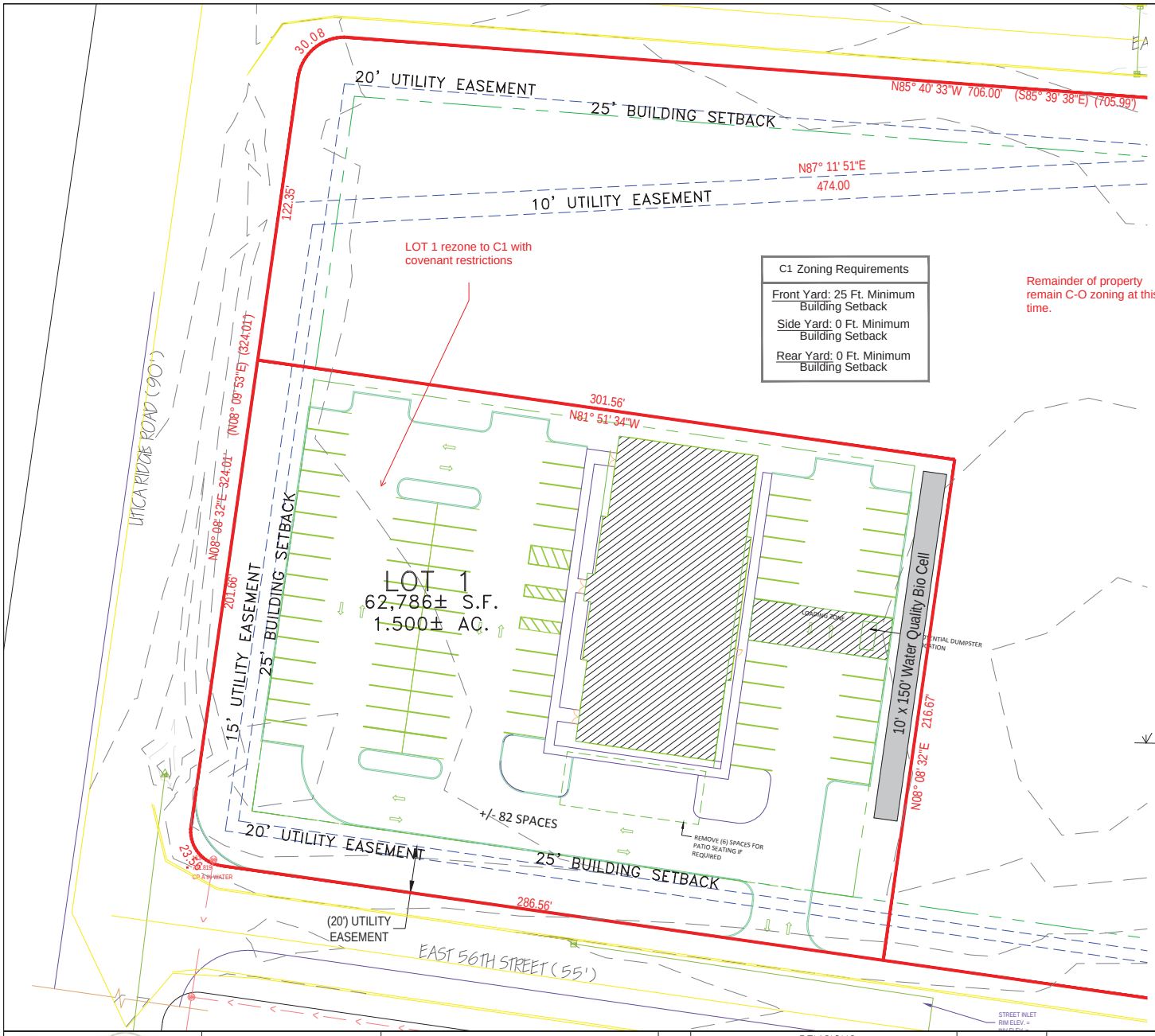
City Plan & Zoning Commission Voting Record
Meeting Date: 7-17-2018
Meeting Location: Council Chambers-City Hall

Name:	Roll Call	REZ18-09	F18-09
Connell	P	Y	Y
Hepner	EX		
Inghram	P		
Johnson	P	Y	Y
Kelling	P	N	Y
Lammers	EX		
Maness	P	N	Y
Medd	P	N	Y
Quinn	P	Abstain	Y
Reinartz	P	N	Y
Tallman	P	Y	Y
		3-YES 4-NO 1-ABSTAIN	8-YES 0-NO 0-ABSTAIN

SITE PLAN

CROW VALLEY PLAZA ELEVENTH ADDITION

TO THE CITY OF DAVENPORT, IA



C1 Zoning Requirements
Front Yard: 25 Ft. Minimum Building Setback
Side Yard: 0 Ft. Minimum Building Setback
Rear Yard: 0 Ft. Minimum Building Setback

IOWA ONE CALL 800/292-8989

GRAPHIC SCALE

20 0 10 20

(IN FEET)

1" = 20' (24x36)

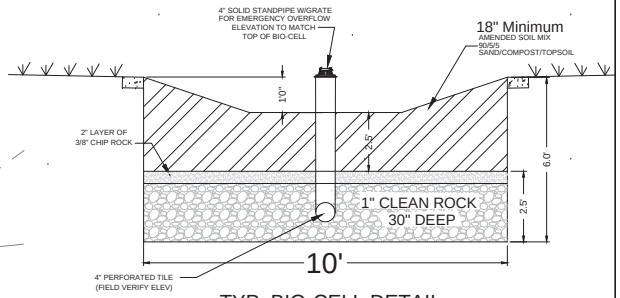
GENERAL NOTES

1. ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
2. LEGAL DESCRIPTION OF PROPERY:
   LOT 1 OF CROW VALLEY PLAZA ELEVENTH ADDITION IN PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF DAVENPORT, IA.
3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
4. THE CONTRACTOR SHALL NOTIFY THE CITY OF DAVENPORT AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
5. PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
6. ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
7. CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF DAVENPORT STANDARDS AND SPECIFICATIONS.
8. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
9. NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.

17.44.010 Parking spaces -- Designated.
In all districts there shall be provided at the time any building is erected or structurally altered (except as otherwise provided in this title) off-street parking spaces in accordance with the following requirements:

Beauty and barber shops: Two parking spaces for each operator.

This district is intended to provide for commercial activities of a more general retail and wholesale nature, and of service facilities serving a larger community trade, the size and location of such district shall be based upon relationship to the total community need and economy. (Prior code § 42-83).



TYP. BIO-CELL DETAIL
Overflow Standpipes @ 30' O.C Max.
(not to scale)

Bio-Cell Tiles To Outlet Into Detention Basins

TOWNSEND ENGINEERING
CIVIL · STRUCTURAL · LAND DEVELOPMENT

DATE: 6/8/18 TE PROJECT NO: 00000.00

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

DRAWN BY: MR
CHECKED BY: CT
DRAWING LOCATION S:\BUSH CONSTRUCTION\CROWVALLEY10TH.DWG

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT
SITE PLAN
CROW VALLEY PLAZA ELEVENTH ADDITION
DAVENPORT, IA

DEVELOPER
BUSH CONSTRUCTION
5401 VICTORIA AVENUE
DAVENPORT, IA

SHEET NO.
C1

City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date:	**July 17, 2018**
Request:	**Request to rezone 8.134 acres, more or less, of property located east of Utica Ridge Road and north of East 56th Street from C-O, Office Shop District to C-2, General Commercial District.**
Case No.:	**REZ18-09**
Applicant:	**Jerod Engler, McCarthy Bush Co. (Bush Construction)**
Ward:	**Ward 6**
Contact:	**Matthew G. Flynn, AICP** **Senior Planning Manager** **matt.flynn@ci.davenport.ia.us** **563-888-2286**

Update:

There has been an effort to find common ground between the neighborhood and developer. On July 11, 2018, a meeting was held. At that meeting, the developer agreed to reduce the request to C-1 on just proposed Lot 1 with use restrictions.

This revision would allow a "stepping down" of land use intensity. C-O would be maintained adjacent the residential development along 58th Street. Staff supports this compromise.

Updated Recommendation:

Staff recommends the Plan and Zoning Commission accepts the findings and forward Case No. REZ18-09 to the City Council with a recommendation to rezone proposed Lot 1 (size is approximately 1.45 acres) of Crow Valley 11th Addition from C-O, Office Shop District to C-1, Neighborhood Shopping District with use restrictions listed below.

Background:

Site Characteristics:

Comprehensive Plan: The property is designated RG on the Future Land Use Map and is within the Urban Service Area.

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.

Adjacent to the site, to the south, is property designated RC.

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

Also see the Future Land Use Map attached to this report.

Existing Zoning: The intent and use regulations of the C-O, Office Shop District is as follows:

17.26.010 Intent.

This district is intended to provide for commercial uses of such character that may utilize existing residential structures of sound quality and condition located in areas that were originally residential but are now preponderantly of mixed residential-commercial uses, and such new commercial uses will be harmonious with the surrounding development. (Prior code § 42-53).

17.26.030 Use regulations.

A building, lot or tract within the C-O office-shop district shall be used only for the following purposes, unless otherwise provided in this chapter:

A. Any use permitted in the R-6M high density dwelling district;
B. Apothecaries;
C. Barber shops and beauty parlors;
D. Business, charitable, finance, professional and consulting office or office buildings;
E. Business or commercial school;
F. Dressmaking or tailor shop;
G. Medical or dental clinic;
H. Studio of an artist, photographer, sculptor, or musician;
I. Undertaking establishment or mortuary;
J. Accessory building or use customarily incidental to any of the above uses.

Originally proposed Zoning: The intent and use regulations of the C-2, General Commercial District, are as follows:

17.30.010 Intent.

This district is intended to provide for commercial activities of a more general retail and wholesale nature, and of service facilities serving a larger community trade, the size and location

of such district shall be based upon relationship to the total community need and economy. (Prior code § 42-63).

17.30.030 Use regulations.

A building or premises shall be used only for the following purposes:

A. Any use permitted in the C-1 neighbor-hood shopping district *(Permitted Uses are as follows:*

A. Any use permitted in the C-O office shop district;

B. Bakery whose products are sold at retail on the premises;

C. Bank;

D. Catering establishment;

E. Repair shops for household items including clothing;

F. Filling stations (See Chapter 5.24 of this code);

G. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised;

H. Interior decorating shop;

I. Messenger or telegraph service station:

J. Restaurant;

K. Public garage; no lot or portion thereof shall be used for the display of used cars, provided that no public garage shall be within one hundred twenty-five feet of the boundary of any residential district;

L. Garage, storage, and parking lots;

M. Salesroom and showroom;

N. Store or shop for the conduct of a retail business;

O. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such article;

P. Theater, except open air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every six seats in the theater;

Q. Motel;

R. Undertaking establishment;

S. Service establishments only when totally enclosed within a structure, including coin-operated laundromats and cleaning establishments when nonflammable cleaning fluids are used;

T. Taverns, brew pubs, beer and wine gardens;

U. Accessory buildings and uses customarily incidental to the above uses.)

(Additional Uses Allowed in C-2 are as Follows)

B. Advertising signs and bulletin boards, except that along the interstate highway systems, such advertising signs and bulletin boards shall be limited to advertising the products produced and/or services available on the premises;

C. Bakery;

D. Dyeing and cleaning works, providing that cleaning fluid used has a base which is of a material other than petroleum or one of its derivatives;

E. Hotel;

F. Laundry;

G. Plumbing, printing, sheet metal, and similar shops, providing there is no outdoor storage of materials or fabrication for other than custom retail purposes;

H. Public garage and automobile salesroom;

I. Used car sales or storage lots;

J. Radio broadcasting and telecasting stations, studios, and offices.

Generally speaking, the C-2 District allows a much wider range of commercial uses than C-O.

Update: Since C-1 is being considered for a portion of the property, below is the intent and use regulations for that district:

17.28.010 Intent.

This district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area. (Prior code § 42-58).

17.28.030 Use regulations.

A building or premises shall be used only for the following purposes:

A. Any use permitted in the C-O office shop district; (See uses above)

B. Bakery whose products are sold at retail on the premises;

C. Bank;

D. Catering establishment;

E. Repair shops for household items including clothing;

F. Filling stations (See Chapter 5.24 of this code);

G. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised;

H. Interior decorating shop;

I. Messenger or telegraph service station:

J. Restaurant;

K. Public garage; no lot or portion thereof shall be used for the display of used cars, provided that no public garage shall be within one hundred twenty-five feet of the boundary of any residential district;

L. Garage, storage, and parking lots;

M. Salesroom and showroom;

N. Store or shop for the conduct of a retail business;

O. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such article;

P. Theater, except open air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every six seats in the theater;

Q. Motel;

R. Undertaking establishment;

S. Service establishments only when totally enclosed within a structure, including coin-operated laundromats and cleaning establishments when nonflammable cleaning fluids are used;

T. Taverns, brew pubs, beer and wine gardens;

U. Accessory buildings and uses customarily incidental to the above uses. (Ord. 2017-26 § 3: New: prior code § 42-60).

See attached Zoning Map for more detail.

Technical Review:

No concerns have been expressed by any technical review team member regarding the provision of public services to this site.

Iowa American Water provided this comment: We have an 8" DI water main on the north side of 56th and a 16" on the east side of Utica, there is no main in 58th from Utica to Crow Valley Park Dr.

Fire Station 8, located at 2802 East 53rd Street, is approximately 1.25 miles from the site.

Discussion:

See update above.

Public Input:

See Public Engagement Summary, attached to this report.

Updated Recommendation:

Findings:

1. Rezoning only Lot 1 to C-1 allows the development to proceed and protects the neighborhood by maintaining C-O zoning adjacent to the residential properties.
2. The proposed rezoning is consistent with the Comprehensive Plan in that it allows a limited node of neighborhood commercial north of an adjacent regional commercial center and provides a "step down" in land use intensity to the north and east.
3. Rezoning Lot 1 to C-1 does not guarantee or imply future rezonings on land included in the original proposal. Future rezoning petitions will be considered on their own merit.

Condition:

1. The following uses are not allowed on proposed Lot 1:

    a. Filling station
    b. Messenger or telegraph service station
    c. Public garage
    d. Used car lot
    e. Garage, storage, and parking lot
    f. Laundry and dry cleaning
    g. Theater
    h. Drive-in theater

i. Motel/hotel
j. Undertaking establishment
k. Service station
l. Coin operated laundry
m. Open animal kennels or yards

Final Recommendation: Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ18-09 to the City Council with a recommendation to rezone only proposed Lot 1 to C-1, Neighborhood Shopping District, with the use restrictions listed above.

PUBLIC ENGAGEMENT SUMMARY

Case No. REZ18-09

Signs Posted: 2 signs were posted on June 1, 2018

Public Meeting: 29 notices mailed June 5. A public meeting was held on June 11 at McCarthy Bush Offices. Approximately 30 people attended

Public Hearing Notice: The notice was sent to the QCT for publication on June 15, 2018.

Public Hearing Mailing: Mailed to 29 neighbors on June 7, 2018.

P&Z Public Hearing: June 19, 2018. Approximately 6 people spoke against the proposal citing potential incompatible uses, traffic and noise.

P&Z Recommendation: July 17, 2018. The Plan and Zoning Commission forwards Case No. REZ18-09 to the City Council with a recommendation for denial.

COW Neighbor Mailing: Mailed to 29 neighbors on July 24, 2018

COW Public Hearing Notice: August 1, 2018

Protest Rate: To date, 12 protests have been filed (4.1%).

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC MEETING
MONDAY, JUNE 11, 2018, 5:30 PM
MCCARTHY BUSH CORPORATION
5401 VICTORIA AVENUE, DAVENPORT, IOWA 52807

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezone 8.134 acres of property has been filed by McCarthy Bush from C-O Office Shop District to C-2 General Commercial District. (See map of the affected property on reverse side of this notice).

According to the applicant: ***Our team is working with a local small business owner to build a hair salon and spa at the corner of 56th and Utica with an additional, unfinished space in the building for a future tenant.***

A rezoning to C2 will allow the new building's owner/operator greater flexibility in identifying a tenant that would fit the neighborhood and provide an additional amenity. There have been discussions with possible future tenants but at this time, only the salon space will be finished and the rest of the building left as spec space.

The current C-O designation generally limits uses to offices and personal service businesses.

One of the first steps in the rezoning process is to hold a public meeting, which provides an opportunity for the petitioner to explain the request further and for City staff to outline the formal process to come.

The public meeting will be held at the McCarthy Bush offices on the date and time listed above. Victoria Avenue is located one block east of Utica Ridge Road.

Public hearings before both the Plan and Zoning Commission and City Council will be forthcoming; you will be notified of these meetings as well. The public hearing before the Plan and Zoning Commission is tentatively set for Tuesday, June 19, 5:00 pm at City Hall.

The City welcomes public participation in the rezoning process and your comments are important. We notify property owners within 200 feet of proposed rezonings. Please let your neighbors know of this who may have received this notice. If you cannot attend the public meeting and have questions or concerns, please contact the Community Planning Division.

Case No. REZ18-09
EMAIL: planning@ci.davenport.ia.us Phone: (563) 326-7765

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC HEARING
TUESDAY, JUNE 19, 2018, 5:00 PM
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
CITY HALL, 226 WEST 4TH STREET, DAVENPORT, IOWA 52801

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezone 8.134 acres of property has been filed by McCarthy Bush from C-O Office Shop District to C-2 General Commercial District. (See map of the affected property on reverse side of this notice).

The current C-O designation generally limits uses to offices and personal service businesses. C-2 allows for a variety of commercial and retail uses, including eating and drinking establishments.

A public hearing will be held on the matter by the Plan and Zoning Commission at the location, date and time listed above. At the public hearing, the Commission will hear comments for and against the proposal, and field questions. As a property owner within 200 feet of the proposed rezoning, you have the opportunity to formally protest the action. To do so, please fill out and return the form below. You may also send an email to the Community Planning Division Staff, and your protest will be registered.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ18-09
EMAIL: planning@ci.davenport.ia.us **Phone: (563) 326-7765**

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-09

I/we _____ who own property located at (be specific as possible)

_____

_____
Hereby protest the proposed creation of the Elmore Corners Overlay District

Signed: _____ _____

Date : _____

Please return this form to the email address above or mail/drop off at CPED, 226 West 4th Street, Davenport, IA 52801

Neighborhood Meeting Attendance List

Case: REZ18-09 McCARTHY BUSH

Date: 06-11-18

	Name	Address	Phone	Email
1	Barbara Hansen	5855 Crow Valley Pk Dr	359-4061	
2	JEROME HANSEN	" " " "		JRYHANSEN1@GMAIL.COM
3	Doug KOESTER	4228 E. 59th St	940-3118	dougkoester@mchsi.com
4	Tom Freiburger	4226 E 58th St		
5	Jay Willis	4261 E. 58th St	563-508-6363	BJWillis@revealed.net
6	Carol Kramer	4233 E. 58th St.	(563)355-0796	
7	Connie Jones	4237 E 58TH ST.		
8	Vick Moore	4222 E. 58 ST		
9	Lucia Moore	4222 E. 58 ST		
10	Sue & Craig Gabel	5967 Utica Ridge Rd		
11	Teresa Doherty	4309 E. 60TH St Davenport		
12	Jeanne Doherty	4109 E. 60TH ST Davenport		
13	Fran Javiti	5905 Utica Ridge Rd.		
14	Rod Johnson	5802 Crow Valley Pk Dr.		
15	Kathy Johnson	5802 Crow Valley Pk Dr		
16	Jim Payne	4204 E 58th ST.		
17	Steve Frels	4203 E 58th ST		stevefrels@msn.com
18	Julie Miller	5816 Crow Valley pk Dr.		
19	Bill Miller	" " " "		
20	Ron Rickman	4208 E 58th ST		
21	JJ Condon	ALDERMAN		
22	Steve/Rene' Jacobs	4209 E 58th	Davenport	

Neighborhood Meeting Attendance List

Case: _____

Date: _____

Name	Address	Phone	Email
1 Don Barman	4226 E 59	563-505-5875	
2 Sue Quail	4213 E 58th	563-359-4803	SQuail06172@gmail.c
3 Kurt Zimmerman	4225 E. 58th st	563-639-2648	kmzimm@hotmail.com
4 Cosette Thoms	4202 E. 58th st	(309) 269-8198	cothoms@mchsi.com
5 Jim SHRADER	6401 Utica Ridge Rd #36	563/940 1968	
6 Bob/Peggy AMURIAND	4228 E 59th ST.	563-355-1531	
7 Sue Gabel	5907 Utica Ridge Rd Dav	5635059846	csgabe@AOL.com
8 Patricia Harris	4219 E 59th St. Davenport		patricia_harris_2008@yahoo.com
9 Chris Townsend	2224 E. 12th St. Davenport IA		chris@townsendengineering.net
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Plan & Zoning Commission: Adjacent Property Owner Notice Area

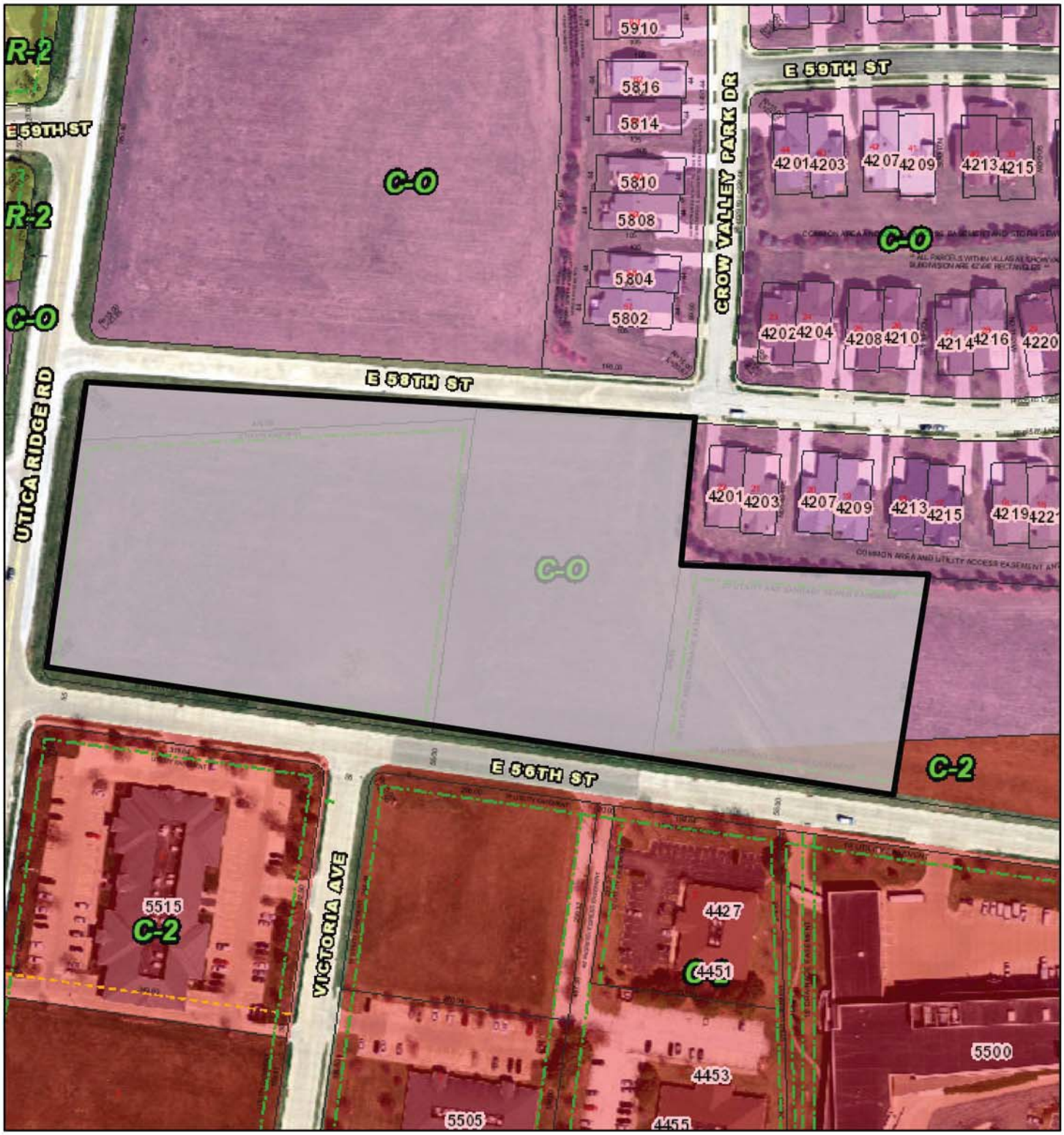
Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Legend

REZ18-09 Subject Property

N

REZ18-09 Location Map



May 30, 2018

1:2,000

0 0.01 0.03 0.06 mi

0 0.03 0.06 0.11 km

Platted Lot Lines

Easement

Parks

Parcels

Street Centerline (Labels only)

Creeks

Named Creeks

Unnamed Tributaries

Piped Creeks

City Limit

Address Points

Zoning Districts

A-1 Agricultural

Scott County Iowa, Bi-State Regional Commission

Web AppBuilder for ArcGIS
Scott County Iowa, Bi-State Regional Commission | Copyright:© 2014 Esri |

From:	Connie R. Jones
To:	Planning Division – CPED
Subject:	REZ 18-09
Date:	Tuesday, June 26, 2018 7:20:50 AM
Attachments:	ObjectionlettertozoingrequestJune2018.docx

Please see my attached letter objecting to this request to rezone.

Connie R. Jones
Resident of the Villas at Crow Valley

From:	Robert Huber
To:	Planning Division – CPED
Cc:	Bob & Trish Huber
Subject:	CASE # REZ 18-09
Date:	Tuesday, June 26, 2018 11:37:32 AM

Drear Mr. Flynn,

Please accept this correspondence as our feedback to you that we do not support the proposed rezoning of the subject property listed in REZ 18-09.
Rezoning this property from C-O to C-2, as proposed by the McCarthy Bush Corp., would have a high probabilty of devaluation of the properties located in (or near) the Crow Valley Villas.

Additionally, the rezoning of this land (from C-0 to C-2) has a high likelihood that the businesses that could locate there would have an adverse affect on the quite comfort and solitude currently enjoyed by the residents of Crow Valley Villas.

Best Regards,
Robert & Patricia Huber (563-355-0756)
4203 E. 59th. St. Street

From:	Shirley Wilkins
To:	Planning Division – CPED
Subject:	Rezoning of parcel Utica Ridge Rd. & 56th St./Crow Valley Villas
Date:	Tuesday, June 26, 2018 10:48:06 AM

Please consider this e-mail our formal objection to the Proposed rezoning of the property Adjacent to Crow Valley Villas, Utica Ridge Rd. and 56th Street.

Thank you,

Julius H. Lindner Trust and Shirley Wilkins

NOTES

6/25/18

DAVENPORT PLANNING
& COMMUNITY DEVELOPMENT
ROOM 2004
220 W. 4th St.

CASE # REZ 18-09

I am John W. Fahl and have lived at 4234 E. 59th St. for 15 years.

I do not agree with the proposed change in the use of the above land. This area is inhabited with retired people who are looking for a quiet environment which is unlikely with bars or games so close to their homes.

Thank you,
John W. Fahl

From: Pat/Tom Freiburger
To: Planning Division – CPED
Subject: Rezoning Case Number REZ 18-09
Date: Saturday, June 23, 2018 8:05:03 PM

Matt Flynn, Director of Community Planning

As residents of the Villas of Crow Valley, we strongly object to rezoning from C-0 to C-2 of the property south and west of our subdivision. We urge the Planning Commission to recommend against the zoning change.

Sincerely,
Tom & Pat Freiburger
4226 East 58th St

From: Dick Moore
To: Planning Division – CPED
Subject: Rezoning Request for REZ 18.09
Date: Sunday, June 24, 2018 3:35:53 PM

To Whom it may Concern:

We are writing this note in protest to the above noted request for change of zoning for the Bush property located at 56th Street and Utica Ridge Road. We would be prepared to discuss our concern over this matter if requested.

Respectfully,

Richard L. and Lucia E. Moore
4222 E. 58th Street,
Davenport, Iowa 52807

From: Dennis Kramer
To: Planning Division – CPED
Subject: Rezoning Case REZ 18-09
Date: Monday, June 25, 2018 12:17:42 AM

Dear Mr. Flynn,

My wife and I live in the Villas of Crow Valley, on the south side of E. 58th St. We respectfully, yet strongly, want to express our opposition to the rezoning of this 8+ acres of land from C0 to C2.

Before we decided to invest and build here in 2005, our ***one and only concern*** was the zoning around us . . . behind us on 56th St. and into our 58th St. entrance. After doing significant investigation with our builder and city zoning, we felt we could live with the types of businesses planned at these locations and made the major investment to build our home here. We trusted that our city planners had a sound strategic plan for residents and businesses in this area with the zoning. Utica Ridge Rd. north of 53rd St. and E. 56th St. would not become anything like a 'commercial corridor' with the retail noise, lights, sounds, hours, and traffic that a C2 obviously brings, and likely reduce our investment/home value and a peaceful residence.

We have no problem with the "Pure" salon business where they wish to build. They appear to be good people. We respect and encourage their spirit and quest for success. Their business is the type we expected and actually desire. However, their business appears to already fit the C0 zoning. So we have yet to hear and know what the true reason and need is for the zoning request to C2. It opens the door to bring the wrong types of businesses to this neighborhood atmosphere.

Who ***really*** wants and will benefit by this change? It appears not really Pure, if C0 already fits their salon business. Is it really for the benefit of the land sellers' profit? We already know there is plenty of nearby land available in existing C2 zones.

We know of a few residents in the Villas of Crow Valley neighborhood who are "for" or "not opposed to" the zoning change. From the names and relationships of these people, it appears that they likely have a personal financial benefit in the sale of this land. Please consider their motives versus the desires of the majority of neighbors.

Matt, we know that you have a tough job, and we respect that. Hopefully, you can see it from the residents' view to not allow this change to proceed.

Thank you,
Dennis and Carol Kramer

From:	robert mcgee
To:	Planning Division – CPED
Subject:	rez 18-09
Date:	Monday, June 25, 2018 8:18:03 AM

From: robert mcgee <rjm1948@gmail.com>
To: "planning@ci.davenport.ia.use" <planning@ci.davenport.ia.use>
Cc:
Bcc:
Date: Sun, 24 Jun 2018 11:27:59 -0500
Subject: REZ 18-09
We are asking that you not allow the rezoning from a C-O to a C-2 in order to remain consistent with what is already on the corridor.
Thank you for your consideration.
Robert and Joan McGee
4207 E 58th

From: Robert Heaps
To: Planning Division – CPED
Subject: In Protest of REZ 18-09.
Date: Monday, June 25, 2018 10:07:51 AM

I live @ 4245 E. 58th Street, in the Villas of Crow Valley. I am in strong opposition to the changing of zoning from C-0 to C-2. The differences were explained to me by the planning dept and I like the quite of C-0 as to the more noise and buslsle of C-2. Also I see this as a first step in changing from the request to change the land behind 5 units on 58th street to more units east and North of 58th street.

Sent from Mail for Windows 10

From:	Robert Willis
To:	Planning Division – CPED
Subject:	Rezoning
Date:	Monday, June 25, 2018 11:38:34 AM

Bob and I are not in favor of rezoning the property bordering Utica Ridge and 56th St. in Davenport. We feel this would open the potential for businesses that would not be compatible with our neighborhood. We would like to see a plan formulated that uses the current zoning which still allows new growth such as Pure Hair Salon. There is already so much traffic that left turns are difficult and this should be taken into consideration when thinking about adding new businesses.

We appreciate you taking a close look at this proposal and see that keeping the zoning as is can still be a win-win.

Bob and Joy Willis
4261 E. 58th St.
Davenport, Iowa

Sent from my iPadRobert J Willis

Henry G. Neuman*
Steven H. Jacobs
Mark A. Woollums*
Martha L. Shaff*
Jean Z. Dickson*
Peter J. Thill*
Edward J. Rose*
Amanda M. Richards*
Jordan A. Kaplan*
Benjamin J. Samuelson*
Cristy Tackett-Hunt*
Lori N. Scardina Utsinger*
Paul M. Powers*
Brandon W. Lobberecht*

* Also admitted in Illinois
A registered L.L.C. in Illinois

BNM

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ATTORNEYS AT LAW
www.bettylawfirm.com

June 25, 2018

Writer's E-Mail Address:
shj@bettylawfirm.com

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport, Iowa

Re: REZ-18-09

Dear Mr. Flynn:

My wife and I are homeowners within the two hundred foot notice area for the above proposed rezoning. I have previously submitted my protest in opposition to the request. I now amend my protest to include the following and request that my letter be included in the materials presented to the commission:

1. THE CURRENT ZONING IS INCOMPATIBLE WITH THE SURROUNDING AREA AND SHOULD BE CHANGED. It is my understanding the Davenport Land Use Master Plan has designated the area in question as residential. North of 56th street is residential and south towards 53rd street is commercial. I believe considerable funds and time went into the planning and preparation of the overall plan. While overall plans can be modified and adjusted, they deserve more than just "Lip Service." I assume there was a good reason for the plan and it should not be disregarded lightly. 53rd street is a major corridor in Davenport. Three blocks exist between 53rd and 56th street. Clearly this is a sufficient area within which commercial users can reside and it is not necessary to increase the creep and scrawl of commercial into residential areas based upon lack of developable and available space.

   The developer has requested rezoning. The proper zoning is before the commission. The commission has the power and right to recommend the appropriate zoning for the property. It is appropriate to now recommend that the property be changed from C-0 to residential.

2. THE CURRENT ZONING IS COMPATIBLE WITH THE BUILDING AND PROPOSED USE AND REZONING IS NOT NEEDED. The current zoning allows the building and use as proposed and described by the developer. The drawing of the building seems to be compatible with the other office type buildings in the immediate vicinity. The proposed use is specifically allowed by the current zoning. If it conforms

why is rezoning necessary? An argument could be put forth saying this is no more than a ruse to get the rezoning of the whole so that the developer can sell and use the whole of the property for whatever use or purpose the developer chooses without oversight or review. An innocuous proposal opens the door for all other uses. What other uses does the developer have for the whole of the property that have not been disclosed? A hotel? A Bakery? A sheet metal shop?

3. THE POSSIBLE USE OF PART OF THE PROPOSED BUILDING DOES NOT JUSTIFY THE REZONING OF THE WHOLE. The developer and prospective owner have stated that perhaps 3 or 4 thousand feet of the building might be rented to others whose possible use may not be compatible with C-0 zoning. The operative words are "perhaps", "might", and "possible use.' Nothing definitive. Nothing certain. Nothing locked in and signed. Notwithstanding, you are asked to rezone 354,317 square feet of property because 4,000 feet might, maybe or possibly be used for purposes outside those permitted by C-0 zoning. A one percent possible use dictates the use of the whole?

4. THE ZONING REQUEST IS NOT LIMITED TO THE AREA ADJACENT TO UTICA RIDGE ROAD. The request of the developer is for the rezoning of the whole and is not limited in scope to the area adjacent to Utica Ridge Road. For the sake of argument, perhaps good reasons might be offered to justify a minor relaxation of the limitations of C-0 along Utica. However, this is not what is being asked. The developer wants it all and is not limiting the request to the Utica Ridge corridor. What might be tolerated in the front would be a disaster if located to the rear of the property and next to a highly desirable residential development.

5. NO PLAN HAS BEEN SUBMITTED FOR THE WHOLE AND IF REZONING IS APPROVED THE DEVELOPER HAS THE UNLIMITED RIGHT TO DESIGNATE LAND USE WITHOUT REVIEW. The developer has submitted one drawing of a building. Thousands of square feet of additional space is available. No plans, drawings, or proposals have been submitted for this additional space. What is planned and who determines what a compatible use for the additional property is? A C-2 rezoning of the whole gives the developer the unlimited and non-reviewable right to determine the use of the entire property. Is this fair and wise with respect to the adjacent home owners?

6. C-2 ZONING IS TOTALLY INAPPROPRIATE. I did not write the Davenport Zoning Code. I did not write what is or is not allowed in certain zones. I can only read it and attempt to apply it with reason to facts and circumstances in front of me. A C-2 zone allows real property to be used for a bakery, a hotel, a pluming, printing, sheet metal and similar shops and for used car sales and storage lots. Logic here is compelling. How could anyone say that after reviewing the real estate and surrounding areas that the foregoing uses are compatible? C-2 says they are. C-2 says they can be built. Logic and common sense says they are not and should not be allowed! Voting to approve C-2 says in fact that these uses are suitable for the area. There are no limitations to C-2 as written.

7. C-1 ZONING IS ALSO INAPPROPRIATE. C-1 zoning use is included within uses allowed in C-2. Permitted uses in C-1 are also inappropriate. Allowed C-1 uses include, filling stations, restaurants, motels, taverns, brew pubs, beer and wine gardens. How could a fast food restaurant and/or tavern within feet of the established neighborhoods be fair to those who have lived there for over 10 to 15 years? A change to either C-2 or C-1 is at best a perfect example of spot zoning.

8. C-1 ZONING IS NOT NEEDED. Section 17.28.010 of the Code provides a C-1 district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area. For the convenience of those who live in the neighborhoods near the real estate under review there is nothing or at best very few if any establishments that are needed for their convenience. A short walk or drive to 53rd street provides them all and then some. Additional commercial is not needed for the convenience of the surrounding neighborhoods.

For these reasons the requested rezoning should be summarily rejected.

Sincerely yours,

Steven H. Jacobs

From: cothoms@mchsi.com
To: Planning Division – CPED
Subject: Protest Rezoning 18-19
Date: Monday, June 25, 2018 12:48:50 PM

Please consider this email as my official protest to the rezoning REZ 18-09 from C-O to C-2. As a resident of the Villas of Crow Valley, I'm very concerned about the increased traffic and types of businesses that the C-2 designation would allow. It's already difficult to turn onto Utica Ridge from 58th St, and the traffic on 56th is also very heavy. I'd like a sidewalk on the east side of Utica so I don't have to do the death run across Utica to get to Hy-Vee. My understanding is that the C-O zoning allows for the proposed expanded Pure salon and would allow for other offices and service businesses as well, just not establishments that serve food or alcohol. I think that is more than sufficient. Additional condos would also be an option for this land. We have enough half-empty strip malls and office space in Davenport and certainly don't need any more.
Thank you for your consideration,
Cosette Thoms
4202 E 58th St
Davenport, IA 52807
(309) 269-8198

From: John Mouw
To: Planning Division – CPED
Subject: Rezoning request REZ18-09
Date: Monday, June 25, 2018 1:27:55 PM

I fully support the objection submitted by Patricia Harris concerning the rezoning of the 8 plus acres adjacent to the Villas of Crow Valley. We purchased our condo after checking the zoning of the land behind our condo. Seeing that it was zoned for primarily offices and small buisiness as C-0 was a major factor in our decision. This rezoning could impact our privacy and liveability that we so wanted when we made the move.

John Mouw
4227 E 58th St
Davenport, IA 52807

From: Robert Andriano
To: Planning Division – CPED
Subject: Rezoning
Date: Monday, June 25, 2018 2:28:06 PM

I object to the proposed rezoning as pointed out in case# Rez 18-09

From:	Chris Rayburn
To:	Planning Division – CPED
Subject:	Response to McCarthy Bush's petition to rezone the 8.134 acres of property east of Utica Ridge Road between East 56th and East 58th from C-0 to C-2
Date:	Monday, June 25, 2018 3:34:09 PM

I am writing this email as a combined response for two property owners who own homes in the Villas at Crow Valley. My wife Mary and I own a villa at 5814 Crow Valley Park Drive and my parents, Harold and Patricia Rayburn, live at 4202 East 59th Street.

All four of us respectfully, and strongly, request that the City of Davenport, deny McCarthy Bush's petition to rezone the 8.134 acres of property east of Utica Ridge Road between East 56th and East 58th from C-0 to C-2. Our 5814 Crow Valley Park Drive property abuts other property zoned C-0. The properties of Villas of Crow Valley were marketed as being protected from heavier commercial used by being surrounded by the zoning class of C-0. We purchased our property with this understanding and would be very strongly against any rezoning of those parcels. Allowing the current request would set a very negative precedent and greatly change the potential character and potential value of the adjacent properties. All units in the subdivision were developed and sold with the expressed understanding that the vacant and adjacent land would be developed as restricted commercial property under the zoning classification of C-0.

Thank you very much for your understanding and consideration.

Sincerely,

Chris and Mary Rayburn
5814 Crow Valley Park Drive
Davenport, IA 52807

And

Harold and Patricia Rayburn
4202 East 59th Street
Davenport, IA 52807

From:	Patrick VAN NEVEL
To:	Planning Division – CPED
Cc:	Jim Payne; Susan Quail; Patricia Harris; Honorary Consulate Of Belgium
Subject:	REZ 18-09
Date:	Monday, June 25, 2018 4:15:57 PM

Dear Planning and Zoning Commission,
Dear Mr. Flynn,

As recent purchasers of a Villa at Crow Valley, we are asking your full review of the objections provided by Patricia Harris and request the rezoning from C-0 to C-2 be turned down.

All the items pointed out by Ms Harris deserve your full consideration.

We also have a personal sensitivity in this matter related to inadequate drainage.
As we considered the purchase
of 4227 E. 59th Street, we were very concerned about the past evidence of drainage problems and after assurances that all past issues had been addressed, we have now a concern about new issues that may arise.

We would like to be present to voice our concern in person. However, we are currently overseas and will not be back in time for the hearing.

With kind regards,
Patrick and Barbara Van Nevel.

Sent from my iPhone

Fahl; Lloyd Fox; Thomas Freiburger; Ann Fuller; Mary Hammes; Jerry Hansen; Robert Heaps; John Howes; Patrick Irving; Rod Johnson; Doug Koester; Dennis Kramer; Margaret Lake; Bill Miller; Dick Moore; John Mouw; Steve Powell; Marilyn Quijas; Harold Rayburn; Ronald Rickman; Beverly Ryan; Joe and Lori Smazal; Janet Van Ert; Craig Van Hook; Jeffery West; Bob Willis; Kurt Zimmerman; Cris Wendling; Jim Rice; Mardi Burmeister; Steven Frels; Robert Huber; Bob and Peggy Andriano; Robert and Joan McGee; Christopher Rayburn; Paul and Andrea Gullickson; Cosette Thoms; Ken and Sharon Sanyi; Dave Ceurvorst; Sue Quail; Jan Vrablec; Melvin and Dale Martens; Julius Lindner; Daryl Ann Moore; Robert Mitchum; Mary Walsh; Patrick and Barbara Van Nevel; Ken Vandersnick; Krieder Gunderson

Subject: rezoning letter from VCV Board

Hello, Neighbors! Attached is a letter from Jim Payne concerning the proposed rezoning decision that is coming in the next few weeks. Sue Quail

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC HEARING
TUESDAY, JUNE 19, 2018, 5:00 PM
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
CITY HALL COUNCIL CHAMBERS
226 WEST 4TH STREET, DAVENPORT, IOWA 52801

Please be aware of possible zoning changes that may impact your property or neighborhood.

A petition to rezone 8.134 acres of property has been filed by McCarthy Bush from C-O Office Shop District to C-2 General Commercial District. (See map of the affected property on reverse side of this notice).

The current C-O designation generally limits uses to offices and personal service businesses. C-2 allows for a variety of commercial and retail uses, including eating and drinking establishments.

A public hearing will be held on the matter by the Plan and Zoning Commission at the location, date and time listed above. At the public hearing, the Commission will hear comments for and against the proposal, and field questions. As a property owner within 200 feet of the proposed rezoning, you have the opportunity to formally protest the action. To do so, please fill out and return the form below. You may also send an email to the Community Planning Division Staff, and your protest will be registered.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ18-09
EMAIL: planning@ci.davenport.ia.us Phone: (563) 326-7765

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-09

I/we Ann & James Payne who own property located at (be specific as possible)
4204 E 58th hereby Protest the rezoning of the Property located at 56th, 58th & Utica Road to a C-2 district

Hereby protest the Rezoning Case No. REZ18-09

Signed: James A. Payne Ann S Payne

Date: 15 June 2018

Please return this form to the email address above or mail/drop off at CPED, 226 West 4th Street, Davenport, IA 52801

June 24, 2018

To: Mr. Matt Flynn, Director of Community Planning

From: Doug and Sandy Koester, 4228 E. 59th St., Davenport, Iowa 52807

RE: REZ 18-09

Dear Mr. Flynn:

I wish to object to this rezoning proposal. Even though I live outside the 200 feet of the proposed rezoning, I do live in the affected neighborhood.

My objection concerns that jump from CO to C2. I would not object to a jump from CO to C1. The current development on 56th Street east of Utica Ridge has consistently been business offices and personnel service businesses to this point. My wife and I are in favor of keeping this development plan in place.

I have personal experience with what happens after the initial sale is made on a parcel of property. As General Manger of the American Honda Distribution Center on west Locust in the 70's, I was involved with the purchase of 12 Acres from Rich Foods in 1978 which at that time was in Scott County. Rich Foods owned all the property on Westlake Blvd and Louis Rich Dr and we felt comfortable that Louis Rich and American Honda shared the ideals regarding the quality of buildings within the industrial park. Louis Rich was then purchased by Oscar Mayer followed by General Foods purchasing Oscar Mayer, followed by the City of Davenport annexing the industrial park.

I invite you to drive out to the Honda Distribution Center today and witness the number of metal buildings north of Honda with outside storage. This is what happens when the initial owners sell to secondary owners who do not share the same commitment to high standards of quality.

Please keep the rezoning request at a maximum of C1. Bars and restaurants should not belong next to long standing residences.

Respectfully submitted,

Doug Koester

Sandy Koester

Doug and Sandy Koester
4228 East 59th St.
Davenport, Iowa 52807

June 26, 2018

Matthew G. Flynn, AICP
Senior Planning Manager
City of Davenport, Iowa

Re: REZ-18-09

Dear Mr. Flynn:

My wife and I are homeowners within the 200 ft. notice area for the subject proposed rezoning. We have previously submitted our protest in opposition to the request.

We strongly support the written documents submitted by Patricia Harris and Steven Jacobs and are in total agreement that the requested rezoning be summarily rejected. We endorse the suggestion that the land use be residential in accordance with the Davenport Land Use Master Plan. We support progressive development and feel it wise to have a well thought out plan and design to encourage the best opportunities for development.

The proposed use on the table is allowed by current zoning. Changing the zoning provides the developer carte blanche to sell and use the much larger portion of the parcel for potentially undesirable uses. This proposal is totally inappropriate. Our home looks directly out at this unspoken-for area.

Currently our neighborhood is very desirable because amenities are close by but not in our backyards. Let's keep it that way thereby adding to the desirability of the entire area.

Sincerely yours,

Rodney Johnson

Rodney Johnson
5802 Crow Valley Park Dr
Davenport, IA 52807
Rodjohnson624@gmail.com

From: Andrea Heitman
To: Planning Division – CPED
Subject: case #REZ18-09
Date: Tuesday, June 26, 2018 6:41:50 PM

Dear Matt Flynn,

I am writing to formally protest the rezoning of the land directly behind my house from C-O to C-2. I live at 4239 E 58th St in Davenport. This change will most likely negatively effect the value of my home, by bringing nuisances to our neighborhood not consistent with the current attributes. With a C-2 zoning designation I am concerned about noise, garbage, lighting, and the like.

I am also concerned that a large structure directly behind my home will block sunlight and cause the ground to not be able to hold the moisture. This could cause water back-up into my basement.

Please do not approve anything other than a C-O rezoning for this land.

Thanks for your consideration of this matter that will possibly negatively effect me and the nice neighborhood we have here.

Thanks.
Andrea Heitman

4239 E 58th St
Davenport
563-650-5366

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC HEARING
TUESDAY, JUNE 19, 2018, 5:00 PM
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CITY HALL COUNCIL CHAMBERS
226 WEST 4TH STREET, DAVENPORT, IOWA 52801

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The current C-O designation generally limits uses to offices and personal service businesses. C-2 allows for a variety of commercial and retail uses, including eating and drinking establishments.

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If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ18-09
EMAIL: planning@ci.davenport.ia.us **Phone: (563) 326-7765**

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-09

I/we Patricia Harris who own property located at (be specific as possible)
4219 E. 58th street, Davenport, IA 52807

Hereby protest the Rezoning Case No. REZ18-09

Signed: Patricia M. Harris

Date : 19 June 2018

Please return this form to the email address above or mail/drop off at CPED, 226 West 4th Street, Davenport, IA 52801

OBJECTIONS TO PROPOSED REZONING CASE NUMBER REZ18-09

(PROPOSAL TO REZONE 8.134 ACRES
ON UTICA RIDGE BETWEEN E 53RD AND 56TH STREETS
FROM C-0 OFFICE SHOP DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT)

RESPECTFULLY SUBMITTED BY:

PATRICIA HARRIS
4219 E 58TH STREET
DAVENPORT IA

24 JUNE 2018

REQUESTED ACTION

- I respectfully request that the City of Davenport, for the reasons set out in this presentation:
  - Deny McCarthy Bush's petition to rezone the 8.134 acres of property east of Utica Ridge Road between East 56th and East 58th from C-0 to C-2
    - At a minimum, defer the proposal to allow for more thoughtful evaluation and discussion with residents
  - Evaluate drainage issues at the Villas at Crow Valley

OBJECTION NO. 1

EXISTING C-0 DESIGNATION IS APPROPRIATE FOR NEARBY RESIDENTIAL NEIGHBORHOODS

1. Current C-0 designation is appropriate for the area in question

   1.1. Proposed rezoning is near three residential areas (refer to Exhibits A-1 and A-2)

   1.2. Office of rkdixon (to the west) is closed on evenings and weekends

   1.3. Consistent with the C-0 zoning ordinance:

      1.3.1. District is a transition between commercial and residential

      1.3.2. Activities should not generate heavy traffic, noise or glare

      1.3.3. Examples: small offices under 5,000 feet (business, consulting, medical, professional, etc.); beauty shops; library; activity center

OBJECTION NO. 2

PROPOSED C-2 DESIGNATION WOULD BE DETRIMENTAL TO NEARBY RESIDENTIAL NEIGHBORHOODS

2. Would permit:

    2.1. Any C-1 designation, including

        2.1.1. Restaurant, bakery, tavern, brew pub

        2.1.2. Filling station

        2.1.3. Undertaking, etc.

    2.2. In addition, all C-2 designations, including

        2.2.1. Auto, used car sales; hotel; laundry

OBJECTION NO. 3

THE EXISTING C-0 DESIGNATION INTEGRATES WELL WITH SURROUNDING NON-RESIDENTIAL DEVELOPMENT

3. The C-2 area along East 56th has largely developed into offices, banks, and other businesses that the C-0 designation (refer to Exhibits B-1, B-2, B-3 and B-4)

   3.1. Many are professional offices and banks consistent with a C-0 designation

   3.2. Most of the rest are small shops and businesses that are generally quiet during business hours, and closed on evenings and weekends

   3.3. There are **no** restaurants or gyms **except** Dunn Brothers Coffee, Orangetheory Fitness and Your Pie (pizzeria) between 53rd and 56th Streets

      3.3.1. Crowded even on a Sunday morning (refer to Exhibit B-5)

      3.3.2. Orangetheory audible from a parking lot away

      3.3.3. Offices and distance, however, form an acceptable buffer to residents

   3.4. For these reasons, the Davenport City Council should consider rezoning the undeveloped plot immediately south of Villas at Crow Valley from C-2 to C-0

OBJECTION NO. 4

PURE HAIR STUDIO HAS NOT MADE A PERSUASIVE, MUCH LESS COMPELLING, ARGUMENT FOR REZONING

4. Stacey and Chris Spillum, the owners of the Pure Hair Studio, propose to occupy 4,000 square feet and lease 4,000 square feet to C-2 business, citing synergies between "like businesses"

4.1. Pure falls within the existing C-0 designation; C-2 businesses are not "like" or "complimentary"

4.2. The ideas offered — a clothing shop, small restaurant, bakery, wine bar — have no apparent synergies with a hair salon; a salon is a final destination, usually by appointment

4.3. Other options exist for Pure, including the lot for sale near Pure (Exhibit B-3)

4.4. It is also suggested C-2 zoning would allow for "amenities that will meet the growing neighborhood's needs"

4.4.1. The neighborhoods are fully developed

4.4.2. There are numerous restaurants and other businesses on Utica Ridge and East 53rd that offer amenities without disrupting quiet enjoyment of our property

4.4.3. There are other options south of East 56th Street (already zoned C-2) for development of more amenities

OBJECTION NO. 5

MCCARTHY BUSH HAS NOT JUSTIFIED THE REZONING

5. McCarthy Bush Corporation has asserted has been difficult to locate a C-0 buyer

5.1. Property development is a long-term proposition, largely influenced by price suitable for the zoning and demand

5.2. The area along East 56th Street has experienced steady development in the last several years, in fact, the area is nearly built out; recent examples:

5.2.1. Neurology QC's new office at 4700 E 56th Street (Exhibit B-5)

5.2.2. Next door to that construction is underway for the corporate headquarters of The Riverstone Group

5.2.3. Across the street are relatively new offices (Regus, Deere, and Russell)

5.3. It would be helpful to have market information from the McB realtor on this

OBJECTION NO. 6

MCCARTHY BUSH AND PURE HAVE NOT, AND PERHAPS CANNOT, OFFER ASSURANCES OF "ACCEPTABLE" C-2 USES

6. At a Neighborhood Meeting on 11 June 2018, McCarthy Bush and Pure expressed receptivity to restrictive covenants that capture their intentions

    6.1. To date, there has been no progress on this issue; it may not even be feasible or viable to:

        6.1.1. Meaningfully describe suitable "high end" amenities acceptable to residents;

        6.1.2. Still allow for the desired flexibility on the Spillums' part; and

        6.1.3. Avoid leaving residents vulnerable to unanticipated and detrimental changes in businesses (changing owners, relocating or failing) and costly legal challenges

    6.2. There is good will on both sides, but a rezoning from C-0 to C-2 cannot be undone

    6.3. It also seems inevitable this will be used to justify also rezoning the area immediately north from C-0 to C-2, which compounds the adverse impact on us

    6.4. At a minimum, the process be deferred until this issue can be discussed further

OBJECTION NO. 7

AT THIS TIME, AND PRIOR TO ANY RE-DESIGNATION, THE CITY SHOULD UNDERTAKE A DRAINAGE STUDY

7. The City of Davenport should undertake a study to evaluate drainage problems at Villas at Crow Valley

   7.1. The Association has installed tiles to absorb storm water runoff

   7.2. There is excessive runoff that the tiles, even as recently expanded, cannot reasonably absorb, causing pooling

   7.3. This raises a question about the origin of, and responsibility for, runoff beyond the Association and its grounds

   7.4. This is an issue we anticipate further development will exacerbate

   7.5. The City of Davenport should undertake a study of this issue prior to making any decision about the rezoning or any future development

REQUESTED ACTION

- I respectfully request that the City of Davenport:
  - Deny McCarthy Bush's petition to rezone the 8.134 acres of property east of Utica Ridge Road between East 56th and East 58th from C-0 to C-2
    - At a minimum, defer the proposal to allow for more thoughtful evaluation and discussion with residents
  - Evaluate re-designating the undeveloped area immediately south of the Villas at Crow Valley from C-2 to C-0
  - Evaluate drainage issues at the Villas at Crow Valley

EXHIBITS

PROPOSED REZONING AREA NORTH OF EAST 56TH STREET

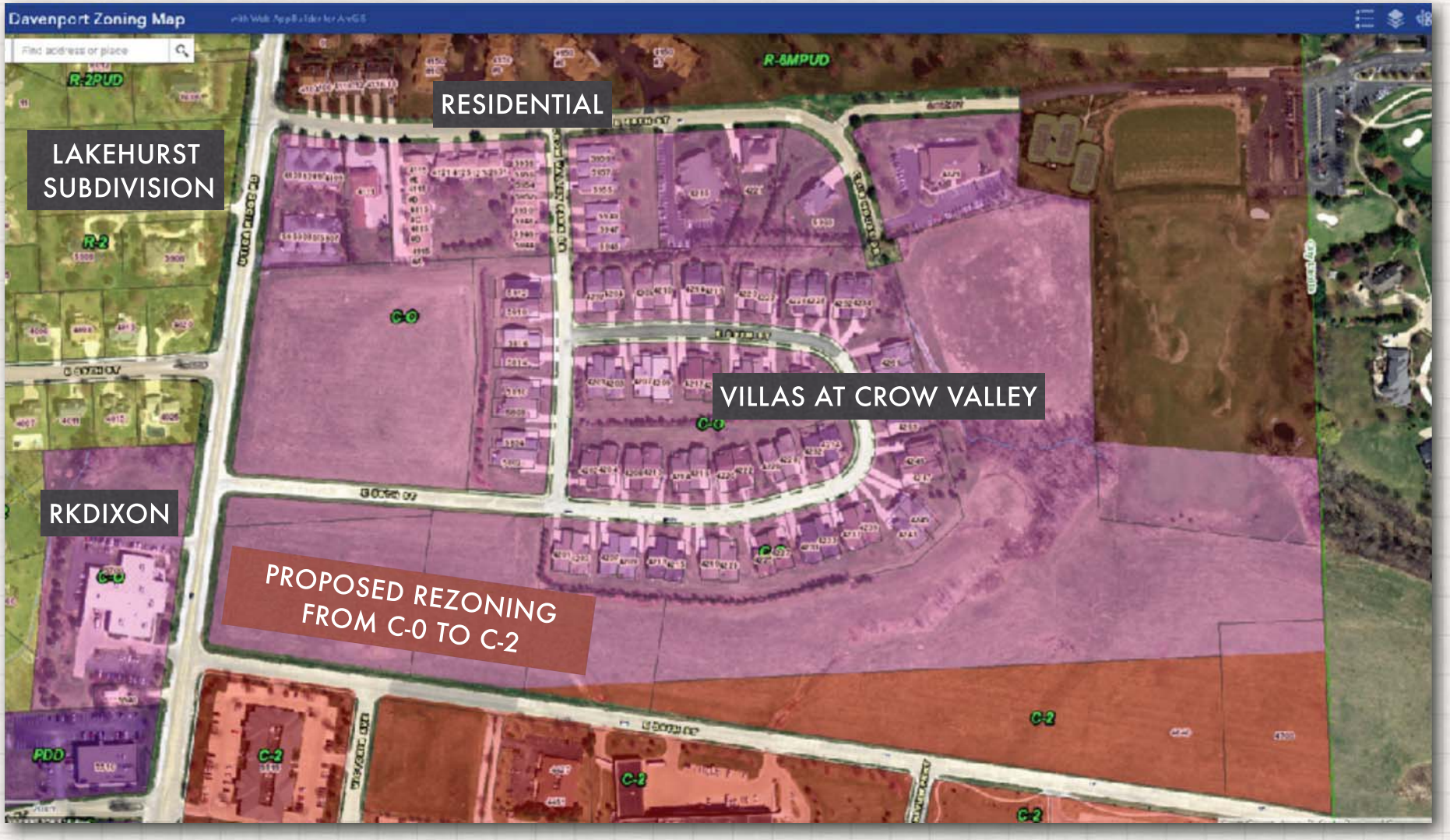


EXHIBIT A-1

VILLAS AT CROW VALLEY

LAKEHURST SUBDIVISION

EXHIBIT A-2 RKDIXON AT 5700 UTICA RIDGE ROAD

C-O LOT PROPOSED FOR REZONING
(VIEWED FROM E. 56TH ST:
RK DIXON AT FAR LEFT AND VILLAS AT FAR RIGHT

ADJACENT AREA SOUTH OF EAST 56TH STREET: CURRENT PURE SALON LOCATION, OTHER BUSINESSES

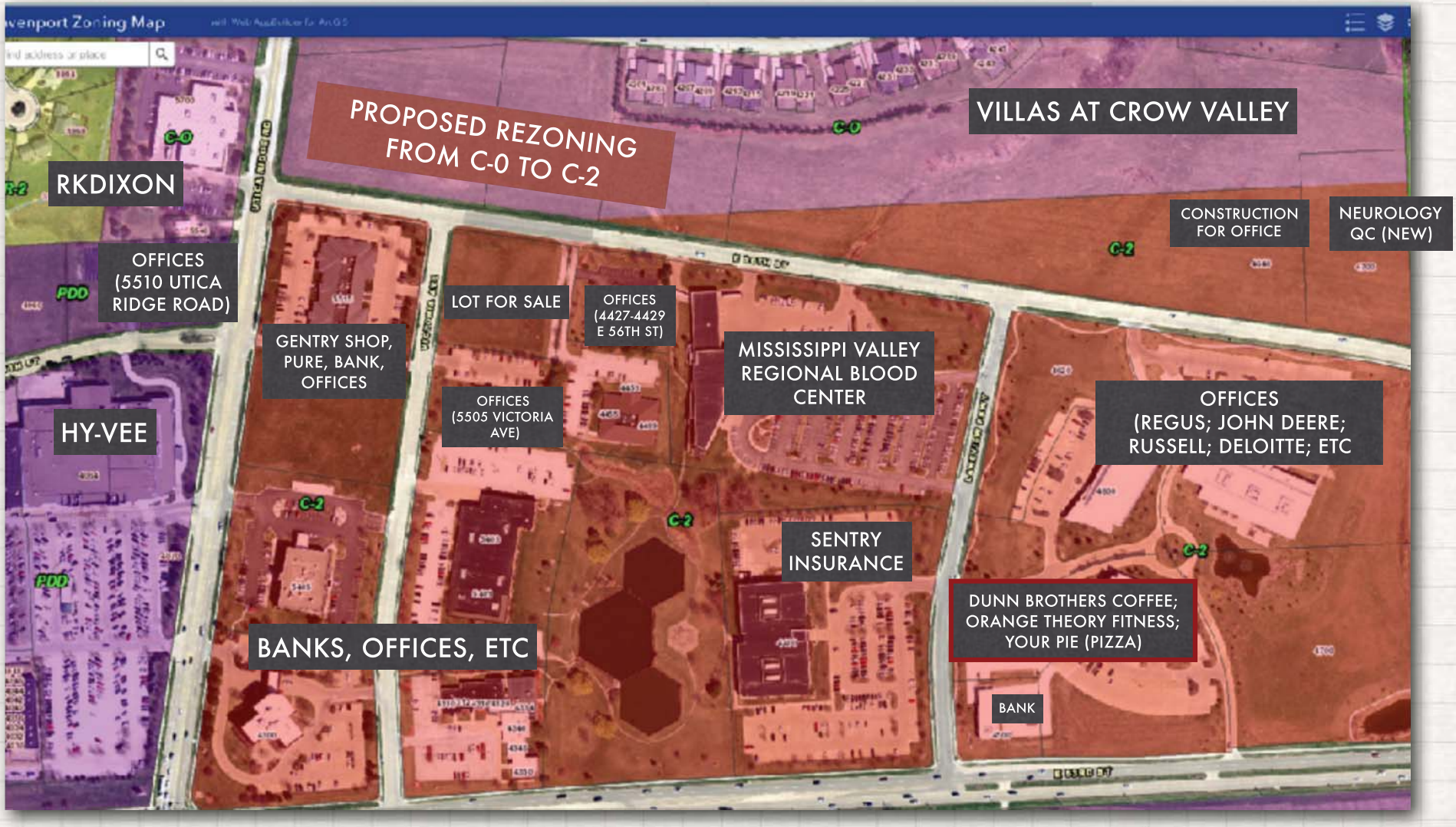


EXHIBIT B-1

FRONT OF GENTRY SHOP, PURE, ETC.
(VIEWED FROM UTICA RIDGE ROAD)

5510 UTICA RIDGE ROAD
(FACING FRONT OF GENTRY SHOP)

EXHIBIT B-2

5505 VICTORIA AVE
(FACING REAR OF GENTRY SHOP COMPLEX)

REAR OF GENTRY SHOP, PURE, ETC.
(VIEWED FROM VICTORIA AVE AND EAST 56TH ST)

LOT FOR SALE AT E 56TH ST AND VICTORIA AVE
(IMMEDIATELY EAST OF GENTRY SHOP)

4427-4429 E 56TH ST

EXHIBIT B-3

SENTRY INSURANCE

OFFICES BETWEEN E 53-56 ST BY LAKEVIEW PKWY
(REGUS; RUSSELL; JOHN DEERE; DELOITTE, ETC)

NEW NEUROLOGY QC OFFICE AT 4770 E 56TH ST

NEW CONSTRUCTION (FUTURE HOME OF THE CORPORATE OFFICES OF THE RIVERSTONE GROUP) IMMEDIATELY WEST OF NEUROLOGY QC ON EAST 56TH ST

EXHIBIT B-4

DUNN BROTHERS COFFEE; ORANGETHEORY FITNESS AND YOUR PIE
(FACING E 53RD ST, EAST OF LAKEVIEW PKWY)
TAKEN ON A SUNDAY AT 8:30 AM
AEROBIC MUSIC AUDIBLE FROM THIS DISTANCE

EXHIBIT B-5

From: Carol Kramer
To: Planning Division – CPED
Subject: Rezoning Case REZ 18-09
Date: Wednesday, June 27, 2018 5:52:45 PM

Dear Mr. Flynn,

I am a resident of the Villas of Crow Valley and have been for 13 years. I was very disheartened to see there is a request for rezoning to C2 from C0 on Utica Ridge Road between East 56th Street and East 58th Street, and I am strongly against the change.

When we built our home here, we built it solely on the fact that any commercial building behind and around our property would be under the C0 zoning code -- low-density buildings, one-to-two stories only, no bright lighting at night or noise from public grocery stores, movie houses, retail stores, gas stations, restaurants with patios, smoking clientele, and loud music till late hours, etc. We were told by -- and believed -- our city leaders that the commercial buildings around us would be doctors' offices or law practices whose hours would end at 5:00, a normal work day, that they would most likely tie in with Trinity Terrace Park Hospital nearby.

There would also be a dividing border of some land with protective landscaping done by the businesses between them and our properties as a gesture of their being a good neighbor. This was all fine with us, and we proceeded to build.

Now, if the rezoning request to C1 or C2 is voted in, our quiet way of life and the value of the home we worked many years for is in jeopardy. Will financial profit trump the integrity of the original city's plans? It is just not right!

While this area is more of a retirement community, many of our residents are younger, and there are some young families in here. We are not all going to be gone in five years, as was suggested to me after our neighborhood meeting at the McCarthy-Bush office recently by Lynn of Bush Construction.

I implore you and the committee to do the right thing and vote down this request to rezone. There are ample building areas available around Davenport, and the neighbors that we have talked with are not in agreement with a "walking" community offering retail C2-type businesses at the entrance to our neighborhood, as was posited to us.

Thank you for your consideration.

Carol Kramer

Sent from my Verizon, Samsung Galaxy smartphone

Sent from my Verizon, Samsung Galaxy smartphone

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

NOTICE
PUBLIC HEARING
TUESDAY, JULY 17, 2018, 5:00 PM
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
CITY HALL, 226 WEST 4TH STREET, DAVENPORT, IOWA 52801

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case No. REZ18-10: Request by Jessica Tuttle, Thompson Thrift Development Company, to rezone 24.27 acres, more or less, of property located south of East 53rd Street and west of the Bettendorf City Border from R-2(PUD) (Low Density Residential District Planned Unit Development) and PDD (Planned Development District) to R-5M(PUD) (Medium Density Dwelling District Planned Unit Development) [Ward 6](See map of the affected property on reverse side of this notice).

If successful, this rezoning could result in the construction of an approximately 294 unit apartment development.

A public hearing will be held on the matter by the Plan and Zoning Commission at the location, date and time listed above. At the public hearing, the Commission will hear comments for and against the proposal, and field questions. As a property owner within 200 feet of the proposed rezoning, you have the opportunity to formally protest the action. To do so, please fill out and return the form below. You may also send an email to the Community Planning Division Staff, and your protest will be registered.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ18-10
EMAIL: planning@ci.davenport.ia.us **Phone: (563) 326-7765**

Please fill out and return this form if you elect the protest the proposed Rezoning Case No. REZ18-10

I/we Janel Stout who own property located at (be specific as possible)

5034 Hamilton Dr.
Dav, IA 52807

Hereby protest the proposed:REZ18-10

Signed: Janel Stout

Date : 7/12/18

Please return this form to the email address above or mail/drop off at CPED, 226 West 4th Street, Davenport, IA 52801

PUBLIC HEARING NOTICE
CITY COUNCIL
CITY OF DAVENPORT

Public Hearing Details:

Date: 8/1/2018 Ward: **6th**
Time: 5:30 PM
Location: Northeast corner of Utica Ridge Road and East 56th Street.
Subject: Public hearing to rezone 1.5 acres of property from "C-O" Office Shop District to "C-1" Neighborhood Shopping District.
Case #: REZ18-09

To: All property owners within 200 feet of the subject property.

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a request to rezone 1.5 acres of property from "C-O" Office Shop District to "C-1" Neighborhood Shopping District.. The purpose of the request is to facilitate commercial development.

Request Description
REZ18-09: Request of Jerod Engler on behalf of McCarthy Improvement Co. for the rezoning of 8.83 acres, more or less, located along the north side of East 56th Street east of Utica Ridge Road from "C-O" Office Shop District to "C-1" Neighborhood Shopping District on 1. 5 acres to facilitate commercial development. [Ward 6]

The Plan and Zoning Commission and forwards Case No. REZ18-09 to the City Council with a recommendation for denial.

The Commission vote was 3 yes, 4 no and 1 abstention.

What are the Next Steps after the Public Hearing?

The 8/1/2018 public hearing is the first step in the review/approval process by the City Council. For the specific dates and times of subsequent meetings, please contact the case planner below.

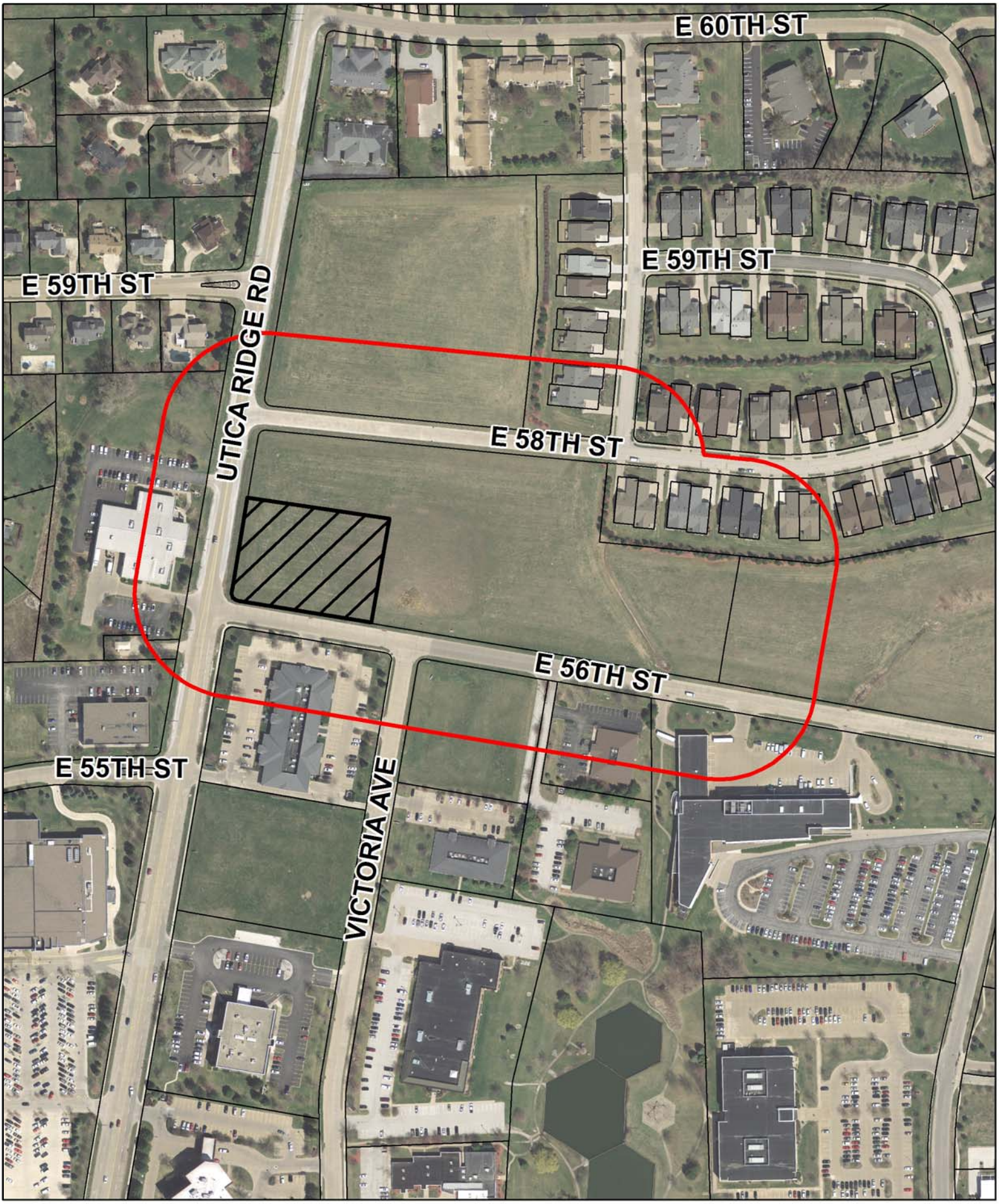
Would You Like to Submit an Official Comment?

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Matt Flynn, AICP, the case planner assigned to this project at matt.flynn@ci.davenport.ia.us or 563-888-2286. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.



REZ18-09 Subject Property

Notification Radius

N

REZ18-09 Rezoning Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
Y0807-14B	59222.42	5.5%		0.0%	5700 UTICA RIDGE RD	DIXON PROPERTIES LLC	5700 UTICA RIDGE RD	DAVENPORT IA 52807
Y0807-23C	2226.71	0.2%		0.0%	5540 UTICA RIDGE RD	QWEST CORP	PO BOX 2599	OLATHE KS 66063
Y0823-02	610.08	0.1%		0.0%	5510 UTICA RIDGE RD	LEVERAGED HOLDINGS LLC	3245 E 35TH ST CT	DAVENPORT IA 52807
Y0901-01B	79431.19	7.4%		0.0%		MCCARTHY IMPROVEMENT CO LINWOOD STONE PRODUCTS CO	5401 VICTORIA AV	DAVENPORT IA 52807
Y0901-13	3351.83	0.3%		0.0%	4025 E 59TH ST	GREGORY A DESMET	4025 E 59TH ST	DAVENPORT IA 52807
Y0901-15	3969.76	0.4%		0.0%	4221 E 58TH ST	LLOYD & DOROTHY FOX REVOC TRUS	4221 E 58TH ST	DAVENPORT IA 52807
Y0901-16	4032.00	0.4%	Yes	0.4%	4219 E 58TH ST	PATRICIA M HARRIS DECLARIATION TRUST	4219 E 58TH ST	DAVENPORT IA 52807
Y0901-17	4034.63	0.4%	Yes	0.4%	4215 E 58TH ST	JOE SMAZAL	4215 E 58TH ST	DAVENPORT IA 52807
Y0901-18A	4029.52	0.4%	Yes	0.4%	4213 E 58TH ST	SUSAN R QUAIL REVOCABLE TRUST	4213 E 58TH ST	DAVENPORT IA 52807
Y0901-19A	4032.01	0.4%	Yes	0.4%	4209 E 58TH ST	STEVEN H JACOBS REVOCABLE TRUST	4209 E 58TH ST	DAVENPORT IA 52807
Y0901-20A	4031.97	0.4%	Yes	0.4%	4207 E 58TH ST	JOAN W MCGEE TRUST	4207 E 58TH ST	DAVENPORT IA 52807
Y0901-21A	4032.01	0.4%	Yes	0.4%	4203 E 58TH ST	STEVEN E FRELS REVOCABLE TRUST	4203 E 58TH ST	DAVENPORT IA 52807
Y0901-22A	4032.00	0.4%	Yes	0.4%	4201 E 58TH ST	MARILYN QUIJAS	4201 E 58TH ST	DAVENPORT IA 52807
Y0901-23A	3974.57	0.4%	Yes	0.4%	4202 E 58TH ST	COSETTE N.F. THOMS	4202 E 58TH ST	DAVENPORT IA 52807
Y0901-24A	2692.96	0.3%	Yes	0.3%	4204 E 58TH ST	JAMES A PAYNE TRUST	4204 E 58TH ST	DAVENPORT IA 52807
Y0901-25	91.22	0.0%	Yes	0.0%	4208 E 58TH ST	RONALD L RICKMAN	4208 E 58TH ST	DAVENPORT IA 52807
Y0901-57	4573.10	0.4%	Yes	0.4%	5802 CROW VALLEY PARK DR	RODNEY B JOHNSON	21730 BELVEDERE LN	ESTERO FL 33928
Y0901-58A	4572.37	0.4%	Yes	0.4%	5804 CROW VALLEY PARK DR	NORMA J CASSIDY TRUST	5804 CROW VALLEY PARK DR	DAVENPORT IA 52807
Y0917-01	37784.40	3.5%		0.0%	5500 LAKEVIEW PKWY	MISSISSIPPI VALLEY REGIONAL	5500 LAKEVIEW PKWY	DAVENPORT IA 52807
Y0917-02C	39285.39	3.7%		0.0%		MCCARTHY IMPROVEMENT CO	5401 VICTORIA AV	DAVENPORT IA 52807
Y0917-12J	50454.31	4.7%		0.0%	5515 UTICA RIDGE RD	56 UTICA LLC	5515 UTICA RIDGE RD	DAVENPORT IA 52807
Y0917-12M	30112.32	2.8%		0.0%	4427 E 56TH ST	GSTA HOLDINGS	25380 VALLEY DR	BETTENDORF IA 52722
Y0917-12N	2886.30	0.3%		0.0%	4453 E 56TH ST	AA56 LLC	20813 E 550th STREET	COLONA IL 61241
Y0919-01C	59405.14	5.6%		0.0%	4650 E 53RD ST	BIRCHWOOD III LLC	4600 E 53RD ST	DAVENPORT IA 52807
Y0919-03D	78025.21	7.3%		0.0%		MCCARTHY IMPROVEMENT CO LINWOOD STONE PRODUCTS CO	5401 VICTORIA AV	DAVENPORT IA 52807
Y0903-58A	128212.49	12.0%		0.0%		MCCARTHY IMPROVEMENT CO LINWOOD STONE PRODUCTS CO	5401 VICTORIA AV	DAVENPORT IA 52807
Y0451-24E	3121.64	0.3%		0.0%	6300 UTICA RIDGE RD	CROW VALLEY GOLF CLUB	4315 E 60TH ST	DAVENPORT IA 52807
FID28	7378.29	0.7%		0.0%		VILLAS AT CROW VALLEY 2ND ADD	4555 UTICA RIDGE RD	BETTENDORF IA 52722
FID29	44332.14	4.1%		0.0%		VILLAS AT CROW VALLEY 2ND ADD	4555 UTICA RIDGE RD	BETTENDORF IA 52722
FID30	17598.89	1.6%		0.0%		VILLAS AT CROW VALLEY 2ND ADD	4555 UTICA RIDGE RD	BETTENDORF IA 52722

PARCELS	691,536.8	64.7%
ROW	377,080.9	35.3%
TOTAL NOTICE AREA	1,068,617.7	100%

Alderman: CLEWELL

4.1% **PROTEST RATE** Protests: 12 Properties: 30

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 563.888.2286
matt.flynn@ci.davenport.ia.us
Wards: 6

Action / Date
COW8/1/2018

Subject:
Resolution for Case No. P18-03 being the Preliminary Plat for Pheasant Ridge Subdivision, located west of Elmore Avenue and north of East 53rd Street, containing 64 buildable lots on 43.27 acres, more or less.(Pheasant Creek Estates LLC, Petitioner) [Ward 6]

Recommendation:
Adopt the resolution.

Relationship to Goals:
Welcome Neighborhoods

Background:
The Plan and Zoning Commission accepted the listed findings and forwards Case No. P.18-03 to the City Council with a recommendation subject to the conditions outlined in the June 6, 2018 letter to the City Council.

Vote for approval was 6 yes, 1 no, 2 abstain.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution
Backup Material	Plan and Zoning Commission Letter to City Council - 6-6-2018
Backup Material	Plan and Zoning Commission Vote Results - 6-5-2018
Backup Material	Preliminary Plat

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	7/26/2018 - 9:14 AM
Community Development Committee	Berger, Bruce	Approved	7/26/2018 - 9:15 AM
City Clerk	Admin, Default	Approved	7/26/2018 - 9:28 AM

Resolution No._____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION for Case No. P18-03 being the Preliminary Plat for Pheasant Ridge Subdivision, located west of Elmore Avenue and north of East 53rd Street, containing 64 buildable lots on 43.27 acres, more or less.(Pheasant Creek Estates LLC, Petitioner) [Ward 6]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the preliminary plat of Seng Meadows to the City of Davenport, Iowa, be the same and is hereby approved and accepted subject to all the conditions as stated in the Commission's letter dated June 6, 2018 and as follows:

1. That section lines be shown;
2. That the dimensions of existing street and rights-of-way be shown;
3. That areas of significant tree cover be delineated;
4. That the location and sizes of existing sanitary and storm sewer line(s) as well as water mains be shown;
5. That the existing and proposed zoning be noted;
6. That the existing and proposed drainage patterns of site be shown;
7. That the outlots "O.L. A" through "O.L. Q" be renamed to "Lot A" through "Lot Q" and designated and noted as being for a specific purpose(s).

and the Mayor and Deputy City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

Approved: Attest:

_____ _____

Frank Klipsch, Mayor Jackie E. Holecek, Deputy City Clerk

City of Davenport

Community Planning and Economic Development Department
City Hall - 226 West Fourth Street - Davenport, Iowa 52801
Telephone: 563-326-7765
www.cityofdavenportiowa.com

June 6, 2018

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of June 5, the City Plan and Zoning Commission considered Case No. P18-03, being the Pheasant Ridge Preliminary Plat.

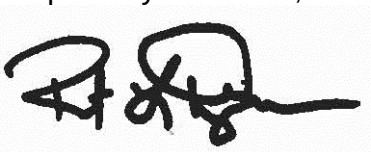
Findings:
The preliminary plat mostly conforms to the comprehensive plan.
The preliminary plat extends of the existing street system and provides for continued residential growth of the Jersey Meadows area.

The Plan and Zoning Commission accepted the listed findings and forwards Case No. P18-03 to the City Council with a recommendation for approval subject to the following conditions:

1. That section lines be shown;
2. That the dimensions of existing street and rights-of-way be shown;
3. That areas of significant tree cover be delineated;
4. That the location and sizes of existing sanitary and storm sewer line(s) as well as water mains be shown;
5. That the existing and proposed zoning be noted;
6. That the existing and proposed drainage patterns of site be shown;
7. That the outlots “O.L. A” through “O.L. Q” be renamed to “Lot A” through “Lot Q” and designated and noted as being for a specific purpose(s).

Vote for approval was 6 yes, 1 no, 2 abstain.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

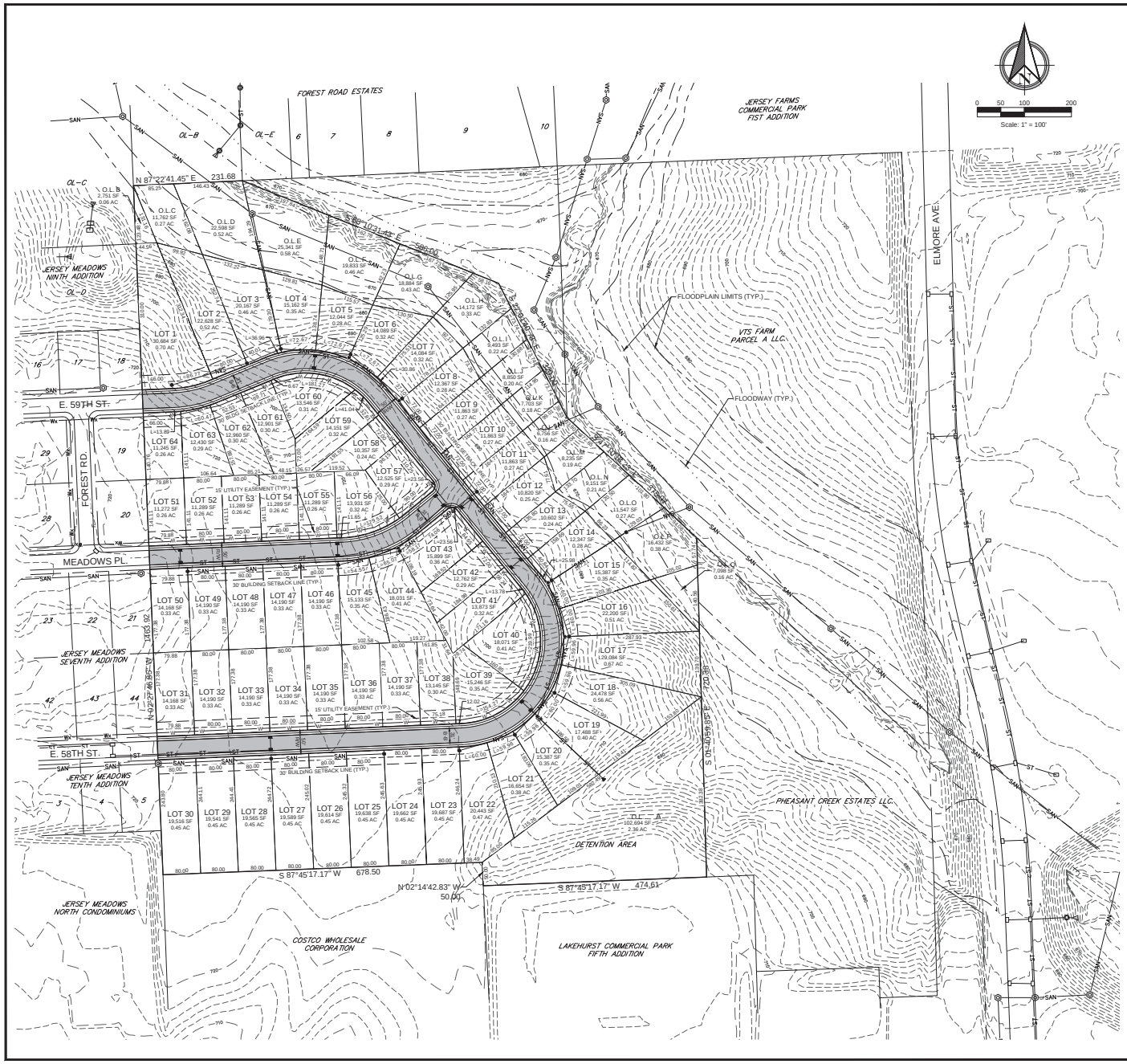
City Plan & Zoning Commission Voting Record

Meeting Date: 06-05-18

Meeting Location: Council Chambers-City Hall

APPROVED

Name:	Roll Call	ORD18-04 Sec17.29 DRB	ORD18-02 Rockingham Corridor	P18-03 Pheasant Ridge Subdivision	F18-04 Wedgewood 10th			
Connell	P	Y	Y	Y	Y			
Hepner	P	Y	Y	Y	Y			
Inghram	P							
Johnson	P	Y	Y	Y	Y			
Kelling	P	Y	Y	ABS	Y			
Lammers	P	Y	Y	Y	Y			
Maness	P	Y	Y	Y	Y			
Medd	P	Y	Y	Y	Y			
Quinn	P	Y	Y	ABS	Y			
Reinartz	P	Y	Y	N	Y			
Tallman	P	Y	Y	ABS	Y			
		10-YES 0-NO 0-ABSTAIN	10-YES 0-NO 0-ABSTAIN	6-YES 1-NO 3-ABSTAIN	10-YES 0-NO 0-ABSTAIN			



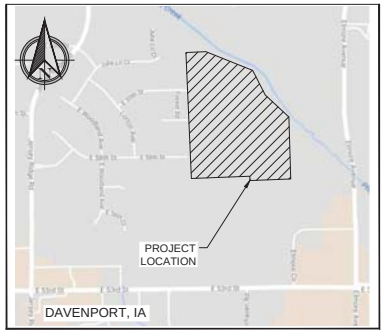
PRELIMINARY PLAT OF

PHEASANT RIDGE SUBDIVISION

AN ADDITION TO THE CITY OF DAVENPORT, IOWA

BEING PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 7 AND PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M. IN SCOTT COUNTY, IOWA

SITE LOCATION MAP



LEGEND

PROPOSED	EXISTING	
		STORM MANHOLE
		STORM INLET
		FLARED END SECTION
		SANITARY MANHOLE
ST ST	ST ST	STORM SEWER
SAN	SAN	SANITARY SEWER
W W	Wx	WATER LINE
		FLOODPLAIN
		FLOODWAY

NOTES

1. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF DAVENPORT STANDARD SPECIFICATIONS AND DETAIL DRAWINGS, LATEST EDITION.
2. ALL LOT DIMENSIONS ARE APPROXIMATE.
3. TOPOGRAPHY AND SEWER LOCATIONS ARE PER CITY OF DAVENPORT G.I.S.
4. FRONT YARDS WHERE SANITARY IS SHOWN SHALL HAVE A 15 FOOT SANITARY SEWER & UTILITY EASEMENT. FRONT YARDS WITHOUT SANITARY SEWER SHALL HAVE A 15 FOOT WATERMAIN & UTILITY EASEMENT. SIDE LOT LINES WITH SANITARY SEWER AND STORM SEWER SHALL HAVE A 30 FOOT SEWER & DRAINAGE EASEMENT. SIDE YARD WITH SUMP PUMP SEWER SHALL HAVE A 10 FOOT DRAINAGE EASEMENT CENTERED ON LOT LINE.
5. PROPOSED ZONING IS R-2 (LOW DENSITY DWELLING DISTRICT).
6. ALL SANITARY SEWER SHALL BE 8-INCH DIAMETER.
7. ALL WATERMAIN SHALL BE 8-INCH DIAMETER.
8. ALL STORM WATER DETENTION AND WATER QUALITY TREATMENT SHALL BE DESIGNED AT THE TIME OF FINAL PLATTING.

OWNER | DEVELOPER

ADVANCE HOMES INC.
4215 E. 60th STREET
DAVENPORT, IA 52807
563.359.0309

SURVEYOR

VERBEKE-MEYER CONSULTING ENGINEERS, P.C.
4111 E. 60TH STREET
DAVENPORT, IA 52807
563.359.1348

j+m civil design llc
2550 middle road, ste. 300
bettendorf, ia 52722
www.jmcivildesign.com

no.	date	revision

PRELIMINARY PLAT
PHEASANT RIDGE SUBDIVISION
Davenport, Iowa

Advance Homes Inc.

jmcd project no.	18-008
drawn by:	cam | kdw
checked by:	baj | cam
date:	04.23.2018

PRELIMINARY PLAT

C-1

City of Davenport

Agenda Group: Public Safety
Department: Public Safety
Contact Info: Gary Statz (563) 326-7754
Wards: 2

Action / Date
PS7/3/2018

Subject:
Third Consideration: Ordinance amending Schedule VII of Chapter 10.96 entitled “No Parking” by adding Pine Street along the east side from Hickory Grove Road north 150 feet. [Ward 2]

Recommendation:
Adopt the ordinance.

Relationship to Goals:
Welcoming Neighborhoods

Background:
This portion of Pine Street has a tight curve coming off of Hickory Grove Road before the road straightens out at the north driveway of Automotive Central, which is on the west side of Pine Street. When vehicles are parked on both sides of the street, it can be difficult to maneuver, especially if there is oncoming traffic. I have spoken with both the owner of Automotive Central and the people in the neighborhood regarding this issue. They agreed to proceed with this proposed no parking zone.

ATTACHMENTS:

Type	Description
Ordinance	PS_ORD_Pine St no parking_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	6/28/2018 - 10:07 AM
Public Works Committee	Lechvar, Gina	Approved	6/28/2018 - 10:08 AM
City Clerk	Admin, Default	Approved	6/28/2018 - 10:08 AM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE VII NO PARKING THERETO BY ADDING PINE STREET ALONG THE EAST SIDE FROM HICKORY GROVE ROAD NORTH 150 FEET.

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

Section 1. That Schedule VII No Parking of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

Pine Street along the east side from Hickory Grove Road north 150 feet.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group: Public Safety
Department: Public Works - Engineering
Contact Info: Gary Statz (563) 326-7754
Wards: 5

Action / Date
PS8/1/2018

Subject:
First Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding E 32nd Street along the frontage of 424 E 32nd Street. [Ward 5]

Recommendation:
Approve the ordinance.

Relationship to Goals:
Welcoming Neighborhoods.

Background:
Ashley Tilton at 424 E 32nd Street has asked for a resident parking only zone to be placed in front of her home due to the parking situation caused by Vera French across the street. Many of the visitors to Vera French park on the street rather than in the parking lot because it is a closer walk to the front door. This is creating a hardship to her but will not cause problems elsewhere on the block. This zone will be approximately 60 feet long.

ATTACHMENTS:

Type	Description
Ordinance	PS_ORD_424 E 32nd St RPO_pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	7/26/2018 - 10:45 AM

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XI RESIDENT PARKING ONLY THERETO BY ADDING E 32ND STREET ALONG THE FRONTAGE OF 424 E 32ND STREET.

Section 1. That Schedule XI Resident Parking Only of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

E 32nd Street along the frontage of 424 E 32nd Street.

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

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

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch
Mayor

Attest: _____
Jackie E. Holecek, MMC
Deputy City Clerk

City of Davenport

Agenda Group: Public Safety
Department: City Clerk
Contact Info: Jackie E Holecek
Wards: Various

Action / Date
8/1/2018

Subject:
Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

TBK Bank and Dress for Success, Credit Coaching with TBK Bank, August 22; 2:00 PM - 7:00 PM; Closure Location: Iowa Street between East 2nd Street and East River Drive [Ward 3]

Hilltop Campus Village, Retrofest, September 15, 10:00 AM - 10:00 PM; Closure Location: 15th Street between Main and Harrison Streets [Ward 5]

Davenport Schools, North High School Homecoming Parade, September 19, 5:00 PM - 8:00 PM; Closure Location: Starting a Wood Intermediate, Division to Northwest Blvd, Northwest Blvd south to West 56th Street, Oak Brook Road to West 57th Street to Marquette, Marquette to West 60th, West 60th to Myrtle St to West 59th to Vine Street to West 58th Street to Gaines Street to North High School Finish [Ward 8]

Davenport Schools, Central High Homecoming Parade, September 20, 5:00 PM - 8:00 PM; Closure Location: Staging on Woodland and 18th Street in front of McKinley School; east on 18th Street to Fernwood; south on Fernwood to Forest Rd; north on Forest to Middle Rd, west on Middle Rd to Woodland; north on Woodland to 18th Street and east on 18th to McKinley School play area [Ward 5]

Saint Paul the Apostle, 1007 Rusholme Street, Annual Back to School event, September 15, 12:00 PM to 10:30 PM, Closure Location: Rusholme Street between Carey Avenue and Arlington Avenue [Ward 5]

NAMI, NAMI Walks of Greater Mississippi Valley, September 22, 6:00 AM - 2:00 PM; Closure Location: South Gaines from the railroad tracks to Beiderbecke Drive and Beiderbecke Drive to Marquette Street [Ward 3]

Davenport Public Library, 50th Anniversary Celebration, October 13, 9:00 AM - 9:00 PM; Closure Location: Main Street between 4th Street and the alley south [Ward 3]

Recommendation:
Approve the resolution.

Relationship to Goals:
Vibrant Region

ATTACHMENTS:

	Type	Description
	Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	7/17/2018 - 10:46 AM

RESOLUTION NO. 2018-

Resolution offered by Alderman Rawson

Resolution closing various street(s), lane(s) or public grounds on the listed date(s) to hold outdoor event(s).

RESOLVED by the City Council of the City of Davenport.

Whereas, the City through its Special Events Policy has accepted the following application(s) to hold an outdoor event(s) on the following date(s), and

Whereas, upon review of the application(s) it has been determined that the street(s), lane(s) or public grounds listed below will need to be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and directs the staff to proceed with the temporary closure of the following street(s), lane(s) or public grounds on the following date(s) and time(s):

Entity: TBK Bank and Dress for Success
Event: Credit Coaching with TBK Bank
Date: August 22, 2018
Time: 2:00 PM – 7:00 PM
Closure Location: Iowa Street between East 2nd Street and East River Dr
Ward: 3

Entity: Hilltop Campus Village
Event: Retrofest
Dates: September 15
Time: 10:00 AM - 10:00 PM
Closure Location: 15th Street between Main and Harrison Streets
Ward: 5

Entity: Saint Paul the Apostle
Event: Annual Back to School event
Dates: September 15
Time: 12:00 PM to 10:30 PM
Closure Location: Rusholme Street between Carey Avenue and Arlington Avemue
Ward: 5

Entity: Davenport Schools
Event: North High School Homecoming Parade
Date: September 19
Time: 5:00 PM - 8:00 PM
Closure Location: Starting at Wood Intermediate, Division to Northwest Blvd, Northwest Blvd south to West 56th Street, Oak Brook Road to West 57th Street to Marquette, Marquette to West 60th, West 60th to Myrtle St to West 59th to Vine Street to West 58th Street to Gaines Street to North High School Finish
Ward: 8

Entity: Davenport Schools
Event: Central High Homecoming Parade
Date: September 20
Time: 5:00 PM - 8:00 PM
Closure Location: Staging on Woodland and 18th Street in front of McKinley School; east on 18th Street to Fernwood; south on Fernwood to Forest Rd; north on Forest to Middle Rd, west on Middle Rd to Woodland; north on Woodland to 18th Street and east on 18th to McKinley School play area
Ward: 5

Entity: NAMI
Event: NAMI Walks of Greater Mississippi Valley
Date: September 22
Time: 6:00 AM – 2:00 PM
Closure Location: South Gaines Street from the railroad tracks to Beiderbecke Drive and Beiderbecke Drive to Marquette Street
Ward: 3

Entity: Davenport Public Library
Event: Library's Main Street 50th Anniversary Celebration
Date: October 13th
Time: 9:00 AM – 9:00 PM
Closure Location: Main Street between 4th Street and the alley south
Ward: 3

Approved this __8th_____ day of _August___, 2018.

Approved: Attest:

_____ _____

Frank Klipsch, Mayor Jackie E. Holecek, MMC, Deputy City Clerk

City of Davenport

Agenda Group: Committee of the Whole
Department: City Clerk
Contact Info: Jackie E Holecek
Wards: ALL

Action / Date
7/3/2018

Subject:
Motion approving noise variance request(s) for various events on the listed dates and times.

Delta Sigma Chi Lyceum, 1208 N Main, Palmer Homecoming Celebration, August 9, 10, 11, 2018; August 9 6:00 PM - 11:00 PM, August 10-11 12:00 PM - 11:00 PM, Over 50 dBa [Ward 5]

James Willington, Back2School event, Harrington Park, 935 Brown Street, Saturday, August 25, 2018; 8:00 AM - 7:00 PM, Outdoor Music, Over 50 dBa [Ward 3]

Alisha Blough, 314 South Lincoln Avenue, Annual Luau, Saturday, September 29, 2018, 4:30 PM - 11:30 PM, Over 50 dBa [Ward 1]

Davenport Public Library, 50th Anniversary Celebration, Saturday, October 13, 2018, 4:00 PM - 8:00 PM, Over 50 dBa [Ward 3]

Recommendation:
Approve the motion.

Relationship to Goals:
Vibrant Region

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	7/18/2018 - 11:44 AM

City of Davenport

Agenda Group: Public Works
Department: Public Works - Admin
Contact Info: Helen Keys: (563) 326-7965
Wards: All

Action / Date
PW7/3/2018

Subject:
Third Consideration: Ordinance amending Chapter 13.16 entitled "Wastewater Facilities" to include changes needed per the EPA pre-treatment streamlining rule. [All Wards]

Recommendation:
Approve the ordinance.

Relationship to Goals:
Sustainable Infrastructure

Background:
Updates to Chapter 13.16 of the municipal code are needed per the EPA pre-treatment streamlining rules. These changes have been approved by the Iowa DNR and the EPA.

ATTACHMENTS:

Type	Description
Ordinance	ORD

REVIEWERS:

Department	Reviewer	Action	Date
Public Works Committee	Admin, Default	Approved	7/19/2018 - 12:14 PM

Ordinance No. _____

ORDINANCE amending Chapter 13.16 entitled "Wastewater Facilities" by amending various sections of the municipal code of Davenport, Iowa.

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

That Chapter 13.16 of the Municipal Code of Davenport, Iowa, is hereby modified and reads as follows:

Chapter 13.16 WASTEWATER FACILITIES*

Sections:

I. General Provisions

13.16.010 General Adoption.
13.16.015 Intent and construction.
13.16.020 Purpose and policy.
13.16.025 Jurisdiction.
13.16.030 Severability.
13.16.031 Discharge of sewage prohibited —Exception.
13.16.032 Construction of privies, etc.—Prohibited.
13.16.033 Discharge of surface waters.
13.16.034 Discharge of storm water and unpolluted drainage.
13.16.035 Abbreviations.
13.16.040 Interpretation.
13.16.045 Definitions.

II. Wastewater Treatment and Pretreatment Regulations

13.16.050 User requirements.
13.16.055 Discharge prohibitions.
13.16.060 Local limits for specific pollutants.
13.16.065 National categorical pretreatment standards.
13.16.070 State requirements.
13.16.075 City's right of revision.
13.16.080 Pretreatment.
13.16.085 Dilution prohibited.
13.16.090 Slug/spill control.
13.16.095 Treatment upsets.
13.16.100 Treatment by bypass.
13.16.105 Comprehensive sewer service charges—Enumerated.
13.16.106 Rates.
13.16.107 Rates—Amount.
13.16.108 Unpaid fees.
13.16.109 Fees—Exempt.

III. Wastewater Discharge Permits and Reporting Requirements

13.16.110 Class of Permit—Reserved.
13.16.115 Permit requirements.
13.16.120 Permit applications—Baseline monitoring reports.
13.16.125 Categorical industries—Report on compliance.
13.16.130 Permit contents.
13.16.135 Permit duration and renewal.
13.16.140 Continuation of expired permits.
13.16.145 Permit modifications.
13.16.150 Permit transfer.
13.16.155 Denial of permit.
13.16.160 Permit violations.
13.16.165 Periodic compliance reports.
13.16.170 Certification and signatory requirements.
13.16.175 Monitoring facilities.
13.16.180 Inspection, sampling, and recordkeeping authority.
13.16.185 Confidential information.

IV. Building Sewers and Connections

13.16.190 Permits required.
13.16.195 Classes of permits and fees.
13.16.200 Building lateral permit—When granted.
13.16.205 Building lateral permit—Industrial user—Nontransferability.
13.16.210 Bond—Required.
13.16.215 Permit—Revocation.
13.16.220 Specifications.
13.16.225 Separate laterals.
13.16.230 Old building laterals.
13.16.235 Costs and expenses.

V. Sewer Connection Fees

13.16.240 Required—Special rate.
13.16.250 Unpaid sewer connection fees—Property lien.

VI. Enforcement Procedures

13.16.255 Public notification of significant noncompliance.
13.16.260 Significant noncompliance (SNC).
13.16.265 Administrative actions.
13.16.270 Actions authorized.
13.16.275 Civil penalties.
13.16.280 Criminal penalties.
13.16.285 Performance bonds.
13.16.290 Revocation of permit.

13.16.300 Reinstatement of service.
13.16.305 Emergency disconnection service.
13.16.310 Elimination of discharge and reinstatement.
13.16.315 Additional remedies.

I. GENERAL PROVISIONS

13.16.010 GENERAL ADOPTION.

The provisions of this chapter are enacted to aid in the enforcement of the pretreatment regulations set forth herein and may be placed in a separate portion of the municipal code of any Joint Contract Sewerage Committee (JCSC) constituent community. Each Joint Contract Sewerage Committee (JCSC) constituent community designates the city of Davenport as the enforcement agency under this chapter. Employees, agents and officers of the city of Davenport while acting to enforce the provisions of this chapter for the Joint Contract Sewerage Committee are empowered to make such inspections, issue such orders or permits and take such actions within the boundaries of the JCSC as are authorized by this chapter.

No unauthorized person shall in any manner break, damage, destroy, or tamper with any structure, appurtenance, or equipment, which is part of the wastewater facilities or the public sanitary sewer system.

13.16.015 INTENT AND CONSTRUCTION.

This chapter seeks to implement provisions of the Act, the General Pretreatment Regulations, and the Iowa Administrative Code, Chapter 567, Sections 62.4 and 62.8. This chapter is to be construed and applied in accordance with the Clean Water Act Amendments, the General Pretreatment Regulations, the Iowa Administrative Code and the purpose and policy provision set forth in section 13.16.020 below.

13.16.020 PURPOSE AND POLICY.

This chapter regulates the use of sewers, private wastewater disposal, the installation and connection of building sewers, the discharge of water and waste into the sewers and drains of the JCSC system, the discharge of water and waste into the sewers and drains of the Davenport Sewage System systems, and the discharge to the Davenport JCSC POTW. This chapter sets forth uniform requirements for dischargers into the wastewater collection and treatment systems of Davenport and the JCSC constituents.

The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the POTW that may interfere with the operation of the system or interfere with sludge management and disposal;
(2) To prevent the introduction of pollutants into the POTW that may pass through the system inadequately treated and ultimately into receiving water, the atmosphere, or otherwise be incompatible with the system;
(3) To protect workers' safety and health and to protect against damage to the POTW;
(4) To provide for equitable distribution of treatment and industrial pretreatment costs resulting from pollutants introduced into the POTW.
(5) To enable the POTW to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

13.16.025 JURISDICTION.

The provisions of this chapter are applicable in their entirety to all users and contributors of wastewater, directly or indirectly, into the wastewater treatment works of the city of Davenport or into the wastewater collection and treatment system of the city of Davenport or the JCSC without regard to whether the physical facilities of such contributors, or the physical portion of the wastewater collection system is situated within or outside the corporate limits of the city of Davenport.

Unless otherwise expressly provided by contract providing for extension of service by the city outside of the city, such city extended services and each particular thereof shall be subject to the provisions of this chapter.

The city of Davenport requests each municipality in which users or contributors to the Davenport POTW are located adopt this chapter in its entirety. Failure of any contributing municipalities to so act shall not diminish the jurisdiction of the city of Davenport under this chapter.

13.16.030 SEVERABILITY.

If any provision of this chapter or the application thereof to any particular person or particular circumstance is held invalid, the invalidity shall not affect other provisions or application of this chapter which can be given effect without the invalid provision or application. To this end the provisions of this chapter are severable.

13.16.031 DISCHARGE OF SEWAGE PROHIBITED – EXCEPTION.

It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

13.16.032 CONSTRUCTION OF PRIVIES, ETC. - PROHIBITED.

Except as provided in this chapter, it is unlawful to construct, use, or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

13.16.033 DISCHARGE OF SURFACE WATERS.

It is unlawful for any person to make any connection of roof downspouts, exterior or interior foundation drains, driveway drains, garage drains, or other sources of surface water, groundwater, storm water, roof runoff, or subsurface drainage to a building sewer or lateral which is connected directly or indirectly to a public sanitary sewer.

13.16.034 DISCHARGE OF STORM WATER AND UNPOLLUTED DRAINAGE.

Storm water, industrial cooling water, unpolluted process waters and all other unpolluted drainage shall be discharged to such sewers or natural outlets as are specifically designated and approved by the Water Pollution Control Plant Manager.

13.16.035 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

BETX	Benzene, Ethylbenzene, Toluene, and Xylene
BOD/CBOD	Biochemical Oxygen Demand / Carbonaceous BOD
BMR	Baseline Monitoring Report
C	Celsius
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
F	Fahrenheit
GPD	Gallons per day
IDNR	Iowa Department of Natural Resources
lb/day	Pounds per day
MGD	Million Gallons per Day
mg/l	Milligrams per liter
NCPS	National Categorical Pretreatment Standards or Categorical Standards
NH3-N	Ammonia Nitrogen
NPDES	National Pollution Discharge Elimination System
O&G	Oil and Grease
POTW	Publicly Owned Treatment Works
SCP	Spill Control Plan
SIC	Standard Industrial Classification
SNC	Significant Non-compliance
RCRA	Resource Conservation & Recovery Act
TCLP	Toxicity Characteristic Leaching Procedure
TFE	Trichlorotrifluoroethane
TKN	Total Kjeldahl Nitrogen
TOH	Total Organic Hydrocarbons
TPH	Total Purgeable Hydrocarbons
TRC	Technical Review Criteria

TSS	Total Suspended Solids
TTO	Total Toxic Organics
USC	United States Code
USEPA	United States Environmental Protection Agency

13.16.040 INTERPRETATION.

This chapter shall be construed and interpreted to conform with 40 CFR Chapter I and it is the intent of this chapter that it comply with said federal regulations.

13.16.045 DEFINITIONS.

"Act" or **"Clean Water Act"** means the 1972 Federal Water Pollution Control Act, the 1977 Clean Water Act, and the 1987 Water Quality Act, as amended.

"Approval Authority" means the Iowa Department of Natural Resources.

"Authorized Representative" or "Duly Authorized Representative of the User" means:

(1) If the User is a corporation:

(a) The president, secretary, treasurer or a vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Davenport Pretreatment Office.

"Baseline Monitoring Report" means the report required by 40 CFR Part 403.12 (b) (1-7).

"Biochemical Oxygen Demand (BOD)" means the analysis of BOD as described in EPA Methods or other methods approved by 40 CFR 136.

"Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.

"Building Lateral" means the extension from the building sewer, beginning five feet (one and one-half meters) out-side the inner face of the building wall and extending to the public sewer or other place of disposal.

"Building Sewer" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building lateral or other approved point of discharge.

"Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's pretreatment facility.

"Categorical User" means a user subject to NCPS.

"Chemical Oxygen Demand (COD)" means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
"City" means the city of Davenport as operating agency and enforcement agency of the JCSC both within its own corporate boundaries and within all territory encompassed by the JCSC.
"City Council" means the city of Davenport City Council.
"City Water Pollution Control Plant Manager" means the Davenport City Water Pollution Control Plant Manager.
"Combined Sewer" means a sewer which is designed and intended to receive wastewater, storm water, surface water and ground water drainage.
"Comprehensive Sewer Service Charge" means the charge per quarter or month levied on all users of the waste-water system.
"Combined Waste Stream Formula" means the formula as found in 40 CFR Part 403.6 (e).
"Composite Sample" means a representative sample using a minimum of four grab sample aliquots obtained over a period of time and mixed using either a flow proportional or time proportional method.
"Conventional Pollutant" means BOD, COD, O&G, suspended solids, pH, ammonia nitrogen, total kjeldahl nitrogen and fecal coliform bacteria.
"Discharge" or **"Indirect Discharge"** means the introduction of treated or untreated wastewater into the POTW.
"Dissolved Solids" means the concentration of residue left in an evaporating dish after evaporation and drying at defined temperatures using EPA methods or other methods approved in 40 CFR 136.
"Domestic sewage" shall mean all household-type waste discharged from places of human habitation including sanitary convenience, kitchen and laundry waste.
"Domestic strength" is a term used to evaluate the strength of wastewater and equals a strength of BOD of 250 mg/l and TSS of 300 mg/l.
"Domestic user" means all users discharging only domestic sewage from premises consisting of any building or parts of building designed for or occupied by one or more persons as a single housekeeping unit, including such units within multifamily dwellings, flats and apartment buildings.
"EPA Methods" means the USEPA approved standard procedures for wastewater analysis as prescribed in 40 CFR Part 136 and shall include alternate methods approved by the approval authority.
"Fecal coliform" means bacteria common to the intestinal tracts of humans and animals whose presence in water is an indication of pollution.
"Garbage" means solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.
"Grab Sample" means a single aliquot sample collected, either directly or by means of a mechanical device, without regard to the flow in the waste stream.
"Headworks" means the main wet well at the POTW treatment plant prior to any treatment process.
"Industrial User" see **"User".**
"Industrial Waste" means the liquid waste from industrial users as distinct from domestic sewage.
"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(2) Causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with any federal, state or local regulations or permits.

"JCSC" means the Joint Contract Sewerage Committee consisting of the JCSC constituent communities who are by joint government action, as defined in the JCSC 28E agreements as from time to time amended, are committed to utilize the wastewater treatment plant (POTW) and certain outfall and interception sewers of the wastewater treatment system and to support the operating and capital costs thereof through payments to the city of Davenport.
"Limit" means the maximum allowable discharge of a given pollutant as in the following definitions:

(1) **"Daily Maximum Limit"** means the maximum allowable discharge of pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum

limits are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

(2) **"Monthly Average Limit"** means The maximum allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

"Local Limit" means a specific discharge limit developed and enforced by the city upon industrial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).

"May" confers a power (permissive).

"Must" states a requirement.

"National Categorical Pretreatment Standards (NCPS)" or **"Categorical Standards"** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, 405-471.

"National Pollution Discharge Elimination System (NPDES) Permit" means a permit issued pursuant to the Act.

"New source" shall be as defined by 40 CFR 403.3(k).

"Nonconventional Pollutants" means all pollutants, which are not included in the definition of conventional pollutants.

"NH3-N" means the ammonia nitrogen concentration in mg/l as determined using EPA methods.

"Oil and Grease (O&G)" means any material recovered as a substance that is soluble in n-Hexane and which may further be divided into a mineral and non-mineral fraction using EPA approved methods or standard methods.

"Pass Through" means a discharge which exits the POTW into water of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or other permit issued to the POTW by IDNR or USEPA.

"Person" means any individual, partnership, co-partnership, firm, company, association, Joint-stock Company, society, corporation trust, estate, municipality, governmental entity, group, or any other legal entity, or their legal representatives, agents, or assigns.

"pH" means A measure of the acidity or alkalinity of a solution, expressed in standard units (su). The measurement used is the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Pollution" means the alteration of chemical, physical, biological, or radiological integrity of water as a result of human activity or enterprise.

"City of Davenport POTW Treatment Plant" means that portion of the POTW, which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

"Pretreatment" means the reduction, elimination, or alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW.

"Pretreatment Facility" means the equipment used to accomplish pretreatment.

"Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment imposed on an industrial user.

"Pretreatment Standards" means for any specified pollutant, the city of Davenport prohibitive discharge standards as set forth in section 13.16.055, the city's local limits for specific pollutants as set forth in section 13.16.060 of this chapter, the State of Iowa pretreatment standards or the NCPS. The most stringent standard will be applied per pollutant.

"Properly Shredded Garbage" means the waste from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles are carried freely under the flow conditions normally prevailing in the POTW, with no particle greater than one-half inch in any dimension.

"Publicly Owned Treatment Works (POTW)" means a treatment works as defined by Section 212 of the Act, and shall include the POTW owned by the JCSC and operated by the City of Davenport as operating agency pursuant to the JCSC Agreement, and shall include all waste water treatment facilities of the city of Davenport and of the JCSC constituent communities. This definition includes any devices and systems used in the storage, treatment, conveying, recycling and reclamation of municipal sewage or industrial waste of a liquid nature or that convey wastewater to a POTW, regardless of ownership.

"Radiological Waste" means any prohibited radiological waste as defined in IAC 641-40.72, 641-40.88 and 641-40 Appendix B, Table III.

"Sampling Chamber" or **"Sampling Maintenance Hole"** means a device or structure suitable and appropriate to permit sampling and flow measurement of a wastewater stream to determine compliance with this ordinance.

"Severe Property Damage" means substantial physical damage to property, damage to a pretreatment facility causing it to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage" means and includes wastewater.

"Sewage System" means sewers, intercepting sewers, pipes or conduits, pumping stations, force mains, and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage to a point of treatment or ultimate disposal.

"Shall" imposes a duty.

"Significant Industrial User / Significant User" means:

Except as provided in paragraphs (4) of this Section

(1) An Industrial User subject to categorical pretreatment standards:

(2) All waste haulers

(3) An industrial user that:

(a) Discharges an average of 25,000 gallons per day or more of process wastewater (excludes sanitary, non-contact cooling water and boiler blowdown water);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant or;

(c) Is designated as such by the city on the basis that it contributes a discharge that has a reasonable potential to adversely affect any of the POTW operations by causing interference or pass through at the POTW, violates any pretreatment standard, or violates any pretreatment requirements.

(4) The city may determine that an Industrial user subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The industrial user, prior to the city finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required in Section 13.16.170 of this chapter or 40CFR403.12(q), together with any additional information necessary to support the certification statement; and

(c) The industrial user never discharges any untreated concentrated wastewater.

"Sludge" means the solids separated from the liquids during the wastewater treatment process.

"Slug" or **"Slug Load"** means any discharge of water or wastewater which in concentration of any pollutant, measured using a grab or composite sample, is more than five (5.0) times the allowable concentration as set forth in sections 13.16.055 and 13.16.060 of this chapter or in a user's most recent wastewater discharge permit or exceeds a slug concentration level specified in a wastewater discharge permit. A discharge with pH outside the allowable range by more than one standard unit (S.U.) or a flow rate in excess of two (2.0) times the maximum flow limit established in a wastewater discharge permit shall also be a slug.

"State" means State of Iowa.

"Standard Industrial Classification (SIC)", means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, most recent edition.

"Standard Methods" means the laboratory procedures set forth in the latest edition of Standard Methods for the Examination of Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

"Storm Sewer" means a sewer, which carries stormwater, surface water and drainage but excludes sewage and industrial waste other than unpolluted cooling water.
"T" when used as a portion of a chemical name, shall designate "total" such as in "cyanide-T" where "T" means "total" cyanide.
"TKN" shall mean the total kjeldahl nitrogen concentration expressed in mg/l as determined using EPA methods or standard methods.
"Total Metals" means the sum of the concentration of metals specified in a wastewater discharge permit.
"Total Suspended Solids (TSS)" shall mean the portion of total solids retained by a filter using EPA methods or standard methods.
"Total Toxic Organics" means the summation of all quantified values greater than 0.01 milligrams per liter for the toxic organics as specified in the applicable regulation.
"Toxic Pollutant" means any pollutant or combination of pollutants listed in 40 CFR Part 403 Appendix B.
"Unpolluted Water" shall mean water containing none of the following: free or emulsified oil and grease; substances that may impart taste, odor or color characteristics; volatile, explosive, toxic or poisonous substances in suspension or solution; explosive, odorous or otherwise obnoxious gases. Such water shall not contain more than 25 mg/l of suspended solids, and not more than 25 mg/l of BOD.
"Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the user. An Upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.
"User" or **"Industrial User"** shall mean a source of discharge into a POTW from any source other than a domestic user.
"Waste Hauler" means a private contractor licensed by the State of Iowa and permitted by the city to deliver wastewater to the POTW.
"Wastewater", also termed **"Sewage"**, means a combination of the liquid and water carried waste from residences, commercial buildings, institutions and industrial establishments, together with such groundwater, surface water, and stormwater as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
"Wastewater Discharge Permit" means the document or documents issued to a user by the city in accordance with the terms of this chapter.
"Water of the State" shall mean all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State of Iowa or any portion thereof.
"Water Pollution Control Plant Manager" means the Water Pollution Control Plant Manager of the Davenport Wastewater Facilities or his or her authorized deputy, agent, or representative.

II. WASTEWATER TREATMENT AND PRETREATMENT REGULATIONS.

13.16.050 USER REQUIREMENTS.

The following requirements shall apply to all users of the POTW:

(1) All users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge.
(2) New or increased contributions of pollutants or changes in the nature of pollutant discharged to the POTW shall require prior approval by the Water Pollution Control Plant Manager.
(3) Industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. The notification shall comply with the requirements set forth in 40 CFR 403.12(p)
(4) Introduction or contribution of any pollutants without the notice and approval required by this section is prohibited. Upon the receipt of notice required by this section the Water Pollution Control Plant Manager shall within 180 days or less approve the discharge if he finds the

proposed discharge meets applicable pretreatment standards and requirements and would not cause the POTW to violate its NPDES permit. The Water Pollution Control Plant Manager shall deny permission for the discharge if he finds applicable pretreatment standards and requirements are not met or the discharge would cause the POTW to violate its NPDES permit. In lieu of denial of permission the Water Pollution Control Plant Manager may allow such contribution or discharge upon conditions, which would not violate applicable pretreatment standards or requirements and would not cause the POTW to violate its NPDES permit.

Any part of this section notwithstanding, upon receipt of the notice required by this section the Water Pollution Control Plant Manager may require, in addition to the requirements of this section, that an industrial user obtain a permit under this chapter.

13.16.055 DISCHARGE PROHIBITIONS.

The following prohibitions shall apply to all users of the POTW unless the user is subject to a more restrictive NCPS, IDNR, or wastewater discharge permit limit. The following substances are prohibited from discharge to the POTW:

A. General Prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.

B. Specific prohibitions: No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140ºF (60ºC) using test methods referenced in 40 CFR 261.21. At no time shall two successive readings on a meter capable of reading L.E.L. (lower explosive limit) at the nearest accessible point to the POTW, at the point of discharge into the POTW, or at any point in the POTW be more than five percent (5%) nor any single reading greater than ten percent (10%);

(2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or greater than 12;

(3) Solid or viscous pollutants which will cause obstruction to the flow in the POTW resulting in interference. Such pollutants include, but are not limited to: grease, garbage with particles greater than one-half (1/2) inch any dimension, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing waste, or tumbling and de-burring stones, and wastewater containing fat, wax, O&G, or other substances which may solidify or become viscous at temperatures between 32ºF and 150º F (0ºC and 65^{0}C);

(4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate or pollutant concentration which will cause interference or pass through at the POTW or which constitutes a slug load as defined in this chapter;

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater or vapor having a temperature higher than 150ºF (65ºC) at the point of introduction into the POTW; and in no case waste water or vapor which alone or in concert with other discharges produces a temperature at the POTW treatment plant greater than 104ºF (40ºC);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems or a public nuisance;

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW;

(9) Radioactive wastes unless they comply with IAC 641-40.72, 641-40.88 and 641-40 Appendix B, Table III,

(10) Pollutants causing excessive discoloration (such as, but not limited to, dye waste and vegetable tanning solutions);

13.16.060 LOCAL LIMITS FOR SPECIFIC POLLUTANTS.

A. **General Provisions.**

(1) **Dilution.** Users shall not increase the use of process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the NCPS, or with any other pollutant-specific limitation developed by the city.

(2) **Sample Location.** Measurement of pollutant concentrations to determine compliance shall be made at the point immediately following the pretreatment facility and before mixture with other waters, unless another point is designated by the Water Pollution Control Plant Manager. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper using the combined wastestream formula.

B. **Headworks Limits - Average Mass.** The average composite loading of all users contributing the following specific pollutants to the POTW shall not exceed the allowable total pounds. The allocation of pollutants between industrial and non-industrial sources may be adjusted by the Water Pollution Control Plant Manager provided that allowable total loading for any pollutant at the headworks of the POTW treatment plant is not exceeded.

Table 1
Davenport Water Pollution Control Plant
2606 South Concord Street
Head Works Allowable Loading

Pollutant	30 Day Average
Al	7895.243 Pounds
As	3.229 Pounds
Ba	NA
Cd	9.676 Pounds
Total Cr	157.626 Pounds
Cu	61.823 Pounds
Fe	255.992 Pounds
Pb	17.432 Pounds
Hg	0.473 Pounds
Mo	44.749 Pounds
Ni	34.532 Pounds
Se	3.828 Pounds
Ag	25.139 Pounds
Zn	125.628 Pounds
Total Phenols	1891.512 Pounds
Total Cyanide	8.408 Pounds

Table 2
Davenport Water Pollution Control Lagoon
West Locust Street
Head Works Allowable Loading

Pollutant	30 Day Average
Al	NA
As	NA
Ba	NA
Cd	0.002 Pounds
Total Cr	0.062 Pounds
Cu	0.084 Pounds
Fe	NA
Pb	0.011 Pounds
Hg	NA
Mo	NA
Ni	0.072 Pounds
Se	NA
Ag	0.002 Pounds
Zn	8.338 Pounds
Total Phenols	NA s
Total Cyanide	0.002 Pounds

Table 3 Davenport Water Pollution Control Plant 2606 South Concord Street Tier 1 Significant Industrial User Local Limits			
	Kraft Oscar Mayer	Leiner Davis	Nestle Purina
Pollutant	30 Day Average	30 Day Average	30 Day Average
Al	NA	NA	NA
As	0.715 Pounds	0.86 Pounds	0.172 Pounds
Ba	NA	NA	NA
Cd	0.745 Pounds	0.89 Pounds	0.179 Pounds
Total Cr	14.89 Pounds	17.87 Pounds	3.57 Pounds
Cu	7.87 Pounds	9.45 Pounds	1.89 Pounds
Fe	NA	NA	NA
Pb	2.69 Pounds	3.22 Pounds	0.64 Pounds
Hg	NA	NA	NA
Mo	NA	NA	NA
Ni	4.17 Pounds	5.00 Pounds	1.00 Pounds
Se	0.596 Pounds	0.71 Pounds	0.143 Pounds
Ag	0.993 Pounds	1.19 Pounds	0.238 Pounds
Zn	12.40 Pounds	14.68 Pounds	6.84 Pounds
Total Phenols	49.64 Pounds	59.57 Pounds	11.914 Pounds
Total Cyanide	0.496 Pounds	0.596 Pounds	0.119 Pounds

Table 4 Davenport Water Pollution Control Plant 2606 South Concord Street Tier 2 Significant Industrial User Local Limits	
Pollutant	30 Day Average
Al	NA
As	0.065 mg/l
Ba	NA
Cd	0.458 mg/l
Total Cr	7.014 mg/l
Cu	2.131 mg/l
Fe	NA
Pb	0.298 mg/l
Hg	NA
Mo	NA
Ni	1.321 mg/l
Se	0.120 mg/l
Ag	1.359 mg/l
Zn	4.295 mg/l
Total Phenols	108.834 mg/l
Total Cyanide	0.433 mg/l

Table 5 Davenport Water Pollution Control Lagoon West Locust Street Significant Industrial User Local Limits	
Pollutant	**30 Day Average**
Al	**NA**
As	**NA**
Ba	**NA**
Cd	**0.024 mg/l**
Total Cr	**0.942 mg/l**
Cu	**1.282 mg/l**
Fe	**NA**
Pb	**0.173 mg/l**
Hg	**NA**
Mo	**NA**
Ni	**1.099 mg/l**
Se	**NA**
Ag	**0.029 mg/l**
Zn	**5.00 mg/l**
Total Phenols	**NA**
Total Cyanide	**0.027 mg/l**

C. Discharge Concentration Limits and Review Criteria.

(1) The admission into the POTW of any materials, water or waste having a pollutant concentration or poundage greater than the limits in Tables 1 through 5 above, or containing pollutants not listed herein, shall be subject to the review and approval of the Water Pollution Control Plant Manager. After review of the proposed discharges, the Water Pollution Control Plant Manager may:

(i) Reject the waste for reasons consistent with section 13.16.020.

(ii) Require pre-treatment to an acceptable pollutant concentration for discharge to the POTW.

(iii) Require control of the quantities and rates of discharge of the water or waste.

(iv) Require payment to cover the added cost of handling and treatment of water and waste or any combination thereof.

(v) Reduce the maximum or average mass loading of present and prospective individual users on any reasonable prorated basis to meet headworks loading limits at the POTW treatment plant.

(vi) Require the user to obtain a wastewater discharge permit and be subject to any of the rules and regulations contained therein.

(vii) Require the user to meet local limits or NCPS in cases where local limits are more restrictive than NCPS provided that headworks loading limits are met.

(viii) Initiate enforcement action in response to any non-compliance with this ordinance using the enforcement procedures outlined in this ordinance.

(ix) Take any combination of steps (i) through (viii) as appropriate.

(2) Users discharging wastewater to the POTW having pollutant concentrations or flows greater than the limits in table 8 shall be considered non-domestic for purposes of sewer charges and may be regulated or permitted by the Water Pollution Control Plant Manager as appropriate:

Table 8 Domestic Pollutant Limits	
Pollutant	**Domestic Limit**
BOD	**250 mg/l**
TSS	**300 mg/l**

D. No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by USEPA or IDNR, nor to allow the average allowable total loading for any pollutant at the headworks of the POTW treatment plant to be exceeded.

13.16.065 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

A. Users subject to National Categorical Pretreatment Standards (NCPS) as contained in 40 CFR Chapter I, Subchapter N, Parts 405-471 or future promulgated regulations shall comply with the standards and applicable reporting requirements under 40 CFR 403.12.

B. New sources of categorical discharge shall meet NCPS in the shortest feasible time but in no case longer than 90 days from the commencement of discharge. Failure to comply shall be a violation of this ordinance and subject the user to enforcement action.

C. The POTW shall notify all known affected categorical users of the applicable reporting requirements under 40 CFR 403.12. Failure of the POTW to notify the User shall not relieve the user of the duty, if any, to comply with NCPS.

D. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Water Pollution Control Plant Manager may impose equivalent concentrations or mass limits in accordance with 40 CFR 403.6 (c).

E. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Water Pollution Control Plant Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharge per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users in accordance with 40 CFR 403.6 (c) (3) and (4).

F. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Water Pollution Control Plant Manager shall impose an alternate limit in accordance with 40 CFR 403.6 (e).

G. A Categorical User may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with 40 CFR 403.15

13.16.070 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than USEPA or city requirements and limitations unless allowed by the state.

13.16.075 CITY'S RIGHT OF REVISION.

The city reserves the right to establish more stringent limitations or requirements on discharges to the POTW than those contained in this chapter if deemed necessary to comply with the purpose and policy objectives presented in section 13.16.020.

13.16.080 PRETREATMENT.

A. A user discharging, or with potential to discharge, any waste into the POTW as set forth in section 13.16.055, 13.16.060, 13.16.065, 13.16.070 or 13.16.075 shall be required by the Water Pollution Control Plant Manager to construct, install and operate, at the user's sole expense, such pretreatment facilities as may be required in order to:

(1) Reduce the objectionable characteristics or constituents to within the maximum limits provided for in sections 13.16.055, 13.16.060, 13.16.065, and 13.16.070;

(2) Control the quantities and rates of discharge of such wastewater;

(3) Reduce the pollutants to such concentration and flows as may be contained in the user's wastewater discharge permit;
   (a) New industrial users discharging into the POTW will be required to design and operate their pretreatment facilities to meet the domestic pollutant limits in Table 8.
   (b) Existing industrial users planning significant modifications to their facility or discharge to the POTW will be required to install and operate pretreatment facilities to meet the domestic pollutant limits in Table 8.
(4) Prevent the discharge of liquid waste containing O&G, sand in excessive amounts, any flammable waste, or other harmful pollutants. All traps or similar devices shall be of a type and capacity needed to perform effectively and shall be readily and easily accessible for cleaning and inspection. All traps or devices shall be provided and maintained in efficient operating condition at all times. Materials removed from traps shall be considered unacceptable for disposal at the POTW treatment plant unless specifically approved by the Water Pollution Control Plant Manager.

B. All plans, specifications, technical operating data and other information pertinent to the proposed operation and maintenance of pretreatment facilities shall be reviewed and approved by the Water Pollution Control Plant Manager prior to construction. Design and installation of such facilities shall be subject to the requirements of all applicable codes, chapters and laws, including local zoning regulations. The review and approval of such plans and operating procedures shall, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Water Pollution Control Plant Manager under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operations shall be reported to and be acceptable to the Water Pollution Control Plant Manager prior to the user's initiations of the changes.

C. Users shall continuously maintain all pretreatment facilities required by this chapter in satisfactory and effective operating condition at the sole expense of such user.

D. No provision contained in this chapter shall be construed to prevent or prohibit a separate or special agreement between the city and any user whereby wastewater containing waste of unusual strength, character or composition may be accepted by the city for treatment, subject to additional payment by such user: provided however, that such agreement shall have the prior approval of the Water Pollution Control Plant Manager, shall not conflict with IDNR and USEPA requirements, and shall be consistent with sections 13.16.060(b), 13.16.065, 13.16.070 and 13.16.080(f) of this chapter.

E. The Water Pollution Control Plant Manager may reject any waste, which, in the opinion of the Water Pollution Control Plant Manager, may cause interference or pass through.

F. Users shall obtain the specific approval of the Water Pollution Control Plant Manager prior to discharging any waste resulting from a pretreatment facility to the POTW. The Water Pollution Control Plant Manager may develop a documentation system to track the transportation and final disposition of any pretreatment waste. Pretreatment waste regulated by this paragraph shall include waste generated as a result of pretreatment processes used to comply with NPDES permits, air pollution permits, wastewater discharge permits, soil/ groundwater reclamation processes, and pollutants resulting from a spill of any liquid or solid material or the clean-up of any such spill. Pretreatment waste is prohibited from disposal to the water of the state except as specifically permitted by IDNR.

13.16.085 DILUTION PROHIBITED.

Users shall not increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the NCPS, or with any other pollutant-specific limitation developed by the city.

13.16.090 SLUG / SPILL CONTROL.

A. Users, who upon internal review by the user personnel or upon review by the Water Pollution Control Plant Manager, are determined to have the ability to cause interference or pass through at the POTW or to discharge a slug shall provide protection from accidental discharge to the POTW of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be at the user's cost and expense.

B. Slug / Spill Control Plan (SCP). Users meeting the criteria in subsection A. thereof shall develop a SCP and implement the plan after approval by the Water Pollution Control Plant Manager. The plan shall contain the following:
   (1) A description of discharge practices, including non- routine batch discharges;
   (2) A description of stored chemicals;
   (3) Procedures for immediately notifying the POTW of slug discharges, including any that would violate the discharge prohibitions in section 13.16.055 of this chapter. Notification procedures shall comply with paragraphs (c) and (d) of this subsection;
   (4) A description of procedures and structures necessary to prevent adverse POTW impact from accidental spills including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
   (5) A schedule for the completion or implementation of necessary procedures and structures. Complete implementation and installation of any procedures or structures shall be according to the shortest possible schedule but in no case longer than one year. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify and operate its facility as necessary to meet the requirements of this chapter.

C. Users shall immediately telephone and notify the POTW in the case of
   (1) Any discharge, including, but not limited to, accidental discharges, discharges of a non-routine episodic nature, a non-customary batch discharge, or a slug discharge that may cause potential problems for the POTW.
   (2) Any discharge, which violates section 13.16.055 of this chapter.
   (3) Any discharge into the POTW of a substance which is a listed or characteristic waste under 40 CFR 261. This type of discharge will also be require additional immediate reporting to the USEPA Regional Director and IDNR.

D. Immediate notification requirements shall include the name of caller, location and time of discharge, pollutant concentration, volume and the corrective actions taken.

E. Users shall submit a written report to the Water Pollution Control Plant Manager within five (5) days following such an accidental or deliberate discharge describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Users shall submit follow up reports as may be required by the Water Pollution Control Plant Manager. Such report, or reports, shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such report relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or otherwise. Failure to report accidental or deliberate discharges may, in addition to any other remedies available to the city, result in the revocation of the discharger's wastewater discharge permit.

F. Users shall control production or all discharges to the extent necessary to maintain compliance with all applicable regulations upon reduction, loss, or failure of its pretreatment facility until the facility is restored or an alternative method of pretreatment is provided. This requirement applies in the situation where, among other things, the primary source of power to the user's pretreatment facility is reduced, lost or fails.

G. Users required to have a SCP must permanently post a notice in English and the language of common use on the user's bulletin board or other prominent place advising employees whom to call should a prohibited discharge occur. Users shall insure that all employees who are in a position to cause, discover, or observe such an accidental discharge are advised of the emergency notification procedures.

13.16.095 TREATMENT UPSETS.

A. For the purposes of this section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met.

C. An User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An Upset occurred and the User can identify the cause(s) of the Upset;

(2) The facility was at the time being operated in a prudent and workman- like manner and in compliance with applicable operation and maintenance procedures;

(3) The User has submitted the following information to the POTW within 24 hours of becoming aware of the Upset (if this information is provided orally, a written submission must be provided within five days):

(a) A description of the Indirect Discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

D. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only if an enforcement action brought for noncompliance with categorical pretreatment.

F. The User shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails

13.16.100 TREATMENT BYPASS.

A. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives exist such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime.

B. The user may allow a bypass to occur which does not cause a violation of pretreatment standards, but only if it is for essential maintenance to assure efficient operation.

C. Notification of Bypass:

(1) Anticipated Bypass. If the user knows in advance of the need for a bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass, to the Water Pollution Control Plant Manager.

(2) Unanticipated Bypass. The user shall immediately notify the Water Pollution Control Plant Manager and submit a written notice to the POTW within five (5) days. This report shall specify:

(a) A description of the bypass, its cause, and the duration;

(b) Whether the bypass has been corrected;

(c) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.

D. Proper notification shall not relieve the user of liability for treatment costs and fees or other remedies as provided for in section 13.16.080.

13.16.105 COMPREHENSIVE SEWER SERVICE CHARGES - ENUMERATED.

Every person whose premises are served by connection to the sanitary sewer system of the city either directly or indirectly, shall pay to the city a comprehensive sewer service charge for the use of and for services supplied by the wastewater facilities of the city, which charges shall consist of:

(1) A basic user charge;

(2) A surcharge for the O & M of the wastewater treatment plant for wastes contributed of strengths greater than domestic wastewater. All users contributing wastewater in excess of the

concentrations hereafter listed shall be assessed a surcharge, which shall be in addition to the rates and charges ordinarily billed to such users for sewer use:

Table 10 Surcharged Pollutants
Pollutant
BOD
TSS

(3) A customer charge.

13.16.106 RATES.

The rates for the comprehensive sewer service charges shall be reviewed annually and established from time to time by city council ordinance and shall be as follows:

A. For Basic User Charge. The basic user charge shall be based on the quantity of flow estimated or actual flow of wastewater recorded by meters. The unit charge for wastewater measured in one hundred cubic feet shall be computed as follows:
   (1) Unit Cost. The unit cost per one hundred cubic feet shall be determined by dividing the anticipated budget for operation and maintenance of the wastewater treatment plant and the sanitary sewer system including debt service and anticipated, current year capital improvements by the estimated quantity of flow billed to all users of the sanitary sewer system.

B. For Surcharge. The surcharge for the O & M cost of the wastewater treatment plant shall be collected from those users who contribute wastes which strengths are greater than domestic wastewater. These users shall be sampled, and the sample analyzed at least once per month.
   (1) Monthly Excess BOD. The monthly excess BOD, expressed in milligrams per liter, shall be calculated by subtracting the BOD of domestic wastewater (two hundred fifty milligrams per liter) from the monthly average BOD of a user. If the value is less than zero, zero shall be used to compute the average of excess BOD.
   (2) BOD Surcharge Amount. The surcharge for BOD shall be calculated by multiplying the excess BOD value by the unit BOD cost per pound.
   (3) Monthly Excess SS. The monthly excess SS, expressed in milligrams per liter, shall be calculated by subtracting the SS of domestic wastewater (three hundred milligrams per liter) from the monthly average SS of a user. If the value is less than zero, zero shall be used to compute the average of excess SS.
   (4) SS Surcharge Amount. The surcharge for SS shall be calculated by multiplying the excess SS value by the unit SS cost per pound. The total surcharge shall then be a summation of the surcharge for BOD and the surcharge for SS.

C. For the Customer Charge.
   (1) The cost of determining the amount due from each user and the collecting of same shall be borne by the user. Each user shall be billed on a regular basis, i.e., monthly or quarterly, for the amount of the comprehensive sewer service charges.
   (2) Each regular bill shall be increased by a charge to defray the cost of computing and mailing the bill. The cost per bill will be determined by dividing the anticipated budget, including the portion of the debt service and the anticipated current year capital improvements, by the total number of bills mailed to the users.

D. For single-family detached residential customers who are billed quarterly, the basic user charge shall be computed using the rate as determined in subsection A of this section, multiplied by the actual amount of water supplied by the water company (Iowa-American Water Company) as shown by the water meter readings of that company or fifty ccf, whichever is less. All other customers shall pay a basic user charge based upon the amount of water supplied by the water company as shown by the water meter readings of that company.

E. Special Rates. Grounds; Approval. Where, in the judgment of the Council, special conditions surround the use of water to the extent that the application of the comprehensive sewer user charge or method of measurement would be inequitable or unfair to either the city or the user, a special rate or method of measurement shall be established by the city. Such rates or methods of measurement shall be subject to approval by resolution of the Council. In such cases, the city council may require that water consumed on the premises concerned shall be separately metered at the expense of the user, who shall also pay the cost of the reading resulting there from. In all cases, the comprehensive sewer user charge resulting shall be on an equal basis as nearly as may be with charges which would apply to an equal quantity and character of waste of other users of the wastewater system.

F. Replacement Component. Calculation; Use. The replacement component shall be fifteen percent of the operation and maintenance (O & M) budget approved for the wastewater treatment plant in each fiscal year. The replacement component shall be calculated in each fiscal year and shall be added to the total O & M budget for the wastewater treatment plant for such year. Any portion of a replacement component which has not been used in a fiscal year shall not lapse but shall be retained, together with any interest accrued thereon; shall be carried forward and combined with any unused portion of any other replacement component for the current fiscal year, to be used to replace equipment at the wastewater treatment plant. A replacement component and any unused portion of a prior replacement component, plus any interest thereon, which has been carried forward as herein provided, shall be used only to replace equipment at the wastewater treatment plant. The O & M budget for the wastewater treatment plant plus the replacement component for the current fiscal year shall be used as the anticipated budget for calculating comprehensive sewer service charges for the use of the wastewater treatment plant.

13.16.107 RATES – AMOUNT.

The rates for comprehensive sewer service supplied by the wastewater facilities of the city shall be as follows:

A. 1. Effective July 1, 2018. (Ord. 2018-87 § 1). 445.00 cents per one hundred cubic feet of water use as determined by water readings.

2. Effective July 1, 2019. (Ord. 2018-87 § 3). 476.00 cents per one hundred cubic feet of water use as determined by water meter readings.

3. Effective July 1, 2020. (Ord. 2018-87 § 5). 509.00 cents per one hundred cubic feet of water use as determined by water meter readings.

4. Effective July 1, 2021. (Ord. 2018-87 § 7). 545.00 cents per one hundred cubic feet of water use as determined by water meter readings.

B. 1. Effective July 1, 2018. (Ord. 2018-87 § 2).

a. 1698.00 cents per bill for monthly billed commercial customers,
b. 1715.00 cents per bill for monthly billed residential customers,
c. 2283.00 cents per bill for quarterly commercial billed customers,
d. 2333.00 cents per bill for quarterly residential billed customers.

2. Effective July 1, 2019. (Ord. 2018-87 § 4).

a. 1817.00 cents per bill for monthly billed commercial customers,
b. 1834.00 cents per bill for monthly billed residential customers,
c. 2443.00 cents per bill for quarterly billed commercial customers,
d. 2493.00 cents per bill for quarterly billed residential customers.

3. Effective July 1, 2020. (Ord. 2018-87 § 6).

a. 1944.00 cents per bill for monthly billed commercial customers,
b. 1961.00 cents per bill for monthly billed residential customers,
c. 2614.00 cents per bill for quarterly commercial billed customers,
d. 2664.00 cents per bill for quarterly residential billed customers.

4. Effective July 1, 2021. (Ord. 2018-87 § 8).
   a. 2080.00 cents per bill for monthly billed commercial customers,
   b. 2097.00 cents per bill for monthly billed residential customers,
   c. 2797.00 cents per bill for quarterly commercial billed customers,
   d. 2847.00 cents per bill for quarterly residential billed customers.

C. 8.08 cents per pound of excess "BOD" over domestic strength wastewater.

D. 17.61 cents per pound of excess suspended solids over domestic strength wastewater.

E. 15,000 CCF Maximum Flow Per Day. The average flow shall be determined by dividing the total flow in the billing period by the number of days in the billing period. If the average flow exceeds 15,000 ccf per day, the quantity of 15,000 ccf multiplied by the number of days in the billing period shall be substituted in the calculation.

F. 1. Effective July 1, 2018. (Ord. 2018-87 § 9). 50.00 cents of rates established in Section B for residential customers per quarter to fund the no-fault sewer backup reimbursement program.

(Ord. 2018-87 §§ 1–9: Ord. 2016-160 §§ 1-3; Ord. 2014-85 §§1-4; Ord. 2013-277; Ord. 2012-49 §§ 1–4; Ord. 2010-60 § 1-4: Ord. 2008-155 § 1: Ord. 2007-91 § 1: 2003-27 § 1 (part).

13.16.108 PROPERTY LIEN FOR UNPAID FEES

The city treasurer shall certify to the county treasurer any comprehensive sewer user charge which is owing after the thirty day payment period. All certified charges constitute a lien upon the premises served by the sanitary sewer sys-tem for which the charges were made and shall be collected in the same manner as taxes. Failure to send or receive a bill for comprehensive sewer user charges is not a defense to the collection of the charges.

The city council may order suspension of service to those premises for which the comprehensive sewer user charge is delinquent.

13.16.109 Fees

Reserved

III. WASTEWATER DISCHARGE PERMITS AND REPORTING REQUIREMENTS

13.16.110 Class of Permit.

Reserve**d**

13.16.115 PERMIT REQUIREMENTS.

All new industrial users shall notify the Water Pollution Control Plant Manager of the nature and characteristics of their proposed discharge 180 days prior to commencing discharge. A notification form prescribed by the city shall be used for this purpose.

Significant users shall discharge wastewater, either directly or indirectly, into the POTW only after obtaining a wastewater discharge permit from the Water Pollution Control Plant Manager. Obtaining a wastewater discharge permit does not relieve a User of the obligation to obtain other permits required by federal, state, or local law.

Other Users, including waste haulers, shall obtain permits as required by the Water Pollution Control Plant Manager.

13.16.120 PERMIT APPLICATIONS - BASELINE MONITORING REPORTS.

Users applying for a wastewater discharge permit or submitting a baseline monitoring report shall submit the following information as required by 40 CFR 403.12 or by the Water Pollution Control Plant Manager:

A. Users applying for a wastewater discharge permit must submit an application form prescribed by the city and accompanied by the application fee. All new significant users must submit such application 180 days prior to the date of any wastewater discharge. Existing users subject to new NCPS must,

within 180 days after the effective date of the standard, submit such an application. The following information is required:

(1) Name, address, and location of facility (if different from the mailing address);
(2) Name of a person or agent authorized to accept legal service of process;
(3) Standard Industrial Classification (SIC) code of both the industry as a whole and any processes for which NCPS have been promulgated and a list of any environmental control permits held by or for the facility;
(4) Wastewater constituents and characteristics including any pollutants in the discharge which are limited by any federal, state, or local standards with sampling and analysis performed in accordance with EPA approved methods, and meeting the following requirements:
    (a) The user shall identify the pretreatment standards applicable to each regulated process if the user is a categorical user.
    (b) All samples shall be representative of daily operations.
    (c) A minimum of six (6) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Water Pollution Control Plant Manager may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional sampling is not feasible. In such cases, samples may be obtained through time-proportional techniques or through a minimum of four (4) grab samples where the User demonstrates that such sampling will provide a representative sample of the effluent being discharged.
    (d) Where the flow of the stream being sampled is less than or equal to 250,000 gpd, the User must analyze three samples within a two-week period. Where the flow of the stream being sampled is greater than 250,000 gpd, the user must analyze six samples within a two-week period.
    (e) Samples must be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists and prior to mixing with other waste. If non-regulated wastewater is mixed with regulated wastewater prior to pretreatment, the user must measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with pretreatment standards. Where an alternate concentrations or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Water Pollution Control Plant Manager. Users not subject to categorical standards shall submit analysis of wastewater representative of the effluent discharged to the POTW.
    (f) The Water Pollution Control Plant Manager may allow the submission of an application which utilizes only historical data so long as the data provides information sufficient to determine the need for pretreatment.
    (g) A statement indicating the time, date and place of sampling, methods of analysis, and certifying that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW shall accompany each Application/Baseline Monitoring Report unless such sampling and analysis was performed by the city.
(5) Time and duration of all discharges;
(6) Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonal variations, if any;
(7) Description of activities, facilities, and plant processes at the site, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the POTW;
(8) The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation. The plans shall include a schematic process diagram which indicates all points of discharge to the POTW. All plans must be certified for accuracy by a professional engineer registered in the state of Iowa;
(9) Each product produced by type, amount, process or processes and rate of production;
(10) Type and amount of raw materials processed (average and maximum per day);

(11) Number and type of employees, and hours of operation, and proposed or actual hours of operation of the pretreatment facility;

(12) A statement, reviewed by an authorized representative of the user (as defined in section 13.16.170) and certified to by a professional engineer registered in the state of Iowa, indicating whether pretreatment standards are being met on a consistent basis and if not whether additional operation and maintenance (O&M) or additional pretreatment is required for the user to meet pretreatment standards and requirements;

(13) If additional pretreatment or O&M will be required to meet pretreatment standards or requirements, then the user shall supply a compliance schedule indicating the shortest time schedule necessary to accomplish installation or adoption of such additional pretreatment or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such schedule shall include, where applicable, but not limited to, dates for the hiring of an engineer, completing preliminary plans, executing contracts for major components, commencing construction, beginning operation, and conducting routine operations);

(b) No increment referred to in paragraph (A) above, shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months;

(c) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Water Pollution Control Plant Manager, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Water Pollution Control Plant Manager.

(14) Any additional information required by the Water Pollution Control Plant Manager to evaluate a permit application;

B. All applications and reports must contain the certification statement and be signed in accordance with section 13.16.170.

C. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 40 CFR 403.12(e)(2).

13.16.125. CATEGORICAL INDUSTRIES - REPORT ON COMPLIANCE.

Users subject to NCPS shall submit a report to the Water Pollution Control Plant Manager containing the information described in section 13.16.120 subsections (1)(iii),(iv), (v) and (xi) within 90 days following the date for final compliance with applicable NCPS or, in the case of a new source, following commencement of discharge. Users subject to equivalent mass or concentration limits shall provide a reasonable measure of the user's long term production rate. For all other users subject to NCPS expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All reports must contain the certification statement and be signed in accordance with section 13.16.170 of this chapter.

13.16.130 PERMIT CONTENTS.

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Water Pollution Control Plant Manager to prevent pass through or interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant.

A. The conditions may include, but need not be limited to, the following:

(1) Limits on the average or maximum rate of discharge, time of discharge, or requirements for flow regulation and equalization;

(2) Limits on the average or maximum concentration, mass, or other measure of identified wastewater constituents or properties;

(3) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
(4) Requirements for the development and implementation of spill control plans or other special conditions including additional management practices necessary to adequately prevent accidental, unanticipated, or prohibited discharges;
(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
(6) Requirements for installation and maintenance of inspection, sampling, and flow monitoring facilities and equipment for each separate discharge into the POTW;
(7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules;
(8) Compliance schedules;
(9) Requirements for submission of technical reports or discharge reports and which may include production data;
(10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Water Pollution Control Plant Manager and affording the Water Pollution Control Plant Manager or the Water Pollution Control Plant Manager's representatives, access thereto;
(11) Requirements for the notification of any substantial change in the manufacturing processes, pretreatment processes, quantity or quality of waste discharged to the POTW 90 days prior to such change. The Water Pollution Control Plant Manager shall approve, deny or condition a changed discharge prior to a change occurring in accordance with the provisions of section 13.16.050(4) of this chapter;
(12) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal pretreatment standards, including those which become effective during the term of the permit.
(13) Other conditions as deemed appropriate by the Water Pollution Control Plant Manager to ensure compliance with this chapter, and state and federal laws, rules, and regulations;

13.16.135 PERMIT DURATION AND RENEWAL.

Permits shall be issued for a specified time period, not to exceed five (5) years. Permitted users shall apply for a new permit by submitting a completed permit application a minimum of ninety (90) days prior to the expiration of the user's existing permit.

13.16.140 CONTINUATION OF EXPIRED PERMITS.

Expired permits shall remain effective and enforceable until the permit is reissued unless the user is notified of permit termination by the city.

13.16.145 PERMIT MODIFICATIONS.

The Water Pollution Control Plant Manager may modify the permit for good cause including, but not limited to, the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standard or requirement (after becoming aware of more stringent standards or requirements, the POTW will update permits within 90 days);
(2) Material or substantial alterations or additions to the discharger’s operation processes, or discharge volume or character which were not considered in drafting the effective permit;
(3) A change in any condition in either the industrial user or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
(4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel or the receiving water;
(5) Violation of any terms or conditions of the permit;
(6) Misrepresentation of or grant of variance from such categorical standards pursuant to 40 CFR 403.13;
(7) To correct typographical or other errors in the permit;
(8) To reflect transfer of the facility ownership or operation to a new owner/operator;

(9) Upon request of the permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the permittee for permit modification, revocation and re-issuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

13.16.150 PERMIT TRANSFER.

Users shall not reassign or transfer a wastewater discharge permit to a new owner. New owners must apply for a new wastewater discharge permit thirty (30) days prior to a change in ownership.

13.16.155 DENIAL OF PERMIT.

The Water Pollution Control Plant Manager may deny a permit to any user whose discharge of material to POTW, whether shown upon application or determined after inspection and testing conducted by the city, is not in conformity with this chapter or whose application is incomplete or does not comply with the requirements of section 13.16.120.

13.16.160 PERMIT VIOLATIONS.

Any violations of the terms, conditions, or limits of a user's wastewater discharge permit shall be deemed a violation of this chapter and subject the User to all enforcement procedures outlined in this chapter.

13.16.165 PERIODIC COMPLIANCE REPORTS.

A. Periodic compliance reports are required as follows:

(1) Significant users shall submit to the Water Pollution Control Plant Manager no less than twice per year, a report indicating the nature, concentration, and flow of pollutants in the effluent which are limited by permit or pretreatment standards for the reporting period. This report shall include a record of the monthly average flows and the daily flow for each analysis date during the reporting period. At the discretion of the Water Pollution Control Plant Manager and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Water Pollution Control Plant Manager may agree to alter the months during which the above reports are to be submitted.

(2) The Water Pollution Control Plant Manager may impose mass limitations on users. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. All analysis shall be performed using EPA approved methods using sampling techniques approved by IDNR.

(3) Users shall meet the certification and signatory requirements in section 13.16.170 for each report submitted under this section. Where the city itself collects all the information required for the report, including flow data, the industrial user will not be required to submit a periodic compliance report.

(4) Users must notify the POTW of all violations identified as a result of self monitoring to the POTW by telephone, during normal business hours, within 24 hours of the time the User becomes aware of such violation. The user must also submit the results of repeat analyses to the POTW within thirty (30) days after becoming aware of the violation together with a complete report on all steps taken to resolve the violation. The user need not repeat the analyses if:

(a) The POTW performs sampling of the industrial user at a frequency of at least once per month, or

(b) The POTW performs sampling of the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling; or

(c) The POTW has performed the sampling and analysis in lieu of the user, the POTW will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. [per 40 CFR 403.12(g) (2)]

(5) If the user monitors any pollutant more frequently than required, using test procedures prescribed in 40 CFR Part 136 or amendments thereto, or otherwise approved by EPA or as specified by the Water Pollution Control Plant Manager, the results of such monitoring shall be included in any calculations of actual daily maximum or monthly average pollutant discharge and results shall be reported in the monthly report.

(6) If the user utilizes a laboratory other the Davenport Water Pollution Control Plant Laboratory to sample or analyze any pollutant, the Davenport Water Pollution Control Plant Manager must be informed in writing. All external sampling plans must be approved prior to uses of the third-party data in the monitoring reports.

(7) The Davenport Water Pollution Control Plant manager has selected the Davenport Water Pollution Control Plant Laboratory as the primary laboratory for all Biochemical Oxygen Demand, Total Suspended Solids and pH sample analyses for regulatory compliance and Combined Sewer Service Charge billing. The user can request a different laboratory be used by writing the Davenport Water Pollution Control Pretreatment Office listing the reasons for the request and the alternatives the permittee would like. The permittee will be notified in writing within thirty (30) calendar days of receipt if the request or parts of the request was approved.

B. The Water Pollution Control Plant Manager may authorize a user subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the user. This authorization is subject to the conditions set forth in 40 CFR 403.12 (e)(2).

C. The Water Pollution Control Plant Manager may reduce the requirements for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the State for those users determined to be a Non-Significant Categorical Industrial User per 40 CFR 403.3(v)(2).

(1) Reduced reporting is not available to users that have in the last two (2) years been in Significant Noncompliance.

(2) Reduced reporting is not available to a user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Water Pollution Control Manager, decreasing the reporting requirements for this user would result in data that are not representative of conditions occurring during the reporting period.

13.16.170 CERTIFICATION AND SIGNATORY REQUIREMENTS.

All applications and reports shall be signed by an authorized representative of the user as defined in section 13.16.045. Users shall maintain a current and accurate authorization on file with the Water Pollution Control Plant Manager.

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver

All permit applications, baseline monitoring reports, reports on compliance with the categorical Pretreatment Standard deadlines, periodic compliance reports and initial requests to forego sampling of a pollutant not present submitted by a user shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. Annual Certification for Non-Significant Categorical Industrial Users

A facility determined to be a Non-Significant Categorical Industrial User by the Water Pollution Control Plant Manager must annually submit the following certification statement signed in accordance with the signatory requirements in 40 CFR 403.120(I). This certification must accompany an alternative report required by the city:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR_____, I certify that, to the best of my knowledge and belief that during the period from _____,_____ to _____,_____ (months, days, year):

(a) The facility described as _____(facility name) met the definition of a Non-Significant Categorical Industrial User as described in 40 CFR 403.3 (v) (2);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

_____".

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR_____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____[list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 13.16.165."

13.16.175 MONITORING FACILITIES.

A. Permitted Users, when required by the Water Pollution Control Plant Manager, shall provide and operate monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer, or internal drainage systems at their own expense. The Water Pollution Control Plant Manager may require the placement of such monitoring facilities at the end of each process where pollutants are used, produced, or treated. The monitoring facility should normally be situated on the user's premises and located so that it will not be obstructed by landscaping or parked vehicles.

B. When required by permit and within 90 days of written notification, Users shall install a sampling chamber for each separate discharge of the building sewer in accordance with plans and specification approved by the city. Users shall provide ample room in or near such sampling chamber to allow accurate sampling and preparation of samples for analysis. Users shall maintain all sampling and measuring equipment in a safe and proper operating condition at all times and at the expense of the user which shall be safely, easily and independently accessible to authorized representatives of the city. Users shall certify all flow measuring devices to be in proper working condition once per year using a qualified technician acceptable to the Water Pollution Control Plant Manager.

(1) Each sampling chamber shall contain a flume unless another device is approved by the city, with a recording and totalizing device for measurement of the liquid quantity.

(2) At the discretion of the Water Pollution Control Plant Manager, metered water supply to a user may be used as the volume quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the Water Pollution Control Plant Manager is made in the metered water supply to determine the liquid waste quantity. Separate meters may be used to subtract water which is not discharged to the POTW or is discharged to a sewer other than the sampled location.

(3) Samples shall be taken at a frequency and volume determined by the Water Pollution Control Plant Manager, and shall be properly refrigerated and preserved in accordance with EPA approved methods. The sample shall be composited in proportion to the flow for a representative 24 hour sample. A time proportioned 24 hour sample may be used if flow proportioned sampling is determined by the city to be impractical. Grab samples shall be used where appropriate.

C. Users must inform the Water Pollution Control Plant Manager prior to breaking a sampler seal, used by the city to detect sample tampering, unless necessary to prevent loss of life, personal injury, or severe property damage. Users must not place additional seals or locks upon a sampler which may be used by the city without first obtaining approval from the Water Pollution Control Plant Manager.

13.16.180 INSPECTION, SAMPLING, AND RECORD KEEPING AUTHORITY.

Users shall give the following authorities to the city:

(1) Users shall permit authorized representatives or agents of the city to enter upon all properties and all parts of the premises within the corporate limits of the city, within the extended jurisdiction of the city, or upon properties of users with wastewater discharge permits for the purposes of inspection, sampling, records examination, records copying, or the performance of any of their duties. This shall include the right to set up, on the user's property, such devices as are necessary to conduct sampling, inspection, compliance monitoring, or metering operations as may be required in pursuance of the implementation and enforcement of this chapter.

(2) Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements in the security measures so that, upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(3) All users subject to any of the reporting requirements of this chapter shall maintain copies of reports and records of all information as required in 40 CFR 403.12(o) resulting from any monitoring activities required by this chapter for a minimum of five (5) years and shall make such records available for inspection and copying by the city. This period of retention shall be extended until the completion of any unresolved negotiation, hearing, or litigation involving a purported violation.

13.16.185 CONFIDENTIAL INFORMATION.

A. Except as herein provided, information and data obtained from user reports, questionnaires, permit applications and inspections, shall be made available to the public or other governmental agencies without restriction. If the user specifically requests and is able to demonstrate that the release of such information would divulge information concerning processes or methods of production entitled to protection under law as trade secrets of the User or would give advantage to competitors and serve no public purpose the Water Pollution Control Plant Manager shall not make such information available to the public but such information shall be available to the USEPA or IDNR.

B. In determining whether information is confidential, the provision of 561-2 of the Iowa Administrative Code shall prevail.

C. Effluent data and city enforcement actions will not be considered confidential records or information.

IV. BUILDING SEWERS AND CONNECTIONS

13.16.190 Permits Required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city engineer.

13.16.195 Classes of permits and fees.

A. There shall be two classes of building lateral permits, namely:
   (1) For nonindustrial users, residential, and commercial service; and
   (2) For industrial users.

B. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Engineer.

C. A permit and inspection fee of ten dollars for nonindustrial building lateral permit and fifteen dollars for an industrial building lateral permit shall be paid to the city at the time the application is filed.

13.16.200 Building lateral permit —When granted.

A building lateral permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream wastewater facilities, including sewers, pump stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

13.16.205 Building lateral permit —Industrial user — Nontransferability.

A building lateral permit for an industrial user shall not be transferred or sold to a new owner, new industrial user, different premises or a new or changed operation without the approval of the city engineer.

13.16.210 Bond — Required.

Every person, company, or corporation to whom a permit is granted, shall, at the time of receiving the same, file a bond approved by the city engineer in the sum of five thousand dollars, conditioned to indemnify and save the city harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or the excavations therefore or by any carelessness, negligence, or unskillfulness in making the same.

13.16.215 Permit — Revocation.

All permits to connect with sewers shall be given upon the express condition that the city engineer may at any time before the work is completed revoke and annul the same and no party interested shall have the right to claim damages in consequence of any such permits being revoked or annulled. At no time shall a person connect a sewer lateral into a manhole, unless a special permit is obtained from the city engineer, stating how work shall be done, if granted.

13.16.220 Specifications.

A. The size, slope, alignment, materials of construction of a building lateral and the methods to be used in excavating, placing of the pipe, jointing, testing, connection to the public sewer and backfilling the trench, shall all conform to the specifications and regulations of the city engineer.
B. Whenever possible, the building lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by a means which is approved by the city engineer and discharged to the building lateral.
C. The applicant for the building lateral permit shall notify the city engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city engineer or his representative.
D. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Excavations within public easements and right-of-way shall conform to the requirements of Chapter 12.40. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city..

13.16.225 Separate laterals.

A separate and independent building lateral shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building lateral from the front building may be extended to the rear building and the whole considered as one building lateral, but the city shall not be liable for any damage caused by or resulting from any such single connection.

13.16.230 Old building laterals.

Old building laterals shall not be used in connection with new buildings unless they are found, on examination and test by the director to meet all requirements of this chapter.

13.16.235 Costs and expenses.

All costs and expenses incident to the installation, ownership, use, operation, maintenance, and connection of the building lateral shall be borne by the owner of the property served thereby. The owner of the property served thereby shall indemnify the city from all loss, cost, or damage that may directly or indirectly be occasioned by the use, ownership, operation, maintenance, or installation of the building lateral.

V. SEWER CONNECTION FEES

13.16.240 Required — Special rate.

A. For the purpose of providing for the construction, extension, or enlargement of the main sewers of the city for which none or only a portion of the costs thereof, are assessed against the abutting or adjacent property, at the time the application is made for a building lateral permit, the applicant shall pay to the city treasurer a sewer connection fee as follows:

(1) The fee for a sewer connection for one-family or two-family residence, regardless of area of the lot or tract upon which the dwelling is located, shall be one hundred dollars.
(2) The fee for all other uses shall be the product of a cent per square foot multiplied by the area of the lot or tract of land occupied by the building, including accessory buildings and related facilities, including parking lots, to be served by the sewer connection, provided the minimum fee shall be one hundred dollars. The director is authorized and directed to determine and fix the amount of land to be included in each calculation attributable to the uses of the building for which the sewer connection fee is sought.
(3) In the event any applicant feels the fee as so established is unfair or inequitable, the applicant may appeal to the construction and engineering committee of the city council and the fee shall then be established as set forth in subsection B of this section.

B. Where, in the judgement of the construction and engineering committee of the city council, special conditions make the application of the sewer connection charge inequitable or unfair, either to the city or to the owner of the property, a special rate shall be established by the city. Such charge shall be subject to approval by resolution of the city council and may be considered inequitable or unfair where the charge would represent an unduly inequitable proportion of the cost of the main sewer to the owner or to the city because of the type of building to be erected or the area involved.

13.16.250 UNPAID SEWER CONNECTION FEES – PROPERTY LIEN.

A. Any unpaid sewer connection fees shall be certified to the county treasurer after they have been due and owing after the 30-day payment period. All certified charges constitute a lien upon the premises served and shall be collected in the same manner as taxes.
B. The city council may order suspension of service to those premises for which the sewer connection fee is delinquent.

VI. ENFORCEMENT PROCEDURES

13.16.255 PUBLIC NOTIFICATION OF SIGNIFICANT NONCOMPLIANCE.

The city shall at a minimum annually publish, in a newspaper of general circulation that provides meaningful public notice within the JCSC community, a list of users which at any time during the previous calendar year, were in significant noncompliance as defined in section 13.16.260 of this chapter.

13.16.260. SIGNIFICANT NONCOMPLIANCE (SNC).

A. Any violation of pretreatment requirements (i.e., but not limited to: limits, sampling, analysis, reporting, meeting compliance schedules, and regulatory deadlines) is an instance of noncompliance for which the user is liable for enforcement, including penalties and injunctive relief. Instances of SNC are user violations which meet one or more of the following criteria:
(1) Violations of wastewater discharge limits.
(a) Chronic violations. Sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined in section 13.16.055 of this chapter.
(b) Technical Review Criteria (TRC) violations. Thirty-three percent (33%) or more of the measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous limits as defined in section 13.16.055 of this chapter multiplied by the applicable criteria:
(i) BOD, TSS, Fats, Oil and Grease Criteria =1.4
(ii) All other pollutants except pH Criteria =1.2
(c) Any other violation(s) of a Pretreatment Standard or Requirement as defined by 40 CFR 43.3(l) (daily maximum, monthly average, instantaneous limit, or narrative Standard) that the Water Pollution Control Plant Manager believes has caused, alone or in combination with other discharges, interference (including slug loads) or pass through; or endangered the health of city personnel or the public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge.

(e) Failure to meet, within 90 days of the scheduled date, any compliance schedule milestones, contained in a wastewater discharge permit or enforcement order, for starting construction, completing construction, and attaining final compliance.

(f) Failure to provide within 45 days after the due date, any required reports , including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violations or group of violations, which may include a violation of Best Management Practices, which the Water Pollution Control Plant Manager determines will adversely affect the operation or implementation of the local pretreatment program.

B. When a user is in SNC, the Water Pollution Control Plant Manager is directed to:

(1) Report the information to IDNR as part of the annual pretreatment performance summary of permitted user non-compliance;

(2) Include the user in the annual public notification according to section 13.16.255;

(3) Address SNC through appropriate enforcement actions.

13.16.265 ADMINISTRATIVE ACTIONS.

A. The Water Pollution Control Plant Manager may issue a written notice to the user giving specific nature of violations which shall include the frequency, magnitude and impact of the violation upon the POTW. The notice may also include the following:

(1) An order requiring a plan of action for preventing reoccurrence of the violation;

(2) An order requiring specific action for accomplishing remediation;

(3) An order requiring the User to respond in writing within 30 days.

B. The Water Pollution Control Plant Manager is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for any non-compliance. Such orders will include specific action to be taken by the user to correct non-compliance within a time period specified by the order.

C. The Water Pollution Control Plant Manager may issue enforceable orders or schedules to require compliance with pretreatment standards including appropriate interim limits. Such orders and schedules may be incorporated into a revised wastewater discharge permit and shall not require the consent of the user.

13.16.270. ACTIONS AUTHORIZED.

Where there has been noncompliance with any provision of this chapter the Water Pollution Control Plant Manager may request, and corporation counsel (or any attorney representing the city) is authorized to bring an action in equity or at law to seek the issuance of a preliminary or permanent injunction or both or such other relief as may be appropriate to compel compliance by the user with this chapter. No other authorization from the city council for the bringing of such action shall be required.

In addition to other remedies provided under this or other provisions of this chapter, in any action brought to enforce the provisions of this chapter the city council authorizes and directs corporation counsel to seek to recover all actual damages suffered by the city including all actual damages and losses related to costs of repair and remediation of the POTW, costs of administration reasonably related to any particular violation and attorneys fees.

13.16.275 CIVIL PENALTIES.

A. Each violation of any provision of this chapter or of a permit issued under this chapter is declared to be a municipal infraction. Each day that a violation of a provision of this chapter continues and each day that a violation of permit issued under this chapter continues shall be considered a separate municipal infraction.

B. Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a

wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter commits a municipal infraction.

C. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable for a maximum civil penalty not to exceed $1,000 of per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation

D. In addition to the penalties established in this section for municipal infractions, corporation counsel shall seek all other appropriate remedies allowed by law in regard to the abating correction or discontinuance of activities which constitute municipal infractions under this chapter.

13.16.280 CRIMINAL PENALTIES.

Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued here under shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one hundred dollars per each violation per day or imprisonment for not more than thirty days per violation or both.
Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document files or required to be maintained pursuant to this chapter, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than one hundred dollars per violation per day or imprisonment for not more than thirty days or both.

13.16.285 PERFORMANCE BONDS.

The Water Pollution Control Plant Manager may decline to reissue a permit to any user who has failed to comply with the provision of this chapter or any order or previous permit issued here under unless such user first files a satisfactory bond payable to the city in a sum not to exceed the value determined by the Water Pollution Control Plant Manager to be necessary to achieve compliance giving due consideration to the number and magnitude of previous violations, potential need for remediation and stating the reasons which support the amount of bond in a written order directed to the user, but in no case shall said bond be required to be greater than $25,000. The user shall use a bond form approved by the city.

13.16.290 REVOCATION OF PERMIT.

A. Conditions for Revocation. Any user who violates this chapter, any condition of its wastewater discharge permit, or any of the following, is subject to having its permit revoked in accordance with the procedures of this Section:
   (1) Failure to accurately report the wastewater constituents and characteristics of its discharge;
   (2) Failure of the user to report substantial changes in process activity or in volume or character of pollutants being introduced into the POTW at least 90 days prior to such change;
   (3) Tampering with monitoring equipment;
   (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
   (5) Violation of permit conditions;
   (6) Failure to report an upset, failure, or bypass of user's pretreatment facilities;
   (7) Failure to pay fines, fees, or sewer User charges;
   (8) Failure to follow enforcement orders or compliance schedules;
   (9) Failure to correct a condition that impedes or alters the POTW's ability to monitor the user's discharge or has the potential to cause interference or pass through;

B. Procedures for Revocation
   (1) Any permit issued to a user pursuant to this chapter may be revoked for any action which is subject to revocation under section 13.16.290(a). No revocation shall issue except upon notice delivered to the user by mailing the notice in the regular mail addressed to the user at the address listed on the wastewater discharge permit, a minimum of ten (10) days prior to the date set for hearing before the Water Pollution Control Plant Manager or his or her designee. Such notice shall inform the user of the time, date and place of the hearing, the purpose of the hearing, and shall set out the reasons therefore.

(2) If, after such a hearing, the Water Pollution Control Plant Manager or his or her designee makes a finding based on substantial evidence that actions subject to revocation under section 13.16.290(a) have occurred as alleged, the Water Pollution Control Plant Manager or his or her designee may continue suspension of or revoke the permit; the determination of whether to revoke such permit shall be in the discretion of the Water Pollution Control Plant Manager or his or her designee and shall be dependent upon the circumstances surrounding violations by the user of section 13.16.290(a) and their severity.

(3) A user whose permit has been revoked shall not be eligible for another permit until 30 days after the violating conditions have been corrected to the satisfaction of the Water Pollution Control Plant Manager.

13.16.300 REINSTATEMENT OF SERVICE.

In the event of severance of service, the service may be reinstated in the following manner:

(1) Upon payment to the city of any delinquency in full, plus penalties, plus the cost of the disconnection and the one hundred dollar ($100.00) city supervision fee, and an inspection by the Water Pollution Control Plant Manager to determine whether the original cause for termination has been corrected, the city will issue a permit for reconnection of the building service line to the POTW. Such reconnection costs, plus inspection fees for the city in accordance with city chapters, shall be at the sole expense of the user.

(2) Upon reconnection and payment of all costs described above, the city through its agents, shall remove the red-tag from the building and the building shall, so far as the city is concerned, be "fit for human occupancy."

13.16.305 EMERGENCY DISCONNECTION OF SERVICE.

A. Conditions for Immediate Disconnection of Service: The Water Pollution Control Plant Manager may, after informal notice, suspend the wastewater treatment service or wastewater permit of a user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

B. Procedures for Immediate Disconnection

(1) When the Water Pollution Control Plant Manager determines that a discharge as described in paragraph a exists, a verbal order shall be issued (followed immediately by a written order) to the user stating the problem and requiring immediate cessation of the discharge. Users verbally notified of a suspension of the wastewater treatment service or the wastewater permit shall immediately stop or eliminate all discharges. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Water Pollution Control Plant Manager shall take immediate action to eliminate the discharge including disconnection from the POTW. Methods of informal notice to a user shall include, but not be limited to, any of the following; personal conversations between user and city personnel, telephone calls, letters, hand delivered messages or notices posted at the user's premises or point of discharge.

(2) Users responsible, in whole or in part, for imminent endangerment shall submit a detailed written report describing the causes of the endangerment and the measures taken to prevent any future occurrence to the Water Pollution Control Plant Manager prior to the hearing described in section 13.16.290(b).

13.16.310 ELIMINATION OF DISCHARGE/REINSTATEMENT.

Users notified of a disconnection of wastewater treatment service under sections 13.16.290 or 13.16.305 shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the disconnection or revocation order, the city shall take such steps as are deemed necessary, including immediate severance of the sewer connection. The Water Pollution Control Plant Manager shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

13.16.315 ADDITIONAL REMEDIES.

A. In addition to remedies available to the city set forth elsewhere in this chapter, if the city is fined by IDNR or USEPA for violations of the city NPDES permit or violations of water quality standards as the

result of a discharge of pollutants by identifiable user(s), then the fine, including all city legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible user(s). Such charge shall be in addition to any other remedies the city may have under this chapter, at law or in equity.

B. If the discharge from any User results in a deposit, obstruction, damage or other impairment to the POTW, the user shall become liable to the city for any expense, loss, or damage caused by the violations or discharge. The city may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violations or discharge.

C. The remedies provided in this chapter shall not be exclusive and the city may seek whatever other remedies are authorized by ordinance, statute, at law or in equity against any persons violating the provisions of this chapter.

D. In addition to any other remedies provided in this chapter, the city may initiate an action, either in law or in equity, to obtain an injunction against further violations of this chapter, and for judgement for all costs incurred by the city occasioned by the user's violation of any requirements of this chapter.

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

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. The requirements of this ordinance do not supersede conditions on plats previously approved by council.

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

First Consideration _____,

Second Consideration _____,

Third Consideration _____,

_____
Frank Klipsch
Mayor

Attest: _____
Jackie E. Holecek, MMC
Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Nic Johnson 563-327-5161
Wards: Wards 6 and 8

Action / Date
PW8/1/2018

Subject:
Resolution approving the the plans, specifications, form of contract and estimated cost for the Jersey Ridge Road Turn Lane Project at Cromwell Circle and 65th Street Intersections, CIP #35000. [Wards 6 and 8]

Recommendation:
Approve the resolution

Relationship to Goals:
Sustainable Infrastructure

Background:
This project will construct left turn lanes on Jersey Ridge Road at the intersections of Cromwell Circle and 65th Street. The existing crushed rock shoulders will be removed. The existing Jersey Ridge pavement will be patched and widened to match the new paving at the north end where it connects to Veteran's Memorial Parkway construction. Curb and gutter will be added along with stormwater intakes. The final driving surface shall be new HMA paving. Funding is from CIP #35000.

The project is planned to be constructed during the current Jersey Ridge Road closure due the Veteran's Memorial Parkway paving project. Both projects are planned to be open by the end of the 2018 construction season.

A second project is planned for next year which will construct a 10' wide pedestrian trail on the west side of Jersey Ridge from Cromwell Circle to the new trail along Veteran's. With the second project a 4' wide sidewalk will also be included along the east side of Jersey Ridge connecting 65th Street to Veteran's.

The project is scheduled for letting in mid-August. The estimated project cost is $655,000

ATTACHMENTS:

Type	Description
Resolution Letter	Res Pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	7/25/2018 - 10:59 AM
Public Works Committee	Lechvar, Gina	Approved	7/25/2018 - 10:59 AM
City Clerk	Admin, Default	Approved	7/25/2018 - 11:22 AM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

Resolution approving the the plans, specifications, forms of contract and estimated cost for the Jersey Ridge Road Turn Lane Project at Cromwell Circle and 65th Street Intersections, CIP Project #35000.

WHEREAS, plans, specifications, form of contract and an estimate of cost have been filed with the City Clerk of Davenport, Iowa, for the Jersey Ridge Road Turn Lane Project at Cromwell Circle and 65th Street Intersections Project.

WHEREAS, Notice of Hearing on plans, specifications and form of contract was published as required by law:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that, said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for the Jersey Ridge Road Turn Lane Project at Cromwell Circle and 65th Street Intersections Project.

Passed and approved this 8th day of August, 2018.

Approved: Attest:

_____ _____

Frank Klipsch, Mayor Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works - Admin
Contact Info: Bruce Berger 328-6706
Wards: 3

Action / Date
PW8/1/2018

Subject:
Resolution approving the contract for the W 6th Street & Oak Street Sidewalk Program to Hawkeye Paving Corporation of Bettendorf, in the amount of $325,165. [Ward 3]

Recommendation:
Approve the Resolution.

Relationship to Goals:
Sustainable Infrastructure.

Background:
On June 8, 2018, an Invitation to Bid was sent to contractors. On July 3, 2018, the Purchasing Division opened and read three responsive and responsible bids. See the attach bid tab.

These sidewalk improvements are in support of affordable housing efforts in the City. This project will install new sidewalks and ADA compliant cross walks.

Hawkeye Paving was the lowest responsive and responsible bidder. They have performed successful project for the city in the past.

Funding for this project is from account 54551044 520258, BG250 a Housing Rehab Block Grant.

ATTACHMENTS:

Type	Description
Cover Memo	PW_RES W 6th St & Oak St Sidewalk Program
Cover Memo	Bid Tab - W 6th St & Oak St Sidewalk Program

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	7/25/2018 - 10:51 AM
Public Works Committee	Lechvar, Gina	Approved	7/25/2018 - 10:51 AM
City Clerk	Admin, Default	Approved	7/25/2018 - 11:21 AM

Resolution No._____

Resolution offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the West 6th Street & Oak Street Sidewalk Program to Hawkeye Paving Corporation of Bettendorf, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City has received Block Grant money and needs to replace sidewalks and ADA ramps in this neighborhood;

WHEREAS, the Hawkeye Paving Corporation of Bettendorf was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the West 6th Street and Oak Street Sidewalk Program to Hawkeye Paving Corporation of Bettendorf; and

2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:	Approved:
_____	_____
Jackie E. Holecek, CMC Deputy City Clerk	Frank Klipsch Mayor

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: W 6TH STREET & OAK STREET SIDEWALK PROGRAM

BID NUMBER: 18-122

OPENING DATE: JULY 3, 2018

GL ACCOUNT NUMBER: 54551044 520258 BG250 HOUSING REHAB CDBG

RECOMMENDATION: AWARD THE CONTRACT TO HAWKEYE PAVING CORPORATION OF BETTENDORF

VENDOR NAME	PRICE
Hawkeye Paving Corporation of Bettendorf	**$325,165**
Kelly Construction of Davenport Inc	$329,615
Smith Seeding Inc. of Eldridge IA	$336,825

Approved By Kristi Keller
Purchasing

Approved By Bruce Berger
Director

Approved By Meghan Murray
Budget/CIP

Approved By
CFO

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Jen Walker 326-6168
Wards: All

Action / Date
PW8/1/2018

Subject:
Resolution approving an additional $420,000 to the Full Depth Patch Program, CIP #35026. [All Wards]

Recommendation:
Approve the Resolution

Relationship to Goals:
Sustainable Infrastructure

Background:
The Full Depth Patch Program repairs concrete streets located in various areas throughout the City. The locations are chosen by Public Works' staff based upon several factors including severity of pavement failure, traffic counts, rate of deterioration, etc.

Langman Construction, Inc. was awarded the contract on April 17, 2017. The second year option and addition of $800,000 of funds was approved by Council in September 2017 (2017-415); this resolution effectively extended the contract through April 17, 2019. Considering favorable unit prices, available budgeted funds, and time left in the current construction season, City staff wishes to add more funds to the contract at this time.

FY 2018 and FY 2019 funding set aside in CIP #35026 for this program is $420,000. This includes $70,000 worth of work on State routes, which is reimbursable through the current $100,000 agreement with the Iowa DOT for patching work. (The remaining $30,000 is scheduled for after April 17, 2019.) Funding is provided from sale of Government Bonds and Road Use Tax.

A list of targeted streets for the City's $350,000 portion of this resolution is attached. If time or funds run short, any uncompleted streets will be prioritized in the next contract, scheduled to be bid early Spring 2019.

ATTACHMENTS:

Type	Description
Resolution Letter	Page 2
Exhibit	list of streets
Backup Material	draft change order

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	7/25/2018 - 10:52 AM
Public Works Committee	Lechvar, Gina	Approved	7/25/2018 - 10:53 AM
City Clerk	Admin, Default	Approved	7/25/2018 - 11:23 AM

Resolution No._____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving adding funds to the existing full depth patch contract held by Langman Construction, Inc. of Rock Island, IL in the amount of $420,000 funded in CIP #35026.

WHEREAS, the City of Davenport entered into a contract Langman Construction, Inc. for the Full Depth Patch Program in FY 2017,

WHEREAS, the City of Davenport previously exercised the second year option therefore extending the contract in the amount in FY 2018 (Adopted 2017-415),

WHEREAS, said contract is based upon construction seasons, not fiscal years, and will not expire until April 17, 2019,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the addition of funding to the contract is hereby approved.

Passed and approved this 8th day of August, 2018.

Approved: Attest:

_____ _____

Frank Klipsch, Mayor Jackie E. Holecek, City Clerk

2017 -2018 Full Depth Patch Contract
Prioritized List of City Streets to Complete August - December 2018

Priority #	Location	From	To	Estimated Cost	Notes
1	George Washington Blvd.	Jersey Ridge Rd.	~77 LF East	$ 34,000	Complete before school resumes on 8/23 (near Eisenhower)
2	N. Division	4209 Division	NB & SB	$ 4,500	Complete before school resumes on 8/23 (near JFK)
3	E. Locust St.	3400 Locust	WB	$ 8,700	Just east of the current Resurfacing Project
4	Tremont Ave.	South of 53rd St		$ 6,000	Near Grainger's driveway
5	W. 46th St.	Pine St.	Cheyenne St.	$ 286,500	
6	W. Central Park	2716 C.P. Ave.	WB	$ 5,800	near Phoenix Closures
7	N. Fairmount	2635 Fairmount	NB	$ 4,400	north of Central Park
none	Kimberly & Highway 22	various (State Routes)		$ 70,000	Complete DOT's list before snow plowing season
				$ 419,900	
				(CO #9 amount = $420,000)	

City of Davenport
Public Works Department

1200 East 46th Street • Davenport, Iowa 52807
Telephone: 563-326-7923 Fax: 563-327-5182

APPROVALS

ENGINEERING ADMIN MNG (Work is Needed) _____

CAPITAL MANAGER (Funds are Available) _____

CHIEF OF DESIGN/CONSTR (Work is Necessary) _____

CITY ENGINEER (Approval) _____

CONTRACTOR: Langman Construction, Inc.
ADDRESS: 220-34th Ave., Rock Island, IL 61201

PROJECT TITLE: **Full Depth Patching**
CIP #: 35026, ORG #: 70049675, OBJECT #: 530350, CONTRACT: 700471801

Description to Contractor
Considering the contract between the City of Davenport and your Company which covers the above referenced project, the following shall be **Change Order #9**

CHANGE ORDER DESCRIPTION:
The City would like to continue concrete street patching work under our existing contract, which technically expires two years from the date of letting, or April 17, 2019. To date, nearly all of the contract funds have been expended. This change order adds funds we estimate will be needed to complete the attached prioritized list of streets. The City agrees to Langman Construction's terms laid out in their letter dated July 13, 2018 to compensate the contractor for extra insurance, bonding, traffic control and mobilization commensurate with the final amount expended under this contract. A change order will be processed at the end of the contract to properly compensate the contractor for these added expenses.

Working Days Adjustment: Add 75 working days

SUMMARY OF CONTRACT AMOUNT:

Original Contract	$ 1,460,450.00
Previous Additions to Contract	$ 0.00
This Change Order	$ 420,000.00
Amended Contract Amount:	$ 1,880,450.00

Recommend/Approved: _____ Date: 7/24/18
(Up to $5,000) City Project Manager

Recommend/Approved: _____ Date: 7/24/18
Contractor – Langman Construction, Inc.

Recommend/Approved: _____ Date: _____
(Up to $15,000) Nicole Gleason, Public Works Director

Recommend/Approved: _____ Date: _____
(Up to $50,000) Corrin Spiegel, City Administrator

Recommend/Approved: _____ Date: _____
(Over $50,000) City Clerk, City of Davenport

Required: Green Sheet Resolution to Approve Council Meeting Date: _____

2017 -2018 Full Depth Patch Contract
Prioritized List of City Streets to Complete August - December 2018

Priority #	Location	From	To	Estimated Cost	Notes
1	George Washington Blvd.	Jersey Ridge Rd.	~77 LF East	$ 34,000	Complete before school resumes on 8/23 (near Eisenhower)
2	N. Division	4209 Division	NB & SB	$ 4,500	Complete before school resumes on 8/23 (near JFK)
3	E. Locust St.	3400 Locust	WB	$ 8,700	Just east of the current Resurfacing Project
4	Tremont Ave.	South of 53rd St		$ 6,000	Near Grainger's driveway
5	W. 46th St.	Pine St.	Cheyenne St.	$ 286,500	
6	W. Central Park	2716 C.P. Ave.	WB	$ 5,800	near Phoenix Closures
7	N. Fairmount	2635 Fairmount	NB	$ 4,400	north of Central Park
none	Kimberly & Highway 22	various (State Routes)		$ 70,000	Complete DOT's list before snow plowing season
				$ 419,900	
				(CO #9 amount = $420,000)	

City of Davenport

Agenda Group: Public Works
Department: Public Works - Admin
Contact Info: Nicole Gleason 327-5150
Wards: 3

Action / Date
PW8/1/2018

Subject:
Resolution approving the contract for the RiverCenter Adler Theatre Infrastructure Upgrade Phase II, to Northwest Mechanical Inc. of Davenport, in the amount of $1,857,000. CIP #69014 [Ward 3]

Recommendation:
Adopt the Resolution.

Relationship to Goals:
Sustainable Infrastructure.

Background:
On June 11, 2018, an Invitation to Bid for the RiverCenter Adler Theatre Infrastructure Upgrade Phase II was issued and sent to contractors. On July 10, 2018, the Purchasing Division opened and read two responsive and responsible bids. See bid tab attachment.

Phase I, replacing the boilers has already been started for this upgrade at the RiverCenter. Phase II consists of replacing the rooftop units and installing new controllers.

Northwest Mechanical Inc. is being recommended as the lowest responsive and responsible bidder.

Funding for this project is from the CIP account 76024698 530350 69014 RiverCenter Renovations. Source of the funding is from the sale of General Obligation Bonds.

ATTACHMENTS:

Type	Description
Cover Memo	PW_RES_RiverCenter Adler Theatre Infrastructure Upgrade Phase II
Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	7/25/2018 - 10:50 AM
Public Works Committee	Lechvar, Gina	Approved	7/25/2018 - 10:50 AM
City Clerk	Admin, Default	Approved	7/25/2018 - 11:21 AM

Resolution No._____

Resolution offered by Alderman Ambrose.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the RiverCenter Adler Theatre Infrastructure Upgrade Phase II to Northwest Mechanical Inc. of Davenport, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the RiverCenter Adler Theatre Infrastructure Upgrade Phase II;

WHEREAS, the Northwest Mechanical Inc. of Davenport was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the RiverCenter Adler Theatre Infrastructure Upgrade Phase II to Northwest Mechanical Inc. of Davenport; and

2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:	Approved:
_____	_____
Jackie E. Holecek, CMC Deputy City Clerk	Frank Klipsch Mayor

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: RIVERCENTER ADLER THEATRE INFRASTRUCTURE UPGRADE PHASE II

BID NUMBER: 18-121

OPENING DATE: JULY 9, 2018

GL ACCOUNT NUMBER: 76024698 530350 69014 RIVERCENTER RENOVATION

RECOMMENDATION: AWARD THE CONTRACT TO NORTHWEST MECHANICAL INC. OF DAVENPORT

VENDOR NAME	PRICE
Northwest Mechanical Inc. of Davenport	**$1,857,000**
Hometown Plumbing & Heating Inc. of Davenport	$2,075,000

Approved By Kristi Keller
Purchasing

Approved By Nicole Gleason
Director

Approved By Brandi Cooper
Budget/CIP

Approved By
CFO

City of Davenport

Agenda Group: Public Works
Department: Public Works - Engineering
Contact Info: Brad Guy (563) 327-5105
Wards: 8

Action / Date
PW8/1/2018

Subject:
Resolution of acceptance for the construction of Phase 2 of the Eastern Avenue Trail from E. 54th Street to Prairie Heights Park Road, completed by Ardo Schmidt Construction Inc. CIP #28002 [Ward 8]

Recommendation:
Adopt the Resolution

Relationship to Goals:
Welcoming Neighborhoods

Background:
Construction has been complete on a new, 10' wide, recreational trail along Eastern Avenue which now connects E. 53rd Street to Veterans Memorial Parkway. The project has been completed with a total cost of $154,464.76 and has been accepted by the Engineering Division.

ATTACHMENTS:

Type	Description
Resolution Letter	RES_Eastern Ave. Trail Acceptance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	7/25/2018 - 10:52 AM
Public Works Committee	Lechvar, Gina	Approved	7/25/2018 - 10:52 AM
City Clerk	Admin, Default	Approved	7/25/2018 - 11:22 AM

Resolution No._____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION of acceptance for the construction of Phase 2 of the Eastern Avenue Trail from E. 54th Street to Prairie Heights Park Road, completed by Ardo Schmidt Construction Inc. CIP #28002 [Ward 8]

WHEREAS, the City of Davenport entered into a contract with Ardo Schmidt Construction Inc. of Preston, IA

WHEREAS, construction of the project has been satisfactorily completed and accepted by the Engineering Division

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that Phase 2 of the Eastern Avenue Trail Project, with a total cost of $154,464.76, is hereby accepted.

Passed and Approved this 8th day of August, 2018.

Approved: Attest:

_____ _____

Frank Klipsch, Mayor Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group: Finance
Department: Legal
Contact Info: Mayor & Council
Wards: All

Action / Date
FIN8/1/2018

Subject:
First Consideration: Ordinance amending Chapter 2.58 entitled "Civil Rights Commission" to replace it with a new "Human and Civil Rights Agency". [All Wards]

Recommendation:
Approve the ordinance

Background:
Over the past nine years, the City of Davenport has been reviewing and evaluating its boards and commissions. The mission is increasing effectiveness, improving accountability and streamlining processes for citizens.

On this agenda is an item which will replace the Civil Rights Commission with the Davenport Human and Civil Rights Agency.

The proposal preserves the important role that an independent volunteer citizen board that is broadly representative of the community fulfills in resolving and adjudicating complaints and contested cases. A Civil Rights Citizen Hearing Board consisting of seven members serving staggered terms will be appointed. After the initial appointments the term will be 4 years. The preference is to appoint the current commissioners who express a desire to continue their service in this area.

This new agency also will have a three member governing board tasked with administrative, operational and budgetary oversight of the agency. The three members of this board will be city council members.

The general purpose of the ordinance change is twofold: 1) improve administrative oversight of the personnel, operations and budget of the agency while increasing accountability to the community; and 2) facilitate the restructuring of the commission for potential regional collaboration.

For citizens, the complaint process will not look any different than it does today. The customer service perspective will remain unchanged. We will continue to follow the guidelines as established by federal, state and local law.

ATTACHMENTS:

Type	Description
Cover Memo	Human & Civil Rights Agency
Cover Memo	Commissioner Notification

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Admin, Default	Approved	7/27/2018 - 4:50 PM

ORDINANCE NO. _____

Ordinance amending Chapter 2.58 entitled "Civil Rights Commission" to replace it with a new "Human and Civil Rights Agency"

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

Section 1. That :

Chapter 2.58 HUMAN & CIVIL RIGHTS AGENCY

Sections:

Division I–General

2.58.010 Purposes.
2.58.020 Construction.
2.58.030 Definitions.
2.58.040 Established–Appointment and terms of members.
2.58.045 Meetings.
2.58.050 Powers and duties.
2.58.060 Reserved.
2.58.070 HCRA–Powers and duties.
2.58.080 Public meetings, records, and confidentiality.
2.58.090 Administrative release.

Division II–Unfair Practices

2.58.100 Unfair practices– Employment–Exceptions.
2.58.110 Unfair practices– Accommodations or services–Exception.
2.58.120 Unfair practices– Credit.
2.58.125 Education.
2.58.130 Unfair practices–Aiding or abetting.
2.58.140 Unfair practices–Retaliation.
2.58.150 Complaint procedures - other than fair housing.
2.58.160 Conciliation.

2.58.170 Public hearing.
2.58.175 Remedial action.
2.58.180 Appeal procedure.
2.58.190 Court enforcement of order.
2.58.200 through 2.58.290 Reserved.

Division III—Fair Housing

2.58.300 Fair housing—Definitions.
2.58.305 Fair housing—Prohibitions.
2.58.310 Fair housing—Exemptions.
2.58.315 Fair housing—Discrimination in residential real estate-related transactions.
2.58.320 Fair housing—Discrimination in provision of brokerage services.
2.58.325 Fair housing—Administrative enforcement; preliminary matters.
2.58.330 Fair housing—Probable cause determination and effect.
2.58.335 Fair housing—Subpoenas; giving of evidence.
2.58.340 Fair housing—Enforcement by Agency.
2.58.345 Fair housing—Review by hearing board; service of final order.
2.58.350 Fair housing—Judicial review.
2.58.355 Fair housing—Enforcement by private persons.
2.58.360 Fair housing—Enforcement by the legal department.
2.58.365 Fair housing—Cooperation with state and federal agencies in administering Fair Housing Laws.
2.58.370 Fair housing—Interference, coercion or intimidation; enforcement by civil action.
2.58.375 Fair housing—Violations; bodily injury.
2.58.380 Fair housing—Disclaimer of preemptive effect.

Division I—General

2.58.010 Purposes.

The purposes of the city in enacting the ordinance codified in this chapter are:

A. To secure for all individuals within the city freedom from discrimination because of race, color, religion, creed, sex, national origin or ancestry, familial status, marital status, age, mental or physical disability, gender identity, or sexual orientation, in connection with employment, public accommodations, housing, education, and credit, and thereby to protect the personal dignity of these individuals, to insure their full productive capacity, to preserve the public safety, health, and general welfare, and to promote the interests, rights and privileges of individual citizens within the city;

B. To provide for the execution within the city of the policies embodied in the Iowa Civil Rights Act of 1965 and in the Federal Civil Rights Act and to promote the cooperation between the city and the federal agencies enforcing those acts;

C. To provide, at the local level, a human and civil rights agency dedicated to the effective enforcement of this chapter;

D. To serve as a source of information to employers, landlords, businesses, laborers, tenants, and other citizens and groups relative to various civil rights legislation and regulations;

E. To provide accountability in matters of administrative oversight of personnel, budget, and day-to-day operations while maintaining independence from the administration of the city and independence in the adjudication of contested complaints; and

F. To create an organizational structure that may be easily regionalized through appointments to the governing board.

2.58.020 Construction.

This chapter shall be construed broadly to effectuate its purpose.

2.58.030 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

A. "Hearing Board" means the citizen volunteer board created by this chapter.

B. "Complainant" means that person filing a complaint with the agency.

C. "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent and the agency.

D. "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

E. "Court" means the district court in and for Scott County, Iowa.

F. Reserved.

G. "Disability" means, with respect to an individual,

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual and the condition of an individual with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired human immunodeficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases;

2. A record of such an impairment; or

3. Being regarded as having such impairment, but such term does not include current illegal use of or addiction to a controlled substance as defined in Chapter 124 of the Iowa Code.

H. "Employee" means any person employed by an employer, but does not include an individual employed by a parent, spouse, or child.

I. "Employer" means every person employing employees within the city, excepting due to an appearance of conflict, the city itself or any other political subdivision, board, commission, department, or school district within the city limits. Complaints against these excluded entities shall be referred to the relevant state and/or federal agency.

J. "Employment agency" means any person or entity undertaking to procure employees or opportunities to work for any other person or any person or entity representing himself or itself to be equipped to do so.

K. "Gender identity" means a gender-related identity of a person regardless of the person's assigned sex at birth.

L. "Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

M. "Marital status" means the state of being married, single, divorced, separated, or widowed.

N. "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, labor organizations, trustees, trusts, mutual companies, joint stock companies, unincorporated organizations, trustees in cases under the federal bankruptcy code, receivers, and fiduciaries, excepting due to an appearance of conflict, the city itself or any other political subdivision, board, commission, department, or school district within the city limits.

O. "Public accommodation" means each and every place, establishment, or facility, of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives any governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which by its nature is distinctly private except when such distinctly private place, establishment, or facility caters or offers services, facilities, or

goods to the nonmembers for a fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

P. "Respondent" means the person or other entity against whom a complaint has been filed with the agency.

Q. "Sexual orientation" means the following:

1. Homosexuality, heterosexuality, and bi-sexuality;

2. Having a record of being homosexual, heterosexual, or bisexual; or

3. Being perceived as being homosexual, heterosexual, or bisexual.

R. "Unlawful practice" or "discriminatory practice" means those practices specified as unlawful or discriminatory in this chapter.

2.58.040 Established.

A. There is established a Davenport Human and Civil Rights Agency. The two aldermen at large and the mayor *pro tem* shall serve, without additional compensation, as its governing board on an *ex officio* basis with full powers and voting rights. If the mayor *pro tem* is also an alderman at large the mayor shall appoint another alderman to serve and complete the three member governing board (alternatively “board” or “governing board” or “governing body”). Further, if all three *ex officio* members are of the same gender, the mayor shall replace one of them with an alderman of the opposite gender. The three members shall select a chair and vice-chair.

B. The governing board may elect to contract with third-party providers to perform any or all of functions of this chapter assigned to the agency administrator or staff. Should the governing board determine that it wants to employ an agency administrator (“Human and Civil Rights Administrator” or “HCRA” or “agency administrator”), the HCRA shall be appointed by an affirmative vote of at least two of the governing board members. The HCRA shall serve an indefinite term at the pleasure of the governing board and direct the day to day affairs of the agency. The HCRA’s initial compensation and benefits will be set by the board after receiving comparable data from the human resources director and may be adjusted from time to time in conjunction with the annual budget approval. The HCRA may be removed from office at any time upon an affirmative vote of at least two governing board members. The city attorney or their respective designee may investigate any allegations of misconduct, malfeasance, neglect of duties, poor performance or any other issue indicating unsuitability for continued employment on the part of the HCRA. In conjunction with any such investigation the city attorney may place the HCRA on administrative leave and/or compel the HCRA’s presence at the workplace. The city attorney also may direct and compel the HRCA to respond to requests for information either orally or in a written format. After any such investigation, the findings and any recommendation for corrective action shall be presented to the governing body to take such action as the members deem appropriate.

C. In order to carry out the purposes of this chapter and to serve as the adjudicatory body for contested complaints and cases under this chapter there is established in the city a civil rights hearing board to be known as the Davenport Civil Rights Citizen Hearing Board ("hearing board"). Such hearing board shall consist of seven individuals with the goal that the individuals be broadly representative of the community and the various racial, religious, cultural and social groups within it. The mayor shall appoint the members of the hearing board, who must reside in Davenport. All members shall serve without compensation. After the initial appointments, the term of service is four years (anyone appointed to a vacant position serves the balance of the term). The terms for the initial appointments to create the hearing board shall be four members for three years and three members for four years. The hearing board shall elect a chair and vice-chair from the members of said hearing board.

2.58.045 Meetings.

A. The governing board shall have a regularly scheduled, bi-monthly meeting. The chair or any two members of the governing board may call a special meeting by giving at least twenty-four hours' notice to every other member of the board. The call for a special meeting shall include an agenda and only matters included in the agenda may be acted on at the meeting. If or when the agency does not have a staff, the city administrator shall designate a staff member to provide administrative support to the agency on a temporary basis.

B. The hearing board shall meet as necessary to adjudicate contested cases, approve settlements or conciliations of complaints, or make probable cause determinations in regards to fair housing complaints. All legally required notices shall be given including the posting of an agenda. Members of the hearing board shall attend at least two-thirds of all regularly scheduled meetings within any twelve month period. If any member does not attend such prescribed number of meetings, it shall constitute grounds for the hearing board to recommend to the mayor that said member be replaced. Attendance of members shall be entered in the minutes.

2.58.050 Powers and duties.

The governing board shall have the following powers and duties:

A. To appoint and supervise a HCRA and approve appointment of staff of the agency unless the board elects to contract with third parties. Staff members of the human and civil rights agency are employees of the agency. The human resources director and finance director may be requested to provide administrative services, support and information to the board in regards to its employees. Any reference to "staff" or "agency staff" also shall be a reference to any third party contractors as appropriate given the context of the reference.

B. To receive and cause the investigation of complaints alleging unfair or discriminatory practice;

C. To study the existence, character, causes and extent of practices of discrimination and unfair practices in this city against any group because of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation and to attempt the elimination of such discrimination by education and conciliation.

D. To set standards for and certify thereafter, to the HCRA, a list of eligible hearing officers who may conduct public hearings under this chapter, and such officers shall be attorneys.

E. To issue, amend or rescind suitable regulations not inconsistent with this chapter or law to carry out the provisions of this chapter. Regulations issued under this subsection or any amendments or rescission thereof shall be subject to public hearing before adoption with no less than fifteen days' notice of hearing to be published. Copies of proposed regulations, amendments or rescissions shall be placed on file with the city clerk's office for inspections by the general public prior to public hearing. Following the public hearing and certification of the final regulations, amendments or rescissions adopted by the governing board, such regulations, amendments, or rescissions shall take effect within thirty days of approval by the governing board.

F. To issue such publications and reports of investigations and research as in the judgment of the governing board shall tend to promote good will among the various racial, religious, ethnic, and other groups within the city and which shall tend to minimize or eliminate discrimination in public accommodations, employment, apprenticeship and on-the-job training programs, vocational schools, housing, education, or credit because of race, creed, color, sex, familial status, marital status, national origin or ancestry, religion, disability, age, gender identity or sexual orientation.

G. To prepare and transmit to the mayor and to the city council from time to time, reports describing its proceedings and the work performed by the agency;

H. To make recommendations to the mayor and to the city council for such further legislation concerning discrimination because of race, creed, color, national origin or ancestry, religion, sex, familial status, marital status, age, disability, gender identity or sexual orientation as it may deem necessary or desirable.

I. To cooperate within the limits of appropriations made for its operations with other agencies or organizations, both public and private, whose purposes are consistent with those of this chapter, and in the planning and conducting of programs designed to eliminate discrimination based on race, color, religion, creed, national origin or ancestry, sex, disability, age, familial status, marital status, gender identity or sexual orientation.

J. To enter into contracts with federal, state, and other municipal civil rights agencies which would further the purposes of this chapter including the joint exploration of a regional and cooperative model of the agency that includes neighboring political subdivision.

K. To work with and cooperate with the U.S. Equal Employment Opportunity Commission under Sections 705, 706, 709, 710 and other appropriate sections of the Civil Rights Act of 1964 as amended.

L. To hold meetings at intervals of not more than bi-monthly at a time and place to be determined by the governing board.

M. To issue subpoenas and order discovery in aid of investigations and hearings of alleged unfair or discriminatory practices as provided by this chapter. The subpoenas and discovery may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in district court in accordance with state law and the Iowa rules of civil procedure.

2.58.060 Reserved.

2.58.070 HCRA—Powers and duties.

A. Subject to the legislative and budgetary direction of the city council and the direction of the governing board, the agency administrator shall have the following powers and duties:

1. To appoint and prescribe the duties of such employees and agents as the governing body may from time to time authorize, and to administer the budget of the agency, including any sums received by gift or grant under the rules and regulations of the city council and the department of city administration and to account for the same.

2. To receive, investigate and pass upon complaints alleging unfair or discriminatory practices;

3. To furnish staff services to the agency, governing board, and hearing board;

4. To initiate, with the approval of the governing board, investigations into apparent patterns and practices of discrimination where no complaints have been filed with the agency, and, if the governing board finds, subsequent to such investigation, that there is sufficient evidence to so warrant, to file a complaint against the party responsible for the alleged pattern or practice of discrimination;

5. To request such cooperation, assistance and data from city departments as may be necessary to carry on the duties and functions prescribed for the agency and HCRA by this chapter;

6. To report to the governing body monthly in writing concerning the activities of the HCRA and of hearings conducted, decisions rendered and the outcome thereof. Such reports also include an accounting of all complaints and the status or disposition thereof, without the use of names or other identifying information;

7. To perform such other duties as are imposed upon the HCRA by the terms of this chapter and by the governing body.

B. The HCRA shall be directly responsible to and shall report to the governing body.

2.58.080 Public meetings, records, and confidentiality.

A. All meetings of the governing body and hearing board shall be public meetings except when Iowa law allows for a closed session.

B. All records of the agency shall be public, except:

1. Complaints of discrimination, reports of investigations, statements and other documents or records obtained in investigation of any charge shall be closed records, unless public hearing is scheduled or district court action is commenced as provided in this chapter.

2. The minutes of any session which is closed under the provisions of this chapter shall be closed records.

C. No member or employee of the agency or the boards or of the city shall disclose to any person, other than the respondent, the filing of a charge, the information gathered during the investigation, or the endeavors to eliminate such discriminatory or unfair practice by conference, conciliation, or persuasion, unless such disclosure is made in connection with the investigation, scheduling of a public hearing upon a complaint, the holding of the public hearing, after a public hearing is held, or after district court action is commenced as provided in this chapter. This subsection does not prevent any complainant, respondent, witness, or other person from publicizing the filing of a complaint or the matter therein complained of. Nor does it prohibit disclosure of any conciliation agreement without use of the names of parties involved.

2.58.090 Administrative release.

A. A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek administrative relief by filing a complaint with the agency in accordance with local ordinance, state or federal law.

B. After the proper filing of a complaint with the agency and after the complaint has been on file for at least sixty days, a complainant may commence an action for relief in the district court after obtaining an administrative release from the agency.

C. Upon a request by the complainant, after meeting the applicable conditions, the agency through its HCRA shall issue to the complainant a release stating that the complainant has a right to commence an action in the district court. A release under this subsection shall not be issued if any of the disqualifying conditions found in the corresponding state or federal law are present, including:

1. A finding of no probable cause has been made on the complaint by the HCRA;

2. A conciliation agreement has been executed;

3. The agency has served notice of hearing upon the respondent; or

4. The complaint is closed as an administrative closure and two years have elapsed since the issuance date of the closure.

D. An action authorized under this section is barred unless commenced within ninety days after issuance by the agency of a release under this section. If a complainant obtains a release, the agency is barred from further action on that complaint.

E. Venue for an action under this section shall be in the county in which the respondent resides or has its principal place of business, or in the county in which the alleged unfair or discriminatory practice occurred.

Division II—Unfair Practices

2.58.100 Unfair practices—Employment— Exceptions.

A. It shall be an unlawful employment practice for any person or employer:

1. To fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment, because of such individual's race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation; or

2. To limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the employee's status as an employee because of such individual's race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

B. It shall be unlawful employment practice for any employment agency to fail or refuse to refer for employment, or otherwise to discriminate against any individual because of the individual's race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation, or to classify or refer for employment any individual on the basis of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

C. It shall be an unlawful employment practice for a labor organization:

1. To exclude or to expel from its membership, or otherwise to discriminate against any individual because of the individual's race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

2. To limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect the individual's status as an employee or as an applicant for employment, because of such individual's race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation; or;

3. To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

D. It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of the individual's race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation in admission to, or employment in, any program established to provide apprenticeship or other training.

E. It shall be an unfair employment practice for any employer, employment agency, labor organization or the employees, agent or members thereof to directly or indirectly advertise, or in any other manner indicate or publicize, that individuals of any particular age, race, creed, color, sex, familial status, marital status, national origin or ancestry, religion, disability, gender identity, or sexual orientation are unwelcome, objectionable, not acceptable or not solicited for employment or membership.

F. Regardless of any other provision of this section, it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or refer for employment of any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of the individual's sex, national origin, or age, in those certain instances where the individual's sex, national origin, or age, is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

G. It shall not be an unlawful employment practice for any bona fide religious institution, association, corporation, society or educational institution to hire and employ employees of a particular religion if such institution is in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of such educational institution is directed toward the propagation of a particular religion.

H. This section shall not apply to:

1. Any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.

2. The employment of individuals for work within the home of the employer if the employer or members of the employer's family reside therein during such employment.

3. The employment of individuals to render personal service to the person of the employer or members of the employer's family.

2.58.110 Unfair practices—Accommodations or services—Exception.

A. It shall be an unfair or discriminatory practice for any owner, lessee, sublessee, proprietor, manager, or superintendent of any public accommodation or any agent or employee thereof:

1. To refuse or deny to any person because of age, race, creed, color, sex, familial status, marital status, national origin or ancestry, religion, disability, gender identity or sexual orientation the accommodations, advantage, facilities, services, education or privileges thereof, or otherwise to discriminate against any person because of age, race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation in the furnishing of such accommodations, advantages, facilities, services, education or privileges;

2. To directly or indirectly advertise, or in any other manner indicate or publicize, that the patronage or persons of any particular race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation is unwelcome, objectionable, not acceptable, or not solicited.

B. This section shall not apply to any bona fide religious institution with respect to any qualifications the institution may impose based on religion when such qualifications are related to a bona fide religious purpose nor shall it apply to discounts for services or accommodations based upon age.

2.58.120 Unfair practices—Credit.

A. A creditor shall not refuse to enter into a consumer credit transaction or impose finance charges or other terms or conditions more onerous than those regularly extended by that creditor to consumers of similar economic backgrounds because of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

B. Refusal by a creditor to offer credit, life or health or accident insurance based upon the age or disability of the consumer shall not violate the provisions of this section unless such denial is a mere subterfuge adopted for the purpose of evading the provisions of this section.

C. A person authorized or licensed to do business in this state pursuant to Iowa Code Chapters 524, 533, 534, 536 or 536A, shall not refuse to loan or extend credit, or

impose terms or conditions more onerous than those regularly extended, to persons of similar economic backgrounds because of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

D. No form of application for financial assistance shall be used which indicates, directly or indirectly an intent to make a limitation, specification or discrimination on the basis of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

2.58.125 Education.

A. It shall be unfair or discriminatory practice for any educational institution to discriminate on the basis of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation in any program or activity. Such discriminatory practices shall include, but not be limited to, the following practices:

1. Exclusion of a person or persons from participation in, denial of the benefits of, or subject to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs.

2. Denial of comparable opportunity in intramural and interscholastic athletic programs.

3. Discrimination among persons in employment and the conditions of employment.

4. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.

B. For the purpose of this section, educational institution includes any preschool, elementary, secondary, or merged area school, area education agency, or postsecondary college or university and their governing boards.

C. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms or living facilities for the different sexes so long as comparable facilities are provided.

D. Nothing in this section shall be construed as prohibiting any bona fide religious institution from imposing qualifications based on religion when such qualifications are related to a bona fide religious purpose or any institution from admitting students of only one sex.

E. Any person that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner

accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.

2.58.130 Unfair practices—Aiding or abetting.

It shall be an unfair or discriminatory practice for:

1. Any person to intentionally aid, abet, compel or coerce another person to engage in any of the practices declared unfair or discriminatory by this chapter;

2. Any person to discriminate against another person in any of the rights protected against discrimination on the basis of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation of this chapter because such person has lawfully opposed any practice forbidden under this chapter, obeys the provisions of this chapter, or has filed a complaint, testified, or assisted in any proceeding under this chapter.

2.58.140 Unfair practices—Retaliation.

A. It shall be an unfair or discriminatory practice for any person to discharge, harass, penalize, or otherwise retaliate against any individual because of that individual's attempts to secure compliance or aid in securing compliance with this chapter or the remedies provided thereunder.

B. It shall be an unfair or discriminatory practice for any person to discharge, harass, penalize or otherwise retaliate with respect to employment, housing, public accommodations, education, or credit against any individual because of that individual's association with persons of a particular race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

2.58.150 Complaint procedures – other than fair housing.

A. The HCRA shall promptly cause investigation to be made of the allegations of unfair or discriminatory practice set forth in a complaint and shall promptly furnish the respondent with a copy of said complaint. Complaints filed in the areas of employment, credit, education, and public accommodation must be filed within three hundred days after the alleged discriminatory practice occurred. Complaints filed in the area of housing must be filed within one year after the alleged discriminatory practice occurred. The HCRA is authorized to administratively close a case when the HCRA finds any of the following: 1) lack of jurisdiction; 2) minimal impact on civil rights in the community; or 3) facts do not warrant further processing.

B. If it is determined after investigation that no probable cause exists for such complaint, the HCRA shall forthwith notify the complainant and the respondent of such determination and the case shall be closed.

C. If it is determined after investigation that probable cause exists for crediting the allegations of the complaint, the HCRA shall promptly endeavor to eliminate any

discriminatory or unfair practice by conference, conciliation and persuasion (hereinafter called conciliation).

D. The HCRA may notify the Iowa Civil Rights Commission whenever a finding of probable cause or no probable cause has been made with respect to any case within their jurisdiction or whenever such case is otherwise closed.

E. The complainant shall have the power to reasonably and fairly amend any complaint. The complaint and the answer may be amended at any time prior to the scheduling of the complaint for a public hearing, and thereafter, only upon the consent of the administrative law judge.

F. In any case where the HCRA determines that a complainant may suffer irreparable injury as a result of a violation of this chapter, the HRCA may initiate an immediate action in the court for a temporary injunction against a respondent pending the outcome of the complaint.

2.58.160 Conciliation.

A. Prior to a finding of probable cause, the HCRA may enter into the conciliation process with the respondent at the respondent's request where the investigation has been sufficient for the HCRA to determine adequate remedies for the alleged discrimination.

B. After a finding of probable cause, the respondent shall be promptly notified in writing of the finding and shall be informed of his or her right to conciliation. The notification shall further contain a place, date, and time for the conciliation meeting. Although, the agency staff must endeavor to eliminate the discriminatory practice by conference, conciliation, and persuasion for a period of sixty days after a finding of probable cause, the HCRA may, however, order the conciliation conference and persuasion procedure provided in this section to be bypassed when the HCRA determines the procedure is unworkable. Upon the bypassing of conciliation, the HCRA shall state in writing the reasons for bypassing.

C. Where the conciliation results in an agreement between the respondent and the HCRA, the agreement shall be in writing and shall be signed by the respondent or his or her representatives and by the HCRA. If the complainant can be found, the HCRA shall consult with the complainant prior to signing the agreement, and should the complainant object to the agreement, the HCRA shall execute the agreement only with the consent of the hearing board. If the complainant cannot be found, the HCRA may execute such agreement. If the HCRA becomes aware that the conciliation agreement’s terms are not being complied with by the respondent, the HCRA shall take appropriate action to assure compliance with the agreement.

D. When the HCRA is satisfied that further endeavor to settle a complaint by conference, conciliation, and persuasion is unworkable and should be bypassed, and/or the sixty-day period provided for has expired without agreement, the HCRA shall promptly report the same to the governing board. If HCRA finds that the circumstances

so warrant, the matter shall be set for public hearing. In either event, the HCRA may notify the Iowa State Civil Rights Commission of the failure of conciliation efforts and of the action taken.

2.58.170 Public hearing.

A. After the governing board or HCRA has determined to take the matter to public hearing, the HCRA shall serve on the respondent by registered or certified mail a written notice, together with a copy of the complaint as it may have been amended, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing officer at a time and place specified in the notice, said hearing to be not less than ten days after the date of the service of notice on the respondent. A copy of the notice shall be furnished to the complainant and such other public officers and such other persons as the HCRA deems proper.

B. The notice shall include:

1. A statement of the time, place, and nature of the hearing and the name of the hearing officer before whom the hearing is to take place;

2. A statement of the legal authority and jurisdiction under which the hearing is to be held;

3. A reference to the particular sections of the ordinance and rules involved;

4. A short and plain statement of the matters asserted. If the HCRA is unable to state the matters in detail at the time that the notice is served, the initial notice may be limited to a statement of the issues involved.

C. The hearing will be conducted by the hearing officer who shall have the power, at the request of the complainant, the HCRA or the respondent, to issue subpoenas to compel the attendance of witnesses at such hearing and to compel any person to produce any books or papers involved in the complaint. If a witness fails or refuses to obey a subpoena issued by the hearing officer, the hearing officer may petition the district court having jurisdiction for issuance of a subpoena and the court shall issue the subpoena as by law provided. Refusal to obey such subpoena shall be subject to punishment for contempt.

D. No hearing officer shall conduct the hearing who has any personal interests in its outcome or who has taken part in the investigation of the complaint or taken a position as to whether discrimination occurred with respect to the matter in question.

E. If a party fails to appear in a contested case proceeding after proper service of notice, the person conducting the hearing may proceed and make a decision in the absence of the party.

F. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense.

The case for the agency may be presented by any member of the agency staff. The hearing need not be bound by the strict rules of evidence, but the admission of evidence should be based on sound discretion.

G. The record in a case shall include;

1. All pleadings, motions, and intermediate rulings;

2. All evidence received or considered and all other submissions;

3. A statement of all matters officially noticed;

4. All questions and offers of proof, objections, and rulings thereon;

5. All findings, orders and exceptions.

H. The hearing shall be open to the public and shall be recorded either by mechanized means or by certified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording of stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the agency for at least five years from the date of decision. Notice of public hearing shall be disseminated among local news media at least five days prior to the date of the hearing.

I. Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

J. The hearing officer shall make written findings of fact and conclusions of law and shall state in writing a determination as to whether or not the respondent did commit any unfair or discriminatory practices as provided by this chapter. If upon taking into consideration all the evidence at a hearing, the hearing officer determines that the respondent has engaged in a discriminatory or unfair practice, the hearing officer shall, in addition to the foregoing requirements, issue an order in writing requiring the respondent to cease and desist from the discriminatory or unfair practice and to take the necessary remedial action as in the judgment of the hearing officer will effectuate the purposes of this chapter.

K. Upon receipt of the hearing officer's recommended decision, the HCRA shall forward a copy of the hearing officer's recommended decision to each of the parties. The HCRA shall include with the hearing officer's recommended decision notice of the date, time and place of the meeting at which the hearing board shall review the recommended decision. The notice shall also advise the parties that if they desire to take exceptions to the recommended decision that they must file the exceptions with the hearing board, and that they may file a brief in support of the exceptions. The exceptions and brief in support of exceptions must be filed with the hearing board no later than fifteen calendar days prior to the hearing board meeting at which the decision will be reviewed. The parties shall be afforded no less than fifteen calendar days between the

date the hearing officer's recommended decision is mailed to the parties and the date the exceptions and brief in support of exceptions must be filed with the hearing board.

L. The hearing board shall within ninety days of the date it receives the recommended decision of the hearing officer review the decision at a meeting. The hearing board shall consider all timely filed exceptions and briefs at the time it reviews the recommended decision. The hearing board shall hear oral arguments by the parties or their representatives, pursuant to reasonable rules made by the hearing board in each case. The hearing board may adopt, modify or reject the hearing officer's recommended decision based upon sufficiency of the evidence, or it may remand the case to the hearing officer for the taking of such additional evidence and the making of such further recommended findings of fact, conclusions of law, decision, and order as the hearing board deems necessary. Upon completing its review of the hearing officer's recommended decision and if the hearing board determines the respondent has engaged in a discriminatory practice, the hearing board shall issue an order requiring the respondent to cease and desist from the discriminatory practice and to take necessary remedial action as in its judgment will carry out the purposes of this chapter.

M. If the hearing board goes into executive session to deliberate, they may be accompanied by an attorney from the legal department who may assist them procedurally with the deliberation. No one who has previously investigated or prosecuted the matter for the HCRA shall participate in the deliberation.

2.58.175 Remedial action.

A. The remedial action ordered may include the following actions to be taken by respondent, in addition to any other remedy allowed by law:

1. Hiring, reinstatement or upgrading of employees with or without pay. Interim earned income and unemployment compensation shall operate to reduce the pay otherwise allowable.

2. Admission or restoration of individuals to a labor organization, admission to or participation in a guidance program, apprenticeship training program, on-the-job training program or other occupational training or retraining program, with the utilization of objective criteria in the admission of individuals to such program.

3. Admission of individuals to a public accommodation.

4. Sale, exchange, lease, rental, assignment or sublease of real property to an individual.

5. Extension to all individuals of a full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent denied to the complainant because of the discriminatory practice.

6. Reporting as to the manner of compliance.

7. Posting notices in conspicuous places in the respondent's place of business in form prescribed by the hearing board and inclusion of notices in advertising material.

8. Payment to the complainant of damages of an injury caused by the discriminatory practice which damages shall include but are not limited to back pay, front pay, all economic damages, emotional distress damages, and reasonable attorney fees.

9. Payment of costs of hearing. If respondent prevails the agency's costs for the hearing shall be taxed to the complainant. "Costs" include costs incurred for the court reporter including but not limited to the daily charge of the court reporter for attending and transcribing the hearing, all mileage charges of the court reporter for traveling to and from the hearing, all travel time charges of the court reporter for traveling to and from the hearing, the cost of the original transcripts of the hearing, postage, and all expenses and fees of the administrative law judge including but not limited to professional fees related to presiding, transportation, lodging and meals.

If the complainant prevails, the agency's costs for the hearing are taxed to respondent. Where the complainant or the agency is successful as to part of the remedies sought and unsuccessful as to part of the remedies, the hearing officer may recommend an equitable apportionment of agency's costs between the complainant and the respondent.

B. In addition to the remedies delineated in the preceding provisions of this section including any other remedial action as in the judgment of the hearing board will carry out the purposes of this chapter, the hearing board may issue an order requiring the respondent to cease and desist from the discriminatory practice and to take such affirmative action as in the judgment of the hearing board will carry out the purposes of this chapter.

2.58.180 Appeal procedure.

A. Any complainant or respondent claiming to be aggrieved by a final order of the hearing board, including a refusal to issue an order, may obtain judicial review thereof, and the agency may obtain an order of court for the enforcement of the hearing board's orders in proceedings as provided in this section.

B. Such proceedings shall be brought in the district court of the district in the county in which the alleged discriminatory or unfair practice, which is the subject of the final order, was committed, or in which any respondent required in the order to cease or desist from a discriminatory or unfair practice or to take other affirmative action, resides, or transacts business.

C. Such proceedings shall be initiated by the filing of a petition in such court. The agency shall file with the court a transcript of the record of the hearing before it. The court shall have jurisdiction of the proceedings and the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set

forth in such transcript an order enforcing, modifying and enforcing as so modified, or setting aside the order of the hearing board, in whole or in part.

D. An objection that has not been urged before the hearing officer or hearing board shall not be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

E. Before the date set for hearing a petition for judicial review of the final order, application may be made to the court for leave to present evidence in addition to that found in the record of the case. If it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for the failure to present it in the contested case before the hearing officer or hearing board, the court may order that the additional evidence be taken before the hearing board upon conditions determined by the court. The hearing board may modify its findings and decision in the case by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court and mail copies of the new findings or decisions to all parties.

F. In proceedings for judicial review of the final order, a court shall not itself hear any further evidence with respect to those issues of fact whose determination was entrusted by the provisions of this chapter to the hearing board.

G. The court may reverse or affirm the hearing board's final order or remand for further proceedings. The court shall reverse, modify, or grant any other appropriate relief from the hearing board's final order, equitable or legal and including declaratory relief, if substantial rights of the petitioner have been prejudiced because the hearing board's final order is:

1. In violation of constitutional or statutory provisions;

2. In excess of the statutory authority of the agency;

3. Made upon unlawful procedure;

4. Affected by error of law;

5. Unsupported by substantial evidence in the record made before the hearing board when that record is viewed as a whole; or

6. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

H. Reserved.

I. The agency may appear in court by its own attorney.

J. Unless otherwise directed by the court, commencement of review proceedings under this section shall operate as a stay of any order.

K. Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed without requirement for printing.

L. If no proceedings to obtain judicial review are instituted by a complainant or respondent within thirty days from the service of an order of the hearing board under Section 2.58.180, the agency may obtain an order of the court for the enforcement of such order upon showing that respondent is subject to the jurisdiction of the agency and resides or transacts business within the county in which the petition for enforcement is brought.

2.58.190 Court enforcement of order.

Within two years after the entry of any order under this chapter, the agency may bring a suit in the district court of this county (or in any other court which may have jurisdiction over the party charged) for an injunction to compel obedience to the order.

2.58.200 through 2.58.290 Reserved.

Division III—Fair Housing

2.58.300 Fair Housing—Definitions.

As used in the fair housing sections:

A. "Aggrieved person" includes any person who:

1. Claims to have been injured by a discriminatory housing practice; or

2. Believes that such person will be injured by a discriminatory housing practice that is about to occur.

B. "Discriminatory housing practice" means an act that is unlawful under Sections 2.58.305, 2.58.315, and 2.58.320 of this provision.

C. "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

D. "Familial status" means one or more individuals under the age of eighteen domiciled with one of the following:

1. A parent or another person having legal custody of the individual or individuals;

2. The designee of the parent or the other person having custody of the individual or individuals, with the written permission of the parent or other person;

3. Protections against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual or individuals who have not yet attained the age of eighteen years.

E. "Family" includes a single individual.

F. "Prevailing party" for the purposes of this provision has the same meaning as such term has in §722 of the Revised Statutes of the United States 42 U.S.C. (1988).

G. "Respondent" for the purposes of this Provision means:

1. The person or other entity accused in a complaint of an unfair housing practice; and

2. Any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under Section 2.58 325A.

H. "Secretary" means the U.S. Secretary of Housing and Urban Development.

I. "State" means the State of Iowa and any of its political subdivisions.

J. "To rent" includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

2.58.305 Fair Housing—Prohibitions.

It shall be unlawful:

A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of or otherwise make unavailable or deny, a dwelling to any person because of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

C. To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, sexual orientation or an intention to make any such preference, limitation or discrimination.

D. To represent to any person because of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or disabled persons of a particular race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation

F. 1. To discriminate in the sale or rental or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

a. That buyer or renter;

b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

c. Any person associated with that buyer or renter.

2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection with such dwelling, because of a disability of:

a. That person; or

b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

c. Any person associated with that person.

3. For purposes of this subsection, discrimination includes:

a. A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter, agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

b. A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

c. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

(1) The public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;

(2) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

(3) All premises within such dwellings contain the following features of adaptive design:

(a) An accessible route into and through the dwelling;

(b) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(c) Reinforcements in bathroom walls to allow later installation of grab bars; and

(d) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

4. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (generally cited as ANSI A117.1) suffices to satisfy the requirements of subsection F 3,c(3).

5. a. If a State or unit of general local government has incorporated into its laws the requirements set forth in paragraph (3) (c), compliance with such laws shall be deemed to satisfy the requirements of that paragraph.

b. A State or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of paragraph (3) (c) are met.

c. The Secretary shall encourage, but may not require, states and units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with paragraph (3) (c), and shall provide technical assistance to states and units of local government and other persons to implement the requirements of paragraph (3) (c).

d. Nothing in this section shall be construed to require the Secretary to review or approve the plans, designs or construction of all covered multifamily dwellings to determine whether the design and construction of such dwellings are consistent with the requirements of paragraph (3) (c).

6. a. Nothing in paragraph 5 shall be construed to affect the authority and responsibility of the Secretary or a State or local public agency certified pursuant to 42 U.S.C. Section 3610 f(3) to receive and process complaints or otherwise engage in enforcement activities under this fair housing provision.

b. Determinations by a state or a unit of general local government under paragraphs 5a and 5b shall not be conclusive in enforcement proceedings under this fair housing provision.

7. Nothing in this fair housing provision shall be construed to invalidate or limit any law of a state or political subdivision of a state, or other jurisdiction in which this fair housing provision shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this provision.

8. As used in this subsection, the term "covered multi-family dwellings" means:

a. Buildings consisting of four or more units if such buildings have one or more elevators; and

b. Ground-floor units in other buildings consisting of four or more units.

9. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

2.58.310 Fair Housing—Exemptions.

A. Nothing in subsection 2.58.305 of this chapter other than subsection 2.58.305C shall apply to:

1. Any single-family house sold or rented by an owner provided that:

a. The private individual owner does not own more than three such single-family houses at any one time; and

b. In the sale of any single-family house, the private individual owner does not reside in, nor is the most recent resident of such house prior to such sale; the exemption granted by this subsection shall apply to only one such sale within a twenty-four month period; and

c. The bona fide private individual owner does not own any interest in, nor is there owned or reserved on the owner's behalf, under express or voluntary agreement, title to, or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at one time; and

d. There is no utilization in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson or person; and

e. There is no publication, posting or mailing, after notice of any advertisement or written notice in violation of Section 2.58.305C of this Fair Housing Provision. Nothing in this subsection prohibits the utilization of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

3. Notwithstanding any other provisions of this section, services or programs designed to benefit a specific age classification which serve a bona fide public purpose shall be permissible.

B. For the purposes of subsection A of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

1. The person has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

2. The person has, within the preceding twelve months, participated as agent, other than in the sale of the person's own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

3. The person is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

C. Nothing in this Fair Housing Provision shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this Fair Housing Provision prohibit a private club not in fact open to the public which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other occupancy of such lodging to its members or from giving preference to its members.

D. 1. Nothing in this Fair Housing Provision limits the applicability of the city's Housing Ordinance regarding the maximum number of occupants permitted to occupy a

dwelling. Nor does any section in this provision regarding familial status or age apply with respect to housing for older persons.

2. As used in this section, "housing for older persons," means housing:

a. Provided under any state or federal program that the Secretary of Housing and Urban Development (HUD) determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

b. Intended for, and solely occupied by, persons sixty-two years of age or older; or

c. Intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the agency shall develop regulations which require at least the following factors:

(1) That at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and

(2) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

3. Housing shall not fail to meet the requirements for housing for older persons by reason of:

a. Persons residing in such housing as of the date of enactment of this Fair Housing Provision who do not meet the age requirements of Section 2.58.310 D,2,b. or D,2,c; provided, that new occupants of such housing meet the age requirements of Section 2.58.310 D,2,b. or D,2.c. of this section.

b. Unoccupied units provided that such units are reserved for occupancy by persons who meet the age requirements of Section 2.58.310 D,2,b. or D,2,c.

4. Nothing in this provision prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in The Controlled Substances Act, 21 U.S.C. §102 or Chapter 124 of the Iowa Code.

2.58.315 Fair housing—Discrimination in residential real estate-related transactions.

A. In General: It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

B. Definition: As used in this section, the term "residential real estate-related transaction" means any of the following:

1. The making or purchasing of loans or providing other financial assistance:

a. For purchasing, constructing, improving, repairing or maintaining a dwelling; or

b. Secured by residential real estate.

2. The selling, brokering or appraising of residential real property.

C. Appraisal Exemption: Nothing in this provision prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, creed, religion, sex, national origin or ancestry, ancestry, familial status, marital status, age, disability, gender identity, or sexual orientation.

2.58.320 Fair housing—Discrimination in provision of brokerage services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against such person in the terms or conditions of such access, membership or participation, on account of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation.

2.58.325 Fair Housing—Administrative enforcement; preliminary matters.

A. Complaints and Answers:

1. An aggrieved person may not later than one year after an alleged discriminatory housing practice has occurred or terminated file a complaint with the agency alleging such discriminatory housing practice. The agency may also initiate a complaint.

2. Such complaints shall be in writing and shall contain such information and be in such form, as the agency requires.

3. The agency may also investigate housing practices to determine whether a complaint should be brought under the Fair Housing Provisions.

4. Upon the filing of such a complaint:

a. The agency shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this provision.

b. The agency shall, not later than ten days after such filing or the identification of an additional respondent under subsection A,7 of this section, serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such

respondent of the procedural rights and obligations of respondents under this provision, together with a copy of the original complaint;

c. Each respondent may file not later than ten days after receipt of notice an answer to such complaint; and

d. The agency shall begin the investigation of the alleged discriminatory housing practice within thirty (30) days after receiving the complaint and shall complete such investigation within one hundred (100) days after the filing of the complaint unless it is impracticable to do so.

5. If the agency is unable to complete the investigation within one hundred days after the filing of the complaint, the agency shall notify the complainant and respondent in writing of the reasons for not doing so.

6. Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

7. A person who is not named as a respondent in a complaint but who is identified as a respondent in the course of investigation may be joined as an additional or substitute respondent upon written notice. Such notice, in addition to meeting the requirements of subsection A of this section shall explain the basis for the agency's belief that the person to whom the notice is addressed is properly joined as a respondent.

B. Investigative Report and Conciliation:

1. Beginning with the filing of a complaint, the HCRA shall, to the extent feasible, engage in conciliation with respect to such complaint.

2. A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the hearing board.

3. A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

4. Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree, and the HCRA determines that disclosure is not required to further the purposes of this provision.

5. a. At the end of each investigation under this section, the HCRA shall prepare a final investigative report containing:

(1) The names and dates of contacts with witnesses;

(2) A summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;

(3) A summary description of other pertinent records;

(4) A summary of witness statements; and

(5) Answers to interrogatories.

b. A final report under this subsection may be amended if additional evidence is later discovered.

C. Failure to Comply with Conciliation Agreement: Whenever the HCRA has probable cause to believe that a respondent has breached a conciliation agreement, the HCRA shall refer the matter to a designated attorney or the legal department with a recommendation that a civil action be filed for the enforcement of such agreement.

D. Prohibitions and Requirements with Respect to Disclosure of Information:

1. Nothing said or done in the course of conciliation under this provision may be made public or used as evidence in a subsequent proceeding under this provision without the written consent of the persons concerned.

2. Notwithstanding subsection D,1 of this section, the HCRA shall make available to the aggrieved person and the respondent at any time, upon request following completion of the investigation, information derived from an investigation and any final investigative report relating to that investigation.

E. Prompt Judicial Action: If the agency concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this provision, the agency may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such authorization, a designated attorney or the legal department may promptly commence and maintain such an action. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Iowa Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this provision.

2.58.330 Fair housing—Probable cause determination and effect.

A. If the hearing board determines that probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the hearing board shall immediately issue a determination unless the legality of a zoning or land use law or ordinance is involved as provided in subsection D.

B. A Cause Determination Must:

1. Consist of a short and plain statement of the facts on which the hearing board has found probable cause to believe that a discriminatory housing or real estate practice has occurred or is about to occur;

2. Be based on the final investigative report; and

3. Need not be limited to the facts or grounds alleged in the complaint.

C. Not later than twenty days after the hearing board issues a cause determination, the hearing board shall send a copy of the determination with information as to how to make an election under Section 2.58.340 to all of the following persons:

1. Each respondent; and

2. Each aggrieved person on whose behalf the complaint was filed.

D. If the matter involves the legality of a state or local zoning or other land use ordinance, the hearing board shall not issue a determination and shall immediately refer the matter to the legal department for appropriate action.

E. If the hearing board determines that no probable cause exists to believe that a discriminatory housing or real estate practice has occurred or is about to occur, the hearing board shall promptly dismiss the complaint. The hearing board shall make public disclosures of each dismissal under this provision.

F. The hearing board shall not issue a determination under this subsection regarding an alleged discriminatory housing or real estate practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to the discriminatory housing or real estate practice.

2.58.335 Fair housing—Subpoenas; giving of evidence.

The hearing board may issue subpoenas and order discovery in aid of investigations and hearings under this provision. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the Iowa District Court.

2.58.340 Fair housing—Enforcement by agency.

A. Election of Judicial Determination. When a probable cause determination has been issued, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that complaint decided in a civil action under Section 2.58.355 in lieu of a hearing under subsection F. The electing person must make the election not later than twenty days after the receipt of service. The person making such election shall give notice of doing so to the agency and to all other complainants and respondents to whom the complaint relates.

B. Administrative Law Judge Hearing in Absence of Election. If an election is not made under subsection A with respect to a complaint, the agency shall provide an

opportunity for a hearing on the record with respect to the complaint issued under Section 2.58.325. The hearing board shall delegate the conduct of a hearing under this section to an administrative law judge appointed by the agency.

C. Rights of Parties. At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses and obtain the issuance of subpoenas under Section 2.58.335. Any aggrieved person may intervene as a party in the proceeding. The Iowa Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in the Iowa District Court.

D. Expedited Discovery and Hearing.

1. Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible consistent with the need of all parties to obtain relevant evidence.

2. A hearing under this section shall be conducted as expeditiously and inexpensively as possible consistent with the need and rights of the parties to obtain a fair hearing and a complete record.

E. Resolution of Charge. Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

F. Hearings, Findings and Conclusions and Order.

1. The administrative law judge shall commence the hearing under this section no later than one hundred twenty days following the probable cause determination, unless it is impracticable to do so. If the administrative law judge is unable to commence the hearing within one hundred twenty days after the determination, the administrative law judge shall notify in writing the agency, the aggrieved person on whose behalf the charge was filed and the respondent, of the reasons for not doing so.

2. The administrative law judge shall make findings of fact and conclusions of law within sixty days after the end of the hearing under this section, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding sixty-day period thereafter, the administrative law judge shall notify in writing the agency, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

3. If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent

in an amount not to exceed those established by the Federal Fair Housing Act in 42 U.S.C. §3612.

4. No such order shall affect any contract, sale, encumbrance or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the charge filed under this Fair Housing Provision.

5. In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to licensing or regulation by a governmental agency, the agency shall, not later than thirty days after the date of the issuance of such order (or, if such order is judicially reviewed, thirty days after such order is in substance affirmed upon such review):

a. Send copies of the findings of fact, conclusions of law, and the order to that governmental agency; and

b. Recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

6. If the administrative law judge finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, the administrative judge shall enter an order dismissing the charge. The agency shall make public disclosure of each such dismissal.

7. An administrative law judge may not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the filing of the trial of a civil action commenced by the aggrieved party under a federal or state law, seeking relief with respect to that discriminatory housing practice.

2.58.345 Fair housing—Review by hearing board; service of final order.

A. The hearing board may review any finding, conclusion or order issued under Section 2.58.340. Such review shall be completed not later than thirty days after the finding, conclusion or order is so issued; otherwise the finding, conclusion or order becomes final.

B. The agency shall cause the findings of fact and conclusions of law made with respect to any final order for the relief under this section, together with a copy of such order to be served on each aggrieved person and each respondent in the proceeding.

2.58.350 Fair housing—Judicial review.

A. Review of Order: Any party aggrieved by a final order for relief under this section granting or denying in whole or in part the relief sought may obtain review of such order by filing a petition for review not later than thirty days after the order is issued in the Iowa District Court pursuant to Chapter 17A of the Iowa Code.

B. Court Enforcement of Administrative Order Upon Petition by Agency:

1. The agency may petition the Iowa District Court in which any respondent resides or transacts business for the enforcement of the order of the administrative law judge and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.

2. The agency shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the agency to the parties to the proceeding before the administrative law judge.

C. Relief Which May be Granted:

1. Upon the filing of a petition under Section 2.58.325 of this Fair Housing Provision, the court may pursuant to §216.17 of the Iowa Code:

a. Grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;

b. Affirm, modify or set aside, in whole or in part, the order, or remand the order for further proceedings; and

c. Enforce such order to the extent that such order is affirmed or modified.

2. Any party to the proceeding before the administrative law judge may intervene on appeal to the court.

3. No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

D. Enforcement Decree in Absence of Petition for Review: If no petition for review is filed under subsection A before the expiration of forty-five days after the date the administrative law judge's order is entered, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement:

1. Which is filed by the agency under subsection A after the end of such day; or

2. Under subsection E of this section.

E. Court Enforcement of Administrative Order Upon Petition of any Person Entitled to Relief: If before the expiration of sixty days after the date the administrative law judge's order is entered, no petition for review has been filed under subsection A, and the agency has not sought enforcement of the order under subsection B, any person entitled to relief under the order may petition for a decree enforcing the order in the Iowa District Court in Scott County, Iowa.

F. Civil Action for Enforcement if an Election Has Been Made:

1. If a timely election is made under Section 2.58.330C of this provision, the agency shall authorize, not later than thirty days after the election is made, the filing of a civil action on behalf of the complainant in district court. The designated attorney or legal department shall commence and maintain a civil action on behalf of the aggrieved person in the Iowa District Court in and for Scott County seeking relief under this subsection pursuant to Iowa Code § 216.16A.

2. Any aggrieved person may intervene as a matter of right in the civil action.

3. In the event that the court finds that a discriminatory housing practice has occurred or is about to occur in a civil action under this subsection, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under Section 2.58.355. The court shall not award any monetary relief for the benefit of an aggrieved person who fails to intervene in the civil action in instances in which the person has not complied with discovery orders entered by the court.

G. Attorney Fees: The administrative law judge or the court may at its discretion allow the prevailing party, other than the agency, reasonable attorney fees and costs resulting from any administrative proceeding brought under this section, any court proceeding arising therefrom, or any civil action.

2.58.355 Fair housing—Enforcement by private persons.

A. Civil Action:

1. An aggrieved person may commence a civil action in an appropriate United States District Court or state court not later than two years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this provision, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice or breach.

2. The computation of such two year period shall not include any time during which an administrative proceeding under this provision was pending with respect to a complaint or charge under this provision based upon such discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.

B. Conciliation Agreement Precludes Action: An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under Section 2.58.325 regardless of the status of the complaint. No action, however, may be filed under this subsection by the aggrieved person regarding the alleged discriminatory housing practice which forms the basis for the complaint if either the agency or the Iowa Civil Rights Commission has obtained a conciliation agreement with the consent of the aggrieved person except for the purpose of enforcing the terms of the agreement.

C. Administrative Hearing Precludes Civil Action: An aggrieved person may not commence a civil action under this subsection with regard to an alleged discriminatory housing practice if an administrative law judge has commenced a hearing on the record under this provision with respect to such charge.

D. Appointment of Attorney by Court: Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may:

1. Appoint an attorney for such person; or

2. Authorize the commencement or continuation of a civil action under subsection A without the payment of fees, costs or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

E. Relief Which May Be Granted:

1. In the event that the court finds in a civil action under subsection A that a discriminatory housing practice has occurred or is about to occur, it may award to the plaintiff actual and punitive damages, and subject to subsection F, may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

2. The court, in its discretion, may allow the prevailing party in a civil action under subsection A, reasonable attorney's fees and costs.

F. Effect an Certain Sales, Encumbrances and Rentals: Relief granted under this section shall not affect any contract, sale, encumbrance or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer or tenant, without actual notice of the filing of a complaint or civil action under this provision.

G. Intervention by the Legal Department: The legal department may intervene in such civil action upon timely application if the department certifies that the case is of general public importance. If the legal department intervenes in a civil action, it may obtain such relief as would be available under Section 2.58.360.

2.58.360 Fair housing—Enforcement by the legal department.

A. Probable Cause: On the request of the hearing board, the legal department may file a civil action in the district court for appropriate relief if the hearing board has probable cause to believe that any of the following applies:

1. A person is engaged in a pattern or practice of resistance to the full enjoyment of any housing right granted by the provision.

2. A person has been denied any housing right granted by this provision and that denial raises an issue of general public importance.

B. Legal Action; Enforcement: The hearing board may request the legal department to take appropriate legal action of a discriminatory housing practice or to enforce a conciliation agreement.

1. The legal department may commence a civil action in any appropriate court for appropriate relief with respect to a discriminatory housing practice referred to the legal department.

2. A civil action under this subsection may be commenced no later than the expiration of the two years after the date of the occurrence of the termination of the alleged discriminatory housing practice as provided in Iowa Code §216.16A.

3. The legal department may commence a civil action in any appropriate court for appropriate relief with respect to breach of a conciliation agreement referred to the legal department by the hearing board.

4. A civil action may be commenced under this subsection no later than the expiration of ninety days after the referral of the alleged breach under Section 2.58.325C.

5. Enforcement of Subpoenas: The legal department on behalf of the hearing board, or other party at whose request a subpoena is issued, under this provision may enforce such subpoena in appropriate proceedings in the district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

6. The district court may award as relief in civil actions under subsection A and B that relief that is available under Iowa Code §216.17A.

a. In a civil action under subsection A or B, the court:

(1) May award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this provision as is necessary to assure the full enjoyment of the rights granted by this provision;

(2) May award such other relief as the court deems appropriate, including monetary damages to the person aggrieved; and

(3) May, to vindicate the public interest, assess a civil penalty against the respondent:

(a) In an amount not exceeding fifty thousand dollars for a first violation; and

(b) In an amount not exceeding one hundred thousand dollars for any subsequent violation.

C. Attorney's Fees and Costs: In a civil action under this section, the court, in its discretion, may allow the prevailing party reasonable attorney's fees and costs.

D. Intervention in Civil Actions: Upon timely application, any person may intervene in a civil action commenced by the legal department under subsection A or B which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under Section 2.58.355.

2.58.365 Fair housing—Cooperation with state and federal agencies in administering Fair housing laws.

The agency may cooperate with state and federal agencies charged with the administration of state and federal fair housing laws. The agency may utilize the services of state and federal agencies, with their consent, to enable it to enforce fair housing laws. The agency may also enter into written agreements with such state and federal agencies to further efforts to enforce fair housing laws.

2.58.370 Fair housing—Interference, coercion or intimidation; enforcement by civil action.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of; or on account of such person having aided or encouraged any other person in the exercise or enjoyment of; any right granted or protected by this provision.

2.58.375 Fair housing—Violations; bodily injury.

Whosoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

A. Any person because of such person's race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation and because such person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

B. Any person because such person is or has been or in order to intimidate such person or any other person or any class of persons from:

1. Participating, without discrimination on account of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation in the activities, services, organizations, or facilities described in subsection A of this section; or

2. Affording another person or class of persons opportunity or protection so to participate; or

C. Any citizen because such person is or has been or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate without discrimination on account of race, color, creed, religion, sex, national origin or ancestry, age, familial status, marital status, disability, gender identity, or sexual orientation in any of the activities, services, organizations or facilities described in subsection A of this section or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be referred to the county attorney's office for prosecution.

2.58.380 Fair housing—Disclaimer of preemptive effect.

Nothing in this Fair Housing Provision limits any right, procedure, or remedy available under the federal or state constitution.

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

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed as are any motions or resolutions of council that purport to give authority to a council standing committee to make a determination as all such determinations shall henceforth be made by the city council.

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

First Consideration _____

Second Consideration _____

Approved _____

_____
Frank Klipsch
Mayor

Attest: _____
Jackie Holecek, CMC
Deputy City Clerk

Published in the Quad City Times on _____

From:	Thorndike, Tiffany
To:	"Louhar12@aol.com"; "shyleegarrett@gmail.com"; "Jshawver@shawverlaw.com"; "cmayfield6417@aol.com"; "benjamin.hahn@ml.com"; "kathybob4@gmail.com"; "irishcowgirl1@ymail.com"
Cc:	Ambrose, Ray; Clewell, Rich; Condon, JJ; Dickmann, Maria; Dunn, Rick; Gripp, Kyle; Klipsch, Frank; Matson, Mike; Meginnis, Marion; Rawson, Rita; Tompkins, Kerri
Bcc:	Wright, Brandon; Spiegel, Corri; Warner, Tom; Nahra, Jennifer; "Frank Klipsch"
Subject:	Notification of Proposed Changes to the Civil Rights Code
Date:	Friday, July 27, 2018 3:36:49 PM
Importance:	High

Good Afternoon,

The correspondence below is sent on behalf of Mayor Frank Klipsch.

***

Commissioners,

The Council and I are writing this note to share with you a matter that has been under review by me and the City Council for quite some time related to the stewardship and responsiveness of City government.

As you may know, from time to time, over the past nine years, the City of Davenport has been reviewing and evaluating its boards and commissions. The mission is increasing effectiveness, improving accountability and streamlining processes for citizens. With that said, on the August 1 City Council Committee of the Whole agenda is an item which will replace the Civil Rights Commission with the Davenport Human and Civil Rights Agency.

The governing board of this new agency will consist of three members of the Davenport City Council and be tasked with administrative, operational and budgetary oversight of the agency. A seven-person volunteer citizen board will support the mission of the agency as an independent administrative hearing board. This agency will still take and process complaints and the hearing board will hear and adjudicate cases just as the commission does today.

The general purpose of the ordinance change is twofold: 1) improve administrative oversight of the personnel, operations and budget of the agency while increasing accountability to the community; and 2) facilitate the restructuring of the commission for potential regional collaboration. For citizens, the complaint process will not look any different than it does today. The customer service perspective will remain unchanged. We will continue to follow the guidelines as established by federal, state and local law.

I intend to nominate each of you who are interested in serving on the volunteer hearing board. Let me be clear, if you wish to be a board member you will be recommended for appointment, if not, please let me know. We will remain as always, deeply appreciative of

your service.

Thank you in advance for your service to the citizens and City of Davenport.

Regards,

Mayor Frank Klipsch

Tiffany Thorndike
Administrative Assistant to City Council & Administration
City of Davenport
226 West Fourth Street
Davenport, IA 52801
Office: 563-888-2066
Fax: 563-328-6728

PLEASE NOTE: PURSUANT TO IOWA STATE LAW AND CITY OF DAVENPORT ADMINISTRATIVE POLICY, EMAIL COMMUNICATION TO AND FROM THIS ADDRESS MAY BE SUBJECT TO PUBLIC DISCLOSURE

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Brandon Wright 326-7750
Wards: Ward 4

Action / Date
FIN8/1/2018

Subject:
Resolution approving a financing agreement between the Putnam Museum, the Quad Cities Cultural Trust, and the City of Davenport. [Ward 4]

Recommendation:
Approve the resolution

Relationship to Goals:
Vibrant region

Background:
The purpose of this resolution is to formalize financial commitments from both the City of Davenport and the Quad Cities Cultural Trust ("Trust") to the Putnam Museum.

The Putnam Museum has continuously operated in the City of Davenport since 1867 to fulfill its mission to inspire ideas, dialogue and interaction among people of all ages through entertaining experiences that connect them to history, cultures, nature and the environment by preserving collections; presenting educational programs, films, and exhibits; and promoting scientific inquiry. Both the City and Trust have supported Putnam's mission in the past through collaborative efforts including direct financial support for Putnam's operating and capital expenses. Putnam provides an important role in Davenport and the Quad Cities community by promoting cultural arts and scientific inquiry to all ages, including school children, and serves as an institutional anchor to the surrounding neighborhood.

This agreement obligates the following parties to the following:

Putnam Museum
1. Continue to fulfill its mission at its current location in Davenport.
2. Operate at least six days per week.
3. Add a member of the Davenport City Council as a full member of the Putnam Board.

Trust
1. Increase its endowment to $32 million through a fund-raising campaign by the end of FY 2024.
2. Increase its annual support to all organizations supported by the Trust, including the Putnam Museum, once the fund-raising goal is attained.
3. Provide additional funding and program-related investment loans as detailed in the agreement through FY 2022.

City of Davenport
1. Provide annual funding in the following amounts:

[redacted]

FISCAL YEAR	AMOUNT
FY 2019	$117,000
FY 2020	$275,000
FY 2021	$375,000
FY 2022	$500,000
FY 2023	$600,000
FY 2024	$650,000
FY 2025 & Annually Thereafter	$650,000

The initial term of the agreement is through the City's FY 2030. The agreement will automatically renew in five year increments unless notice of termination is provided by any of the parties. To keep pace with inflation, the City's annual contribution amount will increase by $25,000 every time that the contract renews for a five-year period.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution
Backup Material	Financial Agreement

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Wright, Brandon	Approved	7/27/2018 - 1:13 PM
Finance Committee	Wright, Brandon	Approved	7/27/2018 - 1:13 PM
City Clerk	Admin, Default	Approved	7/27/2018 - 1:23 PM

Resolution No._____

Resolution offered by Alderman Tompkins

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a financing agreement between the Putnam Museum, the Quad Cities Cultural Trust, and the City of Davenport.

WHEREAS, Putnam has continuously operated in the City of Davenport since 1867 and continues to fulfill its mission to inspire ideas, dialogue and interaction among people of all ages through entertaining experiences that connect them to history, cultures, nature and the environment by preserving collections; presenting educational programs, films, and exhibits; and promoting scientific inquiry; and

WHEREAS, City and Trust have supported Putnam's mission in the past through collaborative efforts including direct financial support for Putnam's operating and capital expenses; and

WHEREAS, Trust was founded in 2007 to provide stabilizing funding for six key arts and cultural organizations in the Quad Cities allowing these organizations in perpetuity to continue to educate, inspire, nourish, and sustain a creative and prosperous community; and

WHEREAS, Putnam provides an important role in Davenport and the Quad Cities community by promoting cultural arts and scientific inquiry to all ages, including school children, and serves as an institutional anchor to the surrounding neighborhood; and

WHEREAS, City and Trust desire to formalize their financial commitments to Putnam;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the foregoing and the terms set forth in the attached financial agreement, the financing agreement between the Putnam Museum, the Quad Cities Cultural Trust, and the City of Davenport is hereby approved by the City Council.

Approved: Attest:

_____ _____

Frank Klipsch, Mayor Jackie E. Holecek, MMC, City Clerk

FINANCING AGREEMENT
BETWEEN THE PUTNAM MUSEUM, THE QUAD CITIES CULTURAL TRUST,
AND THE CITY OF DAVENPORT, IOWA

THIS AGREEMENT (hereafter "Agreement") entered into this _____ day of _____, 2018, by and between the Putnam Museum & Science Center (hereafter "Putnam"), an Iowa nonprofit corporation; the City of Davenport, Iowa (hereafter "City"), a municipal corporation; and the Quad Cities Cultural & Educational Supporting Charitable Trust (hereafter "Trust"), an Iowa charitable trust, collectively referred to herein as the "Parties".

WHEREAS, Putnam has continuously operated in the City of Davenport since 1867 and continues to fulfill its mission to inspire ideas, dialogue and interaction among people of all ages through entertaining experiences that connect them to history, cultures, nature and the environment by preserving collections; presenting educational programs, films, and exhibits; and promoting scientific inquiry; and

WHEREAS, City and Trust have supported Putnam's mission in the past through collaborative efforts including direct financial support for Putnam's operating and capital expenses; and

WHEREAS, Trust was founded in 2007 to provide stabilizing funding for six key arts and cultural organizations in the Quad Cities allowing these organizations in perpetuity to continue to educate, inspire, nourish, and sustain a creative and prosperous community; and

WHEREAS, Putnam provides an important role in Davenport and the Quad Cities community by promoting cultural arts and scientific inquiry to all ages, including school children, and serves as an institutional anchor to the surrounding neighborhood; and

WHEREAS, City and Trust desire to formalize their financial commitments to Putnam;

NOW, THEREFORE, in consideration of the foregoing and the terms set forth below, the Parties agree with and approve the following Resolution.

THEREFORE, BE IT RESOLVED:

A. PUTNAM RESPONSIBILITIES

1. Putnam agrees that it shall continue to operate its not-for-profit museum, exhibits, and events in good faith to fulfill its mission to promote the arts and culture in Davenport and the Quad Cities throughout the term of the Agreement.
2. Putnam agrees that it shall continue to operate its main campus and museum at its current location of 1717 W. 12th Street in Davenport, Iowa.
3. Putnam agrees that it shall continue to generally operate its not-for-profit museum, exhibits, and events at least six (6) days a week being open to the general public.
4. Putnam agrees that City shall have and maintain one full-member position on the Putnam Board reserved for a City elected officer, which person shall be appointed by the Mayor.

B. CITY RESPONSIBILITIES

1. City agrees that it shall provide annual funding, which funding may be utilized for any Putnam purpose consistent with its not-for-profit mission as described herein, according to the following schedule. Fiscal years are established as the City's fiscal year, and annual payments shall be made as mutually agreeable to City and Putnam.

FISCAL YEAR	AMOUNT
FY 2019	$117,000
FY 2020	$275,000
FY 2021	$375,000
FY 2022	$500,000
FY 2023	$600,000
FY 2024	$650,000
FY 2025 & Annually Thereafter	$650,000

2. City agrees that its annual financial contribution amount shall increase by $25,000 whenever the term of the Agreement renews, which renewal term shall not be less than 5 years. For example, City shall provide $675,000 ($650,000 base plus $25,000 renewal contribution) of funding in FY 2031 if the Agreement renews and shall also provide funding of $675,000 for FY 2032, FY 2033, FY 2034, and FY 2035. If the Agreement is renewed again, the City's contribution amount shall increase to $700,000 ($675,000 base plus $25,000 renewal contribution) for FY 2036, FY 2037, FY 2038, FY 2039, and FY 2040.

C. TRUST UNDERTAKINGS

1. The Trust agrees that it will conduct a fund-raising campaign, in a manner consistent with the Trust trustees' fiduciary obligations, with the initial goal to increase its endowment up to $32,000,000. Once the fund-raising campaign goal is met, Trust intends, in a manner consistent with the Trust trustees' fiduciary obligations, to increase its annual support for the organizations that it supports, currently numbering six; provided that such increase can be accomplished without jeopardizing the Trust mission or tax-exempt status and without adversely affecting any of the Trust-supported organizations as determined by the Trust trustees who vote on that matter in their reasonable discretion. In the event that the Trust fund-raising goal is not met by the end of the City's FY 2024, this Agreement shall become voidable at the option of any Party hereto upon such Party's written notification to the other Parties.
2. The Trust intends to maintain the current level of support in the aggregate to all of its supported organizations recognizing that it can only do so in a manner consistent with the Trust trustees' fiduciary obligations and provided that none of the Trust-supported organizations will suffer any material adverse effects as a result of such funding as determined by the Trust trustees who vote on that matter in their reasonable discretion.

3. Provided its fund-raising is successful, the Trust intends to increase aggregate funding of its supported organizations and further intends that as part of the distribution to Putnam to

provide additional operations funding of $10,000 in the City's fiscal year 2020, $20,000 in the City's fiscal year 2021, and $30,000 in the City's fiscal year 2022 above its allocation to Putnam in the Trust's fiscal year 2018. Any and all awards granted are subject to review of the organizations' annual grant applications by the trustees, determination of funds available for grants, and subsequent affirmative vote of the trustees of the Trust.

4. As part of the Putnam's distribution from the Trust for the City's fiscal years 2020 and 2021, the Trust intends to provide Putnam with a program-related investment loan for additional operations funding of $50,000 in the City's fiscal year 2020 and $50,000 in the City's fiscal year 2021, repayable in each instance in or after the City's fiscal years 2024 and 2025, respectively, from future distributions to be made by the Trust to Putnam in those years; provided that in so doing, none of the Trust's supported organizations shall suffer any material adverse effects, or any decrease in funding, and that the foregoing is consistent with the Trust trustees' fiduciary obligations as determined by the Trust's trustees who vote on that matter in their reasonable discretion.

D. TERM

1. This Agreement shall be effective upon execution by the Parties and shall continue in full force and effect through June 30, 2030 (the "Term") unless earlier terminated in accordance with the terms of this Agreement.

E. RENEWALS

1. Upon completion of the Term or any subsequent renewal terms, this Agreement shall automatically renew for a period of five (5) years unless Putnam, City, or Trust notifies the other organizations as outlined in the Agreement of its intent to let the Agreement terminate at the end of the current term. Such notification must be provided to the other organizations no later than December 31 of the fiscal year prior to the year in which the Agreement terminates. For example, if the Agreement terminates on June 30, 2030 (FY 2030), notification of termination is required to be delivered prior to December 31, 2028 (FY 2029).
2. Each renewal of the Agreement shall automatically increase City's annual contribution as outlined in Section B.2.

F. TERMINATION

1. Failure by any of the Parties to satisfy its obligations or intended undertakings as established in the Agreement shall be grounds to terminate the Agreement. Notice shall be provided in writing to the defaulting organization of the default and a minimum 30-day cure period. If the defaulting organization fails to cure its obligation within that cure period, any or all of the remaining organizations may immediately notify the faulting organization of the termination of the Agreement.

G. NOTICE

1. Notices as provided for in this Agreement shall be delivered to the Parties at the respective addresses designated herein unless otherwise notified in writing of a different address. Such

notice shall be considered delivered under the terms of this Agreement upon deposit in the United States Postal Service mail system or overnight delivery service, addressed as designated, postage prepaid, by certified mail.

2. For the purpose of notices, the Parties designate the following persons:

Corri Spiegel	Kim Findlay	Quad Cities Cultural Trust
City Administrator	President/CEO	Northwest Office Center
226 W. 4th Street	1717 W. 12th Street	2550 Middle Road Suite 300
Davenport, IA 52801	Davenport, IA 52804	Bettendorf, IA 52772
cspiegel@ci.davenport.ia.us	kfindlay@putnam.org	qcct@live.com

H. INDEMNITY

1. The Parties agree to save, defend, and hold each other harmless from any and all liability for damages, costs, or expense from or as a result of any action at law or suit in equity that may be brought against the other Parties by any person or entity arising out of the conditions or responsibilities outlined in this Agreement.
2. Notwithstanding anything to the contrary contained in this Agreement, none of the Parties, nor their trustees, officers, directors, shareholders, partners, affiliates, or employees will be liable to the other Parties (or its trustees, officers, directors, shareholders, partners, affiliates, or employees) for any special, incidental, or consequential loss or damage (excluding general damages), including without limitation loss of profits or loss of use of capital or revenue under any circumstance, even if that party has been advised of or has foreseen the possibility of such damages, whether the claim arises in tort, contract, or otherwise under this Agreement.

I. PROFESSIONAL PRACTICES

1. The Parties represent and warrant that all of the services and responsibilities to be performed under the Agreement will be rendered using sound, professional practices and in a competent and professional manner by knowledgeable, trained, and qualified personnel.

J. AUTHORITY TO ENTER INTO CONTRACT

1. The Parties severally represent and warrant to each other that they have full authority to enter into this Agreement and that it has not granted or will not grant any right or interest to any person or entity that might derogate, encumber, or interfere with the rights granted herein.

K. CHOICE OF LAW AND FORUM

1. The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with this Agreement without regard to the choice of law provisions of Iowa law. In the event any proceeding of a quasi-judicial or judicial nature is commended in connection with this Agreement, the exclusive jurisdiction for the proceeding shall be brought in Scott County District Court for the State of Iowa, Davenport, Iowa, or in the United States District Court for the Southern District of Iowa, Eastern Division, Davenport, Iowa wherever jurisdiction is appropriate. This provision shall not be construed as waiving any immunity to suit or liability

including without limitation sovereign immunity in State or Federal court, which may be available to the Parties or the State of Iowa.

L. ASSIGNMENT AND DELEGATION

1. This Agreement may not be assigned, transferred, or conveyed in whole or in part without the prior written consent of all Parties. For the purpose of construing this clause, a transfer of a controlling interest in any of the Parties shall be considered an assignment.

M. NOT A JOINT VENTURE

1. Nothing in this Agreement shall be construed as creating or constituting the existence or relationship of a partnership, joint venture, or other association of any kind or agent and principal relationship between the Parties. Each party shall be deemed to be independent for providing services and acting toward the mutual benefits expected to be derived herein. No party, unless otherwise specifically provided for herein, has the authority to enter into any contract or create an obligation or liability on behalf of, in the name of, or binding upon another party to this Agreement.

N. SEVERABILITY

1. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity or enforceability of any other part or provision of this Agreement.

[Signature page follows]

The Parties have caused this Agreement to be executed by their authorized representatives as of the date set forth above.

City of Davenport, Iowa

By_____

Printed Name & Title

_____

Putnam Museum & Science Center

By_____

Printed Name & Title

_____

Quad Cities Cultural & Educational Supporting Charitable Trust

By_____

Printed Name & Title

_____

STATE OF IOWA)

) ss:

COUNTY OF SCOTT)

On this _____ day of _____, 2018, before me a notary in and for said county and state, personally appeared _____, to me known, who being by me duly sworn (or affirmed) did say that s/he is the _____ of _____, that (the seal affixed to said instrument is the seal of said corporation) and that said instrument was signed (and sealed) on behalf of the said organization by the authority of its board of directors and that _____ acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by her/him voluntarily executed.

_____

Notary Public

STATE OF IOWA)

) ss:

COUNTY OF SCOTT)

On this _____ day of _____, 2018, before me a notary in and for said county and state, personally appeared _____, to me known, who being by me duly sworn (or affirmed) did say that s/he is the _____ of _____, that (the seal affixed to said instrument is the seal of said corporation) and that said instrument was signed (and sealed) on behalf of the said organization by the authority of its board of directors and that _____ acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by her/him voluntarily executed.

_____

Notary Public

STATE OF IOWA)

) ss:

COUNTY OF SCOTT)

On this _____ day of _____, 2018, before me a notary in and for said county and state, personally appeared _____, to me known, who being by me duly sworn (or affirmed) did say that s/he is the _____ of _____, that (the seal affixed to said instrument is the seal of said corporation) and that said instrument was signed (and sealed) on behalf of the said organization by the authority of its board of directors and that _____ acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by her/him voluntarily executed.

_____

Notary Public

Exhibit A

Counter Putnam Funding Gap Analysis
Estimated Bridge Funding Requirements
April 2018

Annual Gap	650,000
Inflation	0%

City FY	Putnam CY	Putnam Annual Gap	City Revised Funding	Putnam	QCCT Operations Funding >	QCCT Pre-paid Program $	Bridge Funding Needed
FY 2019	2018	650,000	117,000				
FY 2020	2019	650,000	275,000	75,000	10,000	50,000	240,000
FY 2021	2020	650,000	375,000	75,000	20,000	50,000	130,000
FY 2022	2021	650,000	500,000	75,000	30,000		45,000
FY 2023	2022	650,000	600,000				50,000
FY 2024	2023	650,000	650,000				-
			2,517,000				465,000

City of Davenport

Agenda Group: Public Works
Department: Public Works - Admin
Contact Info: Clay Merritt 563-888-3055
Wards: All

Action / Date
PW8/7/2018

Subject:
Resolution approving a professional services contract for federal grant consultant work with Keller Partners and Company of Washington, D.C. in the amount of $78,000. [All Wards]

Recommendation:
Approve the Resolution.

Relationship to Goals:
Fiscal Vitality

Background:
In an effort to better identify grant opportunities and strategically market projects at the federal level, the City of Davenport entered into a three-month trial period with Keller Partners and Company on May 15, 2018. Since that time, Keller Partners and Company have been an excellent partner in assisting city staff with grant applications. This contractor will be for twelve months, beginning August 15, 2018 and ending on August 14, 2019. During this time period Keller Partners and Company will perform the following:

- Plan and implement government relations strategies designed to accomplish the City's federal funding objectives;
- Assist in the identification of grants and other funding streams;
- Arrange meetings with Members of Congress, congressional staff, and federal agency decision-makers to advance funding efforts;
- Strategically market the City's need to federal decision-makers;
- Serve as liaison to federal agencies relevant the projects.

ATTACHMENTS:

Type	Description
Resolution Letter	Resolution Document

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	7/25/2018 - 10:51 AM
Public Works Committee	Lechvar, Gina	Approved	7/25/2018 - 10:52 AM
City Clerk	Admin, Default	Approved	7/25/2018 - 11:22 AM

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Resolution No._____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a professional services contract for federal grant consultant work with Keller Partners and Company of Washington, D.C. in the amount of 78,000.

WHEREAS, the City of Davenport (the “City”) is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the “State”); and

WHEREAS, the City is committed to finding federal and alternate funding sources for City projects; and

WHEREAS, Keller Partners and Company provide knowledge of the federal grant system and assist with marketing City projects; and

WHEREAS, the work is to be performed at agreed upon prices; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the contract for federal grant consultant work to be provided by Keller Partners and Company is hereby approved.

Approved:	Attest:
_____	_____
Frank Klipsch, Mayor	Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Kristi Keller 888-2077
Wards: All

Action / Date
FIN8/1/2018

Subject:
1. Quad-City Window Cleaning, Inc. - Window cleaning at City facilities - Amount: $10,690
2. Water Well Solutions - Well pump emergency repair for Parks - Amount: $22,581
3. Thomas Guy - Land acquisition of 4414 W. 14th Street - Amount: $35,500

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	7/25/2018 - 11:36 AM
Finance Committee	Watson-Arnould, Kathe	Approved	7/25/2018 - 11:36 AM
City Clerk	Admin, Default	Approved	7/26/2018 - 9:28 AM