

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, AUGUST 14, 2018; 5:00 PM

CITY COUNCIL CHAMBERS

I. New Business

- A. Case REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]
- B. Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]
- C. Request ROW18-02 of City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

II. Next Public Hearing

- A. September 4, 2018

REGULAR MEETING AGENDA

I. Roll Call

- A. Minutes of the July 31, 2018 Meeting are attached.

II. Report of the City Council Authority

- A.
 - 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] **ADOPTED 2018-348**
 - 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] **ADOPTED 2018-349**

III. Secretary's Report

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

VI. Subdivision Activity

A. Old Business

B. New Business

VII. Future Business

- A. Cease REZ18-14: Request to rezone 1.49 acres, more or less, of property located at 4435 East 53rd Street from R-2, Low Density Dwelling District to PDD, Planned Development District. Dan Elias, petitioner. [Ward 6]
- B. Case No. REZ18-15: Request to rezone 1.3 acres, more or less, of property located on Main Street south of West 65th Street from R-1 Low Density Dwelling District to R-5M Moderate Density Dwelling District. Stacey Kiser-Willey, Vera French Housing, petitioner [Ward 8].
- C. Case P18-05: Request of Kerry Condon on behalf of Pine Partners LLC for a Preliminary Plat for a 63 lot subdivision located west of Division Street and north of West 55th Street.

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: Community Planning and Economic Development
Department
Contact Info: Ryan Rusnak 563-888-2022
rrusnak@ci.davenport.ia.us

Date
8/14/2018

Subject:

Case REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]

Recommendation:

There is no recommendation at this time.

Background:

Please see attached staff report for background information.

ATTACHMENTS:

Type	Description
▢ Backup Material	Public Hearing Staff Report
▢ Backup Material	Application
▢ Backup Material	Public Engagement Summary

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Rusnak, Ryan	Approved	8/10/2018 - 12:01 PM



City of Davenport
Community Planning & Economic Development Department
PUBLIC HEARING STAFF REPORT

Meeting Date: August 14, 2018
Request: Case No. REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District to facilitate development of the property for self-storage units. [Ward 1]

Recommendation:

There is no recommendation at this time.

Introduction:

The petitioner is requesting to rezone and partially to facilitate development of the property for self-storage units.

AREA CHARACTERISTICS:

Zoning Map



 Subject Property



Land Use Map



 Subject Property



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.

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

Technical Review:

Streets. The development is proposed to only have access to West Locust Street.

Storm Water. The elevation of the property falls from south to north. Staff is researching the location of stormwater outfall.

Sanitary Sewer. No sanitary sewer is proposed with this development.

Other Utilities. Other normal utility services are available.

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

Public Input:

A neighborhood meeting was held on August 6, 2018 Plan and Zoning Commission. Approximately 15 residents attended. The developer was present to answer questions concerning the proposed development. Members in the audience appeared supportive of the request.

City staff has received a few phone call inquiring about the proposed development.

Discussion:

The petitioner is requesting to rezone and partially to facilitate development of the property for self-storage units.

Staff Recommendation

There is no recommendation at this time.

Prepared by:

A handwritten signature in blue ink, appearing to read "Ryan Rusnak", with a stylized flourish at the end.

Ryan Rusnak, AICP
Planner III

Zoning Map Amendment Application

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address* 3730 West Locust Street Davenport, IA 52804

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

Applicant (Primary Contact)**

Name: Chris Townsend
Company: Townsend Engineering
Address: 2224 East 12th Street
City/State/Zip: Davenport, IA 52803
Phone: (563) 386-4236
Email: chris@townsendengineering.net

Owner (if different from Applicant)

Name: Jimmy Holt
Company: All Around Town Enterprises L.L.C.
Address: 4401 W. Locust Street
City/State/Zip: Davenport, IA 52804
Phone: (563) 324-6450
Email: jimmy@allaroundtownservices.com

Engineer (if applicable)

Name: Chris Townsend
Company: Townsend Engineering
Address: 2224 East 12th Street
City/State/Zip: Davenport, IA 52803
Phone: (563) 386-4236
Email: chris@townsendengineering.net

Architect (if applicable)

Name: Not applicable
Company:
Address:
City/State/Zip:
Phone:
Email:

Attorney (if applicable)

Name: Not applicable
Company:
Address:
City/State/Zip:
Phone:
Email:

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 ☐

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

Request:

Existing Zoning: R-3 Moderate Density Dwelling District & C-1 Neighborhood Shopping District

Proposed Zoning Map Amendment: Planned Development District

Total Land Area: 1.43 Acres

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

Submittal Requirements:

- The following items should be submitted to Planning@ci.davenport.ia.us for review:
- 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:

Date:

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

Received by:

Date:

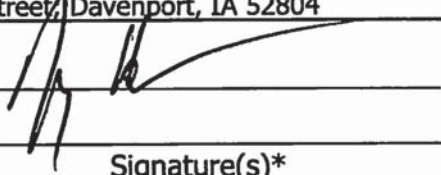
Planning staff

Date of the Public Hearing:

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

Authorization to Act as Applicant

I, Jimmy Holt
authorize Chris Townsend
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council for the
property located at 3804 West Locust Street & 3730 West Locust Street, Davenport, IA 52804.

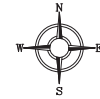


Signature(s)*

*Please note: original signature(s) required.

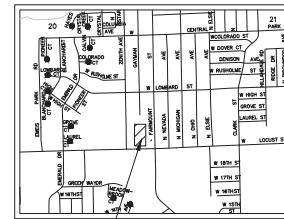
ZONING EXHIBIT

WRS CONSTRUCTION W. LOCUST ST STORAGE TO THE CITY OF DAVENPORT, IA



GRAPHIC SCALE
30 0 15 30
(IN FEET)
1" = 30' (24x36)

SITE LOCATION MAP



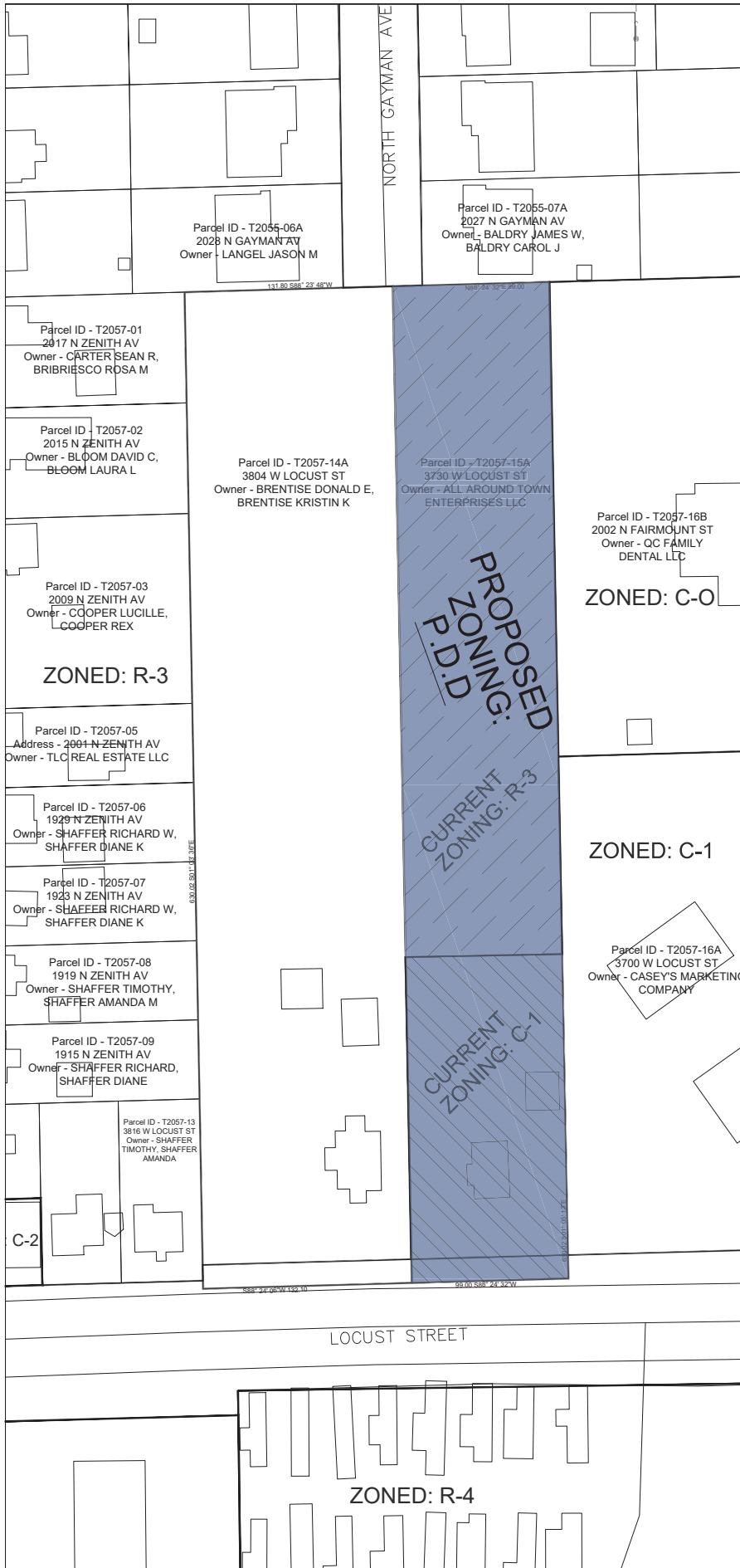
APPROXIMATE SITE LOCATION

GENERAL NOTES

1. LEGAL DESCRIPTION OF PROPERTY:

PART OF THE EAST HALF OF THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN, IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 30 FEET NORTH AND 231 FEET WEST OF THE SOUTH EAST CORNER OF THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION 20; THENCE NORTH 630 FEET; THENCE WEST 99 FEET; THENCE SOUTH 630 FEET; THENCE EAST 99 FEET TO THE PLACE OF BEGINNING, CONTAINING APPROXIMATELY 1.4 ACRES.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF DAVENPORT BY DEED AND CONSTRUCTION EASEMENT FILED MAY 20, 1987 AND RECORDED AS DOCUMENT #9423-BY, IN THE OFFICE OF THE RECORDER OF SCOTT COUNTY, IOWA, SUBJECT TO EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.



- PROPOSED P.D.D. ZONING
- EXISTING R-3 ZONING
- EXISTING C-1 ZONING



DATE: 7/23/2018
TE PROJECT NO: 2224
DRAWN BY: KRZ
CHECKED BY: CRT
DRAWING LOCATION: 3730 W LOCUST STORAGE

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT
ZONING EXHIBIT
W. LOCUST ST STORAGE
3730 W. LOCUST ST
DAVENPORT, IA

DEVELOPER
WRS CONSTRUCTION
828 WAVERLY RD
DAVENPORT, IA

SHEET NO.
1 OF 1



*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 REZONING
MONDAY, AUGUST 6th 2018 – 6:00 P.M.
DAVENPORT PUBLIC LIBRARY – EASTERN BRANCH, 6000 EASTERN
AVENUE

You are invited to a neighborhood meeting regarding the following request:

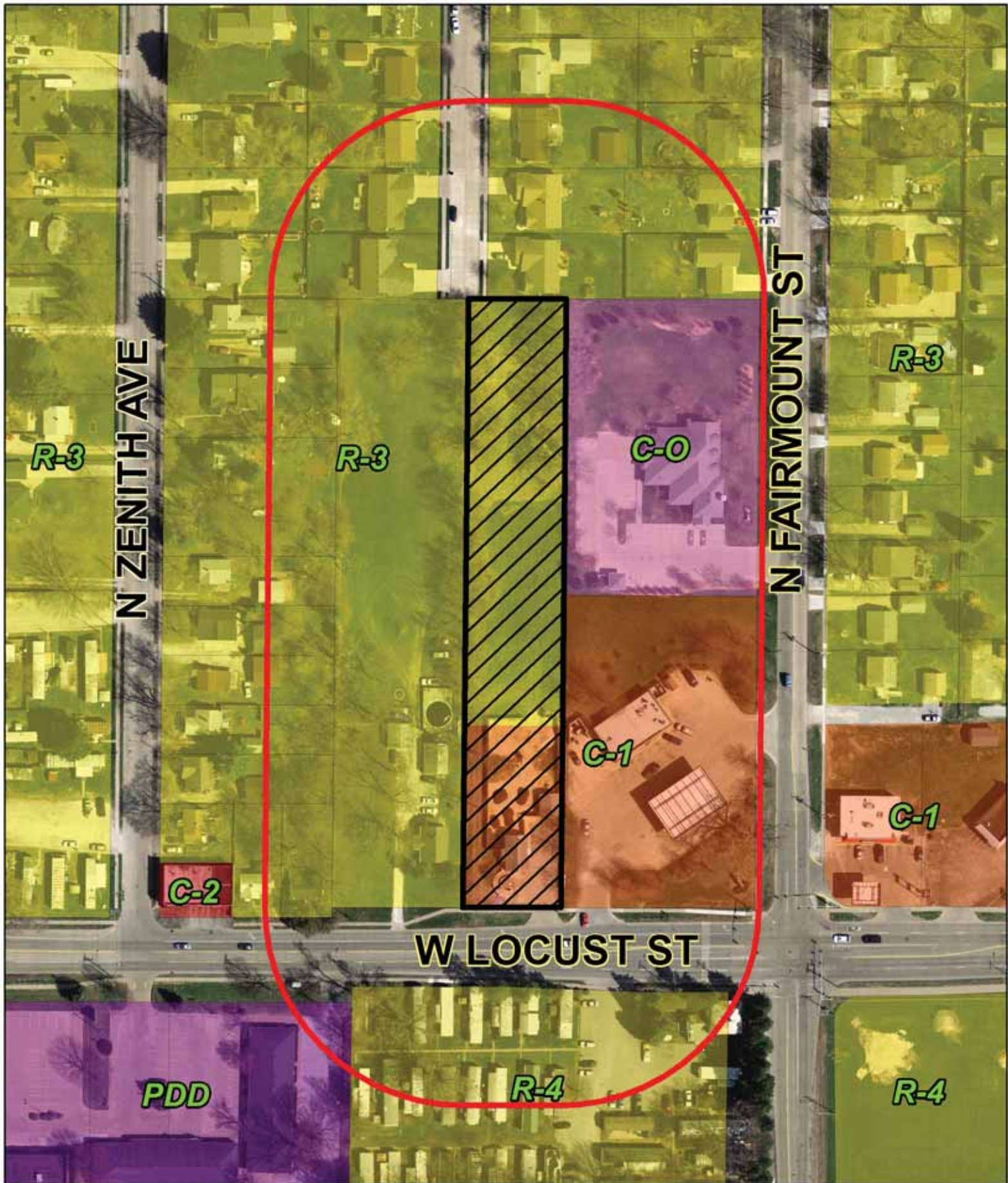
Case No. REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from “C-1” Neighborhood Commercial and “R-3” Moderate Density Dwelling District to “PDD” Planned Development District. [Ward 1]



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
-  200 Foot Notification Radius



Neighborhood Meeting Attendance List

Case: 202-18-12

Date: 8/6/2018

Name	Address	Phone	Email
1. Drake Dallhoff	2035 N. Gayman	309-738-3019	dallhoff43@aol.com
2. KATHY CZARNETZKI	2041 N. GAYMAN	563-349-2982	CZARS69@hotmail.com
3. CAROL + Jim BALDREY	2027 N GAYMAN	5633863667	cabald38@gmail.com
4. Mike Richmond	Townsend Engineering	5633864236	mrichmde@townsend-engineering.com
5. J.D. Moon	2002 N Fairmount	563-381-2412	
6. Rick Dunn			
7. Bob Ingham		563.349.0341	
8. Amanda Pennack	2028 N Gayman Ave	563-357-3738	apennack@gmail.com
9. Bill & Rene Arndt	2030 N Fairmount St.	563-940-486	Arndt2003@gmail.com
10. Jason Langel	2028 N. Gayman Ave.	563-590-6997	jessh-angel@gmail.com
11. Mary Wilenka	2038 N Fairmount	563-514-4933	1960 Mary Sruys@gmail.com
12. David Bloom	2045 N. ZEPHYR	224-407-8316	OUR3SONS21@gmail.com
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 8/14/2018
Time: 5:00 PM
Location: 226 West 4th Street in City Hall Council Chambers.
Subject: Public hearing to rezone property located at 3730 West Locust Street from "C-1" Neighborhood Shopping District and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District.
Case #: REZ18-12

Ward: **1st**

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. The purpose of the request is to facilitate development of the property as commercial.

Request Description:

Case No. REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Shopping District and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]

What are the Next Steps after the Public Hearing?

The 8/14/2018 public hearing is the first step in the review/approval process. The Plan and Zoning will meet on 9/4/2018 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.

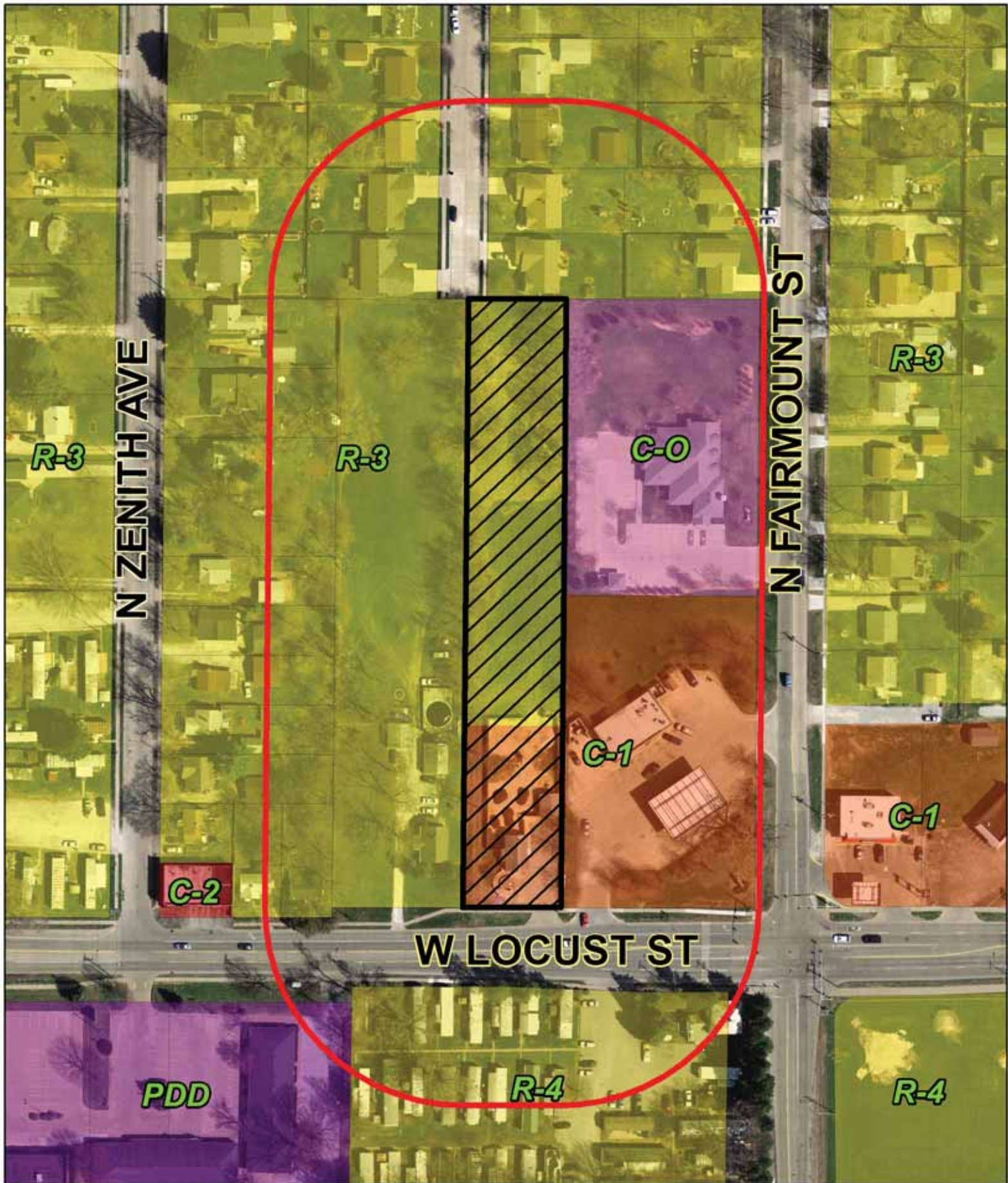
Would You Like to Submit an Official Comment?



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. Please note that for a protest to be official, it needs to be in writing. 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 rusnak@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
-  200 Foot Notification Radius



City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 888-2286

Date
8/14/2018

Subject:

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

Recommendation:

None at this time.

ATTACHMENTS:

Type	Description
▣ Executive Summary	REZ18-13 Public Hearing Report
▣ Exhibit	Application
▣ Exhibit	Purchashe Agreement
▣ Exhibit	Neighborhood Meeting Summary
▣ Exhibit	Owner Notice
▣ Exhibit	Onwer List

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	8/8/2018 - 1:44 PM



City of Davenport
Community Planning & Economic Development Department
PUBLIC HEARING REPORT

Date: July 31, 2018
Request: Rezoning (A-1 to M-1)
Address: 8228 N Fairmount St
Case No.: REZ18-13
Applicant: Hawkeye Paving

Recommendation:

There is no recommendation at this time.

Description:

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of contractor headquarters, shop and equipment storage. [Ward: 2]

AREA CHARACTERISTICS:

Aerial



Zoning Map



Background:

Comprehensive Plan:

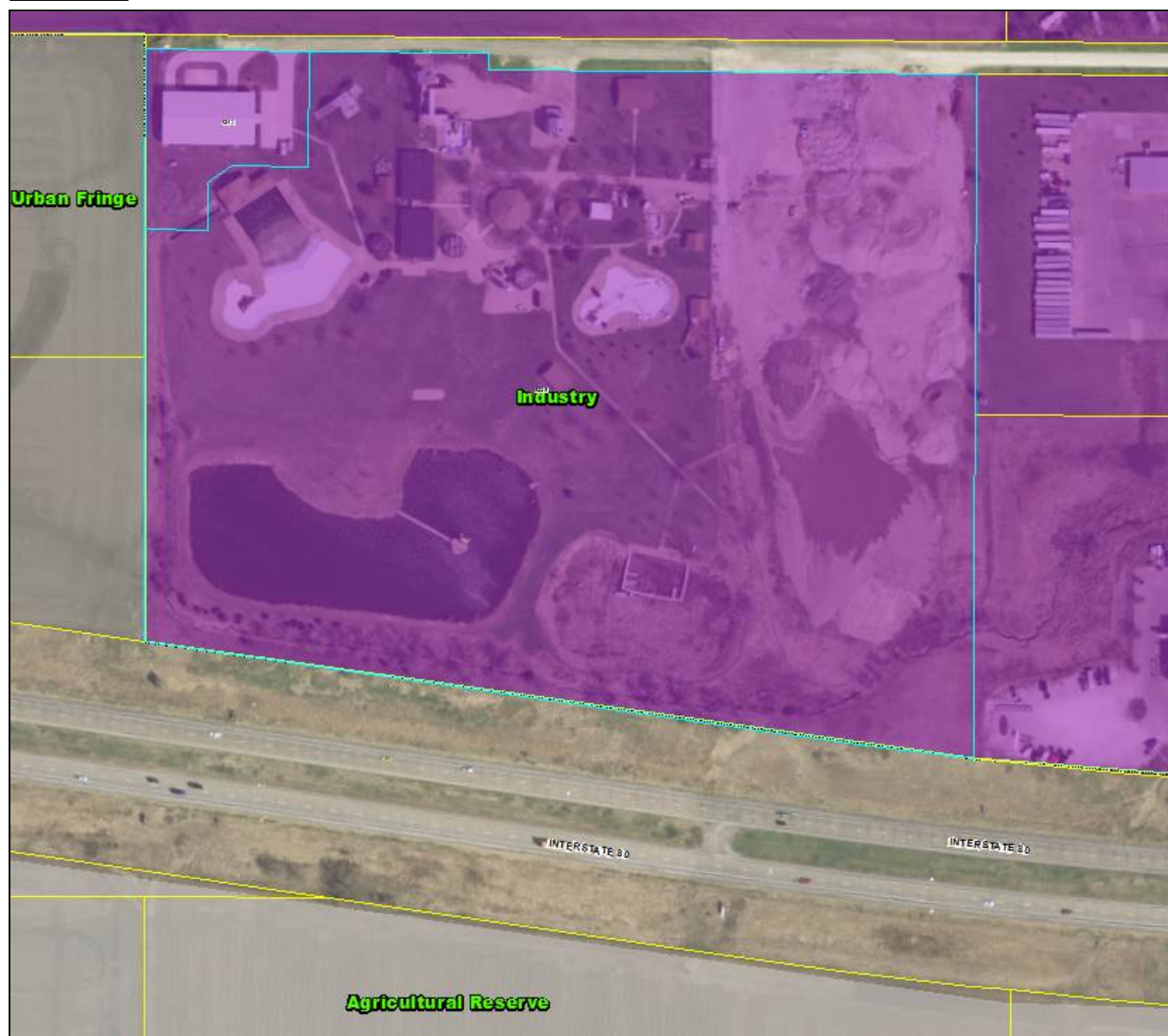
Within Existing Urban Service Area: Yes

Within Urban Service Boundary +2035: Yes

Future Land Use Designation:

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

Land Use



Relevant Goals to be considered in this Case:

Fiscal Vitality

Technical Review:

Streets. No new streets are proposed. Access will remain the same.

Storm Water. No comments have been received at this time.

Sanitary Sewer. Sanitary sewer service is located on the site.

Other Utilities. This is an urban area and normal utility services are available.

Parks/Open Space. No impact.

Public Input:

The neighborhood meeting was held August 7, 2018. No adjacent property owner attended nor did any other general public attend.

Discussion:

The proposed rezoning (M-1) is consistent with the *Davenport+2035 Land Use Plan*, and is adjacent to other industrially zoned property. The proposed uses (contractor headquarters, shop and equipment storage) are allowed by right in the M-1 District.

Staff Recommendation:

There is no recommendation at this time.

Prepared by:

A handwritten signature in black ink, appearing to read "Scott Koops".

Scott Koops, AICP
Planner II

Zoning Map Amendment Application

226 West 4th Street
Davenport, Iowa 52801

(563) 326-7765

Planning@ci.davenport.ia.us

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address*

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

Applicant (Primary Contact)**

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

Owner (if different from Applicant)

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

Engineer (if applicable)

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

Architect (if applicable)

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

Attorney (if applicable)

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

Application Form Type:

Plan and Zoning Commission

Rezoning (Zoning Map Amendment) ☒
Zoning Ordinance Text Amendment ☐
Right-of-way or Easement Vacation ☐
Final Development Plan ☐
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Administrative

Floodplain Development ☐
Cell Tower Co-Location ☐
Identification Signs ☐
Site Plan ☐

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

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

- The following items should be submitted to Planning@ci.davenport.ia.us for review:
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- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
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Applicant: Beau Beaton

Date: 7/24/18

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: Scott Koops

Date: 7/24/18

Planning staff

Date of the Public Hearing: 8/14/18

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

Authorization to Act as Applicant

I, Beau Perkins
authorize IMEG Corp.
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council for the
property located at WAKKY WATERS SITE.



Signature(s)*

*Please note: original signature(s) required.

AGREEMENT FOR SALE OF COMMERCIAL REAL ESTATE

THIS IS A BINDING REAL ESTATE CONTRACT

B T Bridge, LC and/or its assigns
Purchaser

Eastern Iowa Community College
Seller

Purchaser

Seller

1. THIS "AGREEMENT" IS DATED: 5/4/18

Purchaser agrees to purchase from the Seller and the Seller agrees to sell to Purchaser the real estate and any improvement thereon, commonly known as: Approximately 27.629 Acres of Land located on Scott County Parcel #V3237-01 with a physical address of 8228 N. Fairmount St. Davenport, IA 52806 more particularly shown on Exhibit A and legally known as: _____ (to be supplied by Seller's Attorney) situated in the County of Scott and the State of Iowa (the "Property"), for the sum of \$1,200,000 (the "Purchase Price") to be paid as follows:

\$10,000.00 EARNEST MONEY in the form of a check, which shall be deposited within 10 days after acceptance of this agreement and held in trust by Lane and Waterman LLP Trust Account and is part of the cash at closing. In the event any contingency is not met by the date contained in such contingency, the Seller recognizes the earnest money will be returned to the Purchaser, upon agreement in writing by both parties, and this Agreement shall be void. Earnest money will not automatically be returned or paid to any party. In the event of any dispute as to the retention or return of the earnest money, the escrow agent shall only take such action with respect to the earnest money as agreed in writing by the parties, as ordered by a court of competent jurisdiction, or pursuant to Iowa Administrative Rule 193E - 13.1 or Illinois 225 ILCS 454/20-20. Seller and Purchaser agree to indemnify, defend and hold harmless Mel Foster Commercial Real Estate Services, L.L.C., or any other party acting as escrow agent, from and against any and all liabilities and claims arising out of duties as escrow agent hereunder.

\$350,000.00 ADDITIONAL CASH PAYMENT, which shall be paid at time of closing.

\$840,000.00 BALANCE, to be obtained by Purchaser securing a conventional loan commitment on the Property in the amount of not less than \$840,000.00. Purchaser agrees to apply immediately, to use all good faith diligence, and to fully cooperate in obtaining the loan. In the event, after using all good faith diligence, Purchaser is unable to obtain such a loan commitment upon terms and conditions satisfactory to Purchaser's sole satisfaction, within 90 days from date hereof, the earnest money shall be refunded in full, and this Agreement shall be void.

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

OTHER TERMS: Purchaser and Seller acknowledge that this purchase will be subject to a 1031 Exchange. Seller agrees to work with purchaser, so long as there is no costs to Seller, on the 1031 Exchange.

2. DUE DILIGENCE AND INSPECTIONS.

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

3. POSSESSION AND CLOSING (choose A or B)

X A. Possession on Closing:

(1) Seller shall deliver possession of the Property to Purchaser concurrently with the closing of this transaction, which shall be held on or before 30 days after the expiration of Due Diligence Period.

_____ B. Possession after closing:

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

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

C. Additional Provisions:

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

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

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

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the Property with Seller hereby agreeing to reimburse Purchaser for all reasonable attorney fees and expenses incurred by the Purchaser in the enforcement of Purchaser's rights under this Agreement.

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

4. EVIDENCE OF TITLE

Within fourteen (14) days of execution of this Agreement, Seller shall deliver an abstract of title, continued within thirty (30) days prior to execution of this agreement. If title evidence discloses exceptions other than those permitted under the rules for examination for abstracts of title adopted by the County Bar Association in which the Property is located, Purchaser or Purchaser's attorney shall give written notice of such exceptions to Seller within a reasonable time. Seller shall have a reasonable time to have such title exceptions removed, or any such exception, which may be removed by the payment of money may be cured by deduction from the purchase price at the time of closing. If Seller is unable to cure such exception, Purchaser shall be entitled to a refund of the earnest money. Furnishing a title insurance commitment insuring over an exception shall constitute a cure of such exception. Purchaser shall be responsible for any subsequent continuations to the Abstract of Title following delivery of the Abstract and cure of any exceptions above.

5. CONVEYANCE OF TITLE AND DOCUMENTS OF SALE

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

6. PRORATIONS AND ADJUSTMENTS

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

A. Prorations

- (1) Real estate taxes shall be prorated in accordance with standards adopted by the county bar association of the county where the real estate is located, which, in the absence of fraud, shall be final;
- (2) Rent, if any, (with transfer in full of any security/damage deposit);

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

B. Adjustments

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

7. ASSESSMENTS

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

8. FIXTURES AND PERSONAL PROPERTY

Except for certain training equipment on the premises, all fixtures presently installed on the Property including but not limited to; brackets and fixtures, all carpeting, electric light fixtures, bathroom fixtures and accessories, telephone lines, central heating and cooling units and attached equipment, all shrubs and trees, shall be left by Seller in or upon said Property exactly as they are as of the date of this Agreement, and shall be deemed a part of the Property and title thereto shall pass to Purchaser at closing. The following personal property shall be sold to Purchaser as part of the closing: N/A. Seller shall deliver a Bill of Sale to Purchaser at closing for same. The parties agree that \$N/A of the Purchase Price shall be allocated toward the purchase of said personal property.

9. CONDITION OF PROPERTY

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

 X A. "As-Is" Condition.

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

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10. DEFAULT

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

11. CASUALTY CLAUSE

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

12. EXPENSES OF TRANSFER

A. Seller shall pay:

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

B. Purchaser shall pay:

- (1) Recording fee for deed and mortgage;
- (2) Cost of Purchaser's mortgage title insurance policy as required by mortgagee or the costs of re-continuing the abstract(s) of title post-closing;
- (3) Brokers Commission

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

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13. 1031 EXCHANGE

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

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

14. ESCROW

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

15. REPRESENTATIONS OF SELLER

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

16. LEASES

As of the date of this Agreement, the Property is subject to the following leases: N/A. Prior to closing, Seller shall not enter into any new leases or agree to extend any existing leases without Purchaser's prior written consent. All leases shall be assigned to Purchaser at closing, along with all security/damage deposits associated therewith. As part of the Closing, Purchaser shall enter into a six (6) month lease with Seller for the training center located on the Property at Fair Market Rent.

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17. SELLER'S CONSENT TO ASSIGNMENT

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

18. NOTICES AND ELECTRONIC TRANSMISSION

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

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

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

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

If to Purchaser:	B.T.Bridge, LC and/or its assigns 801 42 nd St. S Bettendorf, IA 52722
With copy to:	Ryan Fick 3211 East 35 th Street Court Davenport, IA 52807
If to Seller:	Eastern Iowa Community College Attn: Suteesh Tandon 101 W. 3 rd St. Davenport, IA 52801
With copy to:	Diane Puthoff 220 N. Main St. #600 Davenport, IA 52801

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

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

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19. GENERAL CONDITIONS

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

20. BROKER REPRESENTATIONS

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

21. BROKERS AS AGENTS

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

22. RIGHT OF FIRST REFUSAL

The parties acknowledge that the City of Davenport holds a right of first refusal to the Property. Seller shall diligently obtain written waiver of such right of first refusal. In the event the City of Davenport exercises such right of first refusal, Purchaser shall be entitled to a refund of the Earnest Money and this Agreement shall be null and void as to Purchaser.

23. APPROVAL OF SELLER'S BOARD OF TRUSTEES

This Agreement is subject to the formal approval of the Board of Trustees of Seller, which is anticipated to next meet May 21, 2018.

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24. AGENCY

Listing Agent: N/A

Purchaser's Agent: Ryan J. Fick

Company: NA

Company: Mel Foster Commercial

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

CHECK ONE:

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

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

CEB 5/3/18
Purchaser Date
HR 5/3/18

Robert H. Gallagher 6-13-18
Seller Date

25. RIDERS

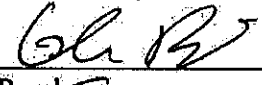
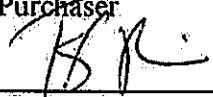
This Agreement is subject to the following riders: Condition Precedent Rider.

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HR

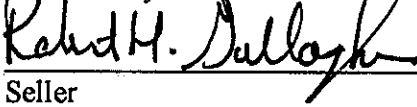
26. ACCEPTANCE

When accepted, this Agreement shall become a binding a contract for the sale and purchase of the Property. If this Agreement is not accepted and returned to Purchaser and/or Purchaser's agent by the Seller on or before May 22nd, 2018, at 5:00 p.m., it shall become null and void and the earnest money shall be refunded to the Purchaser. This is a legally binding contract. If not understood, consult with legal counsel of your choice. Receipt of a copy of this Agreement is acknowledged by the parties hereto. This Agreement has been read and executed on the dates beside our signatures.

Executed by Purchaser:

 5/3/18
Purchaser Date
 5/3/18
Purchaser Date

Executed by Seller:

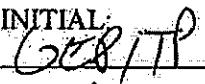

 6-18-18
Seller Date

Seller Date

This Agreement has been prepared by:

Agent

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

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CONDITION PRECEDENT RIDER

This Condition Precedent Rider is a supplement to and made a part of the Agreement for Sale of Commercial Real Estate (the "Agreement") dated 4/24/18, by and between Eastern Iowa Community College, as "Seller" and B T Bridge, LC and/or its assigns, as "Purchaser".

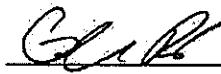

The Agreement is conditioned upon Purchaser having a due diligence period beginning upon full execution of the Agreement by both parties and ending August 30th, 2018 (the "Due Diligence Period") to: (i) perform any due diligence on, regarding, or of the Property it so chooses; (ii) to perform any inspections on or of the Property it so chooses (provided, however, that any entry unto the Property shall be approved in advance by Seller in each instance); (iii) to examine the condition of the Property; (iv) to examine any contracts affecting the Property; (v) to determine whether the Property and the purchase thereof fits within Purchaser's business model and plans; and (vi) to determine whether the Property and the purchase thereof fits within Purchaser's intended use and purpose and obtaining proper zoning and other entitlements for the intended use (each of the above-referenced is herein referred to as a "Due Diligence Item"). Seller shall allow Purchaser and its agents and employees reasonable access to the Property during the Due Diligence Period. Unless otherwise noted, Purchaser shall pay for all of Purchaser's inspections.

In the event that Purchaser is not fully satisfied for any reason, at Purchaser's sole and absolute discretion, with each and every Due Diligence Item, including but not limited to the results of inspections, Purchaser may cancel and terminate this Agreement at any time during the Due Diligence Period by sending to Seller via email, fax, or by letter a written document terminating this Agreement. Upon such termination, this Agreement shall be null and void, neither party shall have any further responsibility to each other and the Earnest Money shall be returned to Purchaser.

More specifically, offer shall be subject to:

1. Purchaser has a contract in place to sell roughly 6.32 Acres of Land located in Bettendorf, IA. This agreement is subject to the successful closing of that contract.
2. Purchaser obtaining and/or confirming city approvals for use and zoning.
3. Purchaser obtaining costs, to their sole satisfaction, of necessary site work.

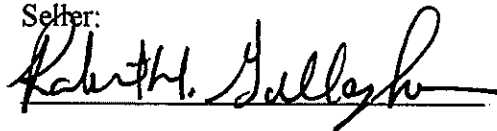
Purchaser:

Dated:

5/3/18

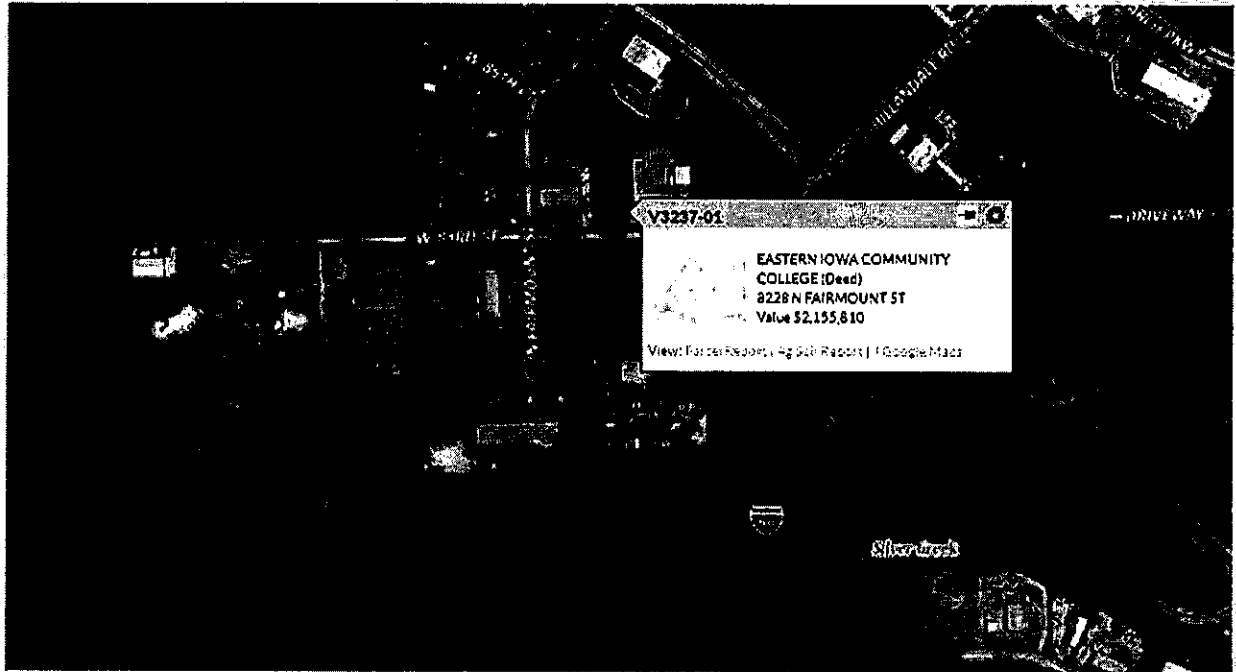
Seller:



Dated:

6-18-18

EXHIBIT A

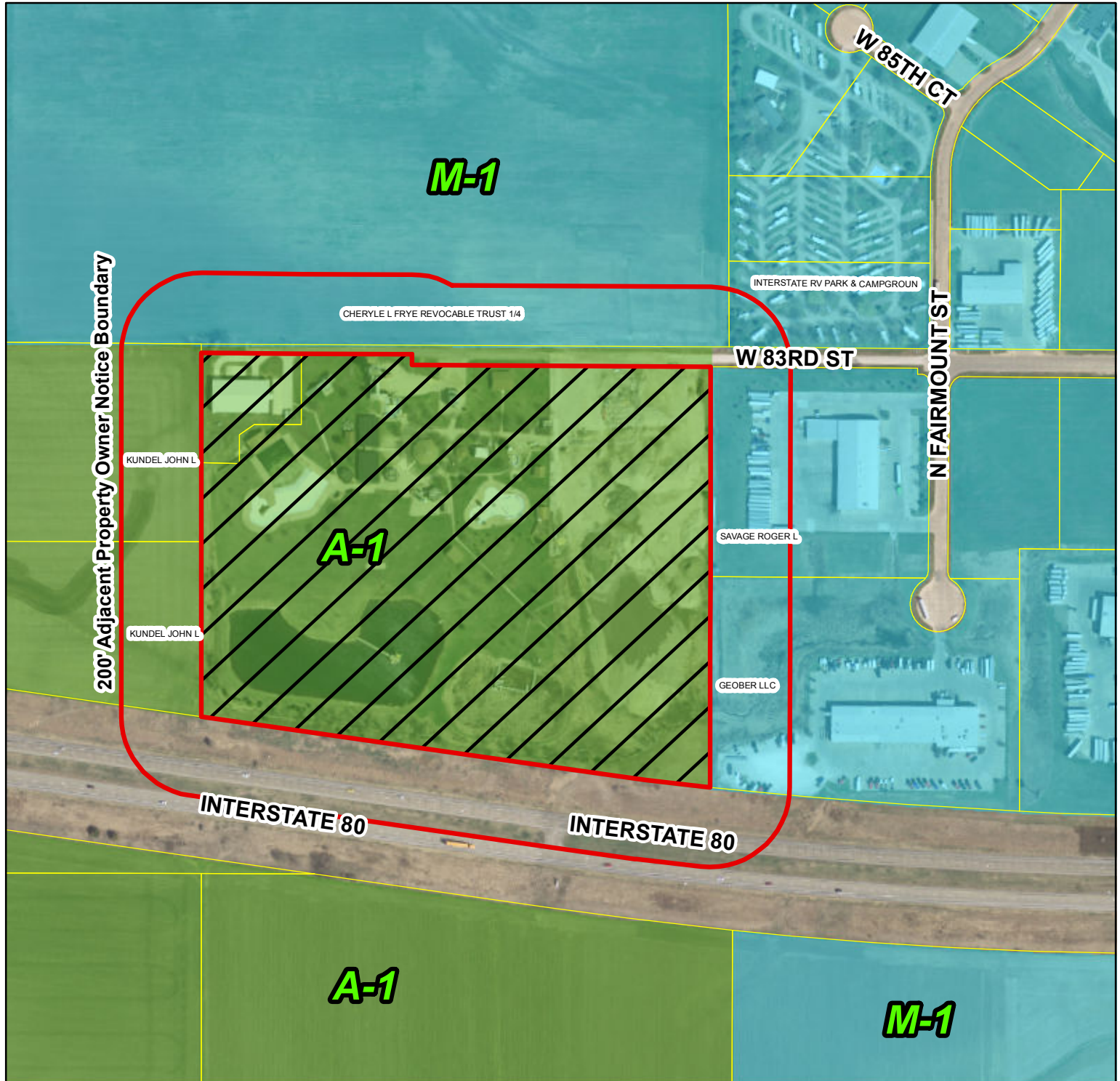


Hawkeye Paving Neighborhood Meeting Summary- 8/7/18- 5:30 PM

1. List of attendees
 - a. Beau Perkins- Hawkeye Paving
 - b. Tony Perkins- Hawkeye Paving
 - c. Ryan Fick- Mel Foster Co.
 - d. Scott Koops- City of Davenport
 - e. Bob Ingraham- City of Davenport
2. Summary
 - a. There were six notices sent out and no one from the public attended the meeting.

Request for a Zoning Map Amendment (Rezoning)

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

 Subject Property

0 100 200 400 Feet

1 inch = 350 feet



Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2] Public Hearing Date: Aug. 14th, 2018



**PUBLIC HEARING NOTICE
PLAN AND ZONING COMMISSION
CITY OF DAVENPORT**



Public Hearing Details:

Date: 8/14/2018
Time: 5:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a rezoning request before the Plan and Zoning Commission
Case #: REZ18-13

Ward: **2nd**

To: All property owners within 200 feet of the subject property located at **8228 N. Fairmount Street.**

What is this All About?

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

Request Description

Request REZ18-13 of Hawkeye Paving for the rezoning of 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from A-1 Agricultural District to M-1 Light Industrial District to facilitate development of a new contractor headquarters, shop and equipment storage. [Ward: 2]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

As a 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 Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. 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.

Neighborhood Meeting and Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	Hawkeye Paving		801 42nd St	Bettendorf, IA 52722
P&Z Chair:	Bob Inghram		bingham@activethermal.net	
Council Clerk:	Tiffany Thorndike		tthorndike@ci.davenport.ia.us	
Neighborhood:	None			
Ward/Ald:	2nd Ward	Alderman <last name>	mdickmann@ci.davenport.ia.us	6 Notices Sent
Ward/Ald:	At-Large	Alderman Condon	jcondon@ci.davenport.ia.us	
Ward/Ald:	At-Large	Alderman Gripp	kgripp@ci.davenport.ia.us	
V3205-02	8730 NORTHWEST BD	CHERYLE L FRYE REVOCABLE TRUST	12398 210TH ST	DAVENPORT IA 52804
V3223-16	N FAIRMOUNT ST	INTERSTATE RV PARK & CAMPGROUND	8448 N FAIRMOUNT	DAVENPORT IA 52806
V3235-12		KUNDEL JOHN L	5104 EMEIS VIEW CT	DAVENPORT IA 52804
V3235-14		JOHN L KUNDEL	5104 EMEIS VIEW CT	DAVENPORT IA 52804
V3239-01	8200 N FAIRMOUNT ST	ROGER L SAVAGE	614 SPANISH PEAKS DR	MISSOULA MT 59803
V3239-03	8100 N FAIRMOUNT ST	GEOBER LLC	I-380 & AIRPORT RD PO BOX 67	CEDAR RAPIDS IA 52406

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 888-2286

Date
8/14/2018

Subject:

Request ROW18-02 of City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

Recommendation:

None at this time.

Background:

This is a Public Hearing.

ATTACHMENTS:

Type	Description
▢ Executive Summary	ROW 18-02 Public Hearing Report
▢ Exhibit	Owner Map

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	8/8/2018 - 1:17 PM



City of Davenport
Community Planning & Economic Development Department
PUBLIC HEARING REPORT

PLAN AND ZONING COMMISSION

Date: August 14, 2018
Request: Public Right-of-Way Relinquishment Request
Address: 5000 Block of Forest Grove Ct east to the City Limits
Applicant: City of Davenport – Property Manager Mike Atchley

DESCRIPTION

Request ROW18-02 of City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

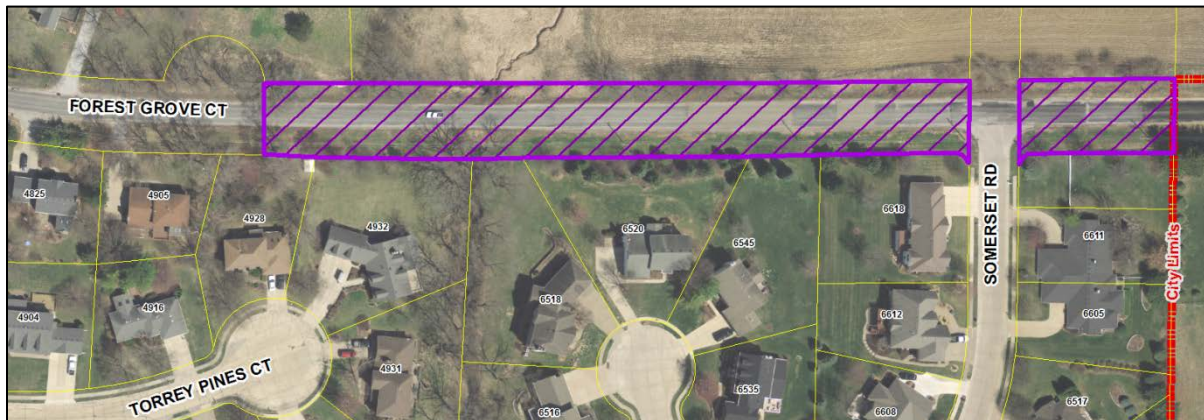
Recommendation: None at this time.

Introduction:

The petitioner is requesting to vacate the former Forest Grove Road which has been reconfigured and relocated to the north.

AREA CHARACTERISTICS:

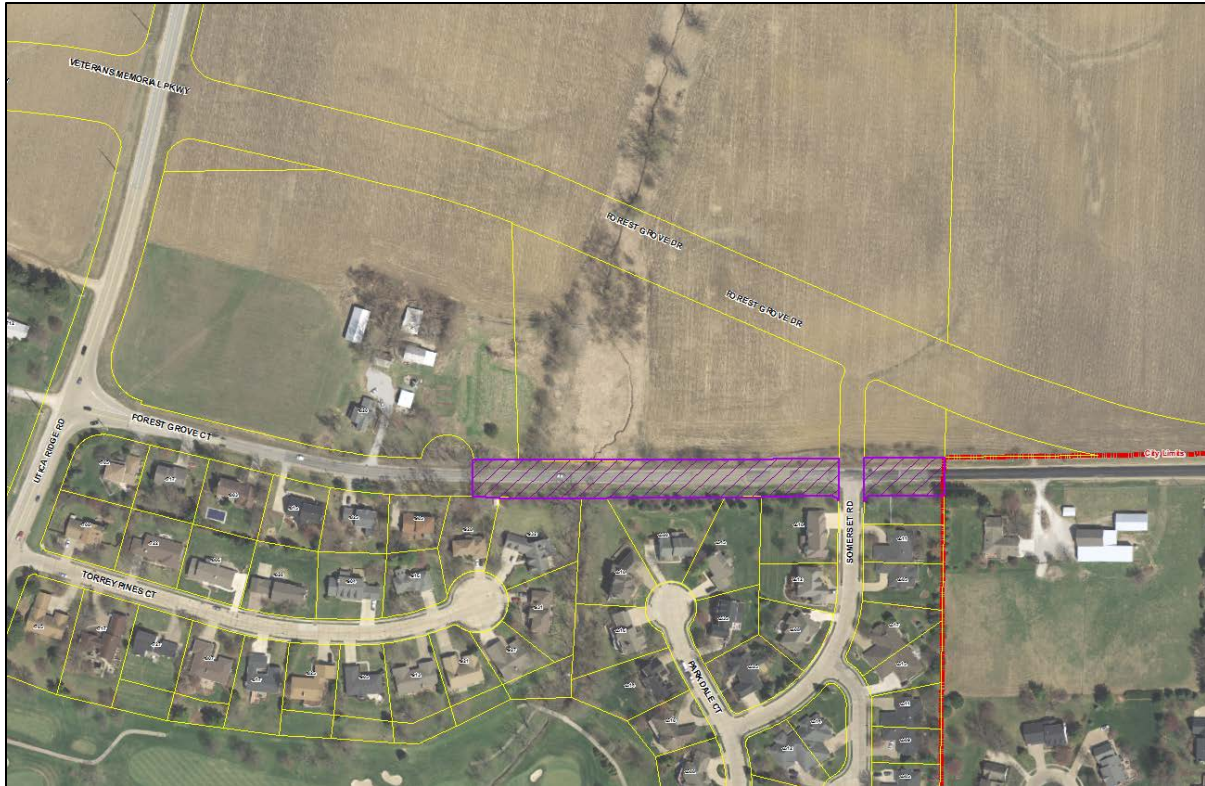
Aerial Photo: (ROW area in purple crosshatching)



Technical Review:

Request for technical review has been distributed with a deadline of August 24th. A summary will be provided with the final staff report.

Road Reconfiguration



BACKGROUND

Veterans Memorial Parkway (VMP) has been extended east from Jersey Ridge, and across I-74. In the past, East 67th street crossed I-74 in this location and went south of the farmstead located just west of Utica ridge Road. Now, VMP goes around the farmstead to the north, and at the intersection of Utica Ridge and VMP, the road name changes to Forest Grove Drive, where it heads further east and southeast to the corporate limits where it joins Bettendorf's Forest Grove Drive. After this reconfiguration, the former Forest Grove Road was no longer needed from the 5000 block eastward. The remainder of Forest Grove Road was renamed Forest Grove Court in September of 2017 (SNC17-01).

DISCUSSION

The street paving, curb, and utilities have been removed from this site. The City has re-seeded and/or re-sodded this area to natural turf. The site is ready for disposition; adjacent property owners are expected to be willing purchasers of the vacated area.

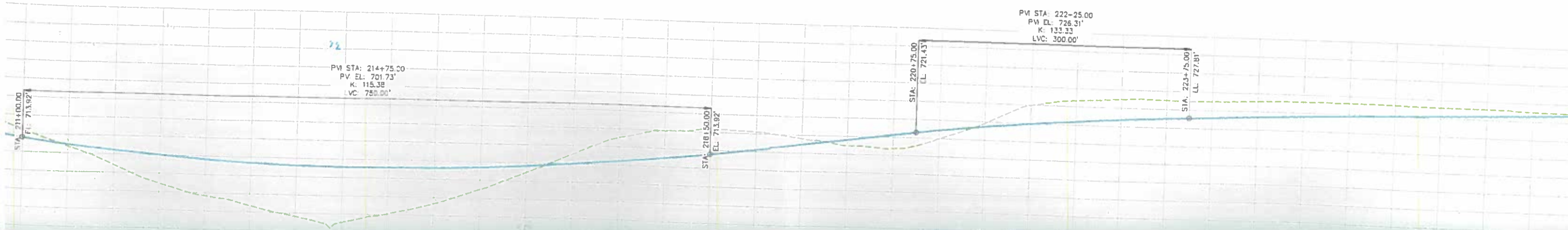
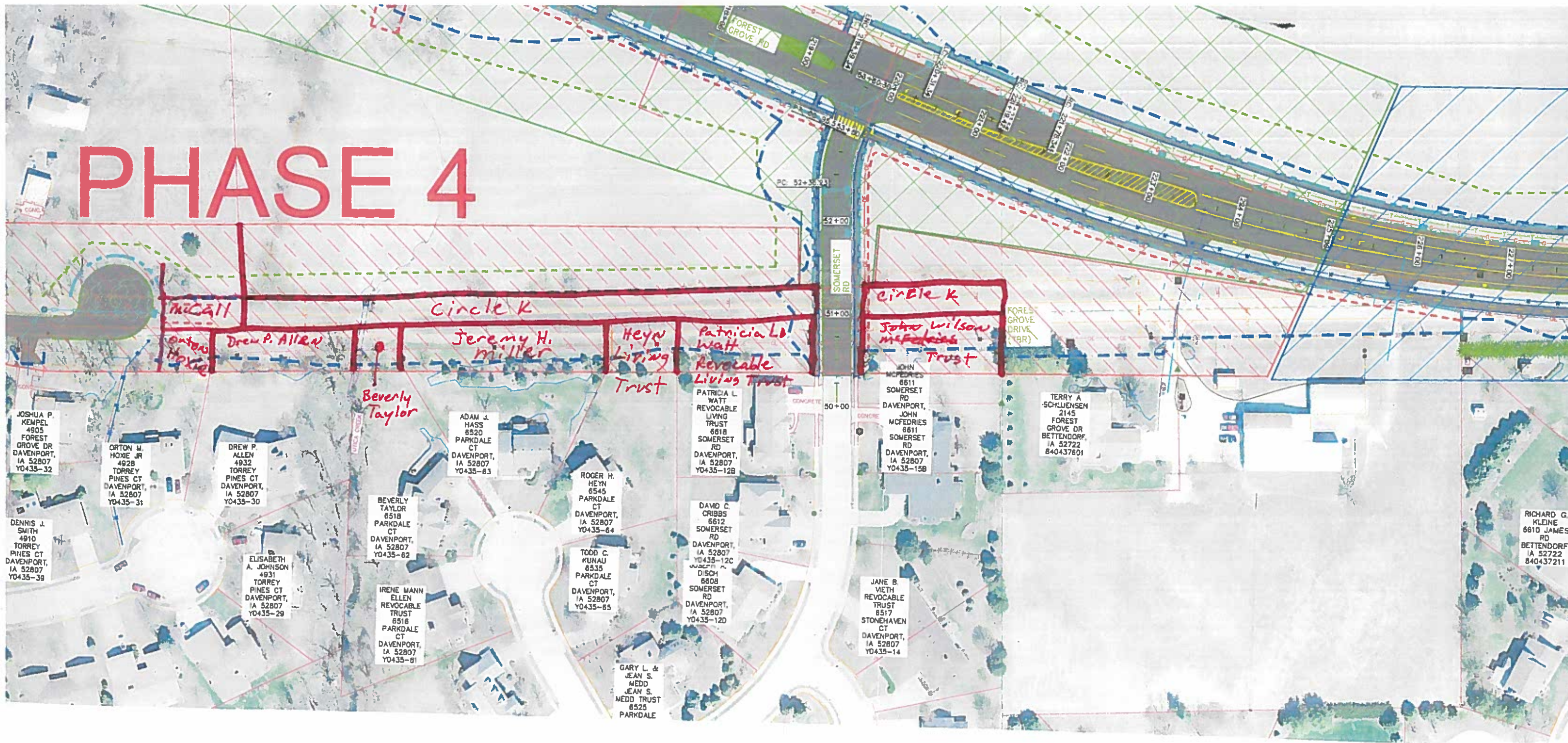
FINDINGS & RECOMMENDATION

None at this time.

Prepared by:

Scott Koops, AICP
Planner II

PHASE 4



City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 888-2286

Date
8/14/2018

Subject:
Minutes of the July 31, 2018 Meeting are attached.

ATTACHMENTS:

Type	Description
▣ Backup Material	7-31-18 Minutes

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	8/10/2018 - 11:40 AM

**CITY PLAN AND ZONING COMMISSION
CITY OF DAVENPORT, IOWA**

TUESDAY JULY 31, 2018 • 5:00 PM

**COUNCIL CHAMBERS – DAVENPORT CITY HALL
226 W 4TH STREET DAVENPORT, IA**

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

OLD BUSINESS

None.

NEW BUSINESS

None.

Next Public Hearing:

Tuesday, August 14, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall – 226 West 4th Street.

REGULAR MEETING AGENDA

I. Roll Call of the Membership All Present. Staff: Flynn, Koops, Heyer, Statz, Leabhart

II. Report of the City Council Activity

III. Secretary's Report

The July 17, 2018 meeting minutes were approved.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

Old Business

None.

New Business

- 1. Case No. REZ18-10: Request Jessica Tuttle on behalf of Thompson Thrift Development Company, Inc., 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]

Motion by: Tallman, Seconded by: Connell, that the Plan and Zoning Commission accept the listed findings and forwards Case No. REZ18-10 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The residential use of the property would comply with the Davenport 2035 Residential General Future Land Use Map designation because it would be its own neighborhood, which is designated as a whole. Additionally, the residential use of the property would comply with the Davenport 2035 Regional Commercial Future Land Use Map designation it allows for limited uses.
2. The design and scale of the proposed residential use of the property as depicted on the "PUD" Planned Unit Development Concept Plan would help mitigate potential any negative impacts to surrounding residential property owners; and
3. The traffic impact study demonstrates that with right and left turn lanes at the entrances to the development and signalization at East 53rd Street and Lakeview Parkway additional traffic caused by the proposed development would not significantly impact East 53rd Street.

Conditions:

1. That the property be substantially developed in accordance with the "PUD" Planned Unit Development Concept Plan;
2. That right and left turn lanes be constructed on East 53rd Street at both entrances during the initial phase of construction;
3. Cost sharing for traffic signals shall be determined before Council adopts the Ordinance.
4. That a Special Exception be obtained from the Zoning Board of Adjustment to reduce the provided number of parking spaces below the minimum Zoning Ordinance required parking spaces; and
5. In the event that the "R-5M" Medium Density Dwelling District Planned Unit Development is supplanted by new zoning ordinance classifications and regulations, the City shall rezone the property to a 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.

Vote to approve was passed 8-2, with Lammers and Reinartz voting no.

- 2. Case No. REZ18-11: Request Kevin Koellner on behalf of Build to Suit to rezone 13 acres, more or less, of property located south of East 53rd Street immediately west of the Bettendorf City Border from "R-2PUD" Low Density Residential District Planned Unit Development and "PDD" Planned Development District" to all PDD with a new Land Use Plan. Kevin Koellner, Build to Suit, petitioner. [Ward 6]**

Motion by: Tallman, Seconded by: Hepner, that the Plan and Zoning Commission accept the listed findings and forwards Case No. REZ18-11 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The commercial use of the property would comply with the Davenport 2035 Regional Commercial Future Land Use Map designation because the property would service boundaries that extend beyond the City limits of Davenport and is located along a major street with good access to interstate and other highways.
2. The commercial use of the property would comply with Davenport 2035 Residential General Future Land Use Map designation because it would be located at an edge (East 53rd Street), where higher intensity may be considered.
3. The design and scale of the proposed commercial use and additional setback/buffering/fencing as depicted on the "PDD" Planned Development District Land Use Plan help mitigate potential any negative impacts to the adjacent residential property owners to the west; and
4. The traffic impact study demonstrates that with right and left turn lanes at the entrances to the development and signalization at East 53rd Street and Lakeview Parkway additional traffic caused by the proposed development would not significantly impact East 53rd Street.

Conditions:

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That right and left turn lanes be constructed on East 53rd Street at both entrances during the initial phase of construction;
3. Cost sharing for traffic signals shall be determined before Council adopts the Ordinance.
4. That a 10 foot wide multi-purpose path be constructed along East 53rd Street during the initial phase of construction. The developer shall be responsible for 100% of the cost of the multi-purpose path; and
5. In the event that the "PDD" Planned Development District and "HCOD" Highway Corridor Overlay District is supplanted by new zoning ordinance classifications and regulations, the City shall rezone the property to a 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 voted unanimously (10-0) to forward the case to the City Council for its approval.

3. Case No. FDP18-02: Request of Jessica Tuttle on behalf of Thompson Thrift Company, Inc. for a final development plan on 24.27 acres located south of East 53rd Street and west of the Bettendorf City Limits. Proposed development is a 304 unit apartment complex with clubhouse and outdoor pool. [Ward 6]

Motion by: Tallman, Seconded by: Hepner, that the Plan and Zoning Commission accept the listed findings and forwards Case No. FDP18-02 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The design and scale of the proposed residential use of the property as depicted on the Final Development would help mitigate potential any negative impacts to surrounding residential property owners; and
2. The final development plan would achieve consistency with the adopted "PUD" Planned Unit Development Concept Plan.

Condition:

1. That the City Council approves Case No. REZ18-10 by adopting the rezoning Ordinance and associated "PUD" Planned Unit Development Concept Plan.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

4. Case No. FDP18-03: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a "PDD" Planned Development District final development plan for an 8,964 square foot drive-through restaurant on 2.2 acres, more or less located on the south side of East 53rd Street approximately 385 feet east of Lorton Avenue. [Ward 6]

Motion by: Tallman, Seconded by: Connell, that the Plan and Zoning Commission accept the listed findings and forwards Case No. FDP18-02 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The proposed development would be consistent with the RG Future Land Use Development based on the location being adjacent to the edge (East 53rd Street), the proposed scale as depicted on the "PDD" Final Development Plan and the rezoning conditions associated with REZ18-08.; and
2. The final development plan would achieve consistency with the adopted "PDD" Land Use Plan.

Conditions:

1. That the City Council approves Case No. REZ18-08 by adopting the rezoning Ordinance and associated Land Use Plan; and
2. That the City Council approves Case No. ROW18-02 by adopting the right-of-way vacation Ordinance.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

VI. Subdivision Activity

A. Old Business

None.

B. New Business

1. Case No. F18-10: Request of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]

Motion by: Connell, Seconded by: Lammers, that the Plan and Zoning Commission accept the listed findings and forwards Case No. F18-10 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The proposed preliminary plat facilitates the sale and proposed development of the property.
2. The proposed preliminary plat generally complies with Davenport+2035: Comprehensive Plan for the City.

Condition:

The plat shall meet the requirements of the Municipal Code Chapter 13.34. Stormwater Management.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

2. Case No. P18-04: Request of Build To Suit, Inc. for a preliminary plat of Watermark First Addition on 37.92 acres, more or less, property is located at 4607 E 53rd Street, parcel number N0910-01, containing four (4) lots. [Ward 6]

Motion by: Connell, Seconded by: Lammers, that the Plan and Zoning Commission accept the listed findings and forwards Case No. P18-04: to the City Council with a recommendation for approval.

Findings:

1. The proposed preliminary plat facilitates the sale and proposed development of the property.
2. The proposed preliminary plat generally complies with Davenport+2035: Comprehensive Plan for the City.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

3. Case No. F18-11: Request of Speer Development for a final plat of Speer Commercial Park 1st Addition on 31.64 acres, more or less, located at the southeast corner of East 53rd Street and Eastern Avenue. [Ward 6]

Motion by: Connell, Seconded by: Johnson, that the Plan and Zoning Commission accept the listed findings and forwards Case No. FDP18-02 to the City Council with a recommendation for approval subject to the following conditions:

Findings

1. The plat conforms to the Davenport 2035 Future Land Use Map; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Conditions:

1. The Plan and Zoning Commission accepted the findings and forwards case P18-11 to the City Council with a recommendation for approval, subject to That the surveyor signs the plat;
2. That the utility companies sign the plat when their easement needs have been met;
3. That the surveyor verify that chamfer at Eastern Avenue and 53rd Street is 15'x15';
4. That the proposed roadway remain a private drive;
5. That Note 2 be revised and there are two words misspelled;
6. That Note 3 be revised as Water supply is IA American Water Company is a private system, not public system of Davenport;
7. That Note 6 be revised to City of Davenport Standards (Sudas with City supplemental);
8. That a drainage easement be shown on the Final Plat for the purpose of conveying the 100 year storm event from the west side of the development to the stormwater detention basin;
9. That the drainage easement information, as noted on the utility plan, shall be included on the Final Plat;
10. That an easement be provided for municipal inspections of the stormwater detention basin. This easement shall connect to City right-of-way and not be located within any wetland; and
11. That the following note be added to the Final Plat: Owners of lots on which a stream or water course is located shall preserve a dedicated fifty (50) foot minimum vegetated buffer on both sides of the stream as measured landward horizontally on a line perpendicular to a vertical line marking the top of the existing banks of the stream or drainage way. Vegetation shall not be cut to a height of less than nine inches without authorization of the City of Davenport Natural Resources Division. In the event that any of the buffer area is established as a drainage easement and is reshaped or otherwise restricted for use as a drainage easement, the City will cause the restrictions to be removed at the expense of the parties causing the restriction.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

VII. Other Business

None.

VIII. Future Business

Preview of items for the August 14, 2018 public hearing and/or regular meeting (*note-not all items to be heard may be listed*):

1. Case No. REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]
2. Case No. REZ18-13: Request of Hawkeye Paving to rezone 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from "A-1" Agricultural District to "M-1" Light Industrial District to facilitate development of a new Contractor headquarters, shop and equipment storage.
3. Case No. ROW18-02: Request of the City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

IX. Communications (Time open for citizens wishing to address the Commission on matters not on the established agenda)

X. Adjourn The meeting adjourned at 6:45 pm

- *Note: Pursuant to §17.60.030 and §2.64.120 of the Davenport City Code the Commission is required to act on this item within 30 days unless the petitioner waives this requirement. Pursuant to the city code if the Commission does not act and report on this item within 30 days' time this agenda item is to be construed as approved by the Commission.*
- *Note: The Plan and Zoning Commission meeting is not a public hearing. It is time for the commission to discuss the issue(s) with City staff and if questions rise, with the developer.*
- *A rezoning or ordinance text amendment has a second public hearing before the City Council at its Committee of the Whole meeting. Notification of that meeting will be sent to surrounding owners following the Plan and Zoning Commission meeting.*

Next Public Hearing/Regular Plan & Zoning Meeting:

Tuesday, August 14, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall 226 West 4th Street.

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 888-2286

Date
8/14/2018

Subject:

Cease REZ18-14: Request to rezone 1.49 acres, more or less, of property located at 4435 East 53rd Street from R-2, Low Density Dwelling District to PDD, Planned Development District. Dan Elias, petitioner. [Ward 6]

Recommendation:

No recommendation as this is the preview.

Relationship to Goals:

Fiscal Vitality

Background:

Proposed rezoning to facilitate commercial development.

See attachments for additional information.

ATTACHMENTS:

Type	Description
▢ Backup Material	Preview Staff Report
▢ Backup Material	Application
▢ Backup Material	Existing Zoning Map
▢ Backup Material	Future Land Use Map

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	8/8/2018 - 1:14 PM



PLAN AND ZONING COMMISSION

Meeting Date: August 14, 2018
Request: Request to rezone 1.49 acres, more or less, of property located at 4435 East 53rd Street from R-2, Low Density Dwelling District to PDD, Planned Development District [Ward 6]
Case No. REZ18-14
Applicant: Dan Elias, Track, LLC
Ward: 6th
Contact: Matthew G. Flynn, AICP
Senior Planning Manager
matt.flynn@ci.davenport.ia.us
563-888-2286

Recommendation:

There is no recommendation at this time, this is the preview.

Background:

Petitioner intends to develop the property for commercial purposes.

The preliminary land use plan submitted for the rezoning shows a 6000 sq ft retail building and a 3740 sq ft car wash. Access would be taken directly to 53rd street by a shared driveway.

Site Characteristics:

Current Land Use: The property is currently vacant. Previously, a single family dwelling resided on the site.

Comprehensive Plan. The property is within the Urban Service District and urban services can be reasonably accessed.

The Future Land Use Plan for this property indicates RG Residential General for the site and properties to the south and west. RC Regional Commercial is to the north and east.

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.

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.

Existing Zoning: Existing zoning map is attached to this report.

Technical Review:

Request for technical review has been distributed with a deadline of August 21. A summary will be provided with the final staff report.

Discussion:

Will be presented with the final staff report.

Public Input:

Public Meeting: A public meeting has been scheduled for August 16 at the Public Works Center.

Public Meeting Notice: 15 notices mailed August 8.

Signs Posted: Posted on August 6

Public Hearing Notice: TBD

Public Hearing Mailing: TBD

Recommendation: To be presented with the final staff report.

Findings:

Conditions:

Final Recommendation:

GALLAGHER, MILLAGE & GALLAGHER

A Professional Limited Liability Company

ATTORNEYS AND COUNSELORS AT LAW

ROBERT H. GALLAGHER
ROBERT S. GALLAGHER *
PETER G. GIERUT**
KRISTINA K. LYON**

3870 MIDDLE ROAD
TELEPHONE: (563) 355-5303
FAX: (563) 388-9240
WWW.GMGLAWFIRM.COM

ROBERT D. WELLS (1909-1990)

OF COUNSEL
DAVID A. MILLAGE

*ALSO LICENSED IN WISCONSIN
**ALSO LICENSED IN ILLINOIS

July 26, 2018

City of Davenport Iowa
Community Planning & Economic Development
c/o Ryan Rusnak, AICP
226 W. 4th Street
Davenport, IA 52801

Re: 4435 E 53rd Street
Davenport, IA

Dear Ryan:

Enclosed please find the following:

- a) Zoning Map Amendment Application;
- b) Exhibit "A" (Legal Description);
- c) Warranty Deed, Document No 2001-03531;
- d) Plat of Survey, Document No. 2000-36403;
- e) Agreement for Sale of Commercial Real Estate (contract);
- f) Articles of Organization of Musal Tract, L.C. and Iowa Secretary of State
Business Entity Summary reflecting active status;
- g) Site plan for E. 563rd St. Retail-Car Wash;
- h) Preliminary site plan for E 53rd St. Retail-Car Wash.
- i) Check for ~~\$750.00~~^{715.00} (application fee).

If you should have any questions or need further information, please contact myself or Robert H. Gallagher.

GALLAGHER, MILLAGE & GALLAGHER

Vera McCants
Real Estate Coordinator

copy to: Dan Elias

Encl.

Zoning Map Amendment Application

226 West 4th Street

CITY OF DAVENPORT, Iowa 52801
Community Planning & Economic Dev. 326-7765
Planning@ci.davenport.ia.us

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address* 4435 E. 53rd St. Davenport IA 52867

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

Applicant (Primary Contact)**

Name: Dan ELIAS
Company: Track LLC
Address: 2465 53rd Ave.
City/State/Zip: Bettendorf IA 52722
Phone: (563) 680-5105
Email: Kdan36@gmail.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 ☐

Owner (if different from Applicant)

Name: MIXAL TRACT L.C.
Company: 910 MEL FOSTER CO. ATTN: ROB
Address: 2211 E. 75TH ST. CT. FICKS
City/State/Zip: DAVENPORT, IOWA 52801
Phone: 563 359-4663
Email: LLEVETZOW@MELFOSTER.CO. ADM

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 ☐

Engineer (if applicable)

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

Design Review Board

Certificate of Design Approval ☐
Demolition Request in the Downtown ☐

Architect (if applicable)

Name: Joseph Gusse
Company:
Address: 4510 42nd Ave
City/State/Zip: Rock Island, IL 61201
Phone: (309) 781-9920
Email:

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

Floodplain Development ☐
Cell Tower Co-Location ☐
Identification Signs ☐
Site Plan ☐

Attorney (if applicable)

Name: Bob Gallagher Sr.
Company: Gallagher, Millage & Gallagher
Address: 9870 Middle Road
City/State/Zip: Bettendorf IA 52722
Phone: (563) 355-9303
Email: rgallaghersr@gmglawfirm.com



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

Request:Existing Zoning: R-2 Low Density Dwelling DistrictProposed Zoning Map Amendment: Total Land Area: 1.49 A Please SelectDoes the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☐ No**Submittal Requirements:**

- The following items should be submitted to Planning@ci.davenport.ia.us for review:
- 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: Robert C. Fink

Date: 7-2-18

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: _____

Date: _____

Planning staff

Date of the Public Hearing: _____

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

City of Davenport Neighborhood Meeting Guidelines

Purpose:

The purpose of requiring applicants to conduct neighborhood meetings is to offer an opportunity for both applicant and neighboring residents/property owners to share ideas, offer suggestions, and air concerns in advance of the formal public hearing process.

Procedure:

1. The neighborhood meeting should be held at least one week before the scheduled public hearing for the case.
2. It is the responsibility of the applicant to coordinate the meeting date, time and location. It is necessary to coordinate with the Ward Alderman and both Alderman at Large prior to scheduling the meeting. Please note that Wednesday evenings should be avoided due to conflicting with City Council meetings. The Case Manager will provide you a map and mailing list of surrounding property owners, neighborhood representatives, and the Ward Alderman and both Alderman at Large. The applicant is responsible for the cost of the mailing and facility rental, if any.
3. The neighborhood meeting notice should include the meeting date, location and time, the map provided by the City and the applicant's contact information in case someone is unable to attend the meeting. Every effort should be made to contact all residents within the area as well as owners. If renters are assumed at a property, a notice should be sent to the address labeled, "Resident". Please provide the Case Manager with a copy of neighborhood meeting notice. The Case Manager or another member of City Staff will make every effort to attend the meeting, however, the primary purpose for attending is to be simply an observer and resource for factual information, if requested.
4. Following the meeting, the applicant shall compile a list of attendees as well as a meeting summary and submit it to the Case Manager by Thursday preceding the public hearing. Please include all handouts distributed at the meeting.

Authorization to Act as Applicant

I, Robert C. Fries
authorize _____
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council for the
property located at 4435 E. 53rd Street, Davenport, Iowa.

Robert C. Fries

Signature(s)*

*Please note: original signature(s) required.

Applicant:  _____

Date: 7-19-18

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:  _____

Date: 7-30-18

Planning staff

Date of the Public Hearing: 9-4-18

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

EXHIBIT "A"

Part of the East half of the West half of the Southwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., situated in the City of Davenport, Scott County, Iowa Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 9; thence East (assumed bearing for this description) 663.45 feet along the north line of the Southwest Quarter of said Section 9 (also being the centerline of 53rd Street as now established) to a point on the west line of the East Half of the West Half of the Southwest Quarter of said Section 9; thence continuing East 384.08 feet along the north line of the Southwest Quarter of said Section 9, to the point of beginning; thence South 00°-24'-05" West 281.39 feet; thence South 89°-33'-45" feet to the east line of the East Half of the West Half of the Southwest Quarter of said Section 9; Thence North 0°-24'-5" East 281.39 feet, more or less to a point in the North line of the Southwest ¼ of said section 9; Thence North 0°-24'-5" East 281.39 feet, more or less to a point in the North line of the Southwest ¼ of said section 9; Thence North 89°33'45" West 279.35 feet, more or less to the point of beginning, except the northerly 50 feet thereof, and which is also described as set forth in the Plat of Survey recorded as Document No. 2000-36403 in the office of the Scott County Recorder.

More particularly described as follows:

Part of the East Half of the West Half of the Southwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 9; thence East (assumed bearing for this description) 1047.53 feet along the north line of the Southwest Quarter of said Section 9 to the northeast corner of olde Coventry First Addition to the City of Davenport, Iowa; thence South 00°-24'-05" West 50.00 feet along the east line of said olde Coventry First Addition to a point on the south right of way line of 53rd Street as now established in the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing South 00°-24'-05" West 231.39 feet along the east line of Lots 53, 54 and 55 of said olde Coventry First Addition to a point on the north line of Lot 40 of said olde Coventry First Addition;


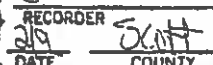
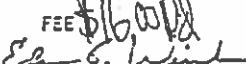

thence South 89°-33'-45" East 279.35 feet along the north line of Lots 38, 39 and 40 of said olde Coventry First Addition to a point on the east line of the East Half of the West Half of the Southwest Quarter of said Section 9;

thence North 00°-24'-05" East 233.52 feet along the east line of the East Half of the West Half of the Southwest Quarter of said Section 9 to a point on the south right of way line of said 53rd Street;

thence West 279.36 feet along the south right of way line of said 53rd Street to the point of beginning.

Containing 1.49 acres, more or less, subject to easements of record.

THE IOWA STATE BAR ASSOCIATION Official Form No. 101		David A. Dettmann ISBA # 1207		FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER	
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REAL ESTATE TRANSFER TAX PAID 74  RECORDER  DATE COUNTY	2001-03534 FEE \$16.00  RECORDER OF DEEDS SCOTT COUNTY, IOWA FEB 9 1105	 Transfer Fee 5.00 Recording Fee 11.00
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Preparer Information: David A. Dettmann, 220 North Main Street, Suite 300, Davenport, IA 52807 Individual's Name: _____ Street Address: _____ City: _____ Phone: _____	Address Tax Statement: Musal Tract, L.C., 3211 E 35th St Ct WARRANTY DEED Davenport IA 52807
--	---

For the consideration of Ten and no/100 (\$10.00) Dollar(s) and other valuable consideration,
THEODORE H. MUSAL and DOROTHY MAMIE MUSAL, husband and wife,
aka Dorothy M. Musal

do hereby Convey to
MUSAL TRACT, L.C., an Iowa Limited Liability Company,

the following described real estate in SCOTT County, Iowa:

Part of the East half of the West half of the Southwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., situated in the City of Davenport, Scott County, Iowa.

Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 9; thence East (assumed bearing for this description) 663.45 feet along the north line of the Southwest Quarter of said Section 9 (also being the centerline of 53rd Street as now established) to a point on the west line of the East Half of the West Half of the Southwest Quarter of said Section 9; thence continuing East 384.08 feet along the north line of the Southwest Quarter of said Section 9, to the point of beginning; thence South 00°-24'-05" West 281.39 feet; thence South 89°-33'-45" East 279.35 feet to the east line of the East Half of the West Half of the Southwest Quarter of said Section 9; Thence North 0°-24'-5" East 281.39 feet, more or less to a point in the North line of the Southwest 1/4 of said section 9; Thence North 89°33'45" West 279.35 feet, more or less to the point of beginning, except the northerly 50 feet thereof, and which is also described as set forth in the Plat of Survey recorded as Document No. 2000-36403 in the office of the Scott County Recorder.

More particularly described in the attached Exhibit "A".

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

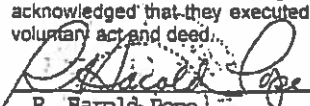
Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

STATE OF IOWA Dated: 12-7-2000

SCOTT COUNTY, ss:

On this 7th day of December, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared THEODORE H. MUSAL and DOROTHY MAMIE MUSAL, husband and wife.

to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.


R. Harold Pope Notary Public

(This form of acknowledgment for individual grantor(s) only)

Theodore H. Musal (Grantor)
Dorothy Mamie Musal (Grantor)
aka Dorothy M. Musal (Grantor)

December 13, 2000

VMCE # 00317

LEGAL DESCRIPTION
FOSTER PURCHASE FROM MUSAL
DAVENPORT, IOWA

Part of the East Half of the West Half of the Southwest Quarter of Section 9, Township 78 North, Range 4 East of the 5th P.M., being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Southwest Quarter of said Section 9; thence East (assumed bearing for this description) 1047.53 feet along the north line of the Southwest Quarter of said Section 9 to the northeast corner of olde Coventry First Addition to the City of Davenport, Iowa; thence South $00^{\circ}-24'-05''$ West 50.00 feet along the east line of said olde Coventry First Addition to a point on the south right of way line of 53rd Street as now established in the City of Davenport, Iowa, said point being the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing South $00^{\circ}-24'-05''$ West 231.39 feet along the east line of Lots 53, 54 and 55 of said olde Coventry First Addition to a point on the north line of Lot 40 of said olde Coventry First Addition;

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thence West 279.36 feet along the south right of way line of said 53rd Street to the point of beginning.

Containing 1.49 acres, more or less, subject to easements of record.

EXHIBIT "A"

TOTAL P.02

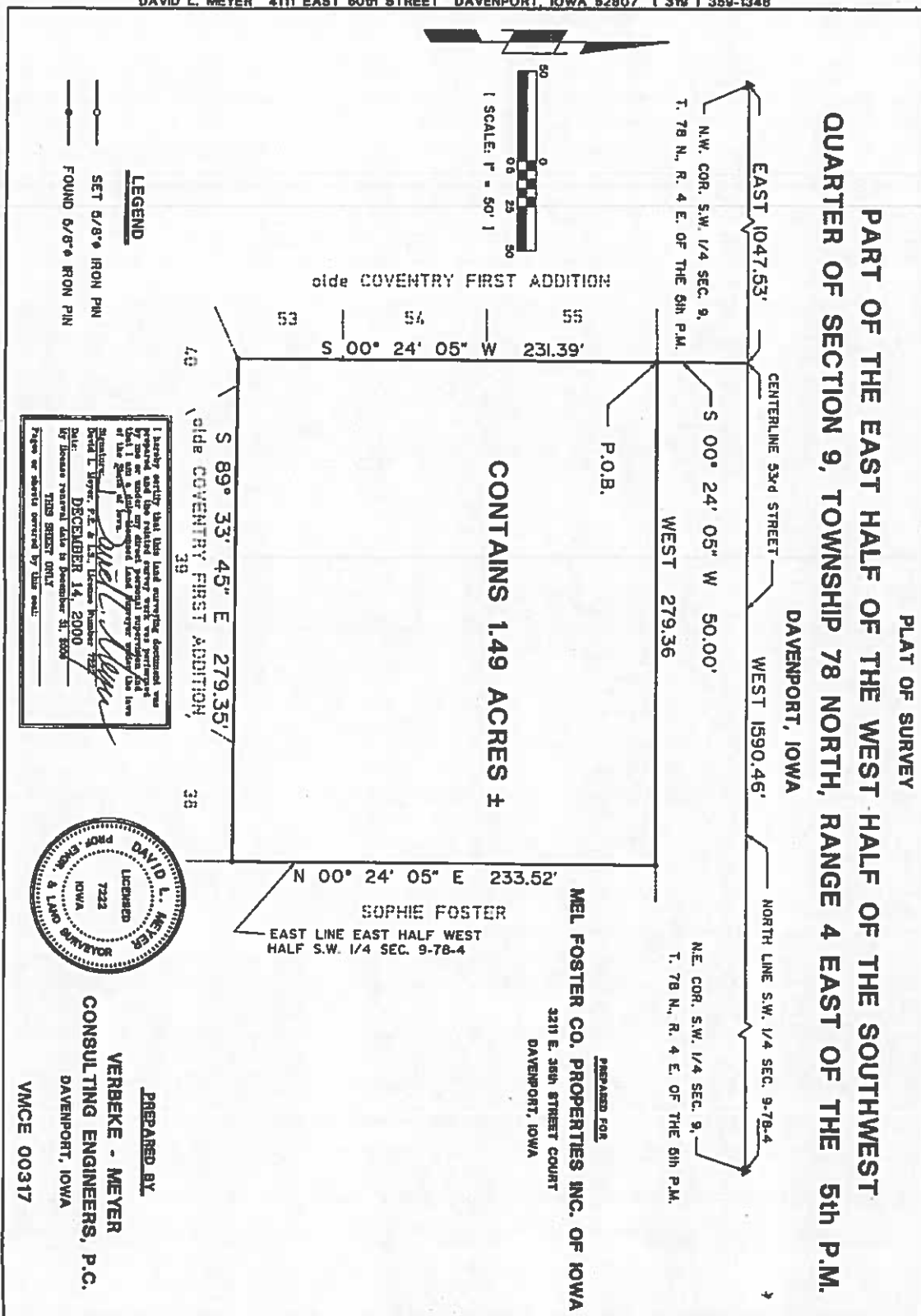
2000-36403

FEE

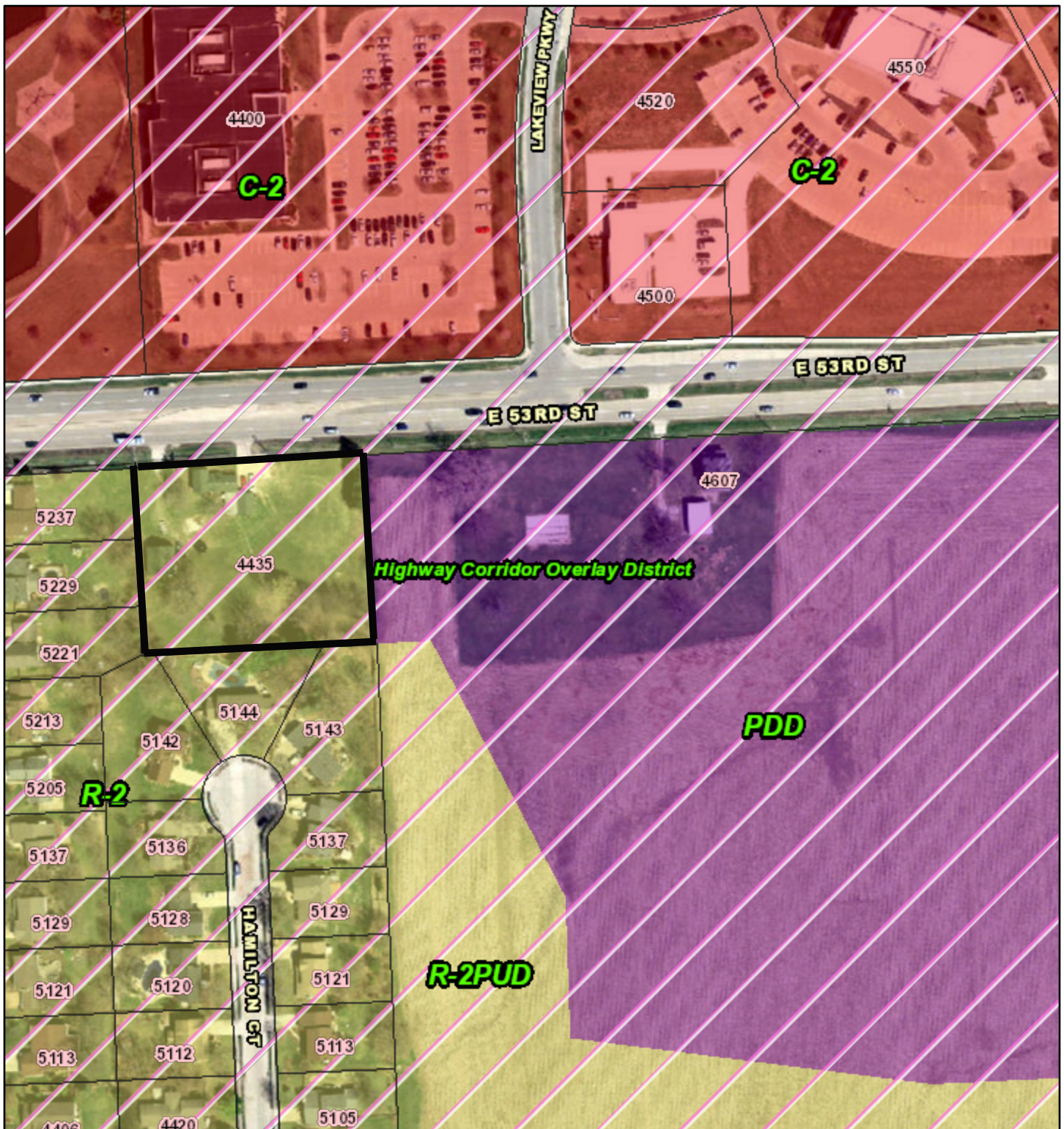
RECORDED OF DEEDS
SCOTT COUNTY, IOWA

2000 DEC 15 AM 11 39

DAVID L. MEYER 4111 EAST 60th STREET DAVENPORT, IOWA 52807 (319) 359-1348



REZ18-14 4435 E 53rd Street Existing Zoning



8/7/2018 2:39:51 PM

- Parks
- Parcels
- Street Centerline (Labels only)
- Piped Creeks
- City Limit
- Address Points

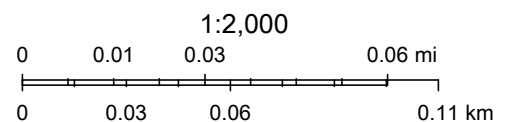
Creeks

- Named Creeks
- Unnamed Tributaries

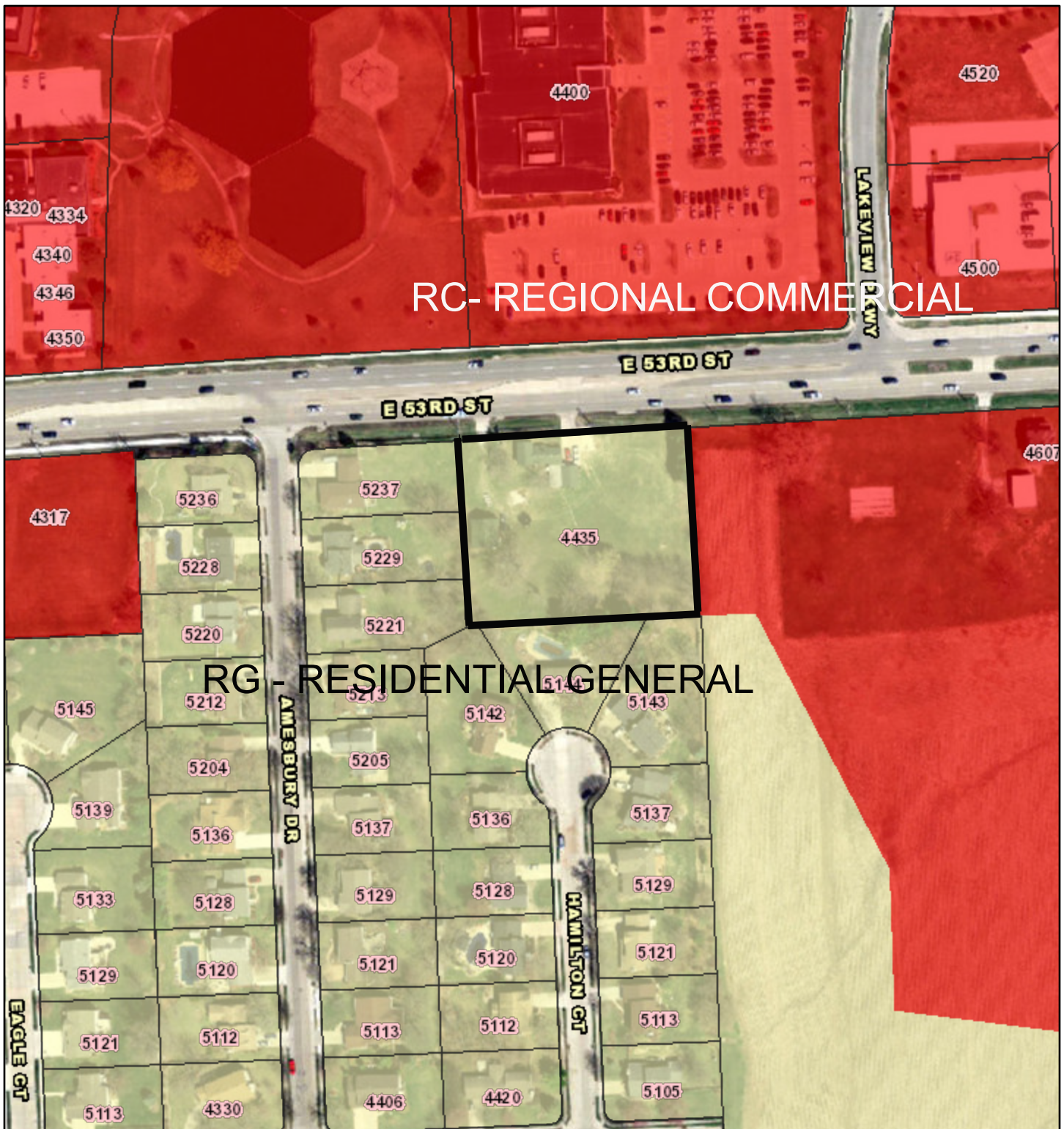
Zoning Districts

- A-1 Agricultural
- R-1 Low Density Dwelling District

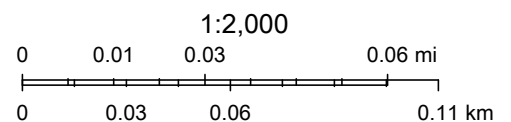
Scott County Iowa, Bi-State Regional Commission



REZ18-14 4435 E 53rd Street Future Land Use



8/7/2018 2:50:36 PM



- Parks
- Piped Creeks
- Parcels
- City Limit
- Street Centerline (Labels only)
- Address Points
- Creeks
- Named Creeks
- Unnamed Tributaries
- Land Use+2035
- Urban Corridor
- Commercial Node

Scott County Iowa, Bi-State Regional Commission

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 888-2286

Date
8/14/2018

Subject:

Case No. REZ18-15: Request to rezone 1.3 acres, more or less, of property located on Main Street south of West 65th Street from R-1 Low Density Dwelling District to R-5M Moderate Density Dwelling District. Stacey Kiser-Willey, Vera French Housing, petitioner [Ward 8].

Recommendation:

No action required, this is a preview.

Relationship to Goals:

Welcoming Neighborhoods

Background:

Vera French Housing is investigating the rezoning of this property to facilitate construction of a 36 unit apartment complex.

See attachments for a preliminary staff report and information.

ATTACHMENTS:

Type	Description
▣ Backup Material	Preview Staff Report
▣ Backup Material	Zoning Map
▣ Backup Material	Future Land Use Map
▣ Backup Material	Preliminary Site Plan

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	8/8/2018 - 11:25 AM



PLAN AND ZONING COMMISSION

Meeting Date: August 14, 2018
Request: Request to rezone 1.3 acres, more or less, of property located on Main Street south of West 65th Street from R-1 Low Density Dwelling District to R-5M Moderate Density Dwelling District
Applicant: Stacey Kiser-Willey, Vera French Housing
Case No.: REZ18-15
Ward: 8th

Contact: Matthew G. Flynn, AICP
Senior Planning Manager
matt.flynn@ci.davenport.ia.us
563-888-2286

Recommendation:

There is no recommendation at this time, this is the preview.

Background:

Petitioner intends to develop the property for multifamily housing.

Site Characteristics:

Current Land Use: The property is currently vacant. Main Street was platted on the west side of the property, but never constructed. The future of Main Street; either its construction or vacation of right-of-way and successful acquisition by Vera French, will be necessary.

Comprehensive Plan. The property is within the Urban Service District and urban services can be reasonably accessed.

The Future Land Use Plan for this property indicates RG Residential General. RG is described as follows: 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.

Existing Zoning: The property is zoned R-1. R-3(PUD) is found to the west and C-1 is found to the north. See the current zoning map attached to this report for more information.

Technical Review:

Request for technical review has been distributed with a deadline of August 21. A summary will be provided with the final staff report.

Discussion:

Will be presented with the final staff report.

Public Input:

Public Meeting: A public meeting will be scheduled prior to the public hearing on September 4.

Public Meeting Notice:

Signs Posted:

Public Hearing Notice:

Public Hearing Mailing:

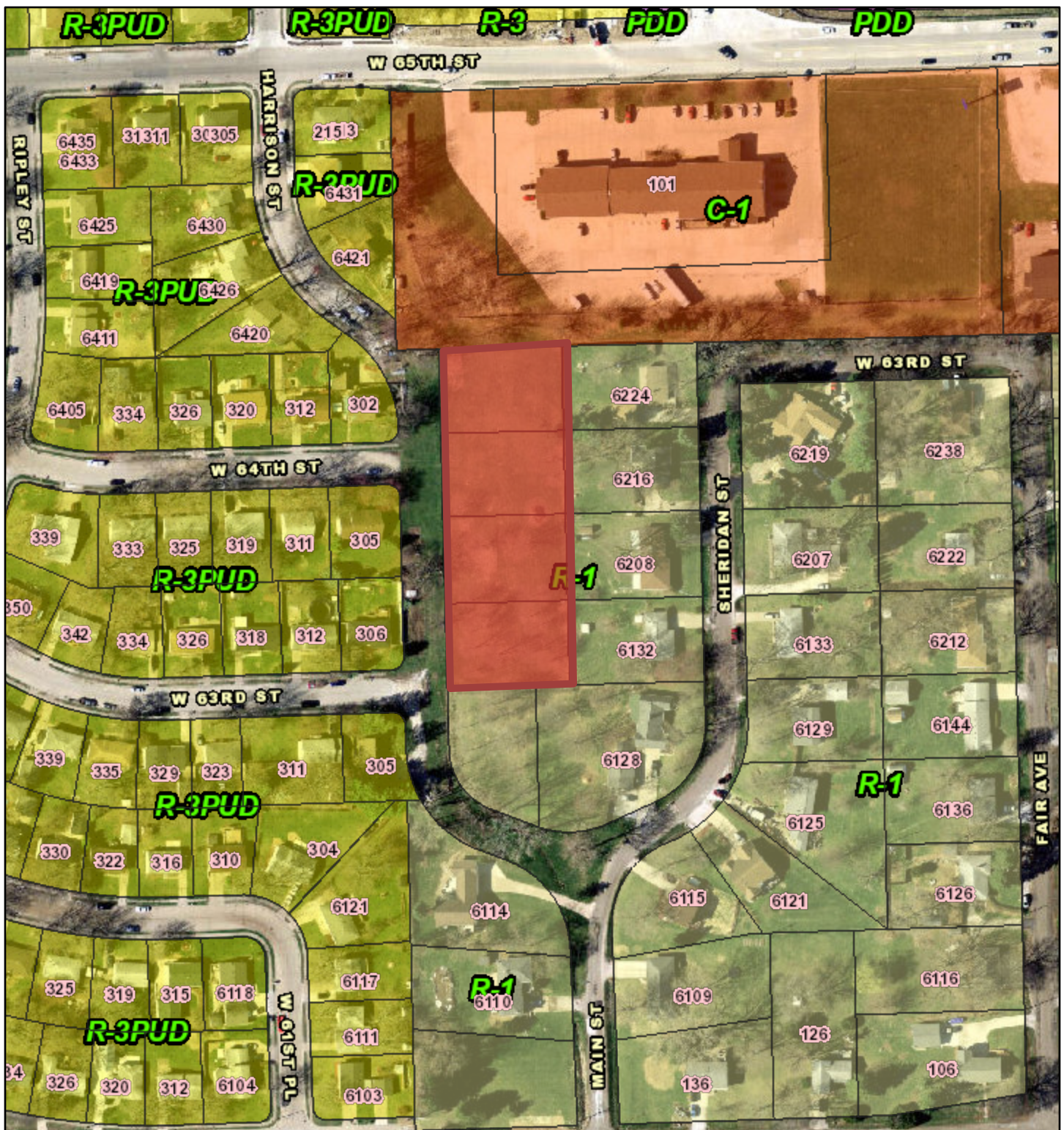
Recommendation: To be presented with the final staff report.

Findings:

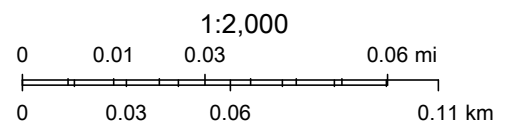
Conditions:

Final Recommendation:

REZ18-15 Vera French R-1 to R-5M Zoning Map



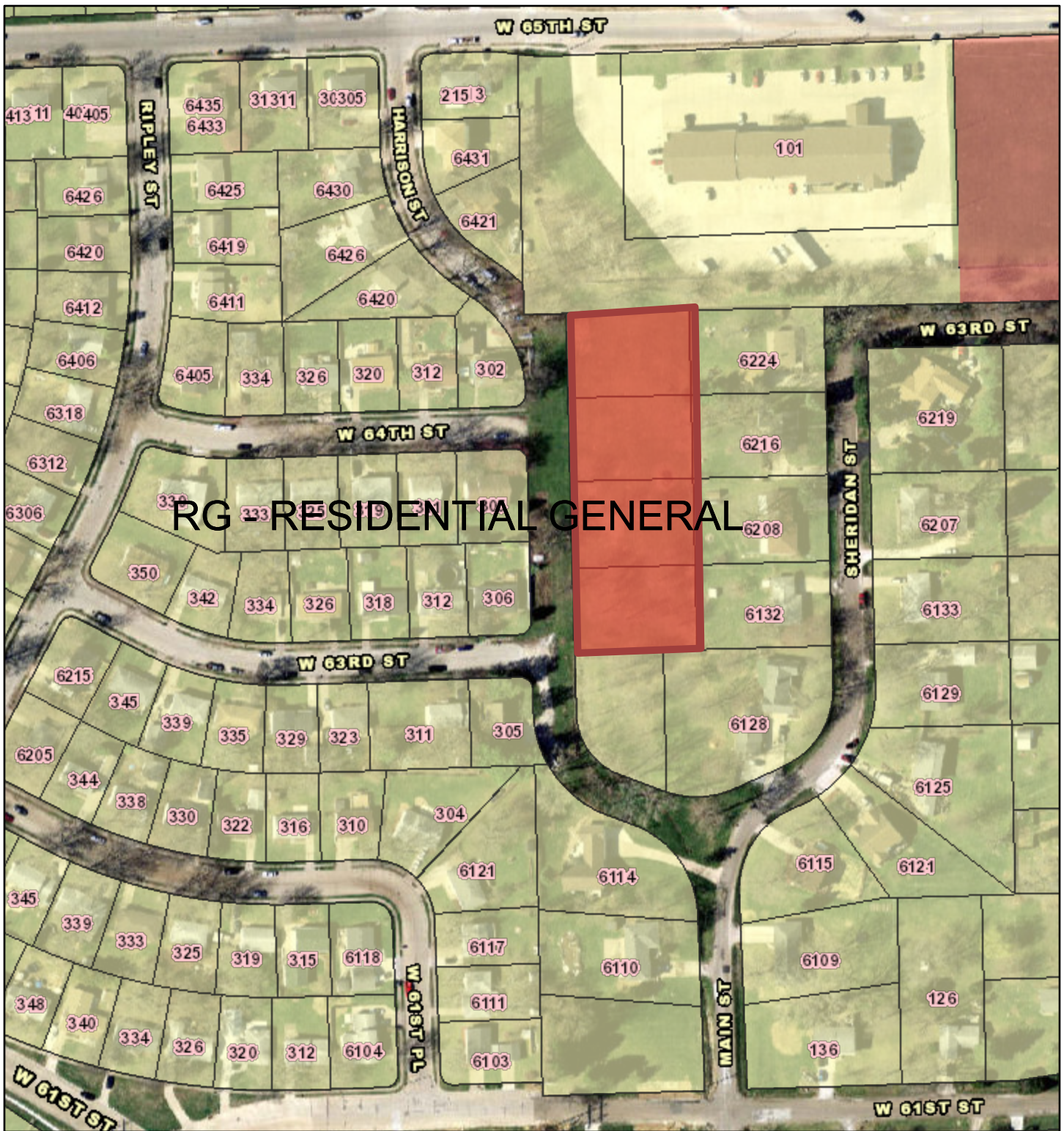
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- | | |
|---|-----------------------------------|
| Parks | Piped Creeks |
| Parcels | City Limit |
| Street Centerline (Labels only) Address Points | |
| Creeks | |
| Named Creeks | Zoning Districts |
| Unnamed Tributaries | A-1 Agricultural |
| | R-1 Low Density Dwelling District |

Scott County Iowa, Bi-State Regional Commission

REZ18-15 Vera French R-1 to R-5M Future Land Use Map

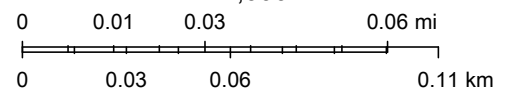


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- Legend:

 - Parks
 - Parcels
 - Street Centerline (Labels only)
 - Creeks
 - Named Creeks
 - Unnamed Tributaries
 - Piped Creeks
 - City Limit
 - Address Points
 - Land Use+2035
 - Urban Corridor
 - Commercial Node

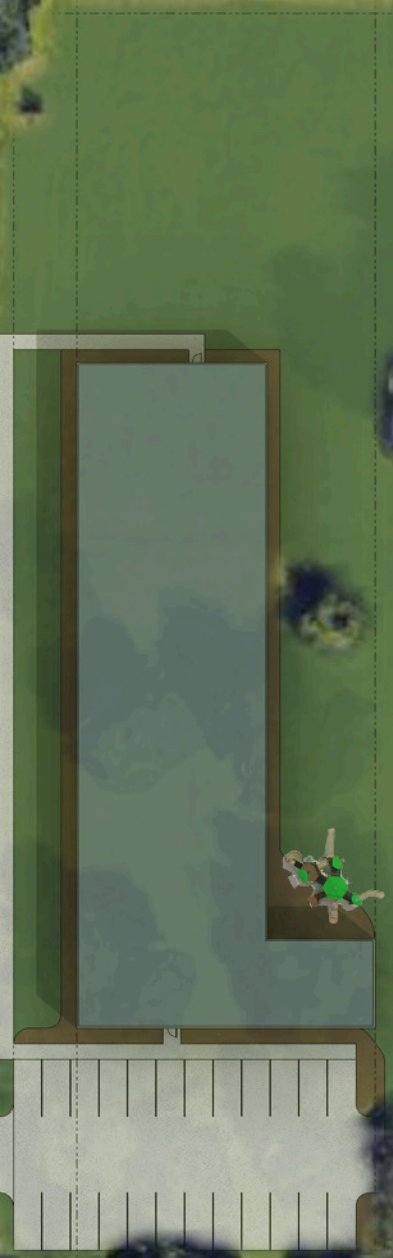
1:2,000



Scott County Iowa, Bi-State Regional Commission



Vera French Housing Proposal
Approximately 25,000 sf
Two Stories
36 Total Units
24 Parking spaces (below city requirement)



City of Davenport
Plan and Zoning Commission

Department: Community Planning and Economic Development
Department
Contact Info: Ryan Rusnak 563-888-2022
rrusnak@ci.davenport.ia.us

Date
8/14/2018

Subject:

Case P18-05: Request of Kerry Condon on behalf of Pine Partners LLC for a Preliminary Plat for a 63 lot subdivision located west of Division Street and north of West 55th Street.

Recommendation:

There is no recommendation at this time.

Background:

Please see attached staff report for background information.

ATTACHMENTS:

Type	Description
▣ Backup Material	Preview Staff Report
▣ Backup Material	Preliminary Plat

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Rusnak, Ryan	Approved	8/9/2018 - 4:15 PM



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

Meeting Date: August 14, 2018
Request: Preliminary Plat for a 63 lot subdivision.
Address: West of Division Street and North of West 55th Street.
Case No.: P18-05
Applicant: Kerry Condon on behalf of Pine Partners LLC.

Recommendation:

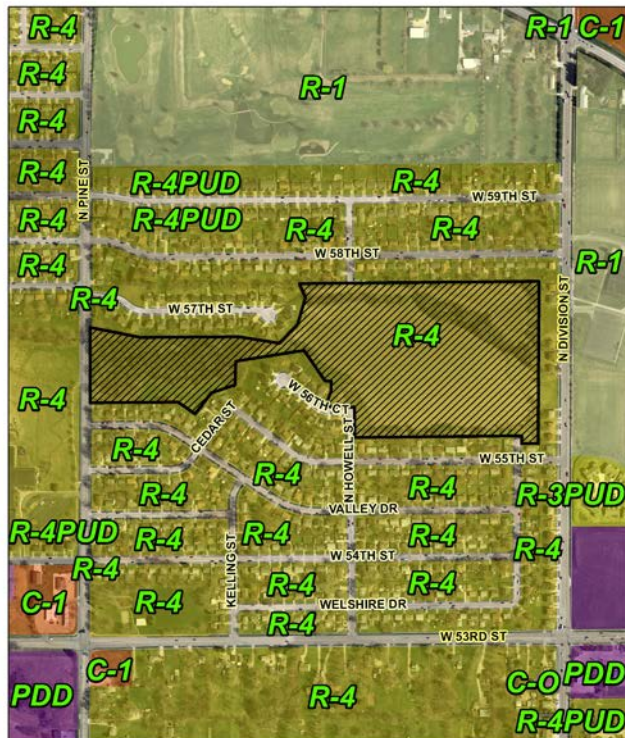
There is no recommendation at this time.

Introduction:

Case P18-05: Request of Kerry Condon on behalf of Pine Partners LLC for a Preliminary Plat for a 63 lot subdivision located west of Division Street and north of West 55th Street.

AREA CHARACTERISTICS:

Zoning Map



Subject Property



Land Use Map



Subject Property



Background:**Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

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

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

The proposed use would comply with the Davenport 2035 proposed land use section.

Zoning:

The property is currently zoned "R-4" Moderate Density Dwelling District.

Technical Review:

Technical review comments will be provided at the September 4, 2018 Plan and Zoning Commission meeting.

Public Input:

No public hearing is required for a Preliminary Plat.

Discussion:

The request is for a Preliminary Plat for a 63 lot subdivision located west of Division Street and north of West 55th Street.

Staff Recommendation

There is no recommendation at this time.

Prepared by:

A handwritten signature in blue ink, appearing to read "Ryan Rusnak", is written over a horizontal line.

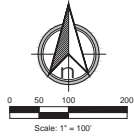
Ryan Rusnak, AICP
Planner III

PRELIMINARY PLAT OF

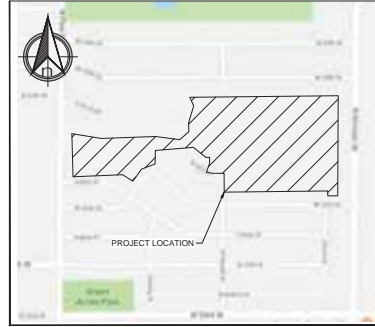
PINE GROVE SUBDIVISION

AN ADDITION TO THE CITY OF DAVENPORT, IOWA

BEING PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4
OF THE SOUTHEAST 1/2 OF THE NORTHWEST 1/4
SECTION 7 AND PART OF THE WEST 1/2 OF THE OF
SECTION 10, TOWNSHIP 78 NORTH, RANGE 3 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
—●—	—○—	STORM SEWER
—●—	—○—	SANITARY SEWER
—●—	—○—	WATER LINE

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 SLUMP PUMP SEWER SHALL HAVE A 10 FOOT DRAINAGE EASEMENT CENTERED ON LOT LINE.
5. PROPOSED ZONING IS R-4 (MODERATE 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

PINE PARTNERS LLC
P.O. BOX 2652
DAVENPORT, IA 52809
563.270.3995

SURVEYOR

VERBEKE-MEYER CONSULTING
ENGINEERS, P.C.
4111 E. 80TH STREET
DAVENPORT, IA 52807
563.350.1348

