

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, OCTOBER 17, 2017; 5:00 PM

CITY COUNCIL CHAMBERS

COMBINED PUBLIC HEARING AND REGULAR MEETING

**COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS**

**PUBLIC HEARING AGENDA**

I. Next Public Hearing

- A. Tuesday, October 31, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall – 226 West 4th Street.

**REGULAR MEETING AGENDA**

I. Roll Call

II. Report of the City Council Authority

III. Secretary's Report

- A. October 03, 2017 meeting minutes

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

- i. Case No. REZ17-08: Request of Aaron Christopher on behalf of Palmer College of Chiropractic to rezone 38.65 acres, more or less, generally located between Harrison Street and Pershing Avenue and between East 12th and 5th Streets from: "R-4" Moderate Density Dwelling District, "R-6M" High Density Dwelling District, "C-O" Office-Shop District, "C-1" Neighborhood Commercial District, "C-2" General Commercial District, "C-4" Central Business District and "M-1" Light Industrial District to "PID" Planned Institutional District. **This case remains tabled (no action necessary).**

B. New Business

- i. Case No. REZ17-09 Request of Michael R. Leep Sr. to rezone 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District [8th Ward].
- ii. Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-

Shop District.

VI. Subdivision Activity

A. Old Business

B. New Business

VII. Future Business

- A. Preview of items for the October 31st public hearing and/or regular meeting (note-not all items to be heard may be listed):

Case No. CP17-01: Request of the City of Davenport – CPED to adopt the Scott County Multi-Jurisdictional Hazard Mitigation Plan and add it as an element to Davenport 2025: Comprehensive Plan for the City. No background available.

VIII. Communications

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

IX. Other Business

- A. For Your Information only: 2017 Third Quarter Development Report

X. Adjourn

- A.
- 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, October 31, 2017 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: Community Planning & Economic Development  
Contact Info: Matt Flynn, 888-2286

**Date**  
**10/17/2017**

Subject:

**PUBLIC HEARING AGENDA**

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/11/2017 - 10:45 AM

City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn, 888-2286

**Date**  
**10/17/2017**

Subject:

Tuesday, October 31, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall – 226 West 4th Street.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/11/2017 - 10:45 AM



City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn, 888-2286

**Date**  
**10/17/2017**

Subject:  
October 03, 2017 meeting minutes

ATTACHMENTS:

Type	Description
Backup Material	10-03-17 Meeting minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/11/2017 - 10:45 AM

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

**TUESDAY OCTOBER 03, 2017 • 5:00 PM  
COUNCIL CHAMBERS – DAVENPORT CITY HALL  
226 W 4<sup>TH</sup> STREET DAVENPORT, IA**

**MINUTES**

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**PUBLIC HEARING AGENDA**

The public hearing was called to order at 5:01 p.m. following a moment of silence for the victims of the Las Vegas shooting incident; the following public hearings were held:

**OLD BUSINESS –**

**NEW BUSINESS –**

- REZ17-09: Request of Michael R Leep, Sr. for the rezoning of 13.435 acres of property located south of 53<sup>rd</sup> Street and east of Eastern Avenue from “C-1” Neighborhood Shopping District to “C-2” General Commercial District to allow the development of a car dealership showroom , with sales and service.
- Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from “R-4” Moderate Density Dwelling District to “C-O” Office-Shop District.

**Next Public Hearing:**

Tuesday, October 17, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall – 226 West 4<sup>th</sup> Street.

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**REGULAR MEETING AGENDA**

The regular meeting was called to order at 6:19 p.m. following the public hearings.

**I. Roll Call of the Membership**

Present: Connell, Hepner, Inghram, Kelling, Lammers, Maness, Martinez, Medd, Quinn, and Reinartz

Excused: Tallman

Absent:

Staff: Flynn, Heyer, Koops, Leabhart, Rusnak, and Wille.

**II. Report of the City Council Activity – as presented**

**III. Secretary’s Report** - September 19, 2017 meeting minutes were approved as presented

**IV. Report of the Comprehensive Plan Committee** - Flynn stated staff had received a first draft of the ordinance and started an initial review and that a meeting with the consultants will be schedule early next month.

**V. Zoning Activity**

**A. Old Business –**

1. **Case No. REZ17-05:** Request of Steven and Merideth Hirsch for the rezoning of 0.65 acre (28,340 sqft), more or less, of real property located at the 5135 Marquette Street (south of West 53rd Street and east of Marquette Street) from R-1 Low Density Dwelling District to R-3 PUD Planned Unit Development to facilitate development of multiple residences; two 2-unit buildings.

A motion by Connell, seconded by Medd, to remove this item from the table was unanimously approved by voice vote.

**Findings:**

- The rezoning is compatible with the Comprehensive Plan RG designation.
- The proposal supports infill development.
- The concept plan and elevations are compatible with the existing residential development.

**Recommendation:**

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-05 to the City Council for approval subject to the following conditions:

1. That the final development plan substantially conform to the proposed renderings and site plan (conformance may allow for reconfiguration of the footprint and layout on the property);
2. That significant deviation from the proposed renderings and site plan will require revision to the concept plan following the rezoning process with public hearing;
3. A dedication to match this sites west property line to the existing property to the north shall be required as per the City Engineer.

A motion by Lammers, seconded by Connell, to accept the findings and forward Case No. REZ17-05 to the City Council for approval was approved on a split vote of 6-yes, 3-no (Kelling, Lammers and Reinartz) with 0-abstention.

2. **Case No. REZ17-08:** Request of Aaron Christopher on behalf of Palmer College of Chiropractic to rezone 38.65 acres, more or less, generally located between Harrison Street and Pershing Avenue and between East 12th and 5th Streets from: "R-4" Moderate Density Dwelling District, "R-6M" High Density Dwelling District, "C-O" Office-Shop District, "C-1" Neighborhood Commercial District, "C-2" General Commercial District, "C-4" Central Business District and "M-1" Light Industrial District to "PID" Planned Institutional District.

**This case remains tabled (no action necessary).**

**B. New Business -**

**VI. Subdivision Activity**

**A. Old Business –**

**B. New Business –**

1. **Case No. SNC17-01:** Request of the City of Davenport (Public Works Department) to change the name of a segment of Forest Grove Drive east of Utica Ridge Road to Forest Grove Court.

Findings:

- The new alignment of Veterans Memorial Parkway and Forest Grove Drive adjacent to Utica Ridge Road requires the name change.
- The name change to Court is the least disruptive change.

Staff recommends the Plan and Zoning Commission forward Case No. SNC17-01 to the City Council for approval.

A motion by Connell, seconded by Hepner, to accept the findings and forward Case No.SNC17-01 to the City Council for approval was approved on a vote of 9-yes, 0-no with 0-abstention.

2. **Case No. SNC17-02:** Request of the City of Davenport (Public Works Department) to change the name of a segment of Veterans Memorial Parkway (old 67th Street) located between the new Veterans Memorial Parkway and Utica Ridge Road back to East 67th Court.

Findings:

- The new alignment of Veterans Memorial Parkway adjacent to Utica Ridge Road requires the name change.
- The name change to East 67<sup>th</sup> Court is the least disruptive change.

Staff recommend the Plan and Zoning Commission forward Case No. SNC17-02 to the City Council for approval.

A motion by Connell, seconded by Hepner, to accept the findings and forward Case No.SNC17-02 to the City Council for approval was approved on a vote of 9-yes, 0-no with 0-abstention.

3. **Case No. ROW17-06:** Request of the City of Davenport for the right-of-way vacation (abandonment) of 10,370 more or less, of public right-of-way south of the west terminus of Dugan Court and north of the west terminus of the right-of-way south of Dugan Court.

Findings:

1. The right of way vacation would not impact adjacent property owners or utility providers since the area is not improved with any public infrastructure.

Staff recommends the City Plan and Zoning Commission forward Case No. ROW17-06 to the City Council with a recommendation for approval without any special conditions.

A motion by Connell, seconded by Hepner, to accept the findings and forward Case No.ROW17-06 to the City Council for approval was approved on a vote of 9-yes, 0-no with 0-abstention.

4. **Case No. F17-18:** Final plat of Landon Prairie, being a replat of part of Lot 2 of Victory Acres, located north of Kimberly Road and west of Marquette Street (1366 West Kimberly Road), containing three (3) lots.

Finding:

- The subdivision conforms to the zoning and land use portion of the comprehensive plan.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. F17-08 to the City Council for approval subject to the following condition(s):

1. That the area shown as 40<sup>th</sup> Street within the boundary of the replat be shown and labeled as being dedicated for public right-of-way purposes.

A motion by Connell, seconded by Hepner, to accept the findings and forward Case No.F17-18 to the City Council for approval was approved on a vote of 9-yes, 0-no with 0-abstention.

**VII. Other Business –**

**VIII. Future Business –** Preview of items for the October 17th public hearing and/or regular meeting (*note-not all items to be heard may be listed*):

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

**X. Adjourn –** the meeting was adjourned at 6:36 p.m.

- *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, October 17, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall 226 West 4<sup>th</sup> Street.**

## **Report of City Council Activity**

September 27, 2017 Meeting –

First Consideration: Ordinance for Case No REZ17-06 request of David A. Parochetti dba David A. Parochetti Revocable Trust to remove conditions of City Ordinance 1999-569 on 0.70 acre located at the northwest corner of West Kimberly Road and Sturdevant Street (1616 West Kimberly Road and 3910 Sturdevant Street). The previous development was to be a Schnucks grocery store. Removal of the conditions would allow development of a quick service restaurant (Taco Bell). [7th Ward]

PROTEST RATE EXCEEDS 20.0% (REQUIRES EIGHT VOTES FOR PASSAGE, THREE-FOURTHS VOTE IF ABSTENTION FOR CONFLICT OF INTEREST)

Resolution approving Case No. FDP17-07 being the request of Legacy Design Group for a PDD final development plan on 1.5 acres, more or less, being Lot 1 and part of Lot 2 of Terrace Ridge Park 8th Addition located west of Utica Ridge Road and north of Crow Creek Road. [6th Ward]

Resolution approving Case No. F16-12 being the final plat of Wisor's Historic Addition, being a replat of Lot 7 of Block 11 of the East Davenport Proper, located East of Mound Street and south of East 12th Street (2111 & 2115 East 12th Street) containing one (1) commercial lot. [5th Ward]

City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn, 888-2286

**Date**  
**10/17/2017**

**Subject:**

Case No. REZ17-08: Request of Aaron Christopher on behalf of Palmer College of Chiropractic to rezone 38.65 acres, more or less, generally located between Harrison Street and Pershing Avenue and between East 12th and 5th Streets from: "R-4" Moderate Density Dwelling District, "R-6M" High Density Dwelling District, "C-O" Office-Shop District, "C-1" Neighborhood Commercial District, "C-2" General Commercial District, "C-4" Central Business District and "M-1" Light Industrial District to "PID" Planned Institutional District. **This case remains tabled (no action necessary).**

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/12/2017 - 3:00 PM

City of Davenport  
Plan and Zoning Commission

Department: Community Planning and Economic Development  
Contact Info: Matt Flynn 888-2286

**Date**  
**10/17/2017**

**Subject:**

Case No. REZ17-09 Request of Michael R. Leep Sr. to rezone 13.465 acres, more or less, of property located at the southeast corner of Eastern Avenue and East 53rd Street from C-1, Neighborhood Commercial District to C-2, General Commercial District [8th Ward].

**Recommendation:**

Staff recommends the Commission accept the findings and forward Case No. REZ17-09 to the City Council for approval, along with the listed conditions.

**Relationship to Goals:**  
Grow Tax Base

**Background:**

Approval of this request would facilitate construction of a multi-brand automobile dealership on this property. See attached staff report for additional information.

**ATTACHMENTS:**

Type	Description
▣ Backup Material	Final Staff Report and Attachments

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/12/2017 - 3:13 PM





## **PLAN AND ZONING COMMISSION**

**Meeting Date:** October 17, 2017  
**Request:** Proposed rezoning of 13.465, more or less, of property at the southeast corner of Eastern Avenue and East 53<sup>rd</sup> Street from C-1 Neighborhood Commercial District to C-2 General Commercial District  
**Case No.:** REZ17-09  
**Applicant:** Michael R. Leep, Sr.  
**Contact:** Matthew G. Flynn, AICP  
Senior Planning Manager  
mflynn@ci.davenport.ia.us  
563-888-2286

### **Recommendation:**

Staff recommends the Commission accept the findings and forward Case No. REZ17-09 to the City Council for approval, along with the listed conditions.

### **Introduction:**

This property is proposed to be developed as a car dealership/showroom including car wash.

### **Background:**

This property was rezoned to C-1 in 1999. C-1 does not allow car dealerships, thus, a rezoning to C-2 has been applied for. Several conditions to this rezoning were also adopted. See attached Ordinance 99-568 for specifics.

Comprehensive Plan: The Property is within the current Urban Service Boundary (USB).

Davenport+2035 designates this property as Commercial Corridor. *Commercial Corridor (CC) – Well-established corridors located along high-volume major streets dominated by retail and office uses that serve the greater community. Development is generally newer and redevelopment is not anticipated within the 20 year planning horizon. Improvements should focus on façade and site improvements, including pedestrian circulation systems and consolidated/updated signage.*

### **Technical Review:**

Being in the urban service area, urban services are readily available to the site. Fire station No. 7 is less than one mile from the property.

53<sup>rd</sup> Street is slated for improvements and widening in FY19-20. This may have some impact on development and operations on this property during construction.

**Public Input:**

Signs have been posted on the property. A public meeting was held on September 26, 2017. Approximately 25 people attended.

36 notices to property owners have been mailed out.

To date two protests have been registered which constitutes 1.4% of the notice area.

**Discussion:**

Staff has suggested to the petitioner a zoning classification of PDD, Planned Development, may assist in addressing site plan concerns for the property. The applicant has indicated that finalizing a site plan will not be possible due to specific needs of multiple car dealerships looking at this property.

Conditions placed on the property in 1999 specifically called for no automobile dealerships on the property. It can be argued that improved operations and lighting technology can mitigate the concerns expressed in 1999. Further, the decision for Smart Toyota to locate immediately west of the property has changed the anticipated character of this stretch of East 53<sup>rd</sup> Street.

Comments expressed at the neighborhood meeting centered on lighting, noise, and the existing tree line along the south property line.

Lighting. The proposed condition stipulates that lighting not exceed 25 feet in height (same as Toyota), be LED Dark Sky fixtures and be shielded from residential property.

Noise. Conditions include prohibition of the use of PA systems requiring the car wash to be set back 125 feet and oriented away from residential.

Existing Tree Line. It can't be determined where the existing trees lie nor their species and health. Therefore, no conditions address the existing trees.

Staff has also discussed traffic access and control as well as stormwater management for the site.

Traffic Access and Control. Analysis of crash data reveals a number of accidents in the vicinity, including a fatal incident in 2013. Staff believes that the westernmost drive on 53<sup>rd</sup> street is too close to the intersection to be a full access. A right-in/right-out is recommended.

Additional turn and decal lanes, as well as a part of the signalization cost at Spring Street should be the responsibility of the property owner.

Stormwater Management.

Effectively managing stormwater is, (as always) a concern. The property drains to both the east and west. Shared detention is being studied for easterly flow stormwater. Flow to the west needs to be limited to not exacerbate the erosion issues that have occurred downstream.XXX

Conclusion: Staff believes through revisions to the existing conditions placed on this property in 1999, the negative impacts can be effectively managed. It can be assumed that a recommendation for approval (if that is the conclusion) will include a number of conditions designed to minimize impacts to the neighborhood to the south.

### **Staff Recommendation:**

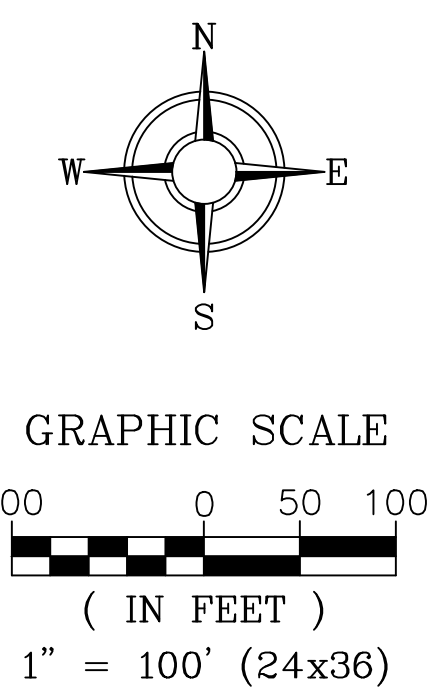
#### Findings:

1. The rezoning is consistent with the Comprehensive Plan Future Land Use, which designates the property as "CC" – Commercial Corridor.
2. The revised conditions will mitigate negative impacts that might be generated through the development of this site as an automobile dealership.

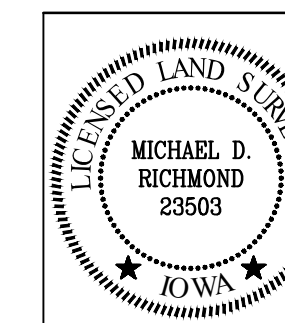
#### Conditions:

1. The conditions adopted by Ordinance 99-568 are rescinded.
2. That development complies with the provisions of Chapter 17.41, entitled "HCOD" Highway Corridor Overlay District.
3. Property owner shall dedicate right-of-way necessary for the widening and intersection improvements for East 53<sup>rd</sup> Street, at no cost to the City.
4. Design of the traffic improvements listed below shall be determined and approved by the City Traffic Engineer, supported by data revealed as part of the developer's funded traffic study.
  - a. A full access curb cut shall be permitted at the Spring Street/East 53<sup>rd</sup> Street intersection.
    - Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at the Spring Street/East 53<sup>rd</sup> Street intersection.
    - Property owner shall pay 25% up to \$40,000 for the cost of signalization at the Spring Street/East 53<sup>rd</sup> Street intersection.
  - b. A right-in/right-out driveway shall be permitted no closer than three hundred (300) feet of the Eastern Avenue/East 53<sup>rd</sup> Street intersection. Acceleration/deceleration lanes shall be constructed at the sole expense of the property owner.
  - c. A full access curb cut shall be permitted at the Eastern Avenue/East 52<sup>nd</sup> Street intersection. Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at this location.
  - d. It is acknowledged that future widening of East 53<sup>rd</sup> Street may warrant reconsideration of the degree of access control to this property.
5. That a fifty (50) foot landscape buffer (Class G, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.
6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.
7. Routine use of PA systems outside of buildings on the property shall not be permitted.
8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.
9. The following uses shall not be closer than three hundred (300) feet from the south property line:
  - a. Automobile and service and oil change facilities not part of an automobile dealership.
  - b. Any use utilizing drive-through window(s)

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



**LEGEND:**  
 DEED DIMENSION = (0.00')  
 FIELD DIMENSION = 0.00'  
 MONUMENTS FOUND:  
 AS NOTED = ●  
 MONUMENTS SET:  
 #5 REBAR W/ YELLOW CAP #23503 = ○  
 BOUNDARY LINE = \_\_\_\_\_  
 ROAD CENTER LINE = \_\_\_\_\_  
 EASEMENT LINE = \_\_\_\_\_  
 SETBACK LINE = \_\_\_\_\_  
 SECTION LINE = \_\_\_\_\_



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

---

MICHAEL D. RICHMOND  
Iowa license Number: 23503  
My license renewal date is December 31, 2017  
Pages or sheets covered by this seal: 1



REZ17-09: SPEER - LEEP Rezoning C-1 to C-2  
SURROUNDING ZONING



0 162.5 325 650 975 1,300 Feet  
1 inch = 733 feet







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

**Property Address\*** Vacant Land - Parcel No.'s N0709-01A and N0709-01B

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

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

Name: Michael R. Leep, Sr.  
Company:  
Address: 5201 N. Grape Road  
City/State/Zip: Mishawaka, IN 46545  
Phone: 574-272-2015  
Email: [mikeleepsr@GurleyLeep.com](mailto:mikeleepsr@GurleyLeep.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: Shella M. Speer Living Trust  
Company:  
Address: 2231 E. 45th Street  
City/State/Zip: Davenport, IA 52807  
Phone: 563-359-3646  
Email: [reclosers1@gmail.com](mailto:reclosers1@gmail.com)

**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: Jason Holdorf  
Company: Missman, Inc.  
Address: 1717 State Street, Ste. 201  
City/State/Zip: Bettendorf, IA 52722  
Phone: 563-340-9885  
Email: [jasonh@missman.com](mailto:jasonh@missman.com)

**Design Review Board**

Certificate of Design Approval ☒  
Demolition Request in the Downtown ☐

**Architect (if applicable)**

Name: Renee Kobayashi  
Company: Forum Architects, LLC  
Address: 122 S. Michigan St., Ste. 200  
City/State/Zip: South Bend, IN 46601  
Phone: 574-233-2119  
Email: [rkobayashi@forumarchitectsllc.com](mailto:rkobayashi@forumarchitectsllc.com)

**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: Thomas J. Pastrnak/Gregory S. Jaeger  
Company: Pastrnak Law Firm, P.C.  
Address: 313 W. 3rd Street  
City/State/Zip: Davenport, IA 52801  
Phone: 563-323-7737  
Email: [tpastrnak@pastrnak.com](mailto:tpastrnak@pastrnak.com)/[gjaeger@pastrnak.com](mailto:gjaeger@pastrnak.com)

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

**Request:**

Existing Zoning: C-1 Neighborhood Shopping District, subject to conditions and use restrictions based on Ordinance #99-568  
Proposed Zoning Map Amendment: C-2 to permit the development of a car dealership with automobile showroom to allow the sale and service (including car wash as part of such service) of new (i.e., Porsche, VW, Audi, Mercedes) and used vehicles  
Total Land Area: 13.435 Acres ☒  
Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No

**Submittal Requirements:**

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:  
Zoning Map Amendment is less than 1 acre - \$400.  
Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.  
Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.  
\$5.00 per sign; more than one sign may be required depending upon the area of the request.

**Formal Procedure:**

- (1) Application:
  - Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
  - The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- (2) Public Notice for the Plan and Zoning Commission public hearing:
  - After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
  - The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
  - Planning staff will send a public hearing notice to surrounding property owners.
- (3) Plan and Zoning Commission's consideration of the request:
  - Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
  - The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.
- (4) City Council's consideration of the request:
  - Planning staff will send a public hearing notice to surrounding property owners.
  - The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: Thomas J. Pastrnak/Gregory S. Jager as atty for Applicant

Date: 9-8-17

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

Received by: \_\_\_\_\_

Planning staff

Date: 

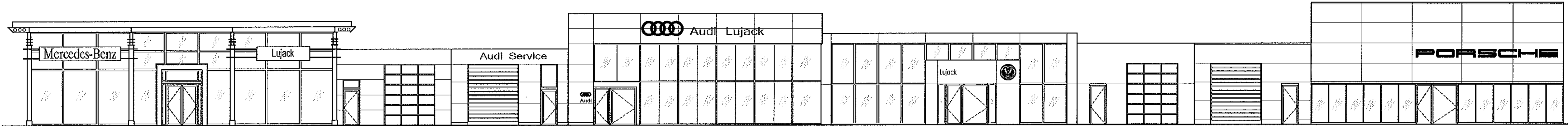
Date of the Public Hearing:

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





CONCEPTUAL SITE PLAN



BUILDING SECTION PROFILE

RECORDED OF DEEDS  
SCOTT COUNTY, IOWA

ORDINANCE for the rezoning of 19.32 acres, more or less, of real property located east of Eastern Avenue and south of 53rd Street from "R-4 PUD" Planned Unit Development and "R-5M PUD" Planned Unit Development and "C-O" Office Shop District to "C-1" Neighborhood Shopping District to allow commercial development. Sheila Speer, petitioner.

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

SECTION 1. The following described unit of Scott County, Iowa real estate is hereby rezoned from "R-4 PUD" and "R-5M PUD" Planned Unit Development and "C-O" Office Shop District to "C-1" Neighborhood Shopping District - Sheila Speer, petitioner. The property has the following legal description:

Part of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M. being more particularly described as follows:

The North One-Half of the Northwest Quarter of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th P.M. excepting therefrom the public rights-of-way for Eastern Avenue and 53rd Street as they currently exist. Tract contains 19.32 acres, more or less.

The rezoning is to allow commercial development. The rezoning is subject to the following special conditions:

1. that development comply with the provisions of Chapters 17.41 and 17.56 of the 1995 Davenport Municipal Code entitled "HCOD" Highway Corridor Overlay District and "Site Plans" respectively;
2. that access to the subject property be located no closer to the intersection of 53rd Street and Eastern Avenue than 300 feet and that all access locations be approved by the City Traffic Engineer;
3. that left turn lanes be developed for the major access locations at the petitioner's sole expense and that these lanes be installed prior to the start of construction for any part of the property and that these lanes be constructed to City specifications;
4. that right turn deceleration lanes also be installed for each access location at the petitioner's sole expense and that these lanes be installed prior to the start of construction for any part of the property and that these lanes be developed to City specifications;
5. that a stormwater management plan for the subject property be at full projected development be submitted to and approved by the Engineering Division of the Public Works Department prior to commencing any grading activity;
6. that the City receive a copy of the petitioner's NPDES General Permit No. 2 prior to commencing any grading activity;
7. that should the City's Traffic Engineer determine that additional traffic improvements will be necessary due to this development, the cost of the improvements shall be the responsibility of the petitioner whose project made them necessary;
8. that the required landscaped buffer along the southern boundary of the subject property, adjoining the Eastern Avenue Partners property, be at least fifty (50) feet in width and include a six-foot

wooden privacy fence when adjoining residential uses to the south;  
and

9. that the uses permitted to be developed or established on the subject property shall be those listed within the C-1 zoning classification, with the exclusion of:

- a. automobile service and oil change operations;
- b. public garage or sales or service operations for automobiles;
- c. automobile wash operations;
- d. movie theaters;
- e. laundromats;
- f. any "adult businesses" as defined in Chapter 17.47; and
- g. storage garages.

In addition, convenience stores and restaurants with drive-up window service shall be permitted only within the area within 300 feet of both Eastern Avenue and East 53rd Street.

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

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

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



First Consideration December 1, 1999

Second Consideration December 15, 1999

Approved December 15, 1999

Phillip C. Yerington  
Phillip C. Yerington  
Mayor

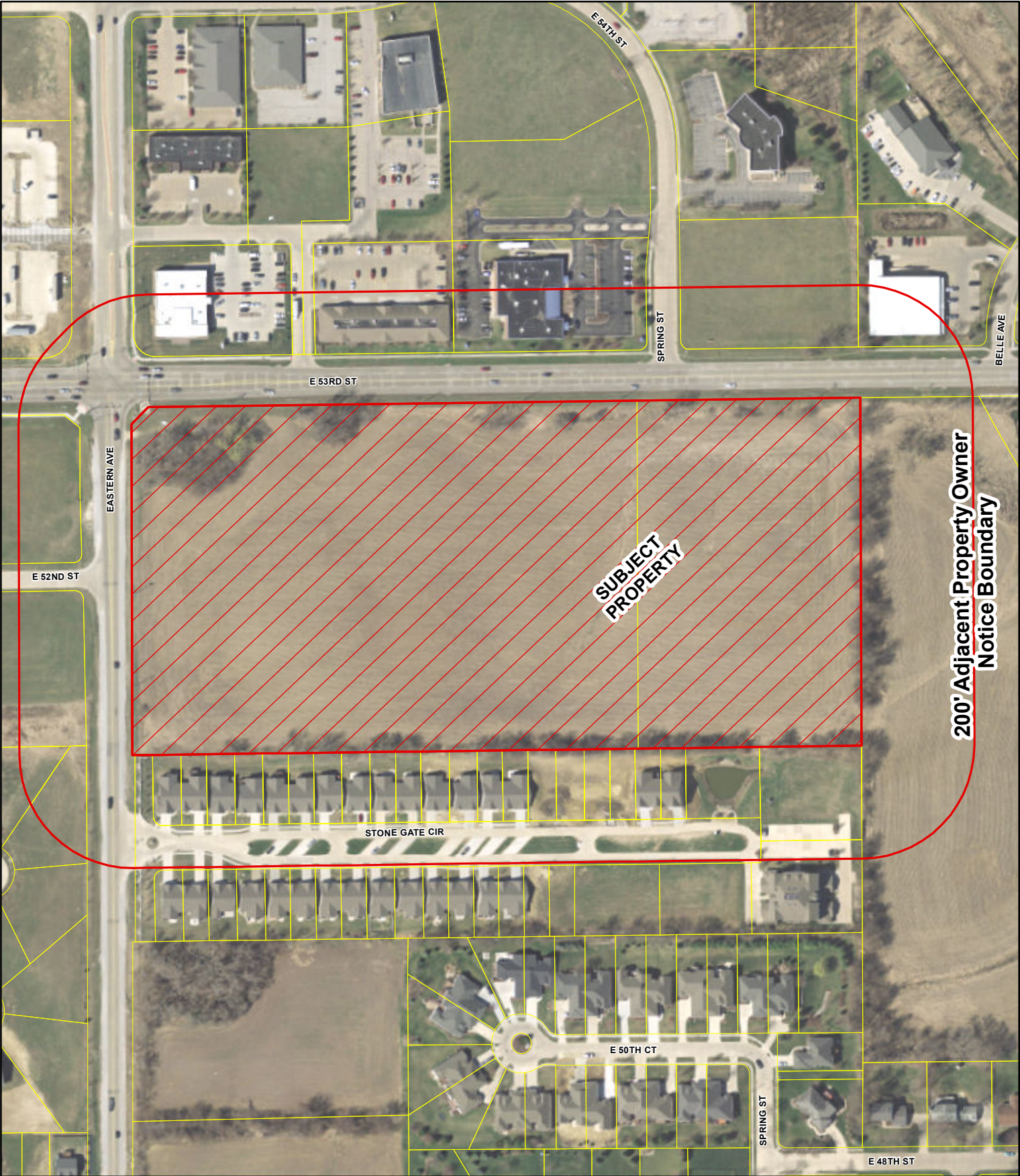
Attest:

Jackie E. Ragsdale  
Jackie E. Ragsdale CMC  
Deputy City Clerk

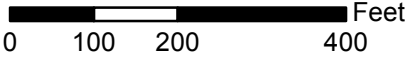
Published in the Quad-City Times on December 28, 1999



**Plan & Zoning Commission: Adjacent Property Owner Notice Area  
Request for a Zoning Map Amendment (Rezoning)**



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





City of Davenport

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226 West Fourth Street • Davenport, Iowa 52801  
Telephone: 563-326-7711 TDD: 563-326-6145  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

**PUBLIC HEARING NOTICE**

September 22, 2017

Dear Property Owner:

The Davenport Plan and Zoning Commission will conduct a public hearing for a proposed rezoning from C-1, Neighborhood Commercial District to C-2, General Commercial District for the property located at the southeast corner of 53<sup>rd</sup> Street and Eastern Avenue. The developer, Michael R. Leep, Sr. proposes to construct an automobile dealership on the property. (see attached map).

The Plan and Zoning Commission public hearing will be held:

**Tuesday, October 3, 2017, 5:00 p.m.**  
**City Council Chambers, City Hall**  
**226 West 4<sup>th</sup> Street**

You are welcome to attend and provide comments. As a property owner within 200 feet of the subject property, you have the opportunity to protest the action. Fill out and return to our office the form at the bottom of the page if you choose to do so.

If you cannot attend this meeting and have questions or concerns, feel free to contact me directly using the contact information below.

Sincerely,

Matthew G. Flynn, AICP  
Senior Planning Manager  
City of Davenport  
[matt.flynn@ci.davenport.ia.us](mailto:matt.flynn@ci.davenport.ia.us)  
563-888-2286

---

I, the undersigned, PROTEST /DO NOT PROTEST (circle one) the proposed rezoning of the southeast corner of E 53<sup>rd</sup> Street and Eastern Ave. by Michael R. Leep, Sr.  
(Case No. REZ17-09)

---

Signature

Date

Address: \_\_\_\_\_

\_\_\_\_\_

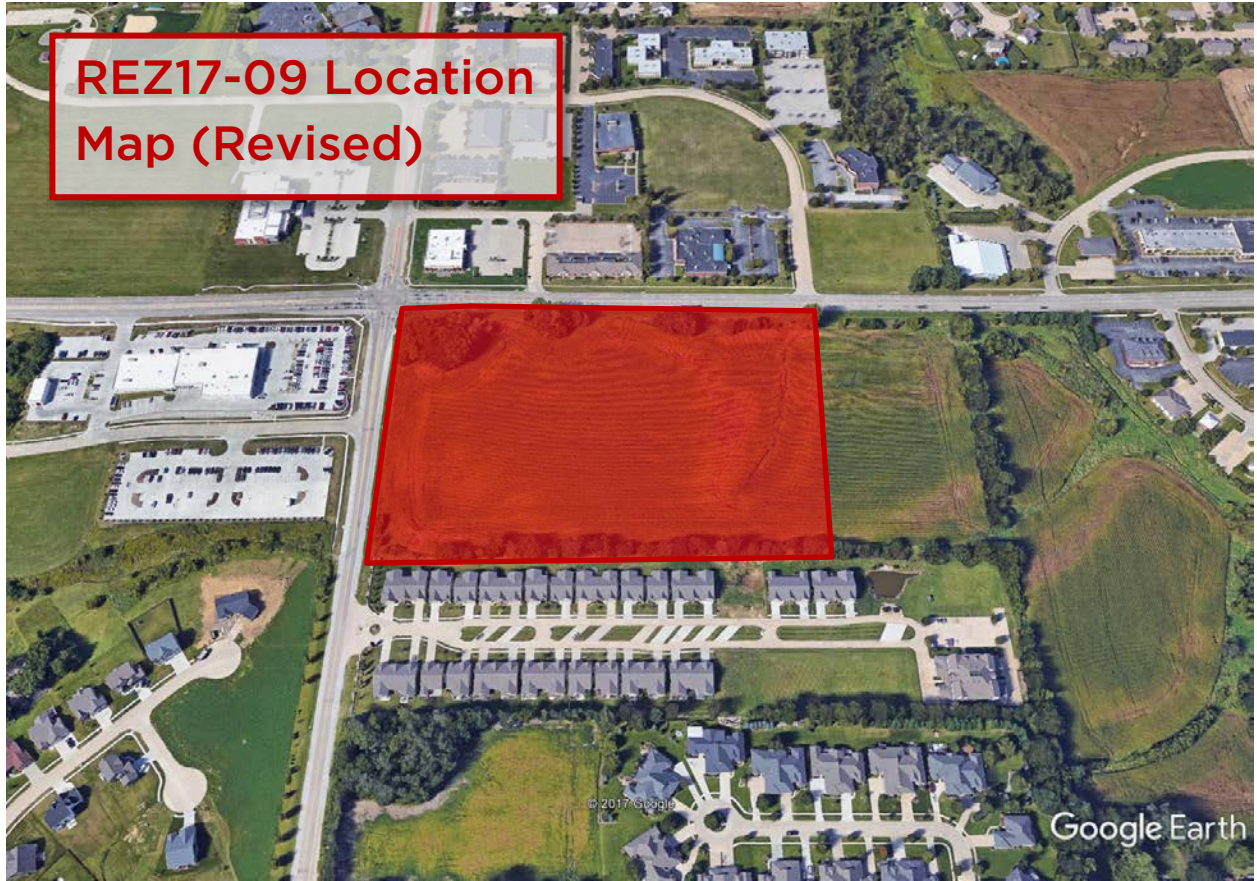
Phone/email: \_\_\_\_\_



*Working Together To Serve You*



**REZ17-09 Location  
Map (Revised)**



**REZ17-09 Future  
Land Use Map  
(Revised)**

**CC**

**RG**

Google Earth

# REZ17-09 Leep Rezoning Protest List

PARCEL NUMBER	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CITY/STATE/ZIP
N0733-04A	6261.65876	0.7%		0.0%	1716 STONE GATE CR	BILLY & CAROLYN HOLCOMB	1716 STONE GATE CR	DAVENPORT 52807
N0733-19A	5670.68267	0.6%		0.0%	1820 STONE GATE CR	ROBERT & DELORES LAMBERT	1820 STONE GATE CR	DAVENPORT 52807
N0733-03A	6284.74688	0.7%		0.0%	1710 STONE GATE CR	1710 STONE GATE CIRCLE SPECIAL PURPOSE TRUST	9380 GULF SHORE DR UNIT 30	NAPELS FL 34108
Y0717-11A	30559.4713	3.4%		0.0%	1702 E 53RD ST	53RD & EASTERN PROPERTIES LLC	1805 STATE ST STE 101	BETTENDORF IA 52722
N0733-17A	5711.32998	0.6%		0.0%	1812 STONE GATE CIR	ANNE E PEACOCK	1812 STONE GATE CIR	DAVENPORT IA 52807
N0733-07A	6229.3879	0.7%	Yes	0.7%	1730 STONE GATE CR	BONNIE L ANDERSON LIVING TRUST	1730 STONE GATE CR	DAVENPORT 52807
Y0717-09A	2224.02651	0.3%		0.0%		C & L PLAZA LLC	2223 KIMBERLY RD	BETTENDORF IA 52722
N0733-15A	6277.63392	0.7%		0.0%	1800 STONE GATE CR	CHARLA A GORDON	1800 STONE GATE CR	DAVENPORT 52807
N0733-08A	6282.50853	0.7%		0.0%	1736 STONE GATE CR	CHARLES N TONEY	1736 STONE GATE CR	DAVENPORT 52807
N0733-13A	5610.83295	0.6%		0.0%	1760 STONE GATE CR	CHESTER & NANCY BRENTISE	1760 STONE GATE CR	DAVENPORT 52807
Y0717-08A	2200.12055	0.2%		0.0%		DAVENPORT HEALTHCARE INVESTORS LLC	3601 MINNESOTA DR	MINNEAPOLIS MN 55435
N0710-05E	154876.521	17.5%		0.0%		ED SPEER CONSTRUCTION INC	C/O KATHLEEN WEYERS	GRIMES IA 50111
Y0717-04B	27088.0613	3.1%		0.0%	1850 E 53RD ST	HAWKEYE REAL ESTATE INVESTMENT	913 22ND AVE	CORALVILLE IA 52241
Y0719-01H	14178.2053	1.6%		0.0%	2160 E 53RD ST	JCO PROPERTIES INC & KRE LLC	16010 CANYON RUN	FORT WAYNE IN 46845
N0733-05A	5638.78203	0.6%		0.0%	1722 STONE GATE CR	JERRY & SANDRA PASKVAN	1722 STONE GATE CR	DAVENPORT 52807
N0733-10A	5611.24849	0.6%		0.0%	1744 STONE GATE CR	JIM & MICHELLE DAVIS	1744 STONE GATE CR	DAVENPORT 52807
N0733-02B	5675.60077	0.6%		0.0%	1704 STONE GATE CR	JOHN & MARY JO YATES	1704 STONE GATE CR	DAVENPORT 52807
P1213-02D	5105.50161	0.6%		0.0%	5020 LEPRECHAUN DR	JOSEPH & CRYSTAL WINSTON	5020 LEPRECHAUN DR	DAVENPORT IA 52807
P1212-01	28256.5092	3.2%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWAKA IN 46546
P1212-10A	31971.1904	3.6%		0.0%		KJSR R/E LLC	5201 NORTH GRAPE RD	MISHAWKA IN 46546
Y0717-07	34626.8194	3.9%		0.0%		KWIK TRIP INC	1626 OAK ST	LACROSSE WI 54602
N0733-18A	5626.85518	0.6%		0.0%	1814 STONE GATE CIR	LIVING TRUST KULCSAR	1814 STONE GATE CIR	DAVENPORT 52807
N0733-11A	6303.75715	0.7%		0.0%	1750 STONE GATE CR	MARILYN STEFFEN & HARRY LONGLEY LIVING TRUST	1750 STONE GATE CR	DAVENPORT 52807
N0733-01B	6225.06101	0.7%	YES	0.7%	1702 STONE GATE CR	KEVIN & MARY RICKETTS	1702 STONE GATE CR	DAVENPORT IA 52807
P1213-01D	12494.9336	1.4%		0.0%	5017 LEPRECHAUN DR	O'BROS LLC	3885 ELMORE AVE	DAVENPORT IA 52807
X1223-01	1182.59557	0.1%		0.0%	5350 EASTERN AV	OGS LLC	5350 EASTERN AVE	DAVENPORT IA 52807
Y0717-03B	37635.3315	4.2%		0.0%	1970 E 53RD ST	RADIOLOGY GROUP REAL ESTATE L	1970 E 53RD ST	DAVENPORT IA 52807
N0733-09A	5694.92817	0.6%		0.0%	1742 STONE GATE CR	RICHARD & ANN LAUSEN	1742 STONE GATE CR	DAVENPORT IA 52807
N0733-14A	5644.67905	0.6%		0.0%	1762 STONE GATE CR	RICHARD & SANDRA ROSS	1762 STONE GATE CR	DAVENPORT 52807
N0733-06A	5674.75894	0.6%		0.0%	1724 STONE GATE CR	RITA WALLJASPER & DOLORES MOORE TRUST	1724 STONE GATE CR	DAVENPORT IA 52807
N0733-20A	5598.19629	0.6%		0.0%	1822 STONE GATE CR	STEVEN & MARY ANN HAMANN	1822 STONE GATE CR	DAVENPORT 52807
N0733-00B	16465.957	1.9%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	2660 E 53RD ST STE 7	DAVENPORT IA 52807
N0733-00A	86698.4084	9.8%		0.0%		STONE GATE EAST ADD HOMEOWNERS ASSOC	PO BOX 1010	MOLINE IL 61266-1010
N0733-16A	6277.70065	0.7%		0.0%	1806 STONE GATE CR	STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-21A	36014.07	4.1%		0.0%		STONE GATE EAST LLC	2660 E 53RD ST STE 6	DAVENPORT IA 52807
N0733-12A	6239.21237	0.7%		0.0%	1756 STONE GATE CR	TRACEY RAASCH	1756 STONE GATE CR	DAVENPORT IA 52807

**PARCELS** 640,117.3 72.3%  
**ROW** 245,828.8 27.7%

Alderman: McGivern

**TOTAL**  
**NOTICE AREA** 885,946.0 100%  
**1.4% PROTEST RATE**

Protests: 2

Properties: 36



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**  
**10/17/2017**

**Subject:**

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District.

**Recommendation:**

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District; and
2. That a six foot high stockade fence be installed enclosing the rear yard of the property.

**Relationship to Goals:**

Strengthen the Existing Built Environment.

**Background:**

Please see attached staff report.

**ATTACHMENTS:**

Type	Description
▣ Backup Material	REZ17-10 - Final Staff Report
▣ Backup Material	REZ17-10 - Application
▣ Backup Material	REZ17-10 - Public Hearing Notice, Map, Notice List, Objection Letter, Neighborhood Meeting Notice
▣ Backup Material	REZ17-10 - Correspondence with Petitioner
▣ Backup Material	REZ17-10 - Zoning Board of Adjustment Hearing Information

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/12/2017 - 3:00 PM



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

**Meeting Date:** October 17, 2017  
**Request:** "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District.  
**Location:** 5210 North Division Street  
**Case No.:** REZ17-10  
**Applicant:** Women in Spiritual Hope Ministries, Inc.

**Recommendation:**

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District; and
2. That a six foot high stockade fence be installed enclosing the rear yard of the property.

**Introduction:**

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District.

**AREA CHARACTERISTICS:**

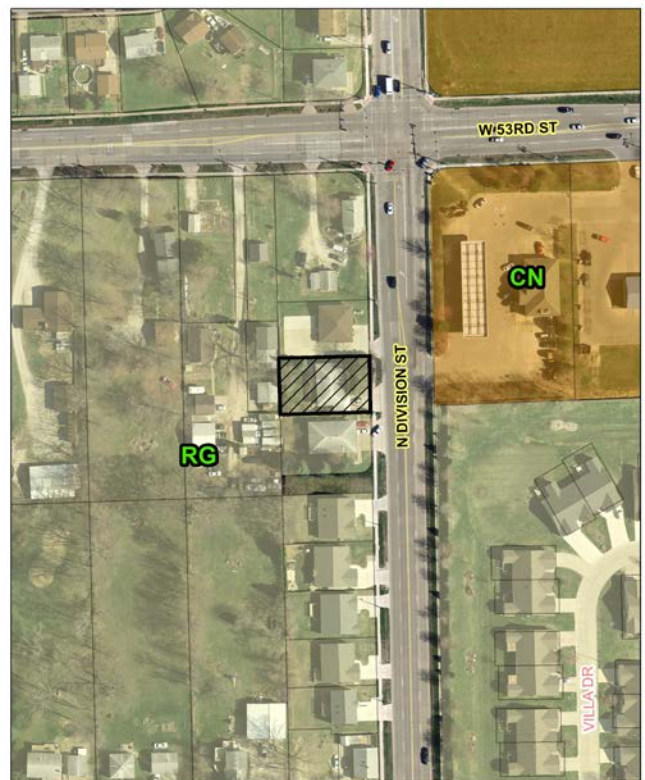
*Zoning Map*



 Subject Property



*Land Use Map*



 Subject Property



**Background:****Comprehensive Plan:**

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

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.

**Technical Review:**

Streets. The property has direct access to North Division Street.

Storm Water. No exterior improvements are proposed. Therefore, there should be no impact on storm water.

Sanitary Sewer. There should be no impact on sanitary sewer.

Other Utilities. There are no other utilities in the area.

Emergency Services. There should be no change in emergency services. The Fire Department indicated that a fire suppression system may be necessary depending on the occupancy.

Parks/Open Space. There is no impact on existing or proposed greenspaces.

**Public Input:**

Public hearing notices were sent to property owners within 200 feet of the request. Staff has received one letter of objection (5130 North Division Street – three houses south of the subject property) . The petitioner held a neighborhood meeting on September 28, 2017. Two surrounding property owners attended. One neighbor appeared to be supportive of the request, but asked that a stockade fence be installed around the property. The other neighbor opposed the request. At the October 3, 2017 Plan and Zoning Commission public hearing two neighbors spoke in opposition of the request.

### **Discussion:**

Case No. REZ17-10: Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District. The petitioner has indicated that the residence will be used as a boardinghouse or rooming house. "Boardinghouse" or "rooming house" is defined as follows:

*Boardinghouse" or rooming house means a building where, for compensation, lodging, or lodging and meals are provided for three but no more than twenty persons, not open to transient guests, in contradistinction to hotels open to transients. Three lodging rooms, accommodating not more than two persons per room, shall be equivalent to one apartment when determining lot area requirements.*

The "C-O" Office-Shop District would allow the proposed use. Other zoning classifications which would allow the proposed use include "R-6M" High Density Dwelling District and "R-5M" Medium Density Dwelling District.

Staff researched the zoning and permit history of the subject property. The Zoning Board of Adjustment granted a Special Use Permit to allow the construction of a two-family dwelling on February 19, 1980. It appears that the house was constructed as such, but was later converted to a single-family residence. Based on the description by the petitioner, it appears that the home is configured as a two-family dwelling (i.e., two kitchens and two separate living areas), but may not meet building code requirements to be designated a two-family dwelling. For example, the building may not contain the required fire material separation. At any rate, the property would be permitted to be converted to a two-family dwelling without any special approvals. If the building were a two-family dwelling, up to five unrelated persons could live in each unit.

The petitioner has stated that the intended use of the property is a "...faith-based transitional boarding home for women coming out of incarceration." Through correspondence, the petitioner indicated that length of stay is expected to be one year, residents will be 18 years of age or older, will include residents from Illinois and Iowa and residences would not be placed there by the courts or a social agency. Therefore, the proposed use would not be considered a correctional placement residence, which would require the "PID" Planned Institutional District.

*Correctional placement residence" means a residential facility occupied by three or more persons who have been convicted of public offenses and who have been released to such facility during any period of probation; work release while serving a sentence in a correctional institution; or assignment to the judicial district department of correctional services after receiving a deferred sentence.*

The Davenport Civil Rights Director has provided the following information regarding the proposed use of the property:

*Though criminal history itself is not a protected class, it is often used as a proxy for race (due to the racial disproportionality in incarceration rates) and so those claims can be filed as race claims because the practice would disproportionately impact minorities. Also, consideration of people's status as current/former alcoholics or past history of drug use would be a viable disability claim. Likewise, consideration of the neighbor's fears of these things would likely violate the Fair Housing Act.*

It is staff's opinion that the request should only be considered based on the compatibility of the proposed zoning classification. The abutting property to the north was rezoned from "R-4" Moderated Density Dwelling District" to "C-O" Office Shop District in 1996 (ORD. 96-414) to allow a dental or professional office. The Plan and Zoning Commission recommended denial of the request. The staff report to the City Council read in part:

*The property is designated for low density residential development in the comprehensive plan. The rezoning would introduce commercial zoning to the area west of Division street, an area which is current solidly development with residential uses. The "C-3" Planned Commercial area it proposed to buffer remains undeveloped, and the proposed use may be too intense for the property.*

Considering the abutting property is zoned "C-O" Office Shop District, it is staff's opinion that a zoning classification more intense than "R-4" Moderate Density Dwelling District would be compatible with the area. However, considering that the property is designated Residential General on the Future Land Use Map, a higher intensity zoning should be limited to a residential zoning classification.

The property would meet required parking for roominghouse or boardinghouse, which is one parking space for each sleeping room, which accommodates not more than two persons. Currently, there are two parking spaces within the attached garage and three parking spaces on the driveway, which would allow up to five rooms to be occupied.

### **Staff Recommendation**

#### **Findings:**

- The abutting property to the north introduced a higher intensity land use to the west side of North Division Street; and
- A higher intensity residential zoning classification would be compatible with the Comprehensive Plan RG designation.

#### **Recommendation:**

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

Prepared by:



Ryan Rusnak, AICP  
Planner III

**REZONING REQUEST NO. \_\_\_\_\_**  
**OFFICE OF PLANNING AND LAND USE**  
**COMMUNITY PLANNING & ECONOMIC DEVELOPMENT**  
**CITY OF DAVENPORT**

**City Hall \* Second floor**  
**Phone: (563) 326-7765**  
**Fax: (563) 328-6714**  
**planning@ci.davenport.ia.us**

**Legal Description:** Lot 2 in the Replat of Part of Lot 44, Green Acres First Annex to the City of Davenport,  
Scott County, Iowa.

**ADDRESS OF PROPERTY:** 5210 Division Street **EXISTING ZONING:** R-4  
**REQUESTED ZONING:** C-O  
**TOTAL AREA:** .18 acres

**PETITIONER:** **Name:** Women in Spiritual Hope Ministries, Inc. (WISH Ministries)  
**Address:** 8 Aspen Drive, Blue Grass, Iowa 52726  
**Phone:** 563-650-2510 **FAX:** \_\_\_\_\_  
**Mobile Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_  
**Interest in land:** \_\_\_\_\_ **title holder** Purchaser **other \*\***  
**\*\* if petitioner is other than title holder, documentation will be required to show control of  
property – accepted offer to purchase, offer, option, etc.**

**TITLE HOLDER:** **Name:** Joan Burche and Maura Burche  
**Address:** 5210 Division Street  
**Phone:** \_\_\_\_\_ **FAX:** \_\_\_\_\_  
**Mobile Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**CONTACT PERSON:** **Name:** Brett R. Marshall  
**Address:** 220 N. Main Street, Suite 220, Davenport, IA 52801  
**Phone:** 563-324-3246 **FAX:** 563-324-1616  
**Mobile Phone:** \_\_\_\_\_ **Email:** bmarshall@l-wlaw.com

**EXPLANATION OF REZONING (for Public Hearing Notice)** WISH Ministries has entered into a purchase  
agreement with the title holder to purchase the property for the purpose of establishing a faith-based transitional boarding  
home for women coming out of incarceration.

**Does the property contain a drainageway or floodplain area:** Yes X **No**

**Signature of Petitioner:** Brett R Marshall **Date:** 9-11-2017

**Rezoning Fee Schedule:**

Land Area	Fee
Less than 1 acre ( $< 1$ acre)	\$400
One acre to less than ten acres ( $\geq$ acre $< 10$ acres)	\$750 plus \$25/acre *
Ten acres or more ( $\geq 10$ acres)	\$1,000 plus \$25/acre*

\* plus \$10.00 per sign; 1 or more signs required depending upon the size of the subject property

Honorable Mayor and City Council  
City Hall  
Davenport, Iowa 52801-1308

Honorable Mayor and City Council:

The undersigned, hereby petitions your honorable body to amend the Zoning Ordinance of 1981 of the City of Davenport, Iowa by changing the zoning classification

from R-4 Moderate Density Dwelling District

to C-O Office Shop District

for the following legally described real property:

Lot 2 in the Replat of Part of Lot 44, Green Acres First Annex to the City of Davenport, Scott County, Iowa  
(common address of 5210 Division Street, Davenport, Iowa 52801)  
(Parcel No. M0135-41)

Respectfully submitted,

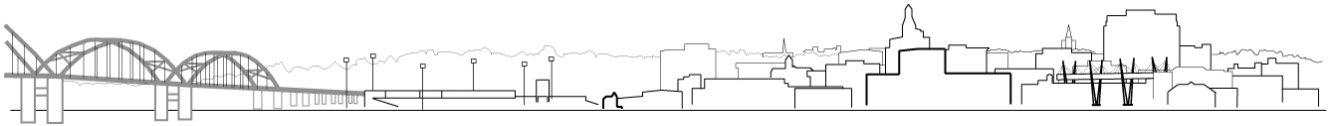
Women in Spiritual Hope Ministries, Inc.



Brett R. Marshall, its Attorney

Date: September 11, 2017

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



**Public Hearing Details:**

Date: 10/3/2017  
Time: 5:00 PM  
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa  
Subject: Public hearing for a rezoning before the Plan and Zoning Commission  
Case #: REZ17-10

To: All property owners within 200 feet of the subject property located at **5210 North Division Street**.

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for the proposed rezoning. The purpose of the rezoning to allow property to be utilized as a faith based boardinghouse or rooming house.

Request Description

**Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District**

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

The 10/3/2017 public hearing is the first step in the review/approval process. The Plan and Zoning will meet on 10/17/2017 to vote (provide its recommendation) on the request. The Commission's recommendation will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

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

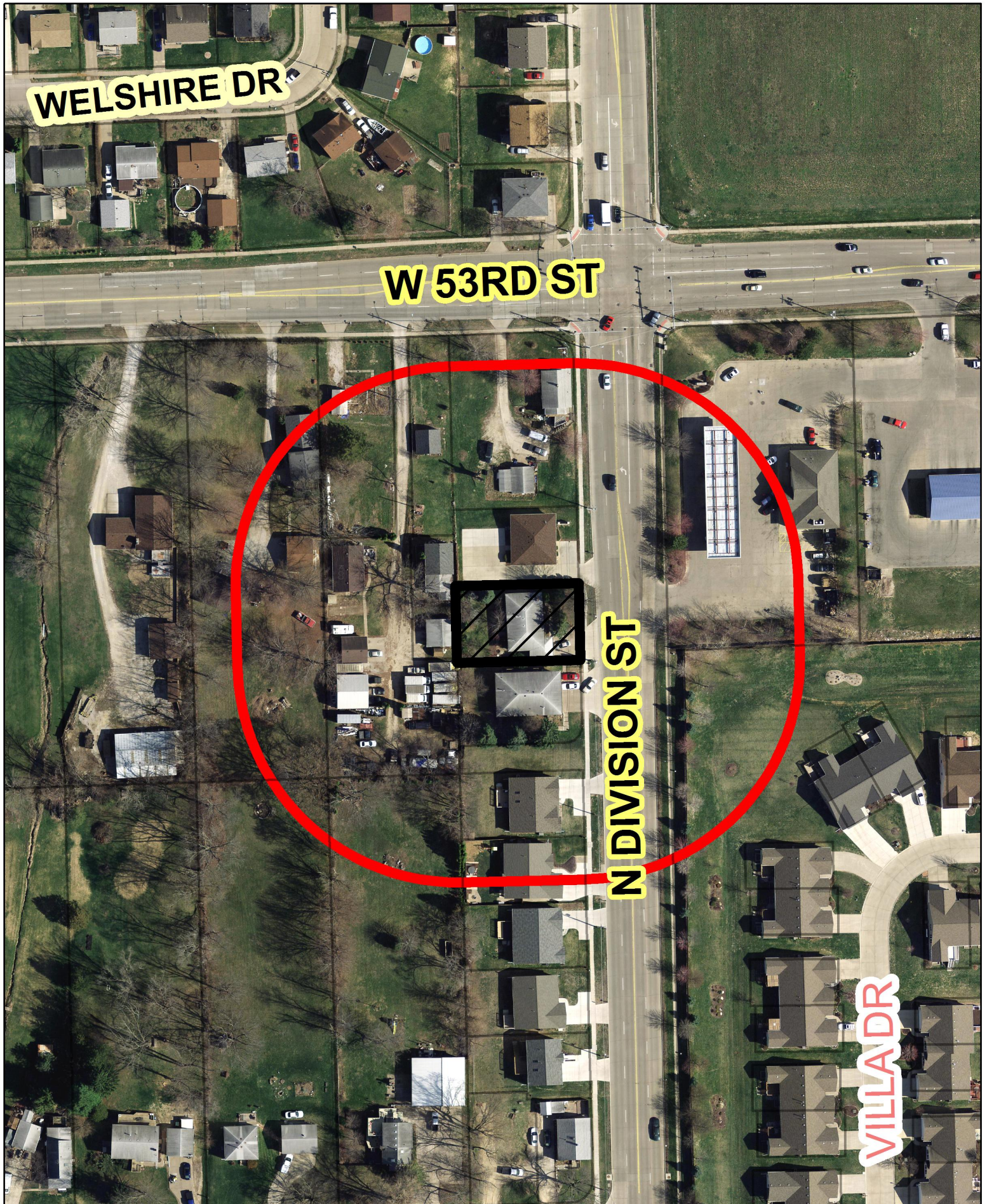
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one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



**Do You Have Any Questions?**

If you have any questions on this request, or if ADA/special accommodations are needed, please contact Ryan Rusnak, AICP, the case planner assigned to this project at [rrusnak@ci.davenport.ia.us](mailto:rrusnak@ci.davenport.ia.us) or 563-888-2022.

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





-  Subject Property
-  200 Foot Notification Radius





FID	Parcel	Property Address	Deed Name	Deed Address	Deed Zip Code
			REDEVELOPMENT SERVICES COMPANY LC		
1	M1035-01B	1703 W 53RD ST	JESSE HAMMES	2711 SYCAMORE TR	BETTENDORF IA 52722
2	M1035-01B	1703 W 53RD ST	CURRENT RESIDENT	1703 W 53RD ST	DAVENPORT IA 52806
			SIDNEY FOLLAND		
3	M1035-02A	1715 W 53RD ST	SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
			REDEVELOPMENT SERVICES COMPANY LC		
4	M1035-03A	1721 W 53RD ST	JESSE HAMMES	2711 SYCAMORE TR	BETTENDORF IA 52722
5	M1035-03A	1721 W 53RD ST	CURRENT RESIDENT	1721 W 53RD ST	DAVENPORT IA 52806
			SIDNEY FOLLAND		
6	M1035-04	1717 W 53RD ST	SHIRLEY FOLLAND	1717 W 53RD ST	DAVENPORT IA 52806
			MITCHELL SCHABILION		
7	M1035-05A	1719 W 53RD ST	SHELLY SCHABILION	14120 275TH ST	LONG GROVE IA 52756-8765
8	M1035-05A	1719 W 53RD ST	CURRENT RESIDENT	1719 W 53RD ST	DAVENPORT IA 52806
			ANDREW SMITH		
9	M1035-05C	5130 N DIVISION ST	CYNTHIA SMITH	5130 N DIVISION ST	DAVENPORT IA 52806-3643
10	M1035-06A	1727 W 53RD ST	BONNIE LEACH	1727 W 53RD ST	DAVENPORT IA 52806
			CORY BENNETT		
11	M1035-06C	5134 N DIVISION ST	KIMBERLY BENNETT	5134 N DIVISION ST	DAVENPORT IA 52806
			FRANK MOSES		
12	M1035-23	1734 W 51ST ST	SHELI MOSES	1734 W 51ST ST	DAVENPORT IA 52806
			LORAS HAKANSON		
13	M1035-24	1720 W 51ST ST	JENNIFER HAKANSON	6012 UTICA RIDGE RD	DAVENPORT IA 52807
14	M1035-24	1720 W 51ST ST	CURRENT RESIDENT	1720 W 51ST ST	DAVENPORT IA 52806
			STEVEN GRANT HARTMAN		
15	M1035-40	1710 W 52ND ST	JUDITH HAZEL HARTMAN	1710 W 52ND ST	DAVENPORT IA 52806
			IOAN BURCHE		
16	M1035-41	5210 N DIVISION ST	MAURA BURCHE	5210 N DIVISION ST	DAVENPORT IA 52806
17	M1035-42	5214 N DIVISION ST	BEN FROESCHLE LLC	5214 N DIVISION ST	DAVENPORT IA 52806
18	M1037-01	1691 W 53RD ST	CASEY'S MARKETING COMPANY	P O BOX 3001	ANKENY IA 50021
19	KERRY TOMPKINS	8TH WARD			
20	JASON GORDON	AT LARGE			
21	KYLE GRIPP	AT LARGE			
22	ROBERT INGRAM	P&Z CHAIRPERSON			

## Rusnak, Ryan

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**From:** andy . <ymeyus@hotmail.com>  
**Sent:** Monday, October 02, 2017 10:00 PM  
**To:** Planning Division – CPED  
**Subject:** Comments for CASE # REZ17-10

I would like to comment at this meeting. Here is a basic plan to comment and could or might change in variance to the content.

I am a homeowner at 5130 N Division St and I would like to comment on my disagreement on the rezoning of this property. The property I bought is of a newer plan and it is residential and rezoning the property at 5210 will bring unwanted person in this area. A boarding house or rooming house invite drug users, criminals, and more then likely troubles from previous relationships. I have 4 year old granddaughter that we have custody of and she rides and walks up past this house and this will not allow her the freedom to do this without worrying about what kind of place this is. Religious or not it is a cover for bad people unneeded in an area that is growing and residential. What guarantees can they give us homer owners that not such person or persons will be dwelling here. This side of the street is NOT an Office-Shop district. The house in question is NOT an Office-Shop district either. This certainly is not a place for homeless people and surely should not be allowed to become one.

Sincerely,

Andrew L Smith  
Owner of 5130 N Division St Davenport Ia 52806

Sent from [Mail](#) for Windows 10



**Women In Spiritual Hope...417 E. 12<sup>th</sup> Street...Davenport, IA 52803**

Redevelopment Services Company LC  
Jesse Hammes  
2711 Sycamore TR  
Bettendorf, IA 52722

Re: Rezoning of 5210 N. Division Street

Dear Neighbors:

Women in Spiritual Hope (WISH) Ministries, Inc. has entered into an agreement with the property owner to purchase the property located at 5210 N. Division Street, Davenport, Iowa 52801. We plan to use the property as a faith-based transitional boarding home for women coming out of incarceration. We have filed applications with the City of Davenport to rezone the property from R-4 to C-O zoning. As property owner within 200 feet of the property and under the requirements of the City of Davenport, you are notified of a neighborhood information and comment meeting to be held as follows:

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
September 28, 2017	6:30 p.m.	Davenport Public Library Fairmount Branch, Brooke Room 3000 N. Fairmount Street Davenport, IA 52804

The purpose of this meeting is for the property owner and neighboring residents to share ideas, offer suggestions and air concerns in advance of the formal public hearing on the proposed rezoning. We look forward to your attendance.

Very truly yours,

WISH Ministries, Inc.

## Rusnak, Ryan

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**From:** Marshall, Brett <BMarshall@L-WLAW.com>  
**Sent:** Thursday, September 21, 2017 12:38 PM  
**To:** Rusnak, Ryan  
**Subject:** RE: 5210 N Division Street

Ryan,

Here are the answers:

What is the length of stay for the residents?

Expected to be a 1 year program.

What are the ages of the residents?

18 and above.

Is any type of care, treatment, assistance, rehabilitation, or staff supervision being provided?

There will be a house mother supervising at all times. In addition to the WISH program, residents will also participate in community programs that have already been established.

Where do the residents come from, are they placed by the courts or a social agency?

Iowa and Illinois. They will not be placed by the courts or a social agency. Participation in the program is voluntary.

Brett

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**From:** Rusnak, Ryan [<mailto:rrusnak@ci.davenport.ia.us>]  
**Sent:** Wednesday, September 20, 2017 2:03 PM  
**To:** Marshall, Brett <[BMarshall@L-WLAW.com](mailto:BMarshall@L-WLAW.com)>  
**Subject:** FW: 5210 N Division Street

Brett,

Can you shed light on these questions?

Ryan Rusnak, AICP  
Planner III  
City of Davenport  
Community Planning and  
Economic Development Department  
226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801  
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

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**From:** Hayman, Michael  
**Sent:** Wednesday, September 20, 2017 2:02 PM  
**To:** Rusnak, Ryan  
**Cc:** McGee, Mike  
**Subject:** RE: 5210 N Division Street

Ryan,  
Could I get more info on this “boarding” house? I agree with McGee’s comments if in fact it is a true boarding house.  
What is the length of stay for the residents?  
What are the ages of the residents?  
Is any type of care, treatment, assistance, rehabilitation, or staff supervision being provided?  
Where do the residents come from, are they placed by the courts or a social agency?  
Thanks,  
Mike

Mike Hayman  
Fire Marshal  
Davenport Fire Department  
331 Scott St.  
Davenport, Iowa 52801  
563-326-7910  
[f513@ci.davenport.ia.us](mailto:f513@ci.davenport.ia.us)

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**From:** Rusnak, Ryan  
**Sent:** Thursday, September 14, 2017 4:58 PM  
**To:** Berger, Bruce; Carlson, Dawn; Cox, David; Driskill, Amy; DuBois Julie; Fisher, William (Billy); Flynn, Matt; Gleason, Nicole; Glessner, Antonio ; Hayman, Michael; Heyer, Brian; Hock, Scott; Hocker, Ron; Jacobsen, Henry; Johnson, Christopher T.; Johnson, Joy ; Jones, Todd; Kay, Amy; Koops, Scott E.; Kull, David; Lacey, Latrice; Leabhart, Tom; Longlett, Eric; Maloney, Mike; McGee, Mike; Miers, Dan; Miller, Nate; Morris, Kathy; Peterson, Zach; Ralfs, Jacob; Rusnak, Ryan; Schadt, Brian; Scheible, Kurt; Schnauber, Eric; Sim, Nicholas; Statz, Gary; Tate, Art; Wahlheim, Derek; Wille, Wayne  
**Subject:** 5210 N Division Street

Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from “R-4” Moderate Density Dwelling District to “C-O” Office-Shop District.

Convert single-family house to a boardinghouse (2 people per room). Not proposing any physical improvements to the house.

Please provide review comments, if any, by Wednesday September 27, 2017.

Ryan Rusnak, AICP

Planner III  
City of Davenport  
Community Planning and  
Economic Development Department  
226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801  
(563) 888-2022

E Plan is now live. Click [here](#) for more information.



Click for [more](#) information about the Zoning Ordinance Rewrite. **Spread the Word.**

TO BE PUBLISHED IN ONE ISSUE (February 9, 1980)

ZONING BOARD OF ADJUSTMENT  
PUBLIC HEARING NOTICE  
DAVENPORT, IOWA

A public hearing will be held on February 19, 1980 at 4:00 p.m. at the Davenport Art Gallery, 1737 West 12th Street, Davenport, to hear the following appeals:

Robert and Carolyn Speece, 324 S. Fairmont St. to renew their Home Occupation Permit to operate a Handcraft Shop in their home. The subject property is zoned "R-3D" Single and Two Family District.

Mr. & Mrs. George Hassler, 3810 Fair Ave., to renew their Home Occupation Permit to give swimming lessons at their home. The subject property is zoned "R-3D" Single and Two Family District.

Mr. & Mrs. Clarence Lemmon, 562 31st Ave., Moline, IL., requesting to permit the establishment of the two family use at 717 Grand Court. The subject property is zoned "R-4D" Single and Two Family District.

Petition of Swab Advertising System, Inc., to allow Poster Panel Advertising Display to encroach into the required front yard a distance 23 feet at 1202 E. 53rd St. The subject property is zoned "M-1" Light Industrial District.

Petition of John Burche, 1804 W. 49th St., to permit the establishment of the two family use on lots 1, 2, and 3 of the replat of Part of Lot 44, Green Acres 1st Annex. The subject properties are zoned "R-4D" Single and Two Family District.

CLIFFORD BOURDEAU  
DIRECTOR OF BLDG. INSP.  
CITY HALL (326-7744)

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PLEASE TYPE ABBREVIATIONS AS SHOWN ABOVE.

Send Notice of Public To:

Building Inspections Department  
City Hall  
226 West Fourth Street  
Davenport, Iowa 52801



ZONING BOARD OF ADJUSTMENT  
STAFF RECOMMENDATIONS  
AND ANALYSIS

REQUEST: Request of John Burche 1804 W. 49th Street to permit the establishment of two family uses on Lots 1, 2, & 3 of the Replat of part of Lot 44 of Green Acres 1st Annex.

BACKGROUND: The subject property is zoned "R-4D" as is all of the abutting property. Mr. Burche took out a building permit on 8/29/78 to construct a single family home on Lot 3 of the above named subdivision. The house was constructed with two kitchens 2 bathrooms and entrances. The unit was not constructed as indicated in the plans as these facilities were to have access (a door) between them. During construction the door was omitted which made the unit into a duplex which is not permitted on the lot because it was not designated as such on the final subdivision plat. Mr. Burche then appealed to the Zoning Board of Adjustment to allow duplexes on all the lots in the subdivision. The case was held on December 4, 1978 and the petition denied in February of 1979. Mr. Burche then petitioned the Plan Commission and City Council to change the

HARDSHIP VARIANCE REQUIREMENTS: SECTION 414.12 OF THE CODE OF IOWA AND SECTION 42-120(4) (see attached sheet) OF THE DAVENPORT CITY CODE PROVIDE THAT THE BOARD OF ADJUSTMENT MAY GRANT A VARIANCE TO THE TERMS OF THE CITY'S ZONING ORDINANCE WHERE OWING TO SPECIAL CONDITIONS, A LITERAL ENFORCEMENT OF THE PROVISION OF THE ORDINANCE WOULD RESULT IN UNNECESSARY HARDSHIP. SUCH VARIANCES MUST NOT BE CONTRARY TO THE PUBLIC INTEREST OR TO THE SPIRIT OF THE ORDINANCE.

FINDINGS:

PROVISION 1. THE PROPERTY IN QUESTION CANNOT YIELD A REASONABLE RETURN IF PERMITTED TO BE USED ONLY UNDER THE CONDITIONS ALLOWED BY THE REGULATIONS IN THE ZONE. The subject property can support single family use economically. There are several ongoing developments on Division Street with single family frontage on Division. There are no special or extraordinary development expenses, which were not the developer's choice, which affect the property. It is economically feasible to develop the three lots for single family purposes. In fact, Mr. Burche stated his intention was to build single family structures.

PROVISION 2. THE PLIGHT OF THE OWNER IS DUE TO UNIQUE CIRCUMSTANCES, WHICH CIRCUMSTANCES DO NOT APPLY TO OTHER ADJOINING OR NEARBY PROPERTY. The only unique circumstances involve the petitioner's desire to circumvent the development ordinances of the City of Davenport. The property is essentially the same as numerous other frontages on Division St, which are developing and have developed as single family in recent years. The lots have no unusual topographical or physical features which make them unsuitable for single family development.

PROVISION 3. THE VARIATION, IF GRANTED, WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY. The immediate area surrounding the subject property is single family. The introduction of an increase in density and renters rather than owner occupants could have a destabilizing effect on the area. To allow duplexes to be established here would effectively double the density on the property which would significantly alter the character of the locality.

PROVISION 4. THE VARIATION WILL NOT IMPAIR THE ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY OWNERS. The variation will not significantly impact an adequate supply of light and air.



PROVISION 5. THE VARIATION WILL NOT UNREASONABLY INCREASE CONGESTION IN PUBLIC STREETS. The properties front on Division Street. By doubling density, the number of accesses to Division Street would be increased thereby causing additional conflicts with traffic. The prime example of why this should not happen are located on Division Street to the north of 53rd Street. As traffic volumes increase, this will become an increasing dangerous situation. Such situations contributed to the change in the Ordinance.

PROVISION 6. THE VARIATION WILL NOT INCREASE THE DANGER OF FIRE OR ENDANGER THE PUBLIC SAFETY. The development will not increase the danger of fire, but could affect the public safety as discussed in point 5, above.

PROVISION 7. THE VARIATION WILL NOT UNREASONABLY DIMINISH OR IMPAIR ESTABLISHED PROPERTY VALUES WITHIN THE SURROUNDING AREA. It is difficult to say how the development might affect property values. It would probably not be significant unless it destabilized the neighborhood as discussed in Point 5.

PROVISION 8. THE VARIATION WILL NOT IN ANY OTHER RESPECT IMPAIR THE PUBLIC HEALTH, COMFORT, MORALS, OR WELFARE OF THE INHABITANTS OF THE CITY. The aspect would not be further compromised than already discussed except that the process which has been followed by Mr. Burche is of questionable moral value to the community. If you can get what you want by openly misleading public officials the example set certainly is in conflict with the conscience of a civilization founded on laws and trust.

DISCUSSION: The petition fails to qualify as a hardship on points 1, 2, 3, and 5. There is no hardship which was not created by the petitioner.

RECOMMENDATION: The Staff recommends that the petition be denied.

BACKGROUND: (continued) Zoning Ordinance to permit him to build duplexes on the three lots. The Plan Commission reviewed the request and found that such a change would have a substantial change in development densities and development patterns city-wide which would not be acceptable. The City Council denied Mr. Burch's request on 11/3/79. Recently Mr. Burche appealed the Zoning Board's decision to District Court, indicating that the decision was made by applying the provision of the ordinance as they relate to duplexes rather than hardship criteria. The case is being returned to the Board so that a determination of hardship can be made.

The subject property is in an area which was platted in the county prior to the availability of sewers. The development contains large lots some of which have been split into multiple lots since the extension of sewer. The subject property was one of these instances. The Zoning ordinance allows the platting of 20% of all lots in an "R-4D" and "R-3D" zone, subject to some limitations, as two family lots to be designated as two family lots. This subdivision was too small to allow the designation of any such lots.

Mr. Burche has since constructed buildings on Lots 2 and 3 and is appealing on the basis of hardship to allow him to occupy these buildings as duplexes plus construct an additional duplex on Lot 1. A review of the file indicates his first structure was to be a house for his family. There is no explanation as to why the second duplex was built in violation of the zoning ordinance.



Kurt

ZONING BOARD OF ADJUSTMENT  
MINUTES  
February 19, 1980

The meeting was called to order at 4:00 p.m. by Al Zimmerman, Chairman of the Board. Other members present were Louis Soenke, Joe Tomlinson, Ira Kiser and Ed Waite. Staff members present were Kurt Stevens, Cliff Bourdeau and Scott Hartsook. Public hearings were held on the following matters:

Robert and Carolyn Speece, 324 S. Fairmont Street, requested permission to renew their Home Occupation Permit to operate a Handcraft Shop in their home. The subject property is zoned "R-3D" Single and Two Family Dwelling district.

The Staff report stated that all of the provisions of the ordinance have been complied with during the past year and no problems are anticipated in the future, therefore, the City Staff recommended approval of the renewal of the permit for one year.

Approximately five neighbors were present objecting to the renewal. Among these neighbors were Mrs. H. Wood Miller, Elmer Enheilder of 426 S. Fairmont, and Dennis Clark of 416 S. Fairmont Street. They stated that they did not want any commercial business in the area since it is an old historic neighborhood. They also didn't want the traffic and the noise.

Based upon the findings contained in the staff report, Mr. Kiser made a motion which was seconded by Mr. Tomlinson to approve the renewal of the permit for one year. The motion carried unanimously.

Mr. and Mrs. George Hassler, 3810 Fair Avenue, requested renewal of their Home Occupation permit to give swimming lessons at their home. The subject property is zoned "R-3D" Single and Two Family Dwelling District.

The staff report stated that all of the provisions of the ordinance have been complied with during the past year and no problems are anticipated in the future, therefore, the City Staff recommended approval of the renewal of the permit for one year.

No one being present objecting to the granting of the renewal of the permit, a motion was made by Mr. Soenke which was seconded by Mr. Kiser to approve the renewal of the permit for one year. The motion carried unanimously.

Mr. & Mrs. Clarence Lemmon, 362 31st Avenue, Moline, Illinois requested permission to permit the establishment of the two family use at 717 Grant Court as provided in Section 42-120(2)(h) of the Davenport City Code.



Zoning Board of Adjustment  
Minutes  
February 19, 1980

The Building Department reported that 46 notices were sent out to property owners within the area and two objections were received. The City Staff reported that the request be approved with the condition that the majority of the green open space on the buildable portion of the lot be maintained and that a total of four parking spaces be provided for the two family use.

Dave Lemmon, son of Mr. & Mrs. Lemmon was present to answer any questions of the board. He stated that his parents want to move here from Texas but cannot afford to live here alone. They would convert the home to a two family dwelling for approximately two years, then convert it back. He also stated that two additional parking spaces would be provided.

No one being present objecting to the granting of the special use permit, a motion was made by Mr. Tomlinson and seconded by Mr. Kiser to approve the permit subject to the conditions that the Lemmons must meet all of the building codes, provide adequate greenspace, provide two additional parking spaces, and provide fire exits.

Schwab Advertising System, Inc. requested a permit to allow Poster Panel Advertising Display to encroach into the required front yard a distance of 23 feet at 1202 East 53rd Street. The subject property is zoned "M-1" Light Industrial District.

The Building Department reported that nine notices were sent out to surrounding property owners and four objections were received. The City Staff report recommended that the petition be denied since no hardship exists.

Richard Schwab of Schwab advertising was present to answer any questions of the board. He stated that the 12' x 25' sign already exists and that he made a mistake in placing the sign in the wrong place because there weren't any other buildings in the area and they are located in a valley which creates a hardship to them since the sign cannot be clearly viewed from the street.

Dave Williams, owner of an abutting lot in Phoenix Center, was present objecting to the granting of the variance. He stated that he was involved in the resale of the Phoenix Center lots and that the size and placement of the sign would hurt the property values of the lots. Mr. Williams is the owner of a lot which adjoins the sign by approximately 10 feet.

Based on the facts contained in the staff report, Mr. Kiser made a motion which was seconded by Mr. Soenke to deny the appeal. Mr. Zimmerman being the only board member voting in favor of the appeal, the petition was denied.



Zoning Board of Adjustment  
Minutes  
February 19, 1980

John Burche, 1804 West 49th Street requested permission to permit the establishment of the two family use on lots 1, 2, and 3 of the replat of part of Lot 44, Green Acres 1st Annex. The property is zoned "R-4D" Single and Two Family dwelling district.

The Building Department reported that 16 notices were sent to surrounding property owners and that three objections were received. The City Staff reported that the petition fails to qualify as a hardship and should therefore be denied.

Attorney Ned Wehr was present to represent Mr. & Mrs. John Burche who were also present at the public hearing. Attorney Wehr stated that the duplex was originally being built to provide living quarters for his daughter who decided to go to college instead of living in the duplex. There are atleast 20 duplexes in the area and Mr. Burche bought the lots for business purposes. The lots are located near 53rd and Division Streets and both of these streets are being widened in the future. This would take care of any extra traffic the duplexes would create and they shouldn't cause any land value problems. He stated that the ordinance creates a hardship on Mr. & Mrs. Burche since it states that only 20% of the total number of lots in a subdivision can be duplexes. A hardship is created simply because Mr. Burche cannot provide for the 20% rule because of the size of his lots.

Mr. Burche stated that if the lots were just down the street further, he would be able to provide for the 20% rule since the houses are closer together.

Mr. Zimmerman stated that the ordinance seems to create a hardship on the Burche family and for this reason he feels that the variance should be granted.

No objectors being present at the public hearing, a motion was made by Mr. Waite which was seconded by Mr. Kiser to grant permission to build duplexes on lots 2 and 3, and a single family dwelling on lot one. Mr. Tomlinson being the only board member voting against the granting of the variance, the petition was approved.

*Clifford Bourdeau, Sec.*

City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn, 888-2286

**Date**  
**10/17/2017**

**Subject:**

Preview of items for the October 31st public hearing and/or regular meeting (note-not all items to be heard may be listed):

Case No. CP17-01: Request of the City of Davenport – CPED to adopt the Scott County Multi-Jurisdictional Hazard Mitigation Plan and add it as an element to Davenport 2025: Comprehensive Plan for the City. No background available.

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/12/2017 - 2:54 PM

City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn, 888-2286

**Date**  
**10/17/2017**

Subject:

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

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/11/2017 - 10:46 AM



City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn, 888-2286

**Date**  
**10/17/2017**

Subject:  
For Your Information only: 2017 Third Quarter Development Report

ATTACHMENTS:

Type	Description
Backup Material	2017 3rd-Quarter Development Report

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/12/2017 - 10:27 AM



**Community Planning & Economic Development (CPED)**  
**Community Planning — 2017 3rd Quarter Development Report**

Building GREAT Neighborhoods

Growing GREAT Jobs

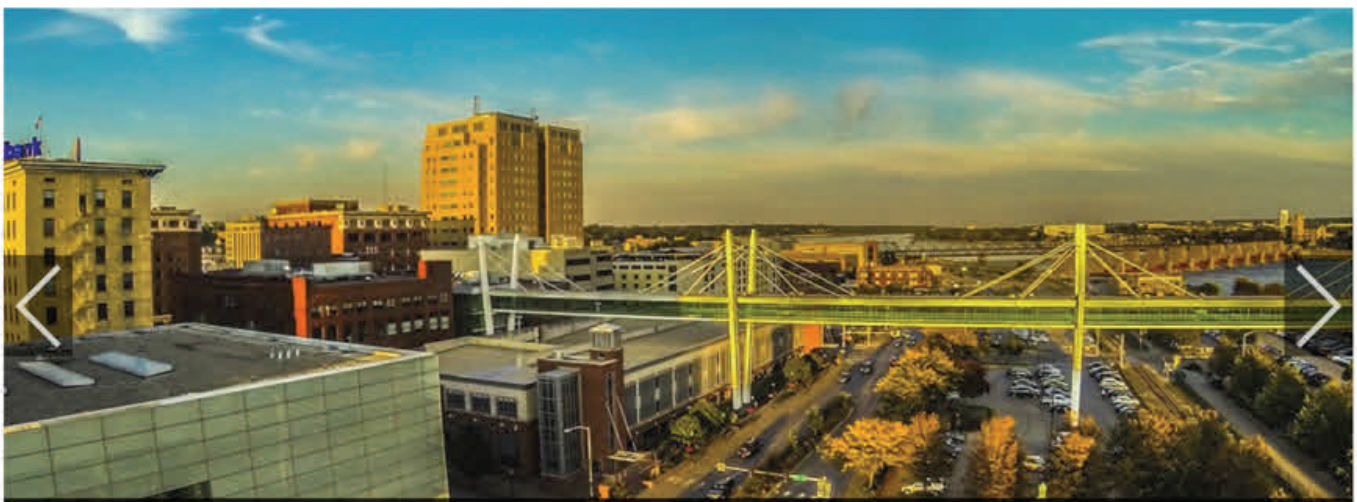
Envisioning a GREAT Future

**GREAT City** | **GREAT Life**

The Development Report is an annual publication that presents a summary of the zoning and development related activities in the City of Davenport. The quarterly reports are an attempt to provide more timely and detailed development information. As such analysis of the details is not preformed as in the annual report. Note: The City assumes no liability from the use of the information provided herein.

The Community Planning Division is staff to several review boards and commissions. These include the Plan and Zoning Commission, the Zoning Board of Adjustment, the Historic Preservation Commission and the Design Review Board.

Community Planning Division staff consists of a Senior Manager, a Planner III and two Planner II positions. Staff certifications include AICP and CFM.



# Monthly Totals

**Community Planning Division**  
**Quarterly Activity Report**  
**2017 - July thru September**

<b>PLAN &amp; ZONING COMMISSION</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Qrtly</b>
Rezoning Petitions	0	2	0	2
Final Subdivision Plats	0	0	1	1
Preliminary Subdivision Plats	0	0	0	0
Street Vacations & Name Change	1	0	3	4
Final Development Plans	0	0	2	2
Flood Plain Variances	0	0	0	0
Ordinance Text Amendments	0	0	0	0
Comp Plan / Econ Dev Reviews (includes SSMID & EDA)	0	0	0	0
Item Totals	1	2	6	9

Design Review Board	3	4	4	11
Site Plan Review				

<b>ZONING BOARD OF ADJUSTMENT</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Qrtly</b>
Hardship Variances	0	1	1	2
Special Use Permits	0	0	0	0
Home Occupation Permits	0	0	1	1
Special Exceptions	0	0	0	0
Appeals of Admin Decisions	0	0	0	0
Item Totals	0	1	2	3

<b>HISTORIC PRESERVATION</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Qrtly</b>
Landmark Designations	0	0	2	2
Certificates of Appropriateness	1	1	2	4
Demolition Reviews	12	0	0	12
Environmental Reviews (Section 106)				
Item Totals	13	1	4	18

<b>MISCELLANEOUS</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Qrtly</b>
Flood Plain Inquiries	5	4	5	14
Flood Plain Development Permits	2	2	5	9
Item Totals				

# **3rd QUARTER NARRATIVE**

## **Plan & Zoning Commission**

### *Rezoning activity –*

Three (3) rezoning petitions were submitted for review during the third quarter of 2017. Two were withdrawn and the third is table before the Plan and Zoning Commission.

Case #	Petitioner	Location	Acres	Zoning	Council Action	Census Tract	Ward/ Precinct
REZ17-06	David A Parochetti Revocable Trust	1616 W Kimberly & 3910 Sturdevant St	0.7	Remove conditions	Withdrawn	127.02	71
REZ17-07	TWG Development Inc	902 W 4th St	1.9	M-1 to C-4	Withdrawn	109	33
REZ17-08	Studio 483 obo Palmer College of Chiropractic	Btw Harrison & Pershing Streets and btw 5th & 12th Streets	38.65	R-4,R-6M,C-O,C-1, C-2, C-4 & M-1 to PID	Tabled	106 & 114	33 & 34

### *Final Development Plan activity –*

Three (3) final development plans was submitted for consideration with one being withdrawn and two recommended for approval. Both were approved by Council.

Case #	Petitioner	Location	Acres	Zoning	Council Action	Census Tract	Ward/ Precinct
FDP17-05	Brain Engineering	902 W Kimberly Rd		PDD	2017-363 08/23/17	127.02	71
FDP17-06	Pebb Development LLC	2198 E Kimberly Rd	0.89	PDD	Withdrawn	128.02	74
FDP17-07	Legacy Design Grp obo MyPlace Hotel	Lot 1 Terrace Ridge Park 8th	1.5	PDD	2017-406 09/27/17	129.02	62

*Subdivision activity –*

Three (3) final plats were submitted for consideration; one (1) was withdrawn before Commission consideration. The remaining two (2) have not yet been submitted for Council review. No preliminary plats were submitted for consideration.

Case #	Subdivision Name	Acres	Zoning	Lots	Council Action	Recorded	Census Tract	Ward/ Precinct
F17-15	O.R.A. First	8.25	C-1	2	Not yet submitted		128.01	83
F17-16	MedEx Kimberly Rd	0.89	PDD	2	Withdrawn		128.02	74
F17-17	Richard Pierce 2nd		A-1	3	Not yet submitted			

Case #	Subdivision Name	Acres	Zoning	Lots	Council Action	Recorded	Census Tract	Ward/ Precinct
P17-03								

*Right-of-Way Vacation activity –*

Three (3) request to vacate public right-of-way or easements were submitted for consideration but was withdrawn by the applicant.

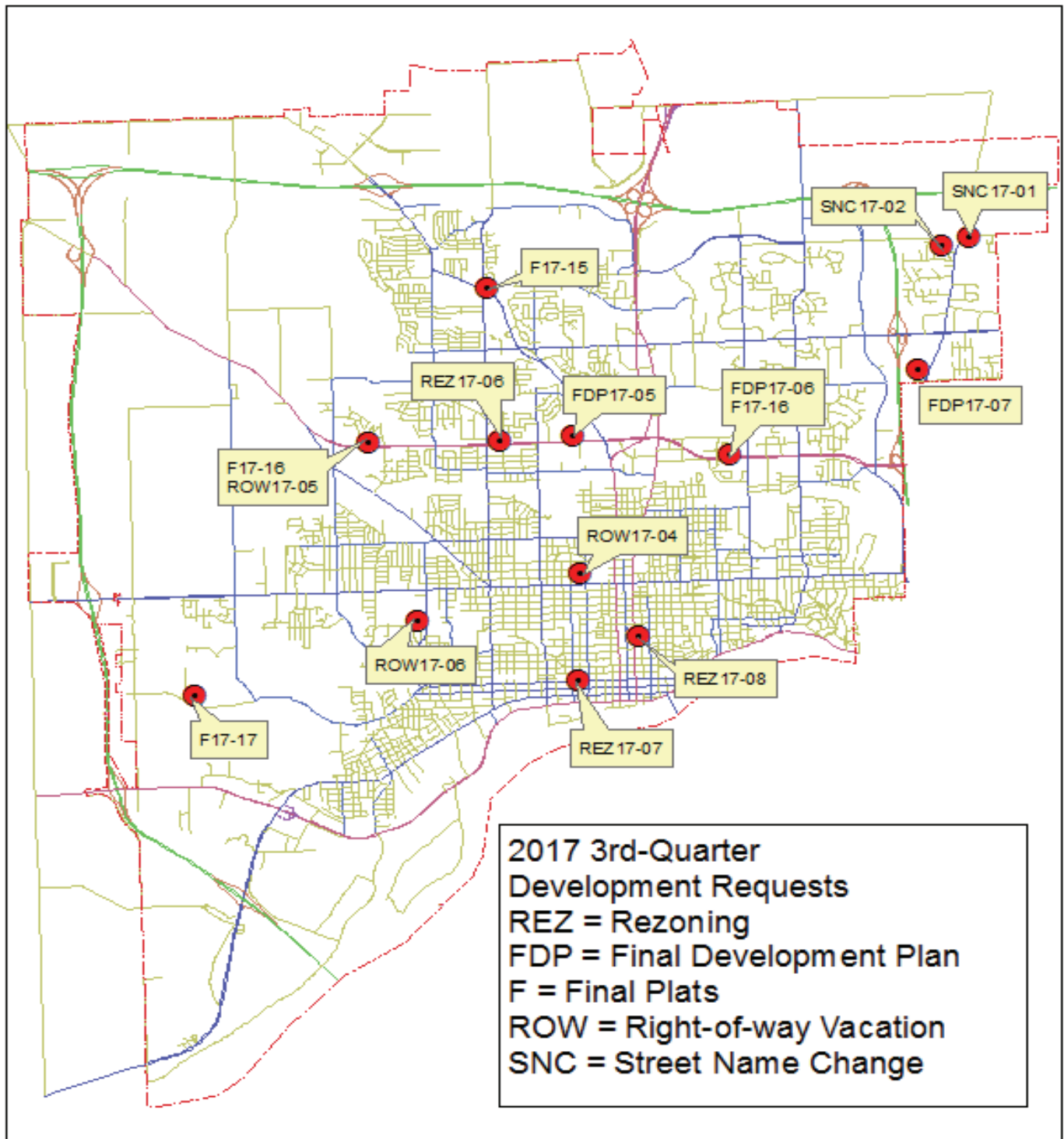
Case #	Petitioner	Type	Location	Area Square Feet	Council Action	Census Tract	Ward/ Pre-cinct
ROW17-04	St Ambrose Univ	Street & Alley	W of Harrison St between Locust St and Lombard Ave	20,260 St 14,302 Alley	2017-359 08/23/17	113	52
ROW17-05	Genesis Health Systems	Easement	3200 W Kimberly Rd		Pending	126.02	22
ROW17-06	City of Davenport	Street	Dugan Ct	10,370	Pending	121	41

*Street Name Change activity –*

Two (2) request to change the name of a street were submitted for consideration .

Case #	Petitioner	Type	Location	Area Square Feet	Council Action	Census Tract	Ward/ Pre-cinct
SNC17-01	City of Davenport	Street Name Change	Forest Grove Dr West of Utica Ridge to Forest Grove Ct	NA	Pending	129.01	61
SNC17-02	City of Davenport	Street Name Change	Veterans Memorial Pkwy East of Utica Ridge to E 67th Ct	NA	Pending	129.01	61

## Plan and Zoning Commission Development Activity Map



## **Zoning Board of Adjustment**

### *Zoning Board of Adjustment*

There were five (5) petitions made to the Board of Adjustment during the first quarter of 2016; three (3) hardship variances and one each for Special use permit and Home Occupation Permit.

The special use permits was for a class A service station The variances involve signage, a second garage and a front yard building encroachment. The home occupation was for a hair salon.

Case No.	Petitioner	Location	Request	Result
<b>HV17-09</b>	Greg Ontiveros dba WJA LLC	2010 E River Dr	Bldg height	Failed
<b>HV17-10</b>	Julie Kahler	6115 W River Dr	FY setback	
<b>HOP17-02</b>	Azra Vallejo	1312 W 41st St	Hair salon	

## **Design Review Board**

### *Design Review Board -*

Eleven (11) cases were brought before the Board for their consideration in the third quarter of 2017. Just over one-half or six (6) of the cases were located in the Downtown Design Overlay District (DDOD). Just over one third or four (4) of the cases were located in the Historic Shopping District of the Village of East Davenport. One (1) case was located in the Hilltop Campus Village.

Case No.	District	Petitioner	Location	Request	Result
<b>DR17-37</b>	HSD	R Henry Husemann	2127 E 12th St	New Porch	Approve
<b>DR17-38</b>	HSD	Bill Sheeder	1117 Mound St	Seating area	Approve
<b>DR17-39</b>	DDOD	Levi Ritche	429 E 3rd St	Wall sign & seating area	Approve
<b>DR17-40</b>	HSD	John Wisor	1108 Mound St	Replace siding	Approve
<b>DR17-41</b>	DDOD	Lange Sign— Pamela Diedrich	215 Main St	Projecting wall sign	Approve
<b>DR17-42</b>	DDOD	City of Davenport	E 5th St btw Brady St & Pershing Ave	Benches & fencing around tree wells	Approve
<b>DR17-43</b>	DDOD	Adrew Dasso	329 E 4th St	Bldg add'n & dumpster/storage enclosure	Approve
<b>DR17-44</b>	HCVOD	Ralph Cook	617 Brady St	Awning replacement	
<b>DR17-45</b>	DDOD	Lange Sign— Mike Lange	215 Main St	Bldg sign	
<b>DR17-46</b>	DDOD	Tara Elkins— Van's Pizza	217 Brady St	Bldg sign	
<b>DR17-47</b>	HSD	Bill Sheeder	1107 Mound St	Two bldg signs	



## **Historic Preservation Commission**

### *Historic Preservation Commission*

The HPC reviewed twelve (12) requests for demolition; one (1) a local landmark. Four (4) Certificates of Appropriateness (COA) were considered and one (1) local landmark was approved.

<b>Case No.</b>	<b>Petitioner</b>	<b>Location</b>	<b>Request</b>	<b>Result</b>
<b>COA17-11</b>	Patrick Miner	517 W 7th St	Replace 2nd Story windows	Approved
<b>DNRHP17-01</b>	Palmer	705 Main St	Demo	Approved
<b>DNRHP17-02</b>	Palmer	719 Main St	Demo	Approved
<b>DNRHP17-03</b>	Palmer	1118 Pershing Ave	Demo	Approved
<b>DNRHP17-04</b>	Palmer	1124 Pershing Ave	Demo	Approved
<b>DNRHP17-05</b>	Palmer	215 E 12th St	Demo	Approved
<b>DNRHP17-06</b>	Palmer	219 E 12th St	Demo	Approved
<b>DNRHP17-07</b>	Palmer	221 E 12th St	Demo	Approved
<b>DNRHP17-08</b>	Palmer	225 E 12th St	Demo	Approved
<b>DNRHP17-09</b>	Palmer	1126 Perry St	Demo	Approved
<b>DNRHP17-10</b>	Palmer	1132 Perry St	Demo	Approved
<b>DNRHP17-11</b>	Palmer	1138-40 Perry St	Demp	Approved
<b>DLL17-01</b>	Palmer	121 W 8th St	Demo	Approved
	Palmer	E 11th St	Remove from Brick Street list	Approved
<b>COA17-12</b>	David Cordes	627 Ripley St	Replace stucco	Approved
<b>LL17-01</b>	Y&J Properties LLC	225 W 2nd St	Local Landmark Nomination	
<b>COA17-13</b>	St Anthony's Church	417 Main St	Reroof	
<b>COA17-14</b>	Darin Wilson	613	W 6th St	
	Y&J Properties LLC	201 W 2nd St	Natl Register Nomination	

## Permit Activity

New Construction Permits				
Owner	Type	Location	Value	Ward
Diamond Builders	SF	2414 Pheasant Creek Cir	\$ 155,500	84
Diamond Builders	SF	2433 Pheasant Creek Cir	\$ 156,700	84
James V Costello	SF	5305 Baraboo Ct	\$ 205,000	13
Diamond Builders	SF	2521 Pheasant Creek Cir	\$ 151,600	84
Franker Construction	SF	6134 Christie Ct	\$ 230,000	84
Towne & Country Manor Dev	SF	6411 Fairhaven Rd	\$ 189,900	61
Diamond Builders	SF	2422 Pheasant Creek Cir	\$ 161,600	84
Jon Wallace	SF	4526 W 14th St	\$ 158,500	12
Seth Woods	SF	4009 Thomas Pointe Rd	\$ 400,000	61
Ed & Brittany Coryn	SF	6131 Belle Ct	\$ 262,000	84
Sterlite Corporation	Indus	2021 Slopertown Rd	\$ 94,346,368	81
Verisas Development	Comm	2225 W 53rd St	\$ 483,412	82
London Property	Comm	4893 Utica Ridge Rd	\$ 1,243,600	62
Building & Trades Projects Inc	SF	6303 Lillie Ave	\$ 180,000	83
Core Designs	SF	6423 Lillie Ave	\$ 168,000	83
Applestone Homes	SF	6457 Fairhaven Ct	\$ 401,000	61
Matt Menke	SF	720 Deer Woods Dr	\$ 154,300	13
Diamond Builders	SF	2529 Pheasant Creek Cir	\$ 149,600	62
Edgebrooke Homes (Dan Dolan)	SF	6314 Forest Rd	\$ 250,000	61
Kwik Trip	Comm	2050 E 53rd St	\$ 1,721,000	84
Adam & Michelle Childs	SF	1305 N Utah Av	\$ 550,000	13
City of Davenport	SF	634 E 6th St	\$ 231,865	34
City of Davenport	SF	646 E 6th St	\$ 228,540	34
City of Davenport	SF	643 E 6th St	\$ 233,105	34
Dave Prochaska Const	SF	1652 Celtic Ct	\$ 170,000	74
White House Homes Inc	SF	6326 Lillie Ave	\$ 162,550	83
Dave Prochaska Const	SF	1607 Shamrock Dr	\$ 180,000	74
Dolan Development Co	SF	3 Woodview Way	\$ 620,800	61
Pearson Building Pursuits	SF	1423 W 39th St	\$ 191,000	71
Pearson Building Pursuits	SF	1429 W 39th St	\$ 171,000	71
Larry Dean	SF	2318 Jersey Ridge Rd	\$ 300,000	63
7G Properties LLC	Comm	3200 Research Pkwy	\$ 10,723,090	81
MedCraft Healthcare	Comm	3200 W Kimberly Rd	\$ 6,707,478	22

## Building Summary

Building Permit Review - New Construction					
Permit Type	Jul	Aug	Sept	Qtrly	Resid Units
Residential - Single Family	10	6	11	27	27
Residential - Multi-Family	0	0	0	0	0
Commercial	3	1	2	6	
Industrial	1	0	0	1	
Item Totals	14	7	13	34	
Building Permit Review - Demolitions					
Permit Type	Jul	Aug	Sept	Qtrly	Resid Units
Residential - Single Family	0	0	2		2
Residential - Multi-Family	0	0	1		24
Commercial	0	2	1		
Industrial	0	0	0		
Item Totals	0	2	4		

The above table shows that 27 units of single family were permitted. The table also shows that 2 units of single family and 24 units of multiple family were demolished.

Below the table shows that occupancy permits for 31 units of single family and 48 units of multi-family were issued.

## Occupancy Permit Summary

Occupancy Permit Review -					
Permit Type	Jul	Aug	Sept	Qtrly	Resid Units
Residential - Single Family	6	9	16	31	31
Residential - Multi-Family	1 (16)	1(8)	3 (24)	5	48
Commercial	2	1	4	7	
Industrial	0	0	0	0	
Item Totals	9	11	23	43	

City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn, 888-2286

**Date**  
**10/17/2017**

**Subject:**

- 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, October 31, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall 226 West 4th Street.**

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	10/11/2017 - 10:46 AM