

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, SEPTEMBER 20, 2022; 5:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

I. New Business

- A. Case REZ22-05: Request of E&A Enterprises, LLC on behalf of Circle K Properties, LLC to rezone approximately 51 acres of land bounded by Forest Grove Drive, Interstate-80, the City Limit, and Utica Ridge Road from S-AG Agricultural District to R-3 Single-Family and Two-Family Residential District and R-MF Multi-Family Residential District. [Ward 6]

II. Next Public Hearing: October 4, 2022

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

III. Secretary's Report

- A. Consideration of the September 6, 2022 meeting minutes.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

VI. Subdivision Activity

A. Old Business

B. New Business

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Matt Werderitch 563.888.2221

Date
9/20/2022

Subject:

Case REZ22-05: Request of E&A Enterprises, LLC on behalf of Circle K Properties, LLC to rezone approximately 51 acres of land bounded by Forest Grove Drive, Interstate-80, the City Limit, and Utica Ridge Road from S-AG Agricultural District to R-3 Single-Family and Two-Family Residential District and R-MF Multi-Family Residential District. [Ward 6]

Recommendation:

Hold the Public Hearing.

A formal staff recommendation will be provided at the October 4, 2022 Plan and Zoning Commission Meeting.

Background:

Background:

The petitioner is requesting a rezoning from S-AG Agricultural District to R-3 Single-Family and Two-Family Residential District and R-MF Multi-Family Residential District. The subject site has historically been used for farming, but has seen development interest given the residential growth in Bettendorf.

The purpose of the rezoning request is to continue the residential subdivision in Bettendorf west into the City of Davenport. The applicant intends to develop the northern 24.3 acres for multi-family residential and the southern 26.7 acres for single-family and two-family homes. This is consistent with the adjacent Forest Grove Crossings subdivision.

A survey of the property has been provided by the applicant delineating the land to be rezoned.

Why is a Zoning Map Amendment Required?

The Zoning Ordinance does not permit residential subdivisions in an agricultural district. Pending approval of the rezoning by City Council, the applicant will return for approval of a preliminary and final plat.

-

Comprehensive Plan:

Within Urban Service Area 2035: Yes

Future Land Use Designations:

City Council adopted a resolution on June 22, 2022 amending the future land use designation for this area from Urban Fringe to Residential General and Open Space & Public Land. In addition, the Urban Service Boundary was expanded to encompass the approximately 200 acres of land bounded by I-80, Forest Grove Drive, Utica Ridge Road, and the city limit to the east.

-

The subject property is designated Residential General in the Davenport +2035 Land Use Plan.

1. **Residential General (RG):** Designates neighborhoods that are mostly residential but

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

Zoning:

The property is currently zoned S-AG Agricultural District. This district is intended to address existing agricultural land uses. The standards of the S-AG District promote the continuation of farming, and protect agricultural land uses from encroachment of incompatible developments.

The applicant is requesting to rezone the southern 26.7 acres of land to **R-3 Single-Family and Two-Family Residential District**. This district is intended to accommodate residential neighborhoods in the City of Davenport consisting of single-family and two-family homes in a moderately dense urban development pattern. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-3 District.

In addition, the request is to rezone the northern 24.3 acres of land to **R-MF Multi-Family Residential District**. This district is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

Technical Review:

City Departments are reviewing the proposed Zoning Map Amendment Application. Further comments will be provided at the October 4, 2022 Plan and Zoning Commission meeting.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the neighborhood meeting and September 20, 2022 Plan and Zoning Commission Public Hearing. The neighborhood meeting is scheduled for 6:30pm on September 19th at Eastern Avenue Library. Staff will provide the Commission a summary of the neighborhood meeting.

To date, staff has not received any written responses from adjacent property owners. The City of Bettendorf has been notified.

Staff will apprise the Commission of any correspondence at the October 4, 2022 Plan and Zoning Commission meeting.

ATTACHMENTS:

Type	Description
▢ Backup Material	Zoning & Future Land Use Map
▢ Backup Material	Application
▢ Backup Material	Legal Descriptions
▢ Backup Material	Public Notice

Staff Workflow Reviewers

REVIEWERS:

Department

City Clerk

Reviewer

Werderitch, Matt

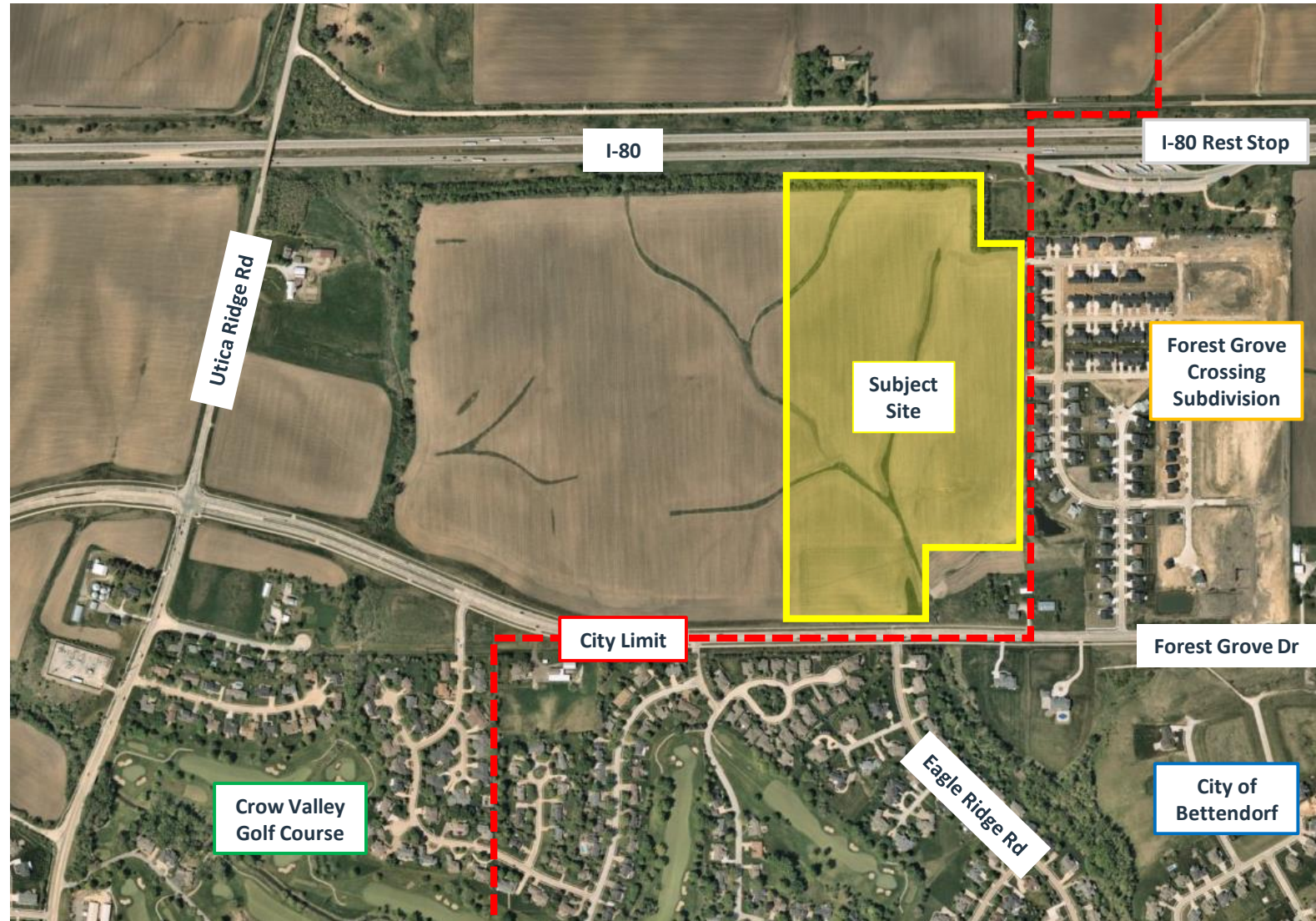
Action

Approved

Date

9/16/2022 - 12:17 PM

Vicinity Map



Zoning Map

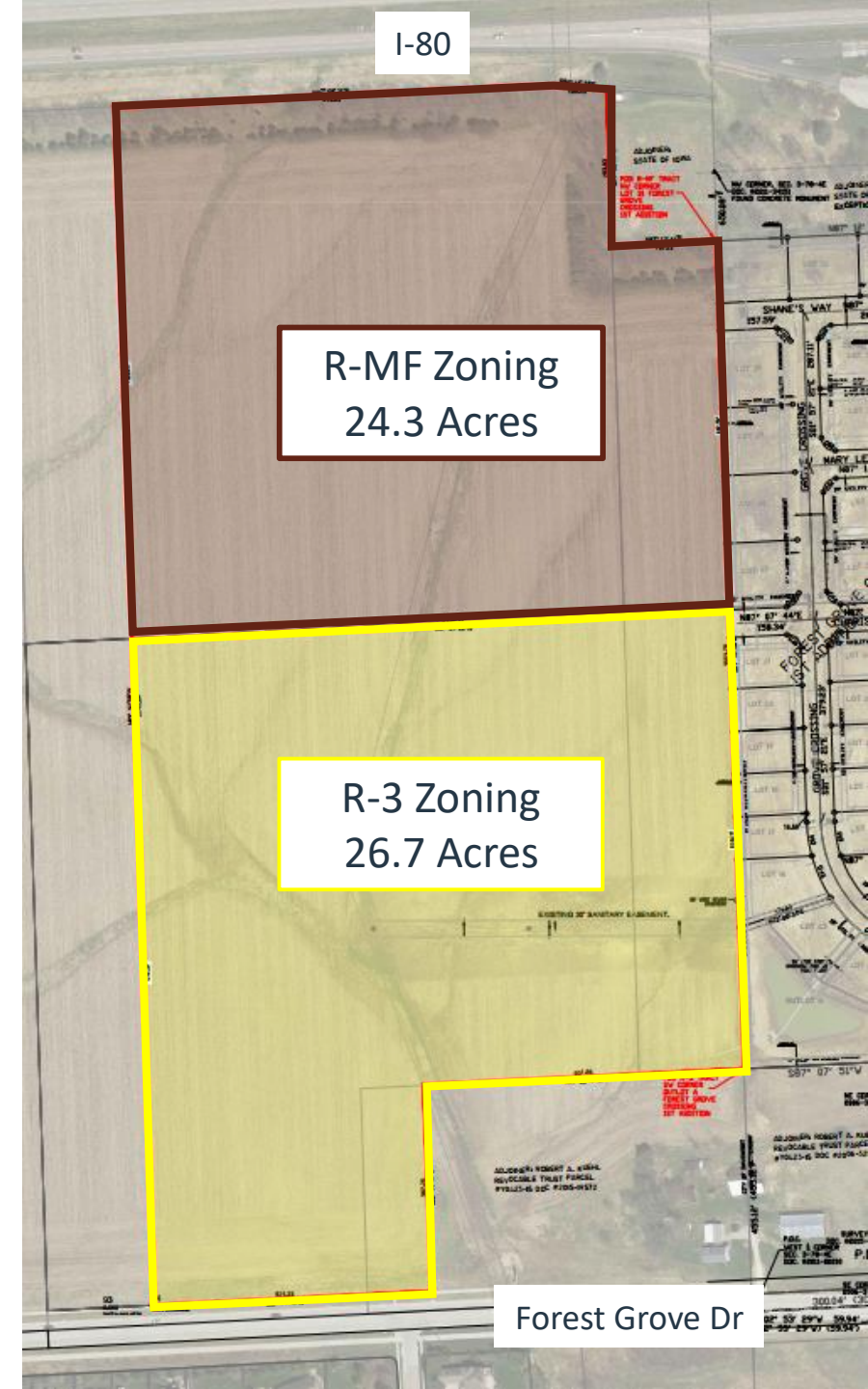


Future Land Use Map



Purpose of the Request

- Expand the Forest Grove Crossing subdivision in Bettendorf west into Davenport.
- Multi-Family Development: Northern 24.3 Acres
- Single & Two-Family Homes: Southern 26.7 Acres





1200 E 46th St
Davenport, Iowa 52807
(563) 326-6198
Planning@davenportiowa.com

Complete application can be emailed to: planning@davenportiowa.com

Property Address*

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

Applicant (Primary Contact)**

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☐

Design Review Board

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

Engineer (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Architect (if applicable)

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

Administrative

Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Attorney (if applicable)

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

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

Request:Existing Zoning: Proposed Zoning Map Amendment:

Purpose of the Request:

Please see attached.

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

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

Formal Procedure:

(1) Application:

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

(2) Plan and Zoning Commission public hearing:

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

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

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

Formal Procedure (continued):

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

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

Applicant:

R. V. 

Date:

8/25/2022

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 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I, Virginia L Kuehl McCall
authorize E & A Enterprises
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

Circle K Properties, LLC
* Virginia L. Kuehl McCall
member.
manager
^ _____
Signature(s)

State of Iowa,

County of Scott.

Sworn and subscribed to before me

This 25th day of August 2022

Personally Known to me
Form of Identification

Terrri Stewart
Notary Public

My Commission Expires: 2/19/24



Authorization to Act as Applicant

I, Calla Parochetti
authorize E & A Enterprises
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

Good City Bank & Trust Company
by: Calla Parochetti

X Calla Parochetti, VP Trust
Signature(s)

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

This 25th day of August 2022 drivers license
Form of Identification

Mary K. Cullison
Notary Public

My Commission Expires: 8/13/2025



SECOND OWNER*

ROBERT A KUEHL & ELAINE M KUEHL REV TRUST

3551 7TH ST STE 100

MOLINE, IL 61265

*NOTE: The property controlled by this Owner is wholly within the proposed R-3 zoning category.

Authorization to Act as Applicant

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

Signature(s)

State of ,
County of .

Sworn and subscribed to before me

This day of 20

Form of Identification

Notary Public

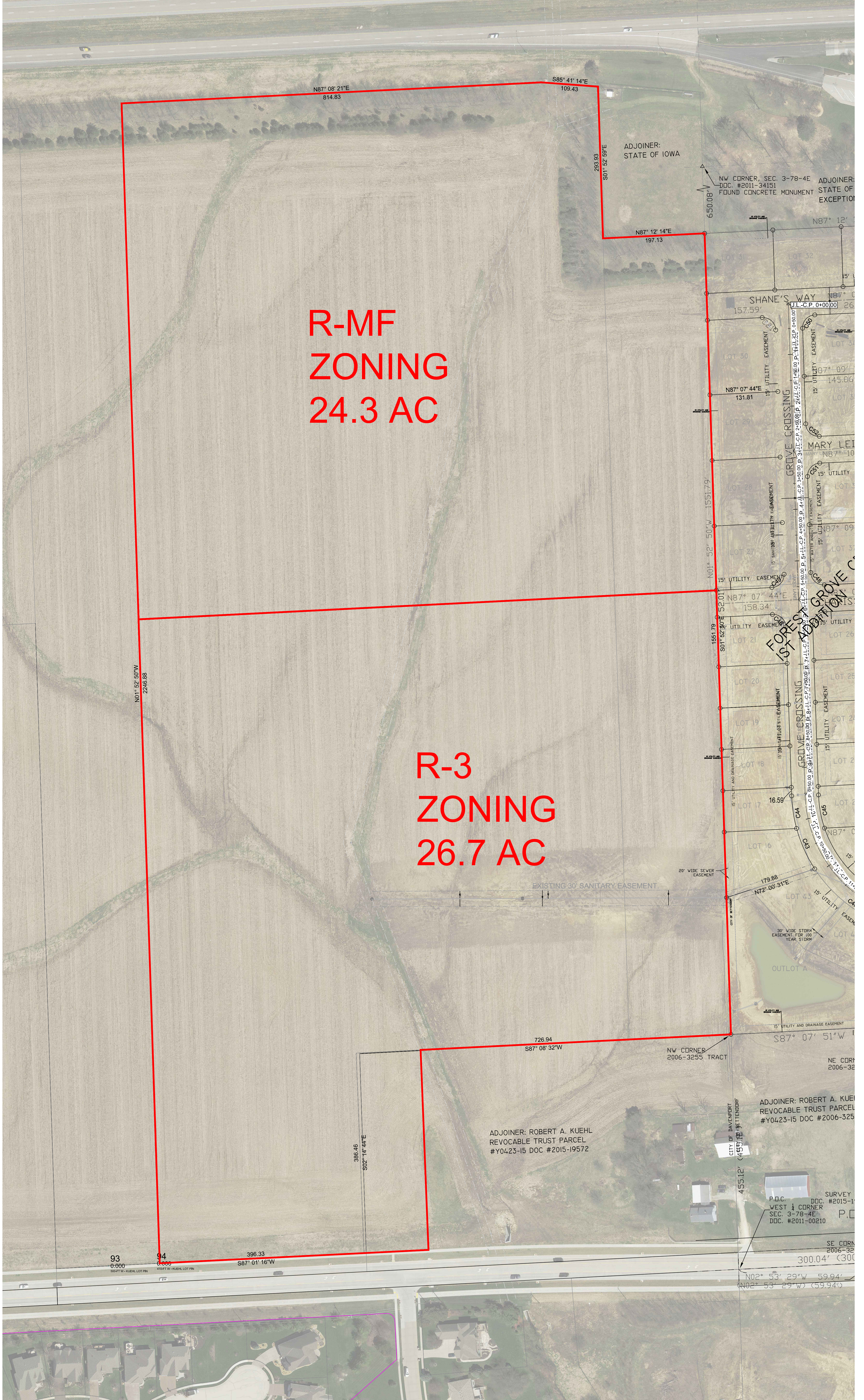
My Commission Expires:

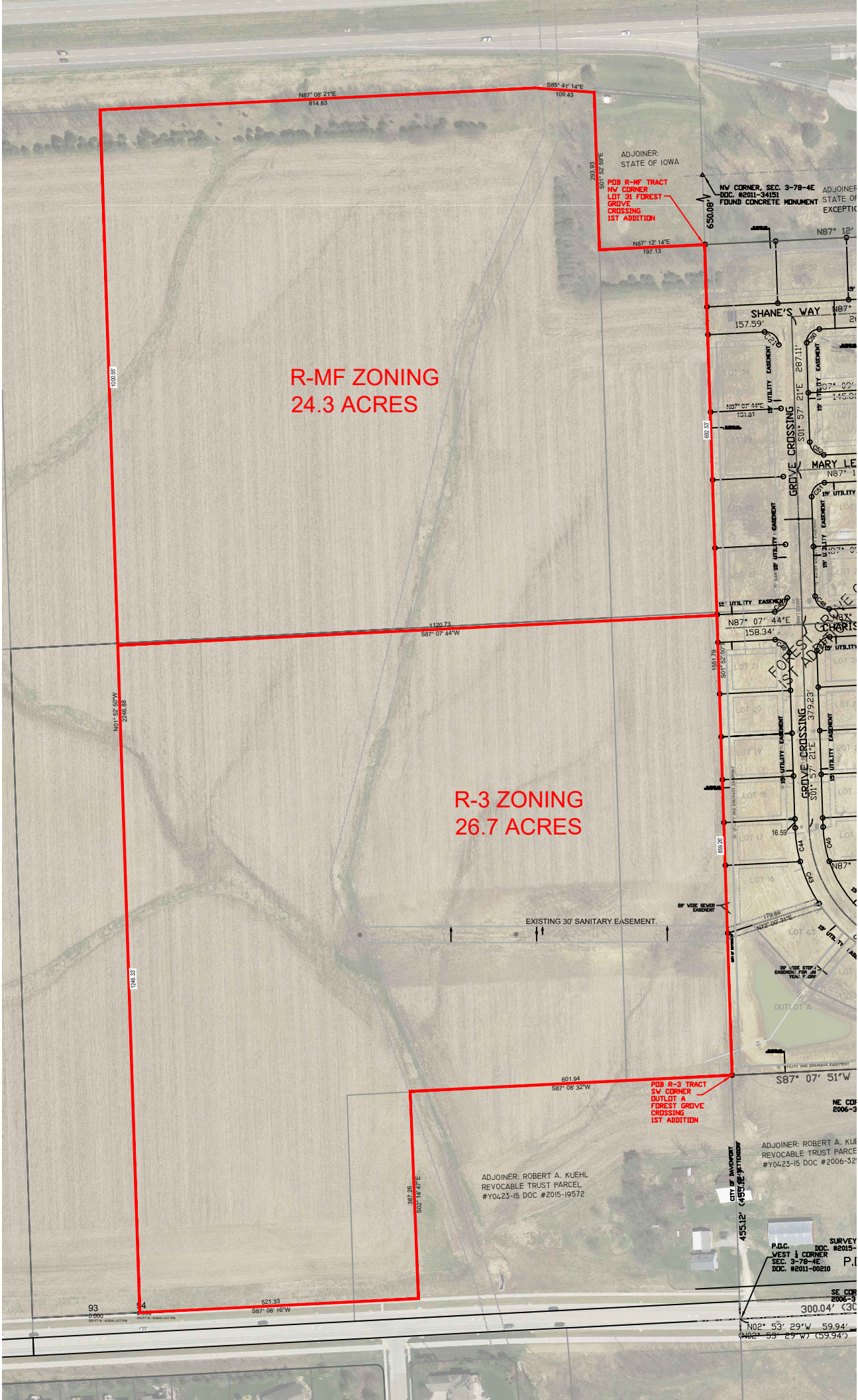
PURPOSE OF THE REQUEST:

Per the attached exhibit, the southerly 26.7 acres would be re-zoned to R-3 to facilitate single family and/or single family semi-detached residential development. The northerly 24.3 acres would be re-zoned to facilitate multi-family residential development. This development would not take the form of apartment buildings but more likely 4-plex or 6-plex townhome style structures. The development would be similar in concept to the highly successful Forest Grove Crossing subdivision which adjoins the property to the east.

R-MF
ZONING
24.3 AC

R-3
ZONING
26.7 AC





R-MF ZONING
24.3 ACRES

R-3 ZONING
26.7 ACRES

POB R-MF TRACT
NW CORNER
LOT 31 FOREST
GROVE
CROSSING
1ST ADDITION

NV CORNER, SEC. 3-78-4E
DOC. #2011-34151
ADJOINER: STATE OF IOWA
FOUND CONCRETE MONUMENT
EXCEPTION

POB R-3 TRACT
SW CORNER
OUTLOT A
FOREST GROVE
CROSSING
1ST ADDITION

ADJOINER: ROBERT A. KUEHL
REVOCABLE TRUST PARCEL
#Y0423-15 DOC #2015-19572

ADJOINER: ROBERT A. KUEHL
REVOCABLE TRUST PARCEL
#Y0423-15 DOC #2006-320

P.O.C. SURVEY
WEST 1/4 CORNER
SEC. 3-78-4E
DOC. #2011-00210

SE COR
2006-3
300.04' (300.04')

N02° 53' 29"W 59.94'
N02° 53' 29"W (59.94')



PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property bounded by Forest Grove Drive, Interstate-80, the City Limit, and Approximately Utica Ridge Road.

«Owner_Name»

«Owner_Street»

«Owner_CityStateZip»

Neighborhood Meeting

Date: 9/19/2022

Time: 6:30-7:30 PM

Location: Eastern Avenue Library | 6000 Eastern Avenue

Plan & Zoning Commission Public Hearing Meeting

Date: 9/20/2022

Time: 5:00 PM

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

What is this About?

This notice is being sent to inform you that a neighborhood meeting and a public hearing will be held for a Rezoning Request. The subject property is currently zoned S-AG Agricultural District. The property owner is requesting a rezoning to R-3 Single-Family and Two-Family Residential District and R-MF Multi-Family Residential District to allow for residential development.

Request/Case Description

Case REZ22-05: Request of E&A Enterprises, LLC on behalf of Circle K Properties, LLC to rezone approximately 51 acres of land bounded by Forest Grove Drive, Interstate-80, the City Limit, and Utica Ridge Road from S-AG Agricultural District to R-3 Single-Family and Two-Family Residential District and R-MF Multi-Family Residential District. [Ward 6]

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

The Plan and Zoning Commission will hold a formal public hearing at their meeting on September 20, 2022. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on October 4, 2022. The Commission's recommendation will be forwarded to the City Council, which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

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

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

Do You Have Any Questions?

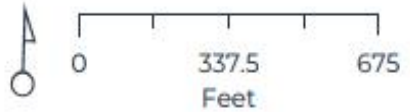
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

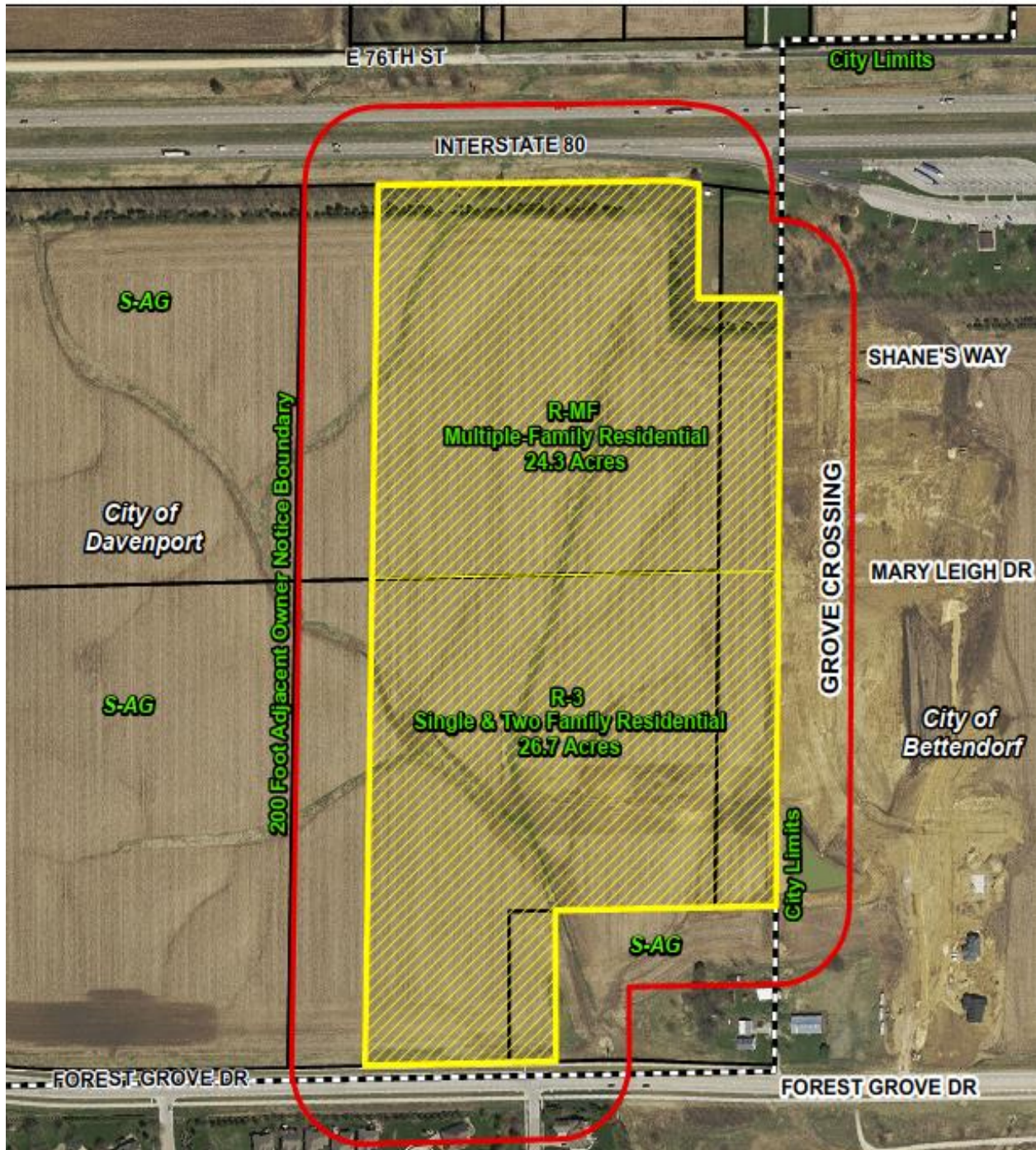
Rezoning Request | Public Hearing Notice

Case REZ22-05

Rezone from S-AG Agricultural District to
R-3 Single-Family & Two-Family Residential District and
R-MF Multi-Family Residential District



 REZ22-05 Subject Property: Area to be Rezoned



City of Davenport
Plan and Zoning Commission

Department: DNS
Contact Info: Matt Werderitch 563.888.2221

Date
9/20/2022

Subject:
Consideration of the September 6, 2022 meeting minutes.

Recommendation:
Staff recommends the City Plan and Zoning Commission approve the September 6, 2022 meeting minutes.

Background:
The September 6, 2022 meeting minutes are attached.

ATTACHMENTS:

Type	Description
▢ Backup Material	Meeting Minutes 9-6-22

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	9/14/2022 - 3:37 PM

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, SEPTEMBER 6, 2022; 5:00 PM
CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS

REGULAR MEETING AGENDA

I. Roll Call

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

Excused: Stelk

Staff: Berkley, Werderitch

II. Report of the City Council Activity

Berkley provided an update of the City Council activity.

III. Secretary's Report

A. Consideration of the August 16, 2022 meeting minutes.

Motion by Hepner, second by Tallman to approve the August 16, 2022 meeting minutes. Motion to approve was unanimous by voice vote (9-0).

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

- i. Case REZ22-04: Request of SCI Iowa Funeral Services Inc. to establish a Planned Unit Development at 1200 East 39th Street to grant an exception to allow for a reception facility under the S-OS Open Space District. [Ward 7]

Berkley updated the Commission regarding City Council's decision to refer the rezoning request back to the Plan and Zoning Commission. Staff presented the purpose of planned unit developments and how this zoning tool will function at the property.

The applicant, Travis Rigdon, presented a preliminary plan to the Commission outlining public benefits the property and facility will provide to the City.

Commissioners inquired about precedent, the public benefits provided, changes in ownership, the termination of the funeral home use, and future operation as a reception facility.

Staff recommended Case REZ22-04 be forwarded to the City Council with a recommendation for approval.

Findings:

1. The preliminary plan provides a public benefit to the City.
2. The proposed planned unit development meets the purpose of a planned unit development.
3. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
4. There is adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
5. There is adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
6. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses

Motion by Tallman, second by Eickleberry, to approve staff recommendation for Case REZ22-04 in accordance with the listed findings. Motion to approve staff recommendation was approved by a roll call vote (9-0).

B. New Business

- i. Request for the Plan and Zoning Commission to initiate a zoning interpretation for the property at 4128 Brady Street. [Ward 7]

Werderitch provided an overview of the property and request for zoning interpretation.

Staff recommended the Plan and Zoning Commission request a zoning interpretation for the property at 4128 Brady Street.

Motion by Tallman, second by Johnson, to approve staff recommendation to request a zoning interpretation for the property at 4128 Brady Street. Motion to approve staff recommendation was approved by a roll call vote (9-0).

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case F22-10: Request of River Bend Food Reservoir, on behalf of Three N Corporation, for a final plat of River Bend 1st Addition for a 5-lot subdivision on 72.86 acres, located south of Kimmel Drive. [Ward 1]

Werderitch discussed the purpose of the final plat. The 72.86 acre area is within the Mississippi River floodplain. Four lots will be established along Kimmel Drive, which is the most developable portion of the property. It is anticipated that Lot 5 will be sold to Nahant Marsh Education Center and converted to conservation area. The City may initiate a rezoning to S-OS Open Space District to accommodate the new use since conservation area is prohibited in the I-2 Heavy Industrial District.

Commissioners inquired whether development of this site requires an expansion of the Urban Service Boundary. Berkley did not believe an amendment to the Urban Service Boundary was warranted, but will further investigate at the time of development. A representative of River Bend Food Reservoir was in attendance to answer questions.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F22-10 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

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

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Provide a 15 ft. wide utility easement along the Kimmel Drive right-of-way.
4. Include a note stating, "Stormwater detention and water quality treatment will be required for this subdivision upon further development of the property."

Motion by Hepner, second by Maness, to approve staff recommendation for Case F22-10 in accordance with the listed findings and conditions. Motion to approve staff recommendation and conditions was approved by a roll call vote (9-0).

- ii. Case F22-11: Request of Iowa American Water Company for a final plat of Iowa American Water Company First Addition for a 2-lot subdivision on 38.9 acres, located west of Research Parkway and Hillandale Road. [Ward 8]

Werderitch presented an overview of the industrial subdivision plat. The purpose is to facilitate development of a new Iowa American Water Company headquarters.

Jason Holdorf, IMEG Corporation, was in attendance to answer questions.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F22-11 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

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

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Add a note stating, "Stormwater detention and water quality treatment will be required with this subdivision upon development and shall be owned and maintained by the property owner."
4. Add a note stating areas marked as public right-of-way shall be dedicated to the City upon recording of the subdivision.

Motion by Hepner, second by Johnson, to approve staff recommendation for Case F22-11 in accordance with the listed findings and conditions. Motion to approve staff recommendation and conditions was approved by a roll call vote (9-0).

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

Motion by Johnson, second by Reinartz to adjourn the meeting. Motion to adjourn was unanimous by voice vote (9-0).

The meeting adjourned at 5:28 pm.