

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, JUNE 14, 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 ROW22-04: Request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1]

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

III. Secretary's Report

- A. Consideration of the May 31, 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: Development & Neighborhood Services
Contact Info: Laura Berkley 563.888.3553

Date
6/14/2022

Subject:

Case ROW22-04: Request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1]

Recommendation:

Hold the public hearing.

Background:

Background:

The property owner at 2727 Glaspell Street has requested a vacation of the north-south alley abutting the west side of his property. The twenty foot wide alley is unimproved and connects Glaspell Street to an east-west alley to the south. However, there is no curb cut along Glaspell Street that would allow for vehicular access to the right-of-way. There are no garages that require access from the alley.

The alley abuts four single-family homes within a residential neighborhood. From Glaspell Street, a pedestrian would not be aware that an alley exists in this location as it appears to be part of the neighboring yard. The sloping right-of-way contains turf and several large trees. Staff believe the alley was platted as part of Walt's Addition, but never functioned as an alley.

A legal description has been submitted by the applicant. The area to be vacated is approximately 2,620 square feet (.06 acres).

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

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

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Abutting Future Land Use Designation:

The abutting properties are designated Residential General in the Davenport +2035 Future Land Use Map.

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.

Abutting Zoning:

The abutting properties are zoned **R-4 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 dense urban development pattern. The R-4 District may also serve as a transitional district between Davenport's single-family and two-family neighborhoods and more intense uses within the City. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-4 District.

Technical Review:

City Departments are reviewing the proposed right-of-way vacation request. Further comments will be provided at the July 5, 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 June 14, 2022 Plan and Zoning Commission Public Hearing.

To date, staff has received a written response from the property owner at 107 South Rolff Street expressing interest in obtaining a portion of the vacated alley.

Staff will apprise the Commission of any additional correspondence at the July 5, 2022 Plan and Zoning Commission meeting.

ATTACHMENTS:

Type	Description
▢ Backup Material	Maps
▢ Backup Material	Application
▢ Backup Material	Legal Description
▢ Backup Material	Walt's Addition Final Plat
▢ Backup Material	Public Comment-107 S Rolff Street
▢ Backup Material	Public Hearing Notice

Staff Workflow Reviewers**REVIEWERS:**

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berkley, Laura	Approved	6/9/2022 - 12:33 PM

Vicinity Map

DAVENPORT
IOWA | USA

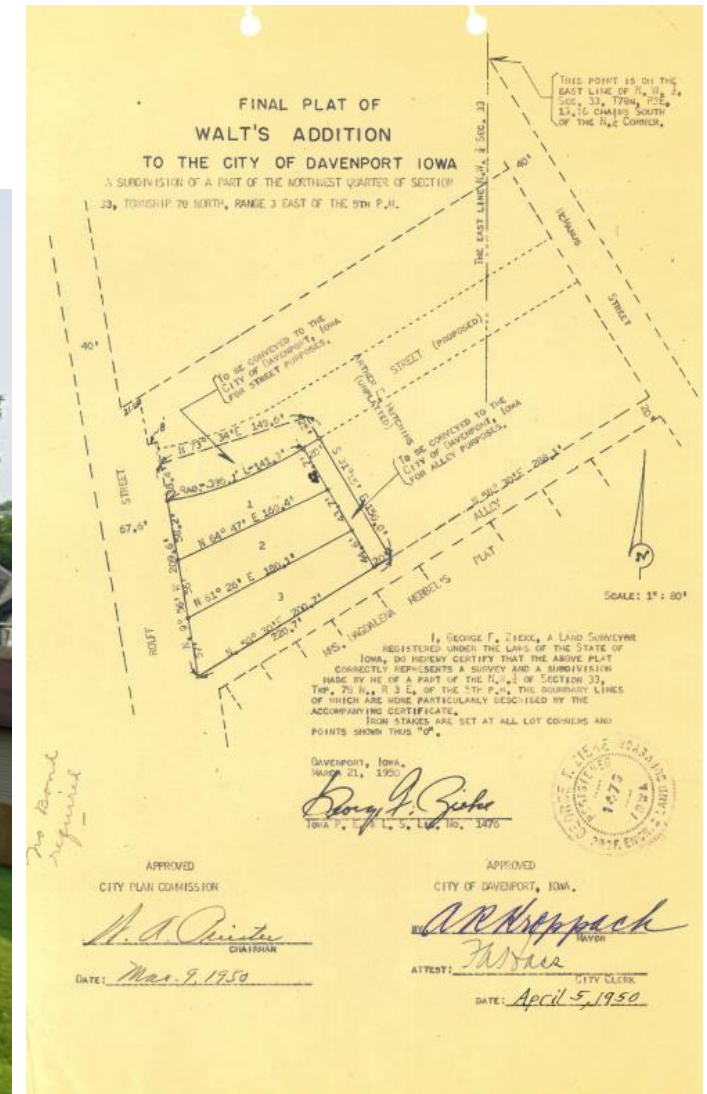


Purpose for the Request

- Divide the unimproved alley among abutting property owners.
- No garages require the alley for access.
- Alley is approximately 20' x 131' or 2,620 square feet.



View from Glaspell Street



Maps



Zoning Map



Future Land Use Map



Complete application can be emailed to planning@ci.davenport.ia.us

Property Address*

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

Applicant (Primary Contact)

Name: **Shawn Struck**

Company:

Address: **2727 Glaspell St**

City/State/Zip: **Davenport, IA - 52804**

Phone: **563-200-4227**

Email: **Shawn12QW@gmail.com**

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:

Request:

Total Land Area:

Submittal Requirements:

- The completed application form.
- Required fee: \$400.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:**(1) Application:**

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

(2) Public Notice for the Plan and Zoning Commission public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the right-of-way or easement vacation:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will hold a public hearing on the request. Subsequently, the Plan and Zoning Commission will vote to provide its recommendation to the City Council. The Plan and Zoning Commission's recommendation is forwarded to the City Council.

(4) City Council's consideration of the right-of-way or easement vacation:

- Planning staff will send a public hearing notice to surrounding property owners.
- The Committee of the Whole (COW) will hold a public hearing on the request. Subsequently, the City Council will vote on the request. For a right-of-way or easement vacation to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant: **Shawn Struck**

5-12-22

Date: ~~5-11-22~~

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.

looking to Purchase the Parcel/Easment
right of 2727 Massell Street 52804

Enclose: pic of Easment

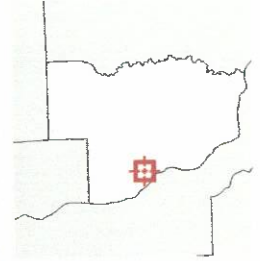




Scott County / City of Davenport, Iowa



Overview



Legend

- Parcels
- Parcel Point
- Lot
- Lot Lines
- Political Township
- All Roads**
 - Interstate
 - US Highway
 - State Highway
 - County Route
 - Major road
 - Local roads
 - Ramp
 - Alleyway/Access Road
 - Bike/Pedestrian Trail
 - Driveway
- Rights of Way
- Railroad
- County Boundary
- Major Rivers and Streams**
 - River Centerline
 - River Boundary
 - Major Stream
- Minor Streams, Other**
 - Minor Stream
 - Small Lake/Pond
 - Drainageways, etc
 - Island
- Major Rivers and Lake**
 - Lake
 - Major Stream
 - River
 - Minor Lakes and Ponds

Werderitch, Matt

From: Shawn Struck <shawn12qw@gmail.com>
Sent: Tuesday, June 7, 2022 11:09 AM
To: Werderitch, Matt
Subject: [EXT] Fwd: alley vacation
Attachments: image001.jpg

----- Forwarded message -----

From: **Luke D. Miller** <lmiller@klingsner.com>
Date: Tue, Jun 7, 2022, 10:35 AM
Subject: alley vacation
To: <shawn12qw@gmail.com>

Shawn,

“All that part of the 20’ alley dedicated to the City of Davenport east of Lots 1, 2 & 3 of Walt’s Addition book 52 page 432 Scott County Recorder’s Office.

from the south right of way line Glaspell Street to south line of said addition.”

Thank you,

Luke D. Miller, P.L.S.

Professional Land Surveyor

Klingsner & Associates, P.C.

4111 East 60th Street | Davenport, Iowa 52807

Office: (563) 359-1348 | Fax: 563.359.3295

Cell: (612)-791-5853 | www.klingsner.com



The chart requires more data. To help you understand the status of your data, we have added this message to the chart.

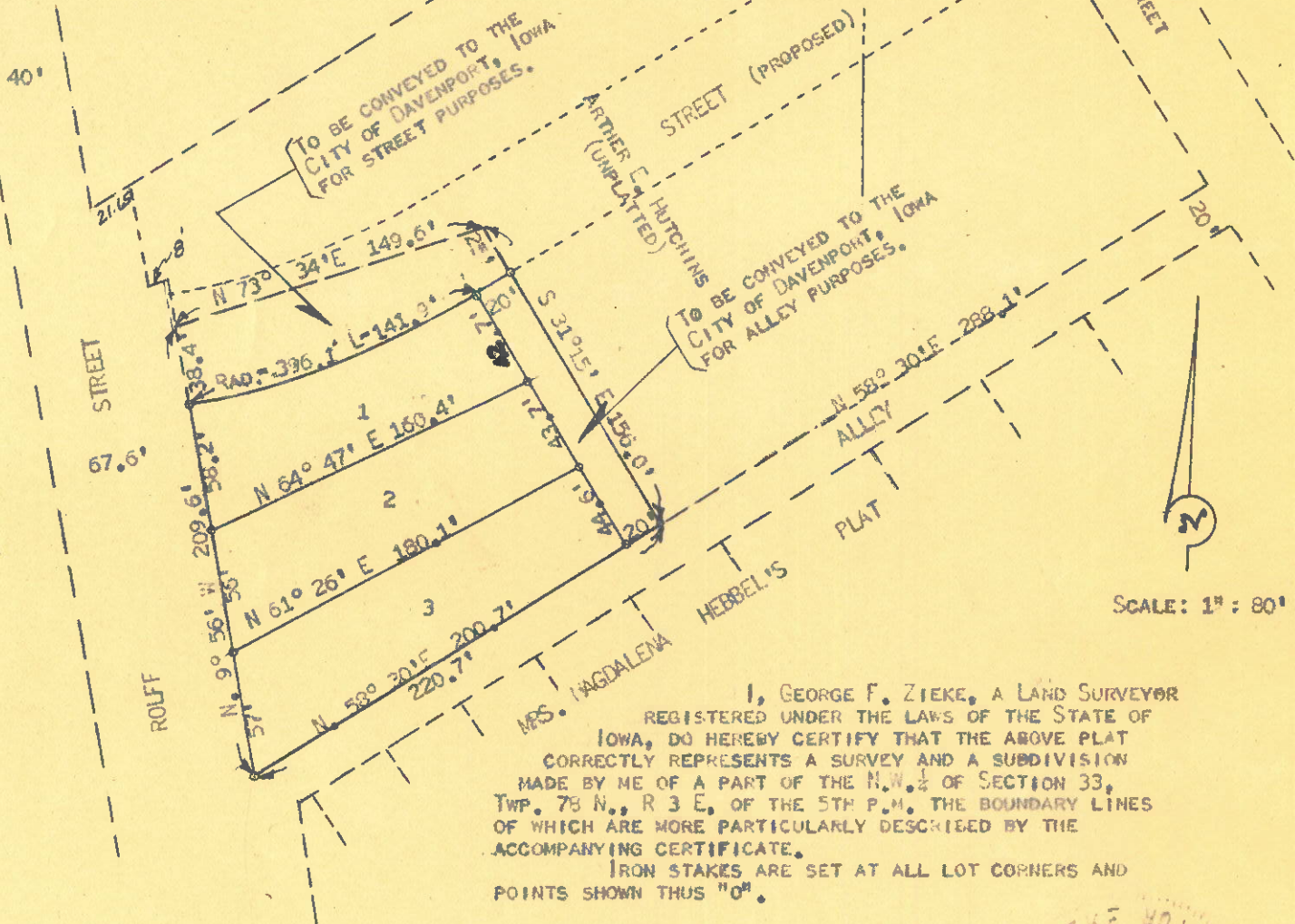
FINAL PLAT OF WALT'S ADDITION

TO THE CITY OF DAVENPORT IOWA

A SUBDIVISION OF A PART OF THE NORTHWEST QUARTER OF SECTION

33, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M.

THIS POINT IS ON THE
EAST LINE OF N. W. 1/4
SEC. 33, T78N, R3E,
13.16 CHAINS SOUTH
OF THE N. 1/2 CORNER.



DAVENPORT, IOWA.
MARCH 21, 1950

George F. Zieke
IOWA P. E. & L. S. L. No. 1476



APPROVED

CITY PLAN COMMISSION

H. A. Piester
CHAIRMAN

DATE: Mar. 9, 1950

APPROVED

CITY OF DAVENPORT, IOWA.

BY *W. K. Koppach*
MAYOR

ATTEST: *F. J. Dase*
CITY CLERK

DATE: April 5, 1950

*No Bond
required*

Werderitch, Matt

From: Brian Myers <blmyers6835@gmail.com>
Sent: Monday, June 6, 2022 8:59 AM
To: Planning; Werderitch, Matt; leeannmyers27@gmail.com
Subject: [EXT] Case: ROW22-04 Vacate Request

To Whom it may concern,

I am sending this email to inform you that my wife, LeeAnn, and I are interested in purchasing the portion of land behind our property if the easement is deemed vacated. Our property is 107 S. Rolff St. Davenport Iowa, 52804.

Regards
Brian Myers



DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan and Zoning Commission

Date: 6/14/2022
Time: 5 PM

Location: Council Chambers | City Hall | 226 W. 4th ST.
Subject: Public Hearing for a Right-Of-Way Vacation Before the Plan and Zoning Commission

To: All property owners within 200 feet of the subject public right-of-way located west of 2727 Glaspell Street.

What is this About?

This notice is being sent to inform you that a public hearing will be held for a request to vacate public right-of-way located south of Glaspell Street. The existing north-south alley is unimproved.

Request/Case Description

Case ROW22-04: Request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1]

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on June 14, 2022. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on July 5, 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. The City Council will ultimately decide if the property is no longer needed for City purposes, and is eligible for vacation. At that point, the City Attorney's office will negotiate with adjacent property owners to determine the appropriate way to convey the property, and possibly, purchase price. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

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

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

Do You Have Any Questions?

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

Right-Of-Way Vacation | Public Hearing Notice

Case ROW22-04: Request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1]



ROW Vacation



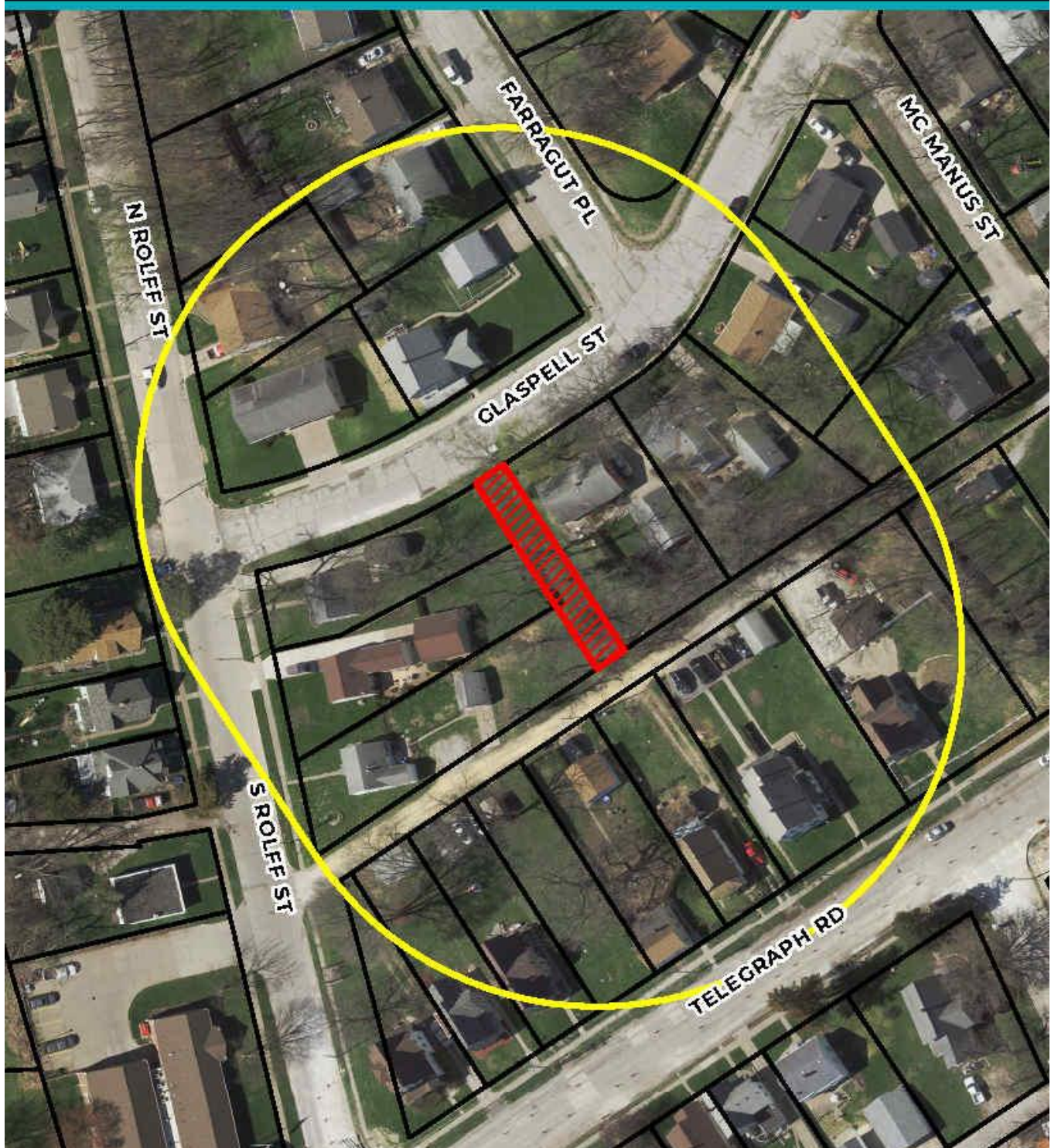
200' Notification Boundary



0

75
Feet

150



City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
5/3/2022

Subject:
Consideration of the May 31, 2022 meeting minutes.

Recommendation:
Staff recommend approval of the May 31, 2022 meeting minutes.

Background:
The May 31, 2022 meeting minutes are attached.

ATTACHMENTS:

Type	Description
▢ Backup Material	Meeting Minutes 5-31-22

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	6/9/2022 - 11:00 AM

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, MAY 31, 2022; 5:00 PM
CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS

REGULAR MEETING AGENDA

I. Roll Call

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

Excused: Hepner, 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 May 17, 2022 meeting minutes.

Motion by Maness, second by Tallman to approve the May 17, 2022 meeting minutes. Motion to approve was unanimous by voice vote (8-0).

IV. Report of the Comprehensive Plan Committee

A. Case CP22-01: Request of the City of Davenport to amend the Davenport +2035 Comprehensive Plan by assigning Future Land Use Map classifications to the approximately 200 acres of land bounded by I-80, Forest Grove Drive, Utica Ridge Road, and the city limit to the east. [Ward 6]

Werderitch provided an overview on the Future Land Use Map amendment process. The amendment is being petitioned by the City of Davenport given the increasing development interest in this substantial growth area. The City is required to amend the existing land use before any development can occur.

Commissioners discussed the proposed comprehensive plan amendment. Topics of conversation included expansion of the urban service boundary, utility services, future development, Utica Creek and site drainage.

Staff recommended Case CP22-01 be forwarded to the City Council with a recommendation for approval in accordance with the attached map.

Findings:

1. The proposed future land use amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed amendment promotes orderly development that protects the public health, safety, and welfare of the City.
3. The amendment identifies land for current and future development through the extension of the urban service boundary.

Motion by Tallman, second by Johnson, to approve staff recommendation for Case CP22-01 in accordance with the listed findings. Motion to approve staff recommendation was approved by a roll call vote (8-0).

V. Zoning Activity

- A. Old Business
- B. New Business

VI. Subdivision Activity

- A. Old Business
- B. New Business

- i. Case F22-06: Request of Patrick Fennelly for a Final Plat of Fennelly's South Utah Addition located south of Telegraph Road and east of South Utah Avenue (The southwest 9.15 acres of Parcel #S3117-04). [Ward 1]

Staff presented an overview of the proposed two lot residential subdivision. The plat is in accordance with the recent rezoning conditions. Patrick Fennelly, applicant, was in attendance to answer questions.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F22-06 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) would 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 utility easements.
4. Add a note stating, "No stormwater detention or water quality treatment will be required with this subdivision.

Motion by Tallman, second by Maness, to approve staff recommendation for Case F22-06 in accordance with the listed findings and conditions. Motion to approve staff recommendation and conditions was approved by a roll call vote (8-0).

- ii. Case F22-07: Request of Civil Engineering Consultants, Inc. on behalf of MidAmerican Energy Company for a Final Plat of Subdivision 78 located at 6702 and 6652 North Division Street. [Ward 8]

Berkley presented the background and history of the site. The purpose of the final plat is to facilitate the sale of Lot 2 to an abutting residential home owner. The prospective buyer was in attendance to answer questions from the Commission relating to liability and maintenance.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F22-07 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 (with conditions recommended by City Staff) would 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 an approval signature line for Metronet.
4. Provide a minimum 15 foot wide utility easement along street right-of-way.
5. Provide a minimum 10 foot wide utility easement along all adjacent properties.
6. Add a note stating, "Stormwater detention and water quality treatment will be required with this subdivision and shall be owned and maintained by the property owner.

Motion by Tallman, second by Maness, to approve staff recommendation for Case F22-07 in accordance with the listed findings and conditions. Motion to approve staff recommendation and conditions was approved by a roll call vote (8-0).

VII. Future Business

VIII. Communications

IX. Other Business

A. Review of Plan and Zoning Commission Bylaws

Berkley outlined the proposed amendments to the Bylaws to better reflect current policy and procedures. The Bylaws were amended with the support of the Executive Committee and the City's Legal Department.

Motion by Tallman, second by Garrington, to approve staff recommendation to adopt the amended Bylaws. Motion to approve staff recommendation was approved by a roll call vote (8-0).

X. Adjourn

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

The meeting adjourned at 5:40 pm.