

**MINUTES**  
**PLAN AND ZONING COMMISSION MEETING**  
**CITY OF DAVENPORT, IOWA**  
**TUESDAY, MARCH 15, 2022; 5:00 PM**  
**CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS**

**REGULAR MEETING AGENDA**

I. Roll Call

Present: Lammers, Tallman, Inghram, Hepner, Brandsgard, Stelk, Reinartz, Maness,  
Schneider, Johnson, Garrington  
Staff: Berkley, Koops, Werderitch

II. Report of the City Council Activity

Berkley updated the Commission on the status of the right-of-way vacation near 59<sup>th</sup> Street and Tremont Avenue.

III. Secretary's Report

A. Consideration of the March 1, 2022 meeting minutes.

Motion by Tallman, second by Hepner to approve the March 1, 2022 meeting minutes. Motion to approve was unanimous by voice vote (10-0).

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

- i. Case REZ22-01: Request of Patrick Fennelly to rezone property located south of Telegraph Road and east of South Utah Avenue (The southwest 9.15 acres of Parcel #S3117-04) from S-AG Agricultural District to R-1 Single-Family Residential District. [Ward 1]

Werderitch provided an overview of the proposed rezoning case. Patrick Fennelly, petitioner, was in attendance to answer questions from the Commission. The purpose of the rezoning request is to create two new single-family lots.

Commissioner comments pertained to future land use, precedent, neighborhood character, organized development, and preservation of agricultural zoning districts.

Staff recommended Case REZ22-01 be forwarded to the City Council with a recommendation for approval, subject to the following condition.

1. No more than two R-1 Single-Family Residential lots shall be platted on the 9.15 acre area.

Findings:

1. The proposed rezoning to R-1 Single-Family Residential District is generally consistent with the Comprehensive Plan and adopted land use policies.
2. The petition is compatible with the zoning and land uses of nearby property.
3. The rezoning request is compatible with the established neighborhood character, which includes single-family dwellings, agriculture, and open space.
4. The proposed amendment promotes the public health, safety, and welfare of the City.
5. Rezoning the property to R-1 Single-Family Residential District does not create any nonconformities.

Motion by Lammers, second by Johnson to approve Case REZ22-01 subject to the listed condition. Motion to approve staff recommendation and condition was unanimous by a roll call vote (10-0).

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case F22-03: Request of Splendor Homes LLC on behalf of KJTLJ LLC for a final plat of Splendor Estates of a 47-lot subdivision on 26.11 acres, located at 2448 and 2460 East 60th Street. [Ward 8]

Werderitch presented an overview of the proposed residential subdivision. Mike Richmond, Townsend Engineering, was in attendance to answer questions on behalf of the applicant. Commissioner Reinartz raised concerns over traffic impacts on Jersey Ridge Road and the alignment of East 60<sup>th</sup> Street.

Staff recommended the Plan and Zoning Commission forward Case F22-03 to City Council with a recommendation for approval subject to the following findings and 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. Add the following statement to the end of Note #9: "Sidewalks along the Jersey Ridge Road frontage shall be constructed when so ordered by the City of Davenport."
2. Revise the easement description "20' Sanitary & Utility Easement" to "20' Sewer & Utility Easement".
3. The storm sewer heading north through Heather Avenue shall be located within a sewer easement.
4. Include a note indicating ownership and maintenance of any future hard surface in the Driveway/Detention Basin Access Easement, located to the east of Lot 26.
5. Include Base Flood Elevation to Note 7. Add "and is subject to the regulations in Chapter 15.44 of the City Code entitled Flood Damage Prevention."
6. Remove Note 12.
7. Each outlot that is designated as storm water detention shall be located in a storm water detention easement.
8. Add a note stating, "Storm water detention and water quality treatment are required for this subdivision and shall be owned and maintained by the owner or home owners association."
9. Right-of-Way widths shall be added to the plat.
10. Either two existing lot corners or two 1/4 sections shall be labeled with details.
11. All stormwater mains and drainage ways shall be within designated easements.
12. A Line and Curve table shall be added to the plat.

Motion by Johnson, second by Tallman to approve Case F22-03 subject to the listed findings and conditions. Motion to approve staff recommendation and conditions was approved by a roll call vote (9-1). Commissioner Reinartz voting in the negative.

- ii. Case ROW22-02: Request of The Overland Group on behalf of Dollar General for a partial right-of-way vacation (abandonment) of the alley at 2340 Rockingham RD. [Ward 1]

Koops presented the request to vacate alley right-of-way for the purpose of constructing a new Dollar General Store. David West was in attendance to answer questions on behalf of the Overland Group.

Staff recommended the City Plan and Zoning Commission accept the listed findings to vacate the partial alley right-of-way at 2340 Rockingham Road in Case ROW22-02 to the City Council with a recommendation for approval subject to the listed conditions.

Findings:

1. The public alley right-of-way in question is not necessary for traffic circulations purposes provided they City's solid waste services access needs are met as conditioned.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.
3. Economic vitality will be strengthened in a stressed commercial neighborhood.

Conditions:

1. All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.
2. An ingress/egress easement shall be granted for the access of solid waste services/collections; such easement shall allow at all times passage from the alley adjacent to the east to Rockingham Road; additionally, when access via the parking lot exists for passage from the alley to Boies Avenue, such passage shall also be granted an access easement for said route.
3. A Plat of Survey establishing the easements in Conditions 1 and 2 shall be recorded at the Scott County Recorder's Office. City staff shall review the Plat of Survey prior to recording.
4. The City shall install appropriate traffic control signs as necessary in the remaining public right-of-way for traffic direction.

Motion by Johnson, second by Hepner to approve Case ROW22-02 subject to the listed conditions. Motion to approve staff recommendation and conditions was unanimous by a roll call vote (10-0).

VII. Future Business

VIII. Communications

Commissioner Lammers announced her departure from the board. The Commission thanked Commissioner Lammers for her years of service and the positive impact she has left on the community.

IX. Other Business

X. Adjourn

Motion by Reinartz, second by Hepner to adjourn the meeting. Motion to adjourn was unanimous by voice vote (10-0).

The meeting adjourned at 5:35 pm.