

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, JANUARY 7, 2020; 5:00 PM

COUNCIL CHAMBERS CITY HALL 226 W 4TH STREET

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

III. Secretary's Report

A. Consideration of the Minutes of the December 17, 2019 Meeting

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

- i. Case ROW19-02: Request to vacate a portion of the original Division Street Right-of-Way located between Ridgeview Drive and W. 76th Street. Earle Glaus, petitioner. [Ward 8]

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case F19-21: Request of BRUS Farm Development LC (owner) and Kwik Trip Inc. (purchaser) for a final plat of Kwik Trip 1071, a two-lot subdivision on 62.8 acres, more or less, located directly south of 118th Ave and west of Interstate I-280. [Adjacent to Ward 1]

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 563-888-2286

Date
1/7/2020

Subject:
Consideration of the Minutes of the December 17, 2019 Meeting

Recommendation:
Approve the Minutes

ATTACHMENTS:

Type	Description
▣ Backup Material	12-17-19 Minutes

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	1/3/2020 - 11:04 AM

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, DECEMBER 17, 2019; 5:00 PM

2ND FLOOR CONFERENCE ROOM CITY HALL 226 W 4TH STREET

I. New Business

A. Public Hearing for Case ROW19-02: Request to vacate a portion of the original Division Street Right-of-Way located between Ridgeview Drive and W. 76th Street. Earle Glaus, petitioner. [Ward 8]

Flynn provided an overview. Earle Glaus and Mike Meloy were present. Meloy explained the reason for the request. The public hearing was closed.

REGULAR MEETING AGENDA

I. Roll Call. Present: Brandsgard, Lammers, Hepner, Tallman, Schneider, Johnson, Inghram. Excused: Maness, Medd, Reinartz. Staff: Flynn, Leabhart

II. Report of the City Council Activity

1. Third Consideration: Ordinance amending various titles, chapters, and sections of the Davenport Municipal Code related to outdated references to the old Zoning Ordinance (City of Davenport, petitioner). [All Wards] ADOPTED 2019-530

2. Resolution for Case P19-04 being the request of Verbeke-Meyer Consulting Engineers, PC for a Preliminary Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7] ADOPTED 2019-531

3. Resolution for Case F19-18 being the request of Verbeke-Meyer Consulting Engineers, PC for a Final Plat for a 7-lot subdivision on 1.19 acres, more or less, of property located south of 46th St between Grand Ave and Tremont Ave. [Ward 7] ADOPTED 2019-532

4. Resolution for Case P19-05 being the request of Jason McCoy for a preliminary plat for a 53-lot subdivision on 18.48 acres, more or less, located on the east side of Northwest Blvd approximately 725 feet north of W 46th St. [Ward 7] ADOPTED 2019-533

III. Secretary's Report

A. The minutes of the December 3, 2019 Meeting were approved following a motion by Tallman and a second by Hepner.

IV. Report of the Comprehensive Plan Committee - No Report

V. Zoning Activity

A. Old Business - None

B. New Business

i. Case No. REZ19-11: Request of Raju Penmatcha to rezone 7.04 acres located at the southwest corner of N. Division Street and W. 76th Street from R-MF, Residential Multifamily District to C-2, Corridor Commercial District. [Ward 8]

Tallman excused himself from this case.

Flynn gave the staff report. Raju Penmatcha reiterated his reasons for requesting the rezoning. Neighbors Jerry Daniels and Cathleen Curoe spoke, expressing concern about stormwater management.

Motion by Lammers, seconded by Brandsgard, to forward Case REZ19-11 to the City Council with a recommendation for denial.

Findings:

1. Rezoning the property would not be consistent with the Comprehensive Plan as it would allow for higher intensity development allowed in an area designated RG Residential General.

2. There is little demand for commercial development in this vicinity. More than 15 acres of vacant land zoned C-2 exists to the east of the site.

3. Additional commercially zoned land may have a negative impact on nearby neighborhoods and Ridgeview Park.

Vote to recommend the City Council deny the request passed 3-2 (Yes – Lammers, Schneider, Johnson; No – Hepner, Brandsgard; Abstain – Tallman)

ii. Case REZ19-13: Request of Alex Kelly on behalf of Pegasus 62 LCC for a zoning map amendment on 9,000 square feet, more or less, of property located at 2012 East 11th Street from R-4C Single-Family and Two-Family Residential Zoning District to C-T Commercial Transitional Zoning District. [Ward 5]

Flynn gave the staff report. No one else spoke.

Motion by Brandsgard, seconded by Hepner to forward case REZ19-13 to the City Council with a recommendation for approval.

Findings:

1. The C-T Commercial Transitional Zoning District would eliminate the non-conforming use of the property; and
2. The proposed zoning map amendment would achieve consistency with approval standards enumerated in Section 17.14.040E.1 (A-F) of the Davenport City Code.

The motion to recommend approval passed unanimously.

VI. Subdivision Activity - None

A. Old Business - None

B. New Business - None

VII. Future Business

A. Case F19-21 - Request of BRUS Farm Development LC (owner) and Kwik Trip Inc. (purchaser for a final plat of Kwik Trip 1071 on 63.6 Acres, more or less, located in unincorporated Scott County southwest of the West River Drive/Interstate 280 Interchange containing 2 lots. [Adjacent to Ward 1]

VIII. Communications Chair Inghram acknowledged that Ryan Rusnak was leaving the City. He wanted to thank Ryan for his years of service and expertise.

IX. Other Business - None

X. Adjourn The meeting adjourned at 5:40 pm.

City of Davenport
Plan and Zoning Commission

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

Date
12/3/2019

Subject:

Case ROW19-02: Request to vacate a portion of the original Division Street Right-of-Way located between Ridgeview Drive and W. 76th Street. Earle Glaus, petitioner. [Ward 8]

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case ROW 19-02 to the City Council with a recommendation to declare this Right-of-Way not needed for public purposes.

Background:

Property owner to the west requests this Right-of-Way be vacated. Records indicate the ROW is 33 feet wide which suggests an additional 33 feet has been vacated in the past. UPDATE: Upon review with County Auditor officials, Staff believes the additional 33 feet of right-of-way never existed.

A public hearing was held at the December 17, 2019 meeting. The petitioner spoke in favor of the request.

Technical review found no reason to maintain this property as public Right-of-Way.

ATTACHMENTS:

Type	Description
▣ Backup Material	Application
▣ Backup Material	Legal Description
▣ Backup Material	Location Map
▣ Backup Material	Neighbor Letter

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	12/12/2019 - 10:34 AM



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

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

Owner (if different from Applicant)

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

Engineer (if applicable)

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

Architect (if applicable)

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

Attorney (if applicable)

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

Application Form Type:

Plan and Zoning Commission

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

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 ☐

Historic Preservation Commission

- Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

- Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Part of the Right of Way of the old Division Street adjacent to Lot 10, Ridgeview Park Addition, an official plat in the City of Davenport, Scott County, Iowa described as follows:

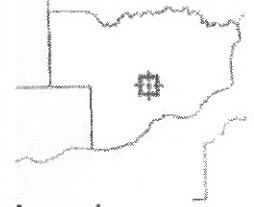
Commencing at the North Corner of said section 3; thence South 88 degrees 06' 05" West along the North line of the Northwest $\frac{1}{4}$ of Section 3 Township 78 North, Range 3 East of the 5th P.M., a distance of 33' to the East Line of said Lot 10; thence South 0 degrees 43' 03" to the point of beginning; thence continuing South 0 degrees 43' 03" to the North Right of Way Line of Ridgeview Drive; Thence East along the North ROW line of Ridgeview Drive a distance of approximately 33 feet to a point on the East line of Section 3 Township 78 North, Range 3 East of the 5th P.M. to a point; thence North 00 degrees 00' - 38' East to a point on the South Line of 76th Street, Thence Westerly along the South line of 76th Street along a curve with a radius of 802 feet a distance of approximately 33 feet to the point of beginning containing .4712 acres more or less.



Scott County / City of Davenport, Iowa



Overview



Legend

- ☐ Parcels
- ☒ Parcel Point
- ☐ 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

Parcel ID W0303-22B
Sec/Twp/Rng n/a
Property Address

Alternate ID W09045
Class R
Acreage n/a

Owner Address GLAUS ERLEW
6 MUSKET CT
LE CLAIRE IA 52753

Legal Description

Part of the Right of Way of the old Division Street adjacent to Lot 10, Ridgeview Park Addition, an official plat in the City of Davenport, Scott County, Iowa described as follows:

Commencing of the North Corner of said section 3; thence South 88 degrees 06' 05" West along the North line of the Northwest $\frac{1}{4}$ of Section 3 Township 78 North Range 3 East of the 5th P. M., a distance of 33' to the East Line of said Lot 10; thence South 0 degrees 43'03" to the North Right of Way Line of Ridgeview Drive, Thence East along the North ROW line of Ridgeview Drive a distance of approximately 33 feet to a point on the East line of Section 3 Township 78 North Range 3 East of the 5th P. M. to a point; thence North 00 degrees, 00' – 38" East to a point on the South Line of 76th Street, Thence Westerly along the South line of 76th Street along a curve with a radius of 802 feet a distance of approximately 33 feet to the point of beginning containing 0.4712 acres, more or less.

An aerial photograph of a suburban area. A red rectangle highlights a section of N Division St, located between W 70th St and W 71st St. The map shows various streets including W 76th Pl, W 76th St, Volquard Ave, Kelling St, Ridgeview Dr, Pacific St, N Howell St, Madison St, W 69th St, and W 71st St. Ridgeview Park is labeled in two locations. The background shows a mix of residential areas and open fields.



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



Public Hearing Details:

Date: December 17, 2019
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 #: ROW19-02

To: Adjacent owners of City-owned property (right-of-way) proposed to be vacated. This property was platted some time ago as Division Street. See map on reverse for specific location. [Ward 8]

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a proposed right-of-way vacation.

What are the Next Steps after the Public Hearing?

This public hearing is the first step in the review/approval process. The Commission's recommendation from this public hearing will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. 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 either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

If you have any questions on this request, or if you need accommodations for any reason, please contact Matthew Flynn, AICP, the case planner assigned to this project at matt.flynn@ci.davenport.ia.us or at 563-888-2286. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Brandon Melton; 563-888-2221;
brandon.melton@ci.davenport.ia.us

Date
1/7/2020

Subject:

Case F19-21: Request of BRUS Farm Development LC (owner) and Kwik Trip Inc. (purchaser) for a final plat of Kwik Trip 1071, a two-lot subdivision on 62.8 acres, more or less, located directly south of 118th Ave and west of Interstate I-280. [Adjacent to Ward 1]

Recommendation:

Staff recommends the Plan and Zoning Commission accept the listed finding and forward case F19-21 to the City Council with a recommendation for approval.

Background:

This property is contiguous with the City limits. The City has the authority to review subdivisions within 2 miles of its boundary.

This subdivision will have to be approved by both Scott County and the City. The County has the final say; and in practice has not taken final action until the City completes its process.

It is staff's opinion that the plat would not have adverse effects to the City of Davenport.

In it's technical review, the natural resources department indicated that the City would want to see the detention/quality treatment plans and details, erosion and sediment control sheets, etc. Chapter 13.34, 13.36 and 13.38 of Davenport City Code explain City stormwater and erosion and sediment control processes. The City will work with County engineering during the planning phase of this project to ensure sufficient stormwater practices are implemented.

Recommendation:

Finding:

1. The location of the development is outside the urban service area.

Staff recommends the Plan and Zoning Commission accept the listed finding and forward case F19-21 to the City Council with a recommendation for approval.

ATTACHMENTS:

Type	Description
□ Backup Material	Location Map
□ Backup Material	County Notice and Plat

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Melton, Brandon	Approved	1/2/2020 - 1:56 PM



Scott County / City of Davenport, Iowa

Kwik Star 1071 Minor Subdivision



Legend

- Parcels
- Parcel Point
- 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

PLANNING & DEVELOPMENT

500 West Fourth Street

Davenport, Iowa 52801-1106

Office: (563) 326-8643

Fax: (563) 326-8257

Email: planning@scottcountyiowa.com



Timothy Huey
Director

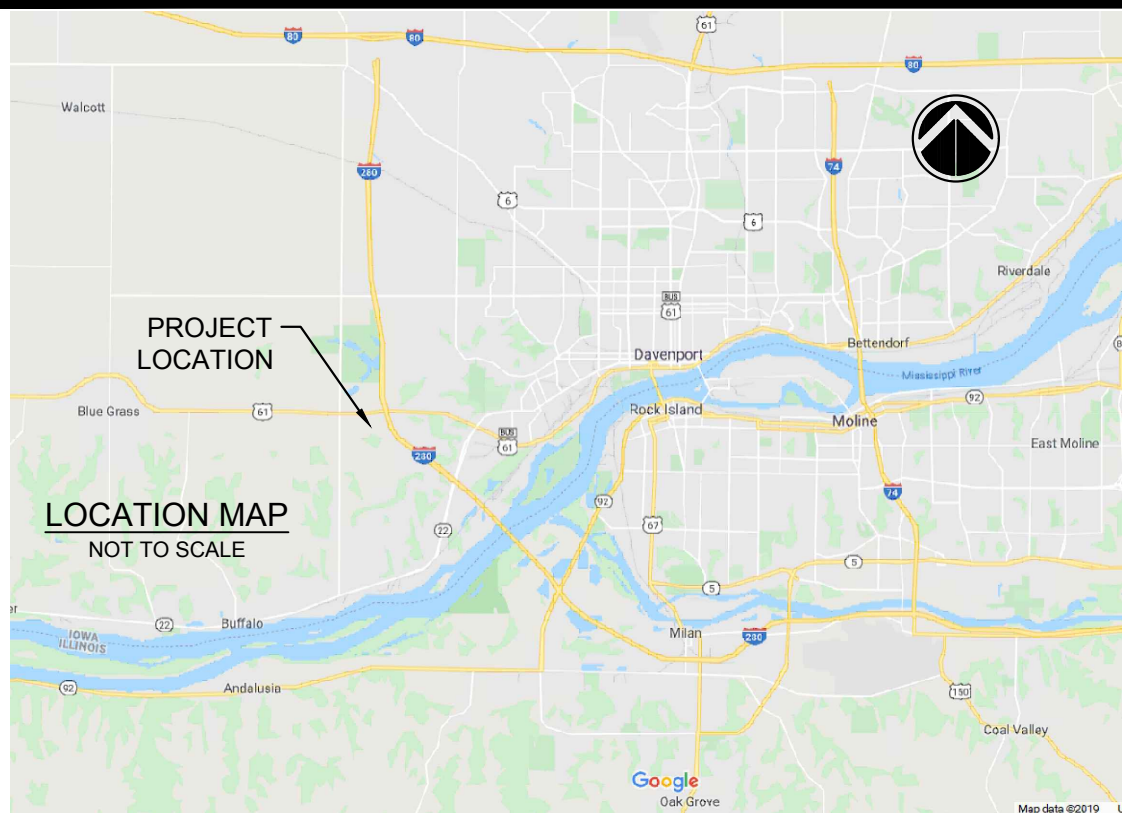
NOTICE OF PLANNING AND ZONING COMMISSION PUBLIC MEETING FOR REVIEW OF A SKETCH PLAN OF A MINOR SUBDIVISION

In accordance with the Subdivision Ordinance for unincorporated Scott County, the Planning and Zoning Commission will hold a public hearing for a sketch plan/final plat of a minor subdivision on **Tuesday, December 17, 2019 at 7:00 P.M.** This notice is being sent to property owners of record within 500 feet of the property in question and to appropriate County officials. The meeting will be held in the **1st Floor Board Room, Scott County Administrative Center, 600 W. 4th Street, Davenport, Iowa 52801.**

An application has been submitted by **BRUS Farm Development LC** (owner) and **Kwik Trip Inc.** (purchaser) for sketch plan review of a Minor Subdivision known as Kwik Trip 1071. The plan proposes to subdivide an existing 62.8 acre tract, more or less, into two (2) new lots. Lot 1 will be 40.0 acres and Lot 2 will be 22.8 acres, more or less. The proposed lot 1 is zoned Commercial Light Industrial (C-2) and the proposed lot 2 is zoned Agricultural General (A-G). The property is accessed and located directly south of 118th Avenue and west of Interstate I-280. The purpose of the proposed subdivision is the development of a Kwik Star gas/diesel station and convenience store on the proposed lot 1. The property is legally described as part of the NE¼ of Section 1 in Buffalo Township (Parcel ID#: 720105010; 720105011; 720121001). A copy of the proposed subdivision is included on the reverse side of this notice.

If you have questions or comments regarding this meeting or the proposed plat please call, write or email the Planning and Development Department, 600 West Fourth Street, Davenport, Iowa 52801, (563)-326-8643, planning@scottcountyiowa.com or attend the meeting.

Timothy Huey
Director

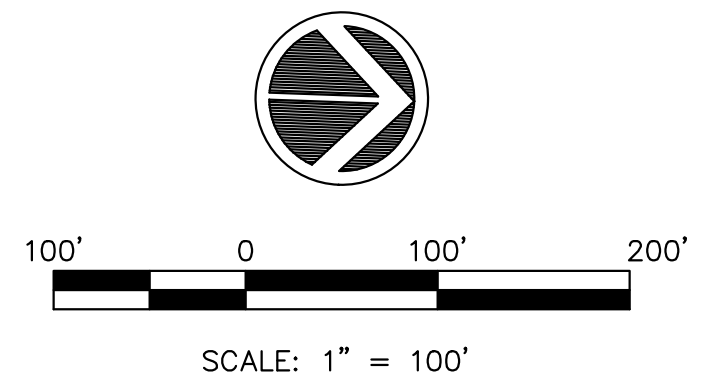


SKETCH PLAN
OF
KWIK TRIP 1071
Part of the Northeast Quarter of Section 1,
Township 77 North, Range 2 East, Scott County, Iowa
63.60 Acres±

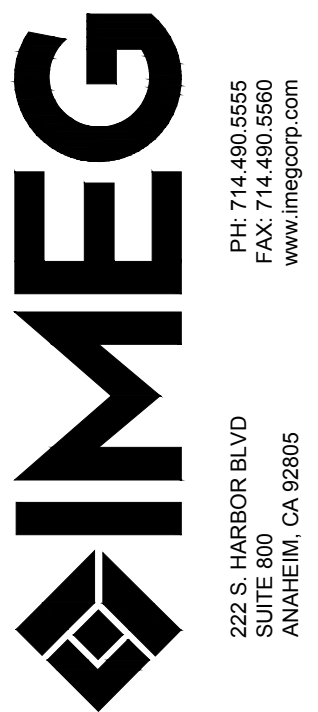
OWNER
Brus Farm Joint Venture
3211 East 35th Street Court
Davenport, Iowa 52807

SUBDIVIDER:
Kwik Trip, Inc.
P.O. Box 2107
La Crosse, WI 54602
Attn: Leah Berlin
(608) 793-6461

NORTH IS BASED ON THE NORTH AMERICAN DATUM OF 1983,
IOWA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE
(2011 ADJUSTMENT)



REVISIONS	DESCRIPTION	DATE
No.		



Kwik Trip Store #1071
Davenport, Iowa
Sketch Plan

IMEG Project No:
18004409.01

File Name:
18004409-02 Subdivision Plat.dwg

© COPYRIGHT 2019
ALL RIGHTS RESERVED

Field Book No:

Drawn By: DAB

Checked By: ***

Date: 12/4/2019

Sheet 1 of 1

LEGEND

- | | |
|-----|------------------------------------|
| ⊗ | R.O.W. MARKER, FOUND |
| ⊙ | RAILROAD SPIKE, FOUND |
| ● | REBAR, FOUND |
| ✕ | CHISELED "X" IN CONCRETE, FOUND |
| ▲ | REBAR WITH CAP # _____, FOUND |
| △ | 5/8" REBAR WITH CAP #35-_____, SET |
| ○ | P.K. NAIL, FOUND |
| ⊙ | P.K. NAIL, SET |
| ○ | PIPE, FOUND |
| ⊙ | CONCRETE MONUMENT, FOUND |
| — | MEASURED DIMENSION |
| — | RECORDED DIMENSION |
| — | LINE CONTINUATION |
| — | SURVEY BOUNDARY |
| — | PROPOSED LOT LINE |
| — | EXISTING LOT LINE |
| — | CENTERLINE |
| — | HISTORICAL LINE - AS NOTED |
| — | PROPOSED EASEMENT LINE |
| — | EXISTING EASEMENT LINE |
| — | SECTION LINE |
| — | EXISTING R.O.W. LINE |
| — | PROPOSED SETBACK LINE |
| — | EXISTING SETBACK LINE |
| AC | ACRES |
| SF | SQUARE FEET |
| BSL | BUILDING SETBACK LINE |
| POB | POINT OF BEGINNING |
| ROW | RIGHT OF WAY |
| UE | UTILITY EASEMENT |

SURVEYOR'S NOTES

This Final Plat was prepared at the request of, and for the exclusive use of Kwik Trip, Inc.

It should be noted that in the performance of this re-survey, the courses and distances of the re-survey may vary from recorded calls, based on the existence of found monumentation, occupation, or other controlling calls or conditions that have occurred in the re-survey of this property.

This property is subject to any and all easements and roadways of record.

No investigation concerning environmental and subsurface conditions, or for the existence of underground containers, structures or facilities which may affect the use or development of this property was made as a part of this survey.

No part of this subdivision is subject to a Special Flood Hazard Area as designated by FEMA on Community Firm Map No. 19163C0345F with an Effective Date February 18, 2011.

Distances are listed in feet and decimal part of a foot.

All monuments have been found or set as shown on this plat.

GENERAL NOTES

Blanket underground easements granted for all primary and secondary electric cables, pad mounted transformers, electric transformers, primary cable, gas service, water service, sewer laterals, telephone service, and cable T.V. to individual structures and street lights.

Zoning setback lines are based on Zoning requirements as of the date of Scott County Board approval. In case of conflict between lines shown and future code requirements the code requirements shall govern.

LOT 2
1,742,367 SF±
40.00 AC±

PARCEL ID 720121001

AREA TABLE

PARCEL	AREA S.F.±	AREA AC.±
LOT 1	1,027,883 SF±	23.60 AC±
LOT 2	1,742,367 SF±	40.00 AC±
TOTAL AREA	2,770,250 SF±	63.60 AC±