

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

Tuesday, August 20, 2024; 5:00 PM

City Hall | 226 West 4th Street | Council Chambers

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

I. New Business

1. Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]

REGULAR MEETING AGENDA

II. Roll Call

III. Report of the City Council Activity

IV. Secretary's Report

1. Consideration of the August 6, 2024 meeting minutes.

V. Report of the Comprehensive Plan Committee

VI. Zoning Activity

A. Old Business

B. New Business

VII. Subdivision Activity

A. Old Business

B. New Business

VIII. Future Business

IX. Communications

X. Other Business

XI. Adjourn

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch | 563-888-2221

Action / Date
8/20/2024

Subject:

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]

Recommendation:

Hold the Public Hearing.

A formal staff recommendation will be provided at the September 3, 2024 Plan and Zoning Commission meeting.

Background:

The City received a request to vacate an unimproved portion of public right-of-way within a residential block. The existing north-south alley, extending from West 7th Street to the mid-block alley, was dedicated but never constructed by the City. There is a driveway approach along West 7th Street that serves as a parking space for the single-family home at 1214 West 7th Street. The remainder of the right-of-way is grass, which is being maintained by the petitioner.

The applicant owns three properties abutting the subject right-of-way. The purpose of the request is to provide off-street parking and to prevent traffic from driving over the lawn.

The area petitioned for vacation is approximately 1,500 square feet (10 feet wide by 150 feet in length). If vacated, the land will be conveyed to abutting property owners.

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

Future Land Use Designation:

The properties abutting the subject right-of-way are designated as Residential General in the Davenport +2035 Future Land Use Map. The properties with frontage along Marquette Street are also within an Urban Corridor Overlay.

1. **Residential General:** 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.

2. **Urban Corridor:** Generally established corridors along major streets marked by mixed use development with commercial uses generally clustered at major intersections and/or transit stops. Urban corridors are mostly fully built-out and redevelopment occurs slowly. Commercial uses in UC generally serve adjacent neighborhoods with goods and services. The character and intensity of Urban Corridors can vary due to street and surrounding neighborhood characteristics. Therefore, specific corridor and neighborhood plans, and supporting zoning provisions, should be developed to help guide future development decisions.

Abutting Zoning:

The abutting properties are currently zoned **R-4C Single-Family and Two-Family Central Residential District**. This district is intended to preserve and protect Davenport's dense, centrally located, established urban residential neighborhoods. Standards of the R-4C District are intended to ensure that new development is complementary to the existing developed character of these neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-4C District.

Technical Review:

City Departments and utility companies are reviewing the proposed Right-of-Way Vacation Application. Further comments will be provided at the September 3, 2024 Plan and Zoning Commission meeting.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 20, 2024 Plan and Zoning Commission Public Hearing.

Staff have had conversations with the property owner at 1218 West 7th Street, whose land abuts the northwest corner of the subject right-of-way. The owner did not object to the vacation or express interest in acquiring the land. However, there was concern raised about the large tree near the midpoint of the right-of-way. It is unclear whether the tree is within the alley or on private property. The owner inquired about the responsibility for having the tree removed.

Staff will apprise the Commission of any additional correspondence when the item is brought back for consideration.

Attachments:

1. Application
2. Legal Description
3. Maps
4. Photos of Alley

5. Public Notice



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

RIGHT-OF-WAY VACATION

(EASEMENT ABANDONMENT)

APPLICANT INFORMATION	
Applicant Name Company Name	
Address	
City State Zip	
Phone	
Secondary Phone	
E-Mail Address	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study. Type Applicant's Name _____ Applicant's Signature _____ Date _____	
DEVELOPMENT TEAM	
Surveyor	
Address	
Phone	Secondary Phone
E-Mail Address	
Attorney/Other	
Address	
Phone	Secondary Phone
E-Mail Address	

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING	
PROJECT TITLE			
GENERAL LOCATION DESCRIPTION			
NEIGHBORHOOD MEETING DATE / TIME / LOCATION			
AREA OF VACATION	EXISTING USE	PROPOSED USE	SQUARE AREA
COMPLETE SUBMITTALS SHALL INCLUDE:			
SUBMITTED			
Concept/Development Plan, if applicable			
Authorization to Act as Applicant			
Legal Description* (bearing & distance) * shall include a MS Word or Text file			
Legal Description Dimensioned Sketch			
Application Fee: (REQUIRED) \$400* * check payable to 'City of Davenport'			
PROJECT NARRATIVE: (submit separate sheet if needed)			
Submit the first page of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.			

Authorization to Act as Applicant

I/We, _____
[as property owner(s)]

authorize _____
[the above person(s)]

to act as applicant, representing me/us before the City Plan & Zoning Commission

for the property located at _____.

Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization: _____

Date

State of _____,

County of _____,

Sworn and subscribed before me

this _____ day of _____, _____.

[identification type]

Notary Public

My Commission Expires:

CONVEYANCE PROCEDURE:
CITY COUNCIL POLICY ON SALE OF PUBLIC PROPERTY

P&Z STAFF SHALL HOLD A PUBLIC HEARING AND PREPARE A REPORT BEFORE THE PLAN AND ZONING COMMISSION REGARDING REQUESTS FOR R.O.W VACATION; THE COMMISSION SHALL PROVIDE A RECOMMENDATION TO CITY COUNCIL.

SHOULD CITY COUNCIL APPROVE THE R.O.W. VACATION THE FOLLOWING PROCEDURE WILL COMMENCE FOR THE CONVEYANCE (SALE) OF LAND TO ADJACENT PROPERTY OWNERS NEAR THE VACATED R.O.W.

APPLICANTS SHALL WORK WITH THE CITY LEGAL DEPARTMENT AT 563.326.7735 TO COMPLETE THE LAND CONVEYANCE OF VACATED R.O.W. PRIOR TO USE OF THE LAND

WHEREAS, THE Davenport City Council wishes to establish an orderly and efficient process for the conveyance and disposal of real property, including lots and abandoned streets and alleys, the following procedures are hereby established to facilitate the sale of real property:

1. The Petitioner files an application for conveyance and pays a one-time, non-refundable \$400.00 filing fee. The application shall include a statement of intended use, a legal description and location of the property, the square feet of the land, plat drawing of the property and must be signed by the Petitioner.
2. If the petition involves public right-of-way, the matter shall be referred to the City Plan and Zoning Commission.
3. Staff shall review the following factors in determining what constitutes fair market value for the property:
 - a. the location, size, shape, grade and zoning of the land;
 - b. the assessed valuation of adjacent or contiguous property;
 - c. recent sales of land in the same area.
4. In the event staff deems it advisable or necessary, the City shall request the Petitioner, at Petitioner's expense, to provide a fair market value appraisal of the property.
5. Staff shall determine a price per square foot based upon the above stated factors. In any event, the minimal fee on any land conveyed shall be \$400.00.
6. Council may approve, by motion, a request from staff to proceed to dispose of parcels of real property either by offer or at auction. If the property is offered and accepted by the purchaser, the price will be as agreed between City and purchaser. In the event the auction process is used, the sale price of these properties shall be determined solely by the auction's bidding procedures. In either case, there shall also be no application fee assessed to the purchaser.

Keith Jacks Petition to have public alley vacated and described as:

A public alley that is ten (10') feet wide by approximately one hundred fifty (150') feet long located in Davenport, Scott County Iowa, and described as follows: commencing at the northwest corner of a Lot in Mitchells Third Addition to City of Davenport Iowa that is described in a Real Estate Contract dated May 21, 1986, filed with the Scott County Iowa Recorder on May 27, 1986 at document no # 8703-86 (which Lot is described as "The North 40 feet of the East 118 feet of Lots 5 and Lot 6 in Block 16 of Mitchell's Third Addition to the City of Davenport, Scott County Iowa") and continuing in a southerly direction along a line that is one hundred eighteen (118') feet west of and parallel to Marguette St., Davenport Iowa a distance of approximately one hundred fifty (150') feet south to a point on the north side of a public street, now known as West 7th St, in Davenport Iowa, which point is adjacent to the southwest corner of a Lot described in a Deed dated November 10, 1987 and filed of record with the Scott County Recorder on December 29, 1987 as document no #24198-97, and thence West a distance of ten (10') feet along the north side of West 7th St, and thence in a northerly direction approximately one hundred fifty (150') feet to a point in the south side of public alley, and thence East a distance of ten (10') feet to the point of beginning.

8.2.2024



Vicinity Map | Right-Of-Way Vacation

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



ROW Vacation

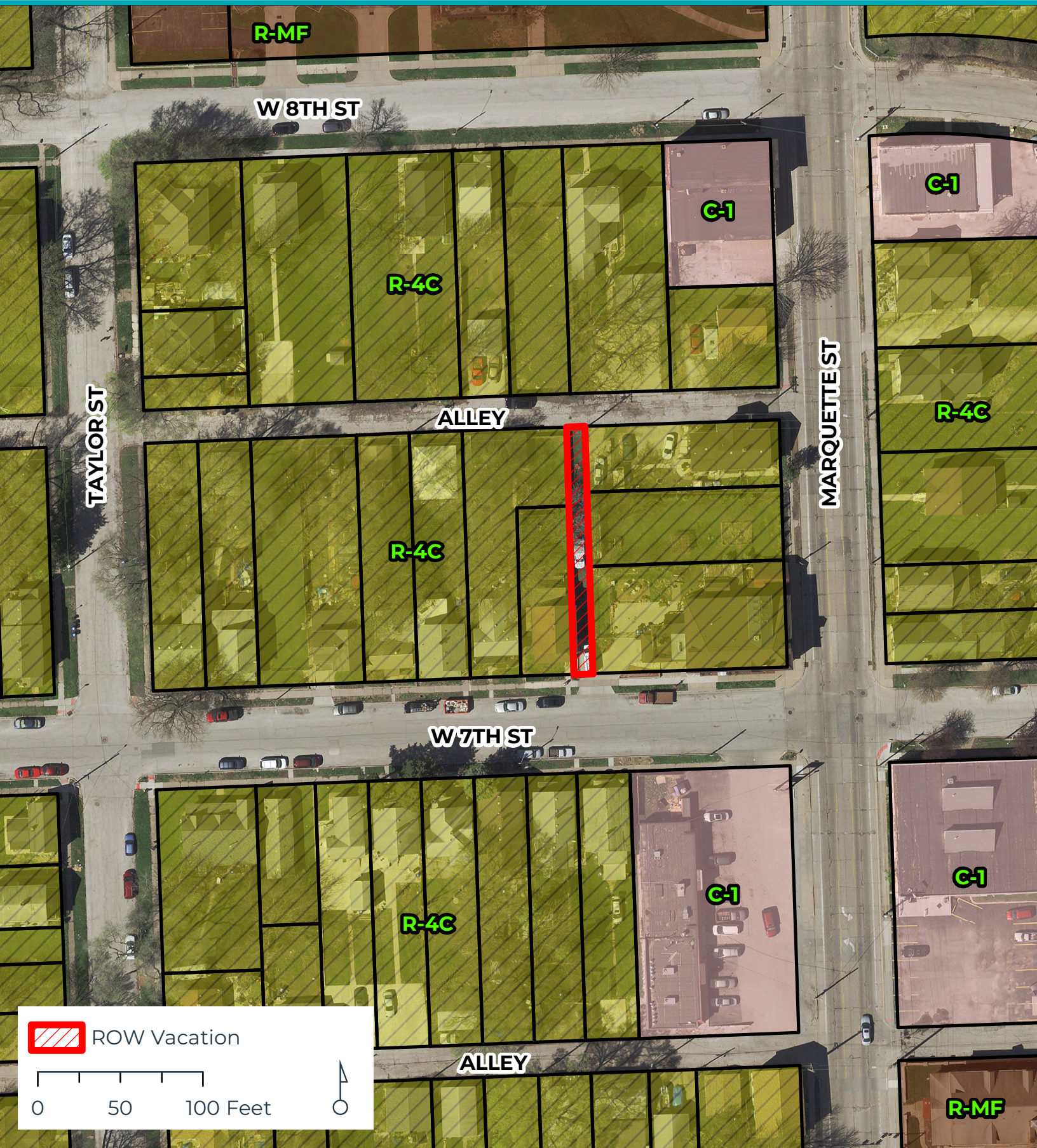
0 50 100 Feet





Zoning Map | Right-Of-Way Vacation

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



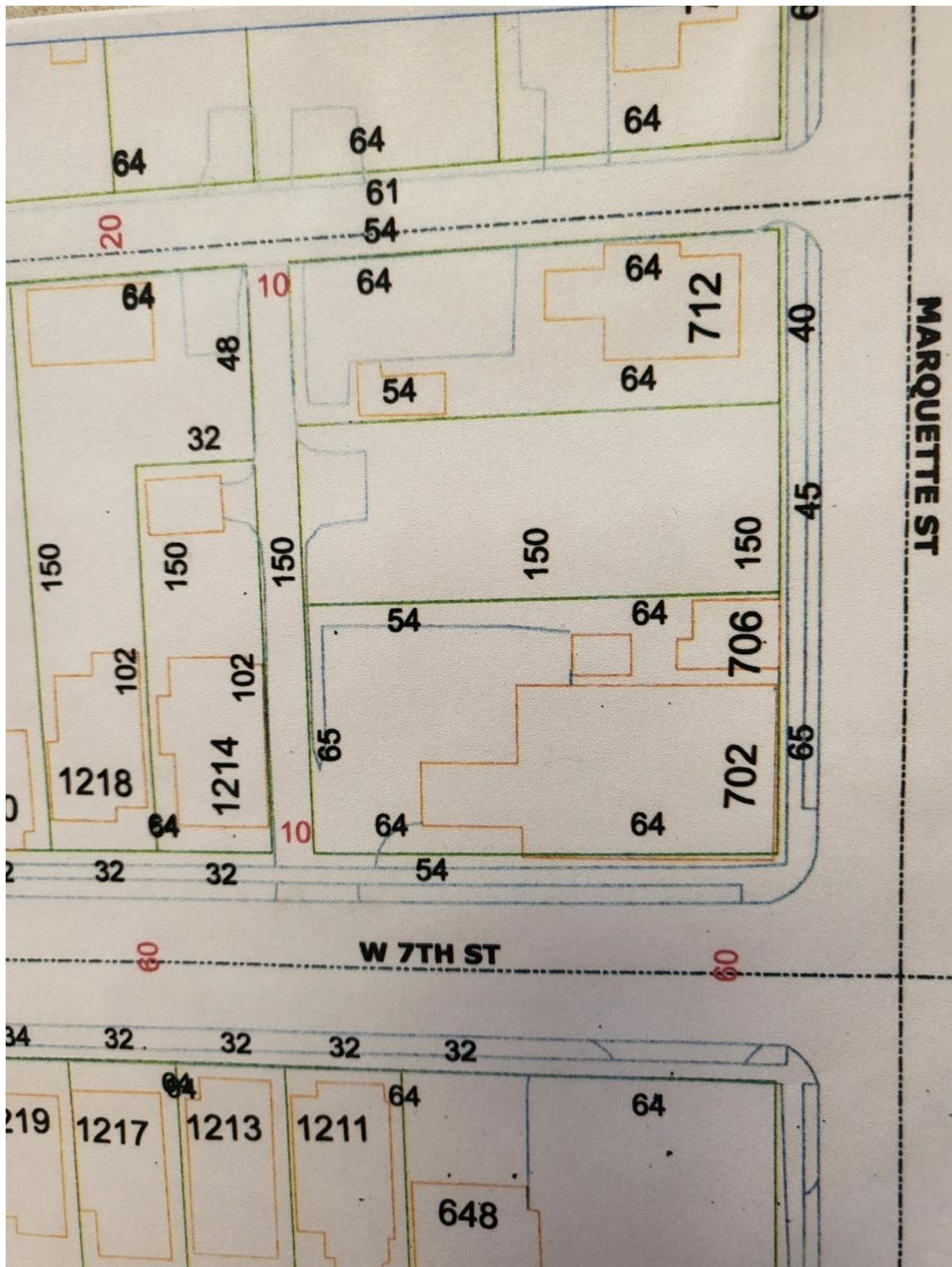


Future Land Use Map | Right-Of-Way Vacation

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



MARQUETTE ST















PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley.

Plan & Zoning Commission Public Hearing Meeting

Date: 8/20/2024

Time: 5:00 PM

Location: Council Chambers | City Hall | 226 West 4th St.

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. The existing north-south alley, extending from West 7th Street to the mid-block alley, is unimproved. If vacated, the land will be conveyed to abutting property owners.

Request/Case Description

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]

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 August 20, 2024. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on September 3, 2024. 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?

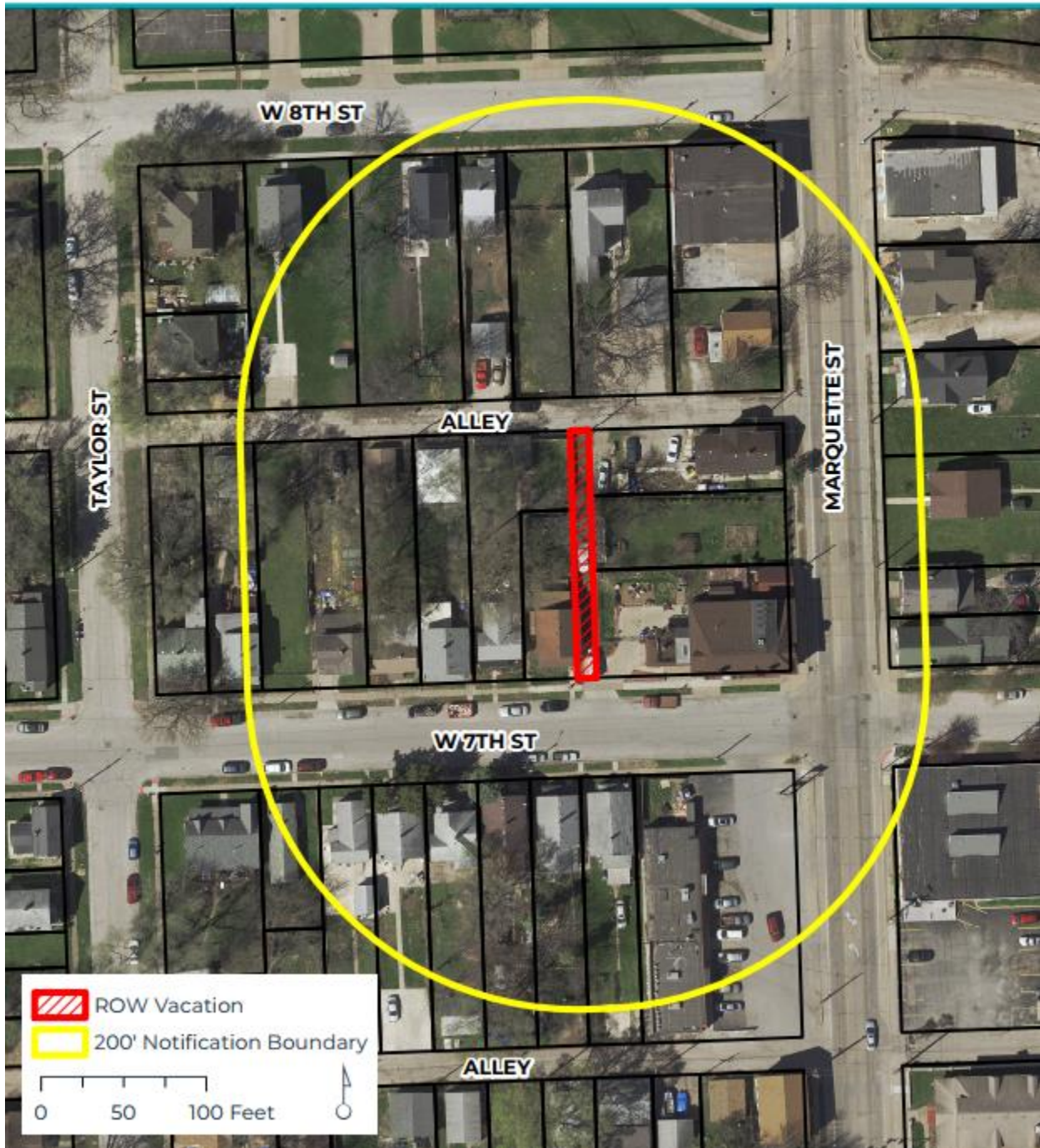
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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



Right-Of-Way Vacation | Public Hearing Notice

Case ROW24-04: Request of Jacks Home Improvements Company to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley. [Ward 3]



City of Davenport

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch | 563-888-2221

Action / Date
8/20/2024

Subject:
Consideration of the August 6, 2024 meeting minutes.

Recommendation:
Approve the minutes.

Background:
The August 6, 2024 meeting minutes are attached.

Attachments:
1. Meeting Minutes 8-6-24

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, AUGUST 6, 2024; 5:00 PM
CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

I. Roll Call

Present: Inghram, Hepner, Dunlop, Maness, Eikleberry, Tallman, Garrington, Johnson, Schilling

Excused: Thomas, Schneider

Staff: Berkley, Werderitch

II. Report of the City Council Activity

Staff provided an update of the City Council activity.

III. Secretary's Report

A. Consideration of the July 16, 2024 meeting minutes.

Motion by Hepner, second by Tallman, to approve the July 16, 2024 meeting minutes. Motion to approve was unanimous by voice vote (8-0).

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

1. Request for the Plan and Zoning Commission to initiate a zoning interpretation for the property at 6109 Brady Street. [Ward 8]

Staff presented a history of the property and current condition of the structure. The purpose of the zoning interpretation is to notify the property owner, OMNI Inc., if a 'Hotel' is prohibited in the I-1 Light Industrial District.

Staff recommended the Plan and Zoning Commission request a zoning interpretation for the property at 6109 Brady Street.

John Corelis, realtor for the property, was in attendance to answer questions. It is the intent of the owners to pursue options for preservation and potential adaptive reuse of the structure for a hotel or housing.

Commissioners commented on the poor condition of the structure, criminal activity occurring at the site, adaptive reuse of the building, zoning restrictions, and future plans for demolition.

Motion by Tallman, second by Hepner, to instruct staff to complete a zoning interpretation for the property at 6109 Brady Street. Motion to approve was unanimous by voice vote (8-0).

2. Case REZ24-03: Request of Davenport Community School District to rezone approximately 12.71 acres of land located at 715-909 East 36th Street from R-3 Single-Family and Two-Family Residential District to S-IC Institutional Campus District. [Ward 7]

Staff presented an overview of the petition. The purpose of the request is to establish a new transportation center for the Davenport Community School District at the former National Guard Armory site. The existing property is considered nonconforming, since a 'Vehicle Operation Facility' is not permitted in the R-3 Single-Family and Two-Family Residential District. A rezoning to S-IC Institutional Campus District is required to facilitate the redevelopment of the site to include offices, additional vehicle service bays, and school bus parking.

Staff recommended Case REZ24-03 be forwarded to the City Council with a recommendation for approval subject to the listed findings.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Civic and Institutional.
2. The proposed zoning map amendment to S-IC Institutional Campus District is compatible with the zoning of nearby property.
3. The proposed zoning map amendment enables the subject property to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment promotes the public health, safety, and welfare of the City.
5. The proposed zoning map amendment eliminates nonconformities following the development of the site.

John Mahon, Bray Architects, was in attendance to answer questions on behalf of the school district.

There were no members of the public in attendance to speak on the request.

Motion by Tallman, second by Johnson, to approve staff recommendation in Case REZ24-03. Motion to approve was unanimous by voice vote (8-0).

VI. Subdivision Activity

A. Old Business

B. New Business

1. Case F24-09: Request of Splendor Homes, LLC for a Final Plat of Splendor Estates First Addition. The 37-lot subdivision is located at 2448 and 2460 East 60th Street on 27.94 acres. [Ward 8]

Commissioner Tallman and Dunlop abstained.

Staff presented an overview of the proposed subdivision plat. The purpose of the final plat is to phase the construction and development of the residential subdivision. This first phase establishes internal roads connecting to East 61st Street, East 59th Street, and Jersey Ridge Road. A total of 37 lots are proposed in this initial phase.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F24-09 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, "The purpose of the Temporary Turn Around Easements is to grant access to vehicular traffic, including but not limited to emergency services. The turn-around area shall be constructed of a hard surface with the design approved by the City Engineer."

Chris Townsend, Townsend Engineering, was in attendance to speak on behalf of the project.

Motion by Garrington, second by Maness, to approve staff recommendation in Case F24-09. Motion to approve was unanimous by voice vote (6-0). Commissioner Tallman and Dunlop abstained.

2. Case F24-10: Request of Core Properties LLC for a Final Plat of Grand Commercial 1st Addition. The 3-lot subdivision is located at 5001 Grand Avenue on 1.93 acres. [Ward 7]

Staff gave an overview of the project. The applicant submitted permits to develop the vacant 1.93-acre parcel into three separate industrial buildings. The purpose of the Final Plat is to place each structure on a separate lot. A shared access easement will be established to provide ingress via a driveway on Grand Avenue.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F24-10 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. A 7.5-foot wide utility easement is required along the perimeter of the north and south lot lines.
4. Sidewalks shall be constructed along all street frontages prior to the completion of construction for each lot, or as so ordered by the City of Davenport.
5. Per city code section 13.34.070, the drainage easement area adjacent to Goose Creek shall contain a minimum fifty-foot vegetated buffer area on both sides of the stream as measured landward horizontally on a line perpendicular to a vertical line marking the top of the existing banks of the stream or drainageway. This area is not to be disturbed during construction, but if it is, this buffer shall be planted with vegetation native to the Midwest region of the United States and marinated as a native grass and forb (flower) no-mow area; kept free of trees, invasive plant species and other obstructions.
6. Include a note stating, "Portions of this subdivision are located within the FEMA determined special flood hazard area subject to inundation

by the 1% annual chance flood as shown on flood insurance rate maps #19163C0355H effective date April 11, 2024 and is subject to the regulations in Chapter 15.44 of the Municipal Code entitled "Flood Damage Prevention". BFE = 659.7"

Luke Miller, Klingner & Associates, was in attendance to answer questions on behalf of the property owner.

Motion by Garrington, second by Tallman, to approve staff recommendation in Case F24-10. Motion to approve was unanimous by voice vote (8-0).

VII. Future Business

VIII. Communications

IX. Other Business

1. Election of Officers

Motion by Maness, Second by Johnson, to nominate Commissioner Tallman as Secretary. Motion was unanimously approved by a voice vote.

Motion by Johnson, Second by Schilling, to nominate Commissioner Maness as Vice-Chairperson. Motion was unanimously approved by a voice vote.

Motion by Johnson, Second by Garrington, to nominate Commissioner Inghram as Chairperson. Motion was unanimously approved by a voice vote.

X. Adjourn

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

The meeting adjourned at 5:38 pm.