

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

Tuesday, September 3, 2024; 5:00 PM

City Hall | 226 West 4th Street | Council Chambers

- I. Roll Call
- II. Report of the City Council Activity
- III. Secretary's Report
 - 1. Consideration of the August 20, 2024 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
 - 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]
- VII. Future Business
- VIII. Communications
- IX. Other Business
- X. Adjourn

City of Davenport

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

Action / Date
9/3/2024

Subject:
Consideration of the August 20, 2024 meeting minutes.

Recommendation:
Approve the minutes.

Background:
The August 20, 2024 meeting minutes are attached.

Attachments:
1. Meeting Minutes 8-20-24

MINUTES
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. Roll Call

Present: Inghram, Hepner, Schilling, Johnson, Eikleberry, Thomas, Garrington, Tallman, Maness, Schneider

Absent: Dunlop

Staff: Werderitch

II. New Business

- A. 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]

Staff presented an overview of the petition 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 midblock 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 purpose of the request is to provide off-street parking and to prevent vehicular and pedestrian traffic from traveling 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.

Keith Jacks, petitioner, was in attendance to answer questions. The request is a result of people littering and walking through the right-of-way. The hope is once the alley is vacated, it can be enclosed to prevent nuisance activity.

Commissioners inquired about the condition of the existing tree adjacent to the right-of-way and ability to install a fence following the conveyance.

With no additional comments, the public hearing closed.

REGULAR MEETING AGENDA

I. Roll Call

Present: Inghram, Hepner, Schilling, Johnson, Eikleberry, Thomas, Garrington, Tallman, Maness, Schneider

Excused: Dunlop

Staff: 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 August 6, 2024 meeting minutes.

Motion by Hepner, second by Tallman, to approve the August 6, 2024 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

B. New Business

VI. Subdivision Activity

A. Old Business

B. New Business

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

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

The meeting adjourned at 5:13 pm.

City of Davenport

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

Action / Date
9/3/2024

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:

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the unimproved right-of-way located west of Marquette Street, between West 7th Street and the mid-block alley, in Case ROW24-04 to the City Council with a recommendation for approval, subject to the following finding:

Finding: The existing public right-of-way is not required for city purposes.

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, prevent traffic from driving over the lawn, and to minimize nuisance activity.

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 of 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:

The following technical review comments were received from City Departments and Utility Companies:

1. Streets: If vacated, all abutting properties will have frontage along a public street.
2. Solid Waste: The properties at 1214 West 7th Street and 702 Marquette Street currently have trash collected from the alley. Should the right-of-way be vacated, accommodations can be made for properties without direct access to the alley to have trash collected along West 7th Street or Marquette Street.
3. Forestry: The City is in the process of having the large tree located near the midpoint of the right-of-way trimmed.
4. Sanitary Sewer: There is no sewer infrastructure within the subject right-of-way. Sanitary sewer lines are within the West 7th Street and Marquette Street rights-of-way.
5. Other Utilities: All utility services located in the alley shall be granted a blanket utility and access easement for the maintenance of such utilities as conditioned in this report. Overhead utility poles span the length of the east-west alley in the center of the block.
6. Parks/Open Space: The proposed right-of-way vacation does not impact any parks or open space.

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 at the meeting.

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.	
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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

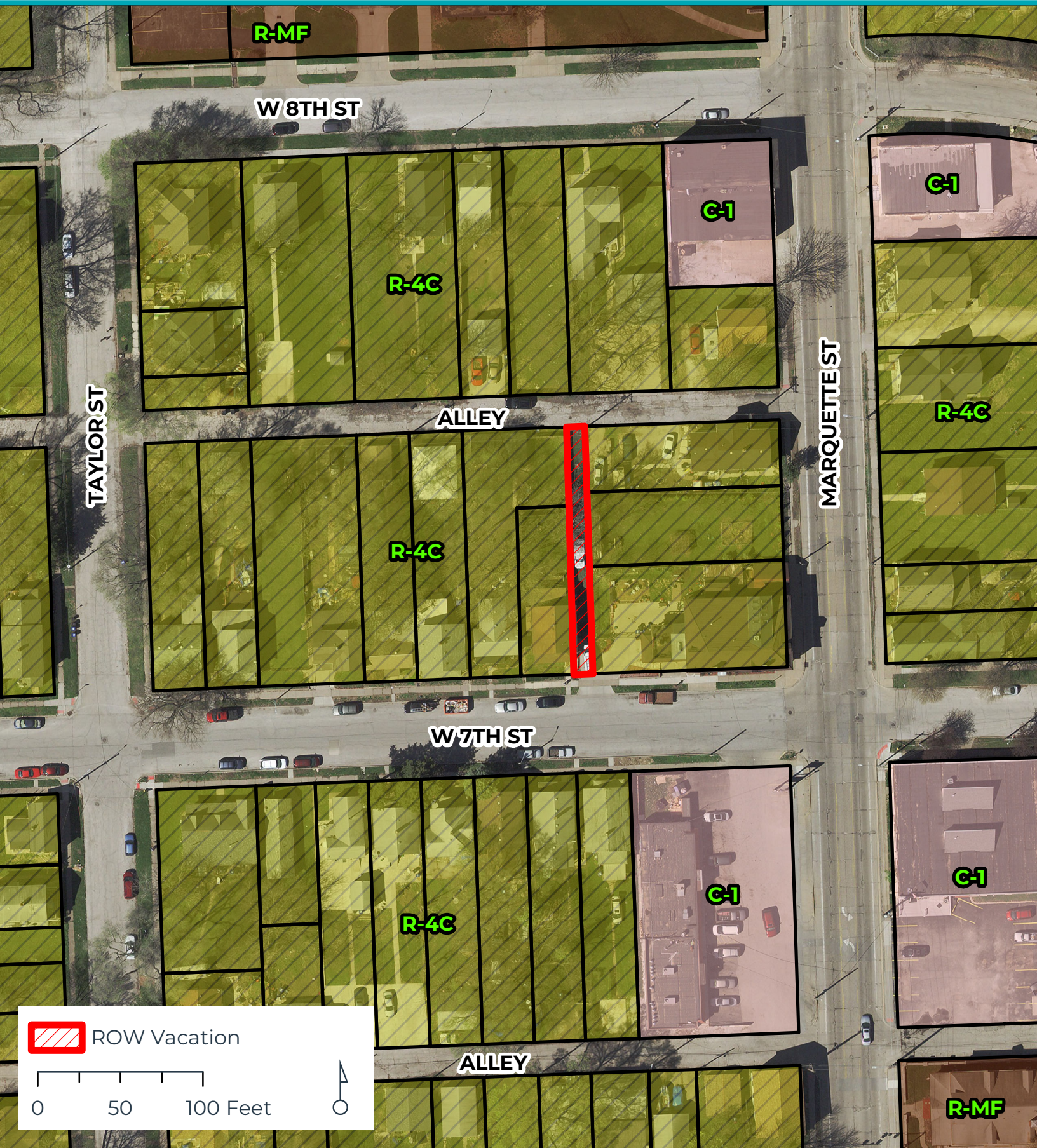
0 50 100 Feet





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]





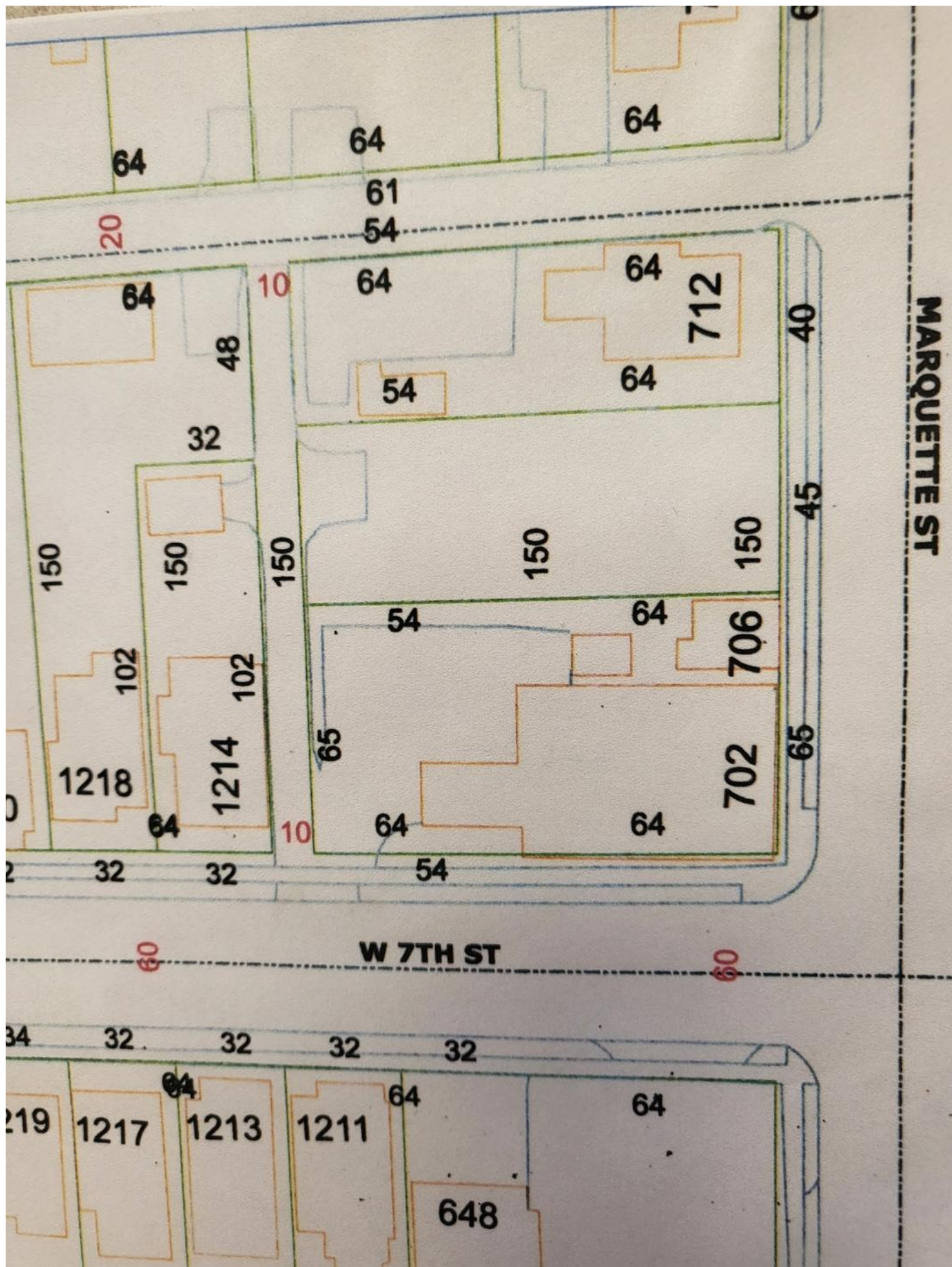
THE CITY OF
DAVENPORT
IOWA | USA

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]

