

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, APRIL 17, 2018; 5:00 PM

COUNCIL CHAMBERS

COMBINED PUBLIC HEARING & REGULAR MEETING

A. **PUBLIC HEARING & REGULAR MEETING CANCELLED DUE TO LACK OF BUSINESS**

I. Next Public Hearing

- A. Tuesday, May 01, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall - 226 West 4th Street

**REGULAR MEETING AGENDA**

I. Roll Call

II. Report of the City Council Authority

III. Secretary's Report

- A. April 03, 2018 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

- A. Case No REZ18-04 being the request of Adam Seitz dba Pheasant Creek Estates LLC for a rezoning from "A-1" Agricultural District to "R-2" Low Density Dwelling District on 33.11 acres, more or less, located west of Elmore Avenue and north of 53rd Street for residential development.

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 888-2286

**Date**  
**4/17/2018**

Subject:

**PUBLIC HEARING & REGULAR MEETING CANCELLED DUE TO LACK OF BUSINESS**

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	4/12/2018 - 11:03 AM

City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 888-2286

**Date**  
**4/17/2018**

Subject:

Tuesday, May 01, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall - 226 West 4th Street

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	4/12/2018 - 11:08 AM

City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 888-2286

**Date**  
**4/17/2018**

Subject:  
April 03, 2018 meeting minutes

ATTACHMENTS:

Type	Description
▢ Backup Material	April 03, 2018 minutes

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	4/12/2018 - 11:12 AM

**CITY PLAN AND ZONING COMMISSION  
CITY OF DAVENPORT, IOWA**

**TUESDAY APRIL 03, 2018 • 5:00 PM  
COUNCIL CHAMBERS – DAVENPORT CITY HALL  
226 W 4<sup>TH</sup> STREET DAVENPORT, IA**

**MINUTES**

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**PUBLIC HEARING AGENDA**

**OLD BUSINESS –**

**NEW BUSINESS –**

**Next Public Hearing:**

Tuesday, April 17, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall – 226 West 4<sup>th</sup> Street.

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**REGULAR MEETING AGENDA**

The regular meeting was called to order at 5:00 P.M., there was no public hearing

**I. Roll Call of the Membership**

Present: Hepner, Inghram, Kelling, Lammers, Medd, Reinartz and Tallman

Excused: Connell and Maness

Absent: Martinez and Quinn

Staff: Flynn, Leabhart, Rusnak, Wille and attorney Heyer

**II. Report of the City Council Activity – as presented**

**III. Secretary's Report** March 20, 2018 meeting minutes were approved

**IV. Report of the Comprehensive Plan Committee**

1. Case No. CP18-01: Consideration of the Elmore Corners Area Plan as an Element to the Davenport Comprehensive Plan. [Ward 6]

Findings:

- The Elmore Corners Areas presents a unique opportunity to create a special place by promoting high quality design standards in a well-coordinated development pattern.
- The Comprehensive Plan encourages the creation of sub area plans when the need and opportunity arises.

Recommendation:

Staff recommends Case No. CP18-01 be forwarded to the City Council with a recommendation for approval.

A Motion by Hepner, seconded by Tallman, to forward Case No. CP18-01 to the City Council for approval was approved on a vote of 6-yes, 0-no and 0-abstention.

**V. Zoning Activity**

**A. Old Business –**

**B. New Business -**

1. Case No. ORD18-01: Proposed Zoning Ordinance Text Amendment creating an Elmore Corners Overlay District (ECOD) and adoption of design standards. [Ward 6]

Findings:

- Proposed ordinance will serve as an effective tool in the implementation of the Elmore Corners Master Plan

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. ORD18-01 to the City Council for approval.

A motion by Tallman, seconded by Tallman to remove the Davenport Commons from the area covered by the overlay district was approved on a vote of 5-yes, 1-no (Reinartz) and 0-abstention.

A motion by Lammers, seconded by Tallman, to forward Case No. ORD18-01 to the City Council for approval as amended above was approved on a vote of 5-yes, 1-no (Reinartz), and 0-abstention.

2. Case No. ORD18-03: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning" by amending Section 17.36.030.B.6 by adding Sale and Storage of Fireworks and Explosive Devices, subject to such uses being located more than one thousand feet from any residential district to the list of permitted uses in the "M-1" Light Industrial District. [Wards All]

Finding:

- Due to the nature of the explosive materials, specific land use and separation from residential districts is warranted.

Staff recommends the Plan and Zoning Commission accept the listed finding forward Case ORD18-03 to the City Council with a recommendation for approval.

A motion by Kelling, seconded by Lammers, to table the request for one cycle failed on a vote of 2-yes, 4-no (Hepner, Medd, Reinartz and Tallman) and 0-abstention.

A motion by Lammers, seconded by Tallman, to forward Case ORD18-03 to the City Council for approval was approved on a vote of 4-yes, 2-no (Kelling and Lammers) and 0-abstention.

## **VI. Subdivision Activity**

### **A. Old Business –**

1. Case No. F18-02: Final plat of Bett's Corporation 2nd Addition on 7.40 acres, more or less, located abutting to the east of 741 West 53rd Street containing two (2) lots. The property is zoned "R-1" Low Density Dwelling District. [Ward 7]

#### Findings:

- The plat conform to the requirements of the Title 16 "Subdivisions".
- The plat conforms to the comprehensive plan.

#### Recommendation:

Staff recommends City Plan and Zoning Commission accept the finding and forward Case No. F18-02 to the City Council for approval subject to the listed condition:

1. That a north arrow be added to the plat

A motion by Hepner, seconded by Tallman, to forward Case No F18-02 to the City Council for appval subject to the above condition was approved on a vote of 6-yes, 0-no and 0-abstention.

### **B. New Business –**

## **VII. Other Business –**

## **VIII. Future Business –** Preview of items for the April 17<sup>th</sup> public hearing and/or regular meeting (*note-not all items to be heard may be listed*):

## **IX. Communications (Time open for citizens wishing to address the Commission on matters not on the established agenda)**

## **X. Adjourn -** The meeting was adjourned at approximately 5:40 P.M.

- *Note: Pursuant to §17.60.030 and §2.64.120 of the Davenport City Code the Commission is required to act on this item within 30 days unless the petitioner waives this requirement. Pursuant to the city code if the Commission does not act and report on this item within 30 days' time this agenda item is to be construed as approved by the Commission.*
- *Note: The Plan and Zoning Commission meeting is not a public hearing. It is time for the commission to discuss the issue(s) with City staff and if questions rise, with the developer.*
- *A rezoning or ordinance text amendment has a second public hearing before the City Council at its Committee of the Whole meeting. Notification of that meeting will be sent to surrounding owners following the Plan and Zoning Commission meeting.*

## **Next Public Hearing/Regular Plan & Zoning Meeting:**

**Tuesday, April 17, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall  
226 West 4<sup>th</sup> Street.**

City of Davenport  
Plan and Zoning Commission

Department: Community Planning & Economic Development  
Contact Info: Matt Flynn 888-2286

**Date**  
**4/17/2018**

**Subject:**

Case No REZ18-04 being the request of Adam Seitz dba Pheasant Creek Estates LLC for a rezoning from "A-1" Agricultural District to "R-2" Low Density Dwelling District on 33.11 acres, more or less, located west of Elmore Avenue and north of 53rd Street for residential development.

**ATTACHMENTS:**

Type	Description
▣ Backup Material	REZ18-04 Preview background

**Staff Workflow Reviewers**

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Wille, Wayne	Approved	4/12/2018 - 12:01 PM

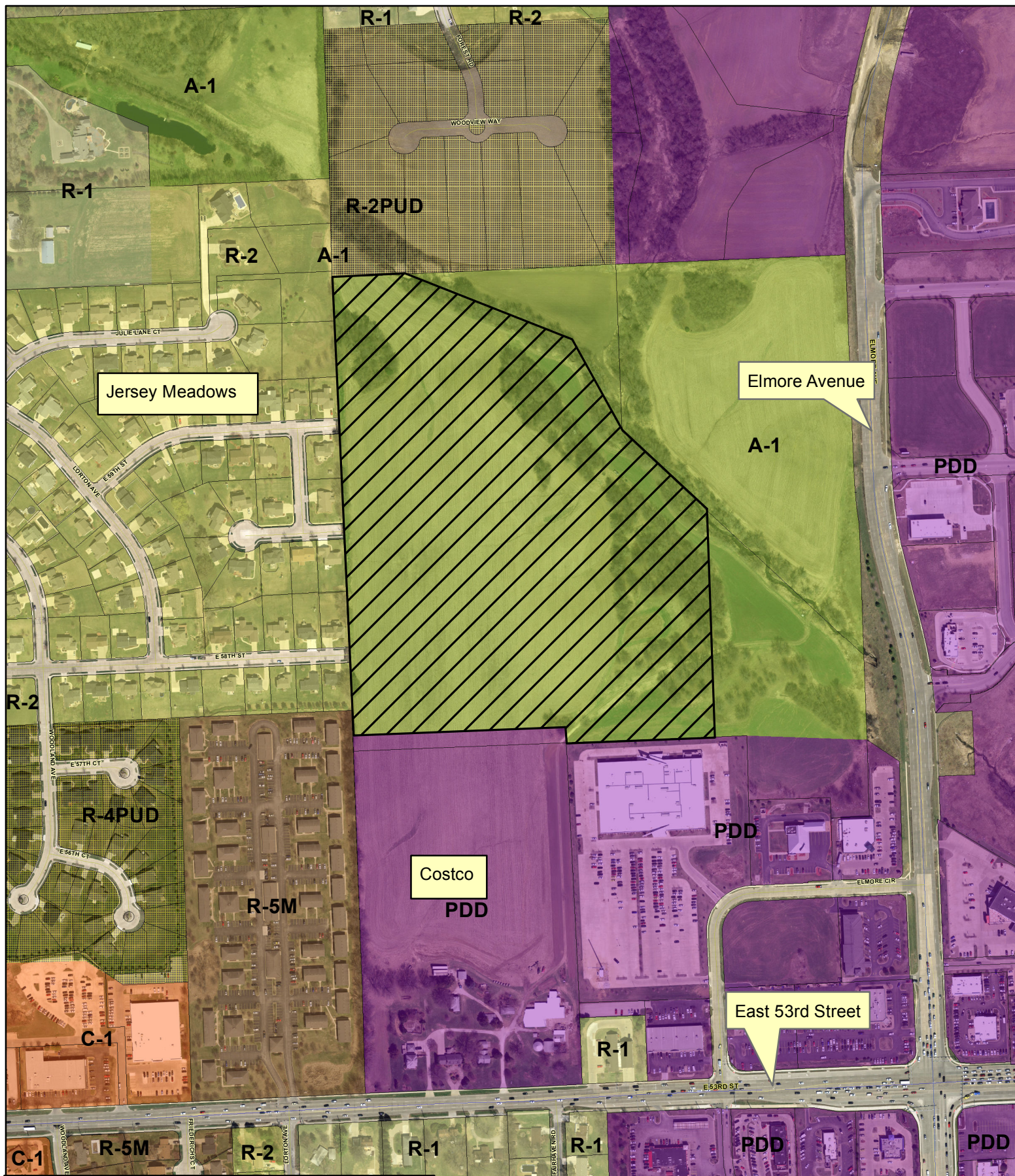




0 200 400 800 Feet





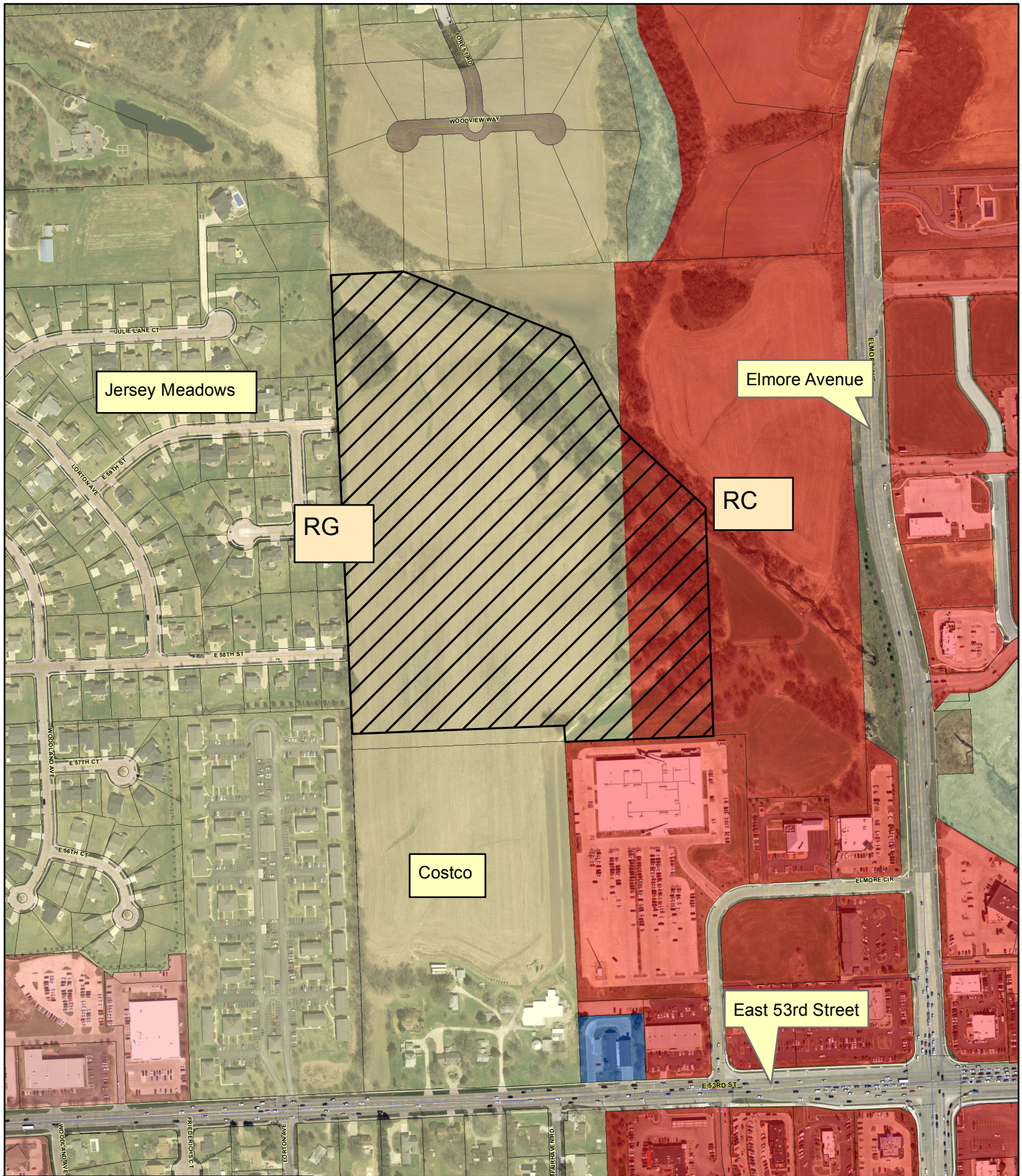


A-1 Agricultural  
R-2 Low Density Dwelling  
R-5M Medium Density Dwelling  
PDD Planned Development

0 200 400 800 Feet







RG Residential General  
RC Regional Commercial

0 200 400 800  
Feet





## Zoning Map Amendment Application

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

### COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

**Property Address\***  See Attachment A

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

#### **Applicant (Primary Contact)\*\***

Name:  Adam Seitz  
Company:  Pheasant Creek Estates, LLC  
Address:  4215 East 60th Street  
City/State/Zip:  Davenport, IA 52807  
Phone:  563-940-4030  
Email:  adamseitz@advancehomesinc.com

*Application Form Type:*

#### **Plan and Zoning Commission**

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

#### **Owner** (if different from Applicant)

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

#### **Zoning Board of Adjustment**

- Appeal from an Administrative Decision ☐  
Special Use Permit - New Cell Tower ☐  
Home Occupation Permit ☐  
Special Exception ☐  
Special Use Permit ☐  
Hardship Variance ☐

#### **Engineer** (if applicable)

Name:  David L. Meyer  
Company:  Verbeke-Meyer Consulting Engineers  
Address:  4111 East 60th Street  
City/State/Zip:  Davenport, IA 52807  
Phone:  563-359-1348  
Email:  dlm@verbeke-meyer.com

#### **Design Review Board**

- Certificate of Design Approval ☐  
Demolition Request in the Downtown ☐

#### **Architect** (if applicable)

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

#### **Historic Preservation Commission**

- Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

#### **Attorney** (if applicable)

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

#### **Administrative**

- Floodplain Development ☐  
Cell Tower Co-Location ☐  
Identification Signs ☐  
Site Plan ☐

**\*\*If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

**Request:**Existing Zoning: Proposed Zoning Map Amendment: Total Land Area:  Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☒ Yes ☐ No**Submittal Requirements:**

- The following items should be submitted to [Planning@ci.davenport.ia.us](mailto:Planning@ci.davenport.ia.us) for review:
- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
  - Zoning Map Amendment is less than 1 acre - \$400.
  - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
  - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
  - \$5.00 per sign; more than one sign may be required depending upon the area of the request.

**Formal Procedure:****(1) Application:**

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the 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:**

- After submitting the application the applicant shall post notification sign(s) supplied by the City on property at least two weeks prior to the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request. Failure to post signs as required may result in a delay of the request.
- The applicant shall hold a neighborhood meeting as per the attached meeting guidelines.
- Planning staff will send a public hearing notice to surrounding property owners.

**(3) Plan and Zoning Commission's consideration of the request:**

- 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 request:**

- 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 zoning map amendment 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:

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 4<sup>th</sup> Street, Davenport, Iowa.

## ATTACHMENT A

### LEGAL DESCRIPTION FOR REZONING

Part of the Northeast Quarter of Section 7 and part of the Northwest Quarter of Section 8, all in Township 78 North, Range 4 East of the 5<sup>th</sup> P.M., Davenport, Scott County, Iowa, being more particularly described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 8; thence South 00°-06'-45" East 534.52 feet along the west line of the Northwest Quarter of said Section 8 to the POINT OF BEGINNING of the tract of land hereinafter described:

thence South 44°-59'-10" East 358.73 feet;

thence South 00°-18'-15" East 732.61 feet to a point on the north line of lot 2 of Lakehurst Commercial Park Fifth Addition to the City of Davenport, Iowa ;

thence South 89°-41'-45" West 480.00 feet along the north line to the northwest corner of Lot 2 of said Lakehurst Commercial Park Fifth Addition;

thence North 00°-18'-15" West 50.00 feet;

thence South 89°-41'-45" West 682.74 feet to a point on the west line of the East 55 Acres of the Northeast Quarter of said Section 7;

thence North 00°-06'-45" East 1472.80 feet along the west line of the East 55 Acres of the Northeast Quarter of said Section 7, also being along the east line of Jersey Meadows Second Addition, Jersey Meadows Tenth Addition, Jersey Meadows Seventh Addition and Jersey Meadows Ninth Addition to the City of Davenport, Iowa, to a point on the north line of the Northeast Quarter of said Section 7;

thence North 89°-43'-55" East 230.81 feet along the north line of the Northeast Quarter of said Section 7;

thence South 65°-30'-40" East 586.00 feet;

thence South 25°-39'-00" East 320.00 feet to the point of beginning.

Containing 33.11 acres, more or less, subject to easements of record.

Also, to be known as Lot 1, Pheasant Ridge First Addition to the City of Davenport, Iowa.