

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

**TUESDAY OCTOBER 17, 2017 • 5:00 PM
COUNCIL CHAMBERS – DAVENPORT CITY HALL
226 W 4TH STREET DAVENPORT, IA**

MINUTES

PUBLIC HEARING AGENDA

OLD BUSINESS –

NEW BUSINESS –

Next Public Hearing:

Tuesday, October 31, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall – 226 West 4th Street.

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: Connell, Hepner, Inghram, Kelling, Lammers, Maness, Medd, Quinn, Reinartz and Tallman

Excused: Martinez

Absent:

Staff: Flynn, Heyer, Rusnak and Wille

II. Report of the City Council Activity – no Commission items were acted on

III. Secretary's Report October 03, 2017 meeting minutes were approved as presented

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business –

- 1.** Case No. REZ17-08: Request of Aaron Christopher on behalf of Palmer College of Chiropractic to rezone 38.65 acres, more or less, generally located between Harrison Street and Pershing Avenue and between East 12th and 5th Streets from: "R-4" Moderate Density Dwelling District, "R-6M" High Density Dwelling District, "C-O" Office-Shop District, "C-1" Neighborhood Commercial District, "C-2" General Commercial District, "C-4" Central Business District and "M-1" Light Industrial District to "PID" Planned Institutional District.

This case remains tabled (no action necessary).

B. New Business -

1. **Case No. REZ17-09:** Request of Michael R Leep, Sr. for the rezoning of 13.435 acres of property located south of 53rd Street and east of Eastern Avenue from "C-1" Neighborhood Shopping District to "C-2" General Commercial District to allow the development of a car dealership showroom, with sales and service.

Findings:

1. The rezoning is consistent with the Comprehensive Plan Future Land Use, which designates the property as "CC" – Commercial Corridor.
2. The revised conditions will mitigate negative impacts that might be generated through the development of this site as an automobile dealership.

Conditions:

1. The conditions adopted by Ordinance 99-568 are rescinded.
2. That development complies with the provisions of Chapter 17.41, entitled "HCOD" Highway Corridor Overlay District.
3. Property owner shall dedicate right-of-way necessary for the widening and intersection improvements for East 53rd Street, at no cost to the City.
4. Design of the traffic improvements listed below shall be determined and approved by the City Traffic Engineer, supported by data revealed as part of the developer's funded traffic study.
 - a. A full access curb cut shall be permitted at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at the Spring Street/East 53rd Street intersection.
 - Property owner shall pay 25% up to \$40,000 for the cost of signalization at the Spring Street/East 53rd Street intersection.
 - b. A right-in/right-out driveway shall be permitted no closer than three hundred (300) feet of the Eastern Avenue/East 53rd Street intersection. Acceleration/ deceleration lanes shall be constructed at the sole expense of the property owner.
 - c. A full access curb cut shall be permitted at the Eastern Avenue/East 52nd Street intersection. Property owner shall pay 100% of the cost of left turn and right turn deceleration lanes at this location.
 - d. It is acknowledged that future widening of East 53rd Street may warrant reconsideration of the degree of access control to this property.
5. That a fifty (50) foot landscape buffer (Class G, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.
6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.
7. Routine use of PA systems outside of buildings on the property shall not be permitted.
8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented

so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.

9. The following uses shall not be closer than three hundred (300) feet from the south property line:
 - a. Automobile and service and oil change facilities not part of an automobile dealership.
 - b. Any use utilizing drive-through window(s)

A motion by Kelling, seconded by Lammers, to amend the second sentence in Condition No. 4.b. by adding the language: "and that these lanes be installed prior to the start of construction for any part of the property" was approved on a vote of 8-yes, 0-no and 1-abstention (Tallman).

A motion by Connell, seconded by Hepner, to accept the findings and forward Case No. REZ17-09 to the City Council for approval subject to the above stated conditions as amended was approved on a vote of 8-yes, 0-no and 1-abstention (Tallman).

2. **Case No. REZ17-10:** Request of Women in Spiritual Hope Ministries, Inc. to rezone 7,841 square feet, more or less, of property located at 5210 North Division Street from "R-4" Moderate Density Dwelling District to "C-O" Office-Shop District.

Findings:

- The abutting property to the north introduced a higher intensity land use to the west side of North Division Street; and
- A higher intensity residential zoning classification would be compatible with the Comprehensive Plan RG designation.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-10 to the City Council with a recommendation for approval subject to the following conditions:

1. That the property be rezoned to "R-5M" Medium Density Dwelling District;
2. That residential density of the building as a roominghouse, boardinghouse, two-family dwelling or multiple-family dwelling be limited based on the required off-street parking; and
3. That a six foot high stockade fence be installed enclosing the rear yard of the property.

A motion by Tallman, seconded by Connell, to accept the findings and forward Case No. REZ17-10 to the City Council for approval was approved on a split vote of 6-yes, 3-no (Hepner, Kelling and Lammers) and 0-abstention.

VI. Subdivision Activity

A. Old Business –

B. New Business –

VII. Other Business – For Information Only - 2017 annual progress report on Davenport Floodplain Management Plan for the Community Rating System

VIII. Future Business – Preview of items for the October 31st public hearing and/or regular meeting (*note-not all items to be heard may be listed*):

- Case No. CP17-01: Request of the City of Davenport – CPED to adopt the Scott County Multi-Jurisdictional Hazard Mitigation Plan and add it as an element to Davenport 2025: Comprehensive Plan for the City (no background available).

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

X. Adjourn – The meeting was adjourned a 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:

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