

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

**TUESDAY SEPTEMBER 05, 2017 • 5:00 PM
COUNCIL CHAMBERS – DAVENPORT CITY HALL
226 W 4TH STREET DAVENPORT, IA**

MINUTES

By this reference all reports, documents, presentations and the meeting video record are made a part of the minutes.

PUBLIC HEARING AGENDA

The public hearing was opened at 5:00 P.M. and the following public hearing was held:

OLD BUSINESS –

NEW BUSINESS –

- **Case No. ROW17-05:** Request of Genesis Health Systems at 3200 West Kimberly Road (corner of Kimberly Rd Elsie Ave) to vacate a portion of a sanitary sewer easement which would be located under the proposed medical building. Existing facilities located in the area to be vacated will be located adjacent to the proposed building in the remaining portion of the sanitary sewer easement.

Next Public Hearing:

Tuesday, September 19, 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 5:05P.M., following the public hearing.

I. Roll Call of the Membership

Present: Connell, Hepner, Inghram, Maness, Martinez, Medd, Quinn, Reinartz and Tallman

Excused: Kelling and Lammers,

Absent: None

Staff: Flynn, Heyer, Koops, Leabhart, Rusnak, Statz and Wille.

II. Report of the City Council Activity – as presented

III. Secretary's Report August 01, 2017 meeting minutes were approved as presented; no minutes for 08-15-17 since meeting cancelled due to lack of quorum.

IV. Report of the Comprehensive Plan Committee – Flynn stated that the consultants are working on a first draft and that staff should be receiving portions of the ordinance to review soon. It is anticipated that a full first draft should be available by the end of the year.

V. Zoning Activity

A. Old Business –

- 1. Case No. REZ17-05:** Request of Steven and Merideth Hirsch for the rezoning of 0.65 acre (28,340 sqft), more or less, of real property located at the 5135 Marquette Street (south of West 53rd Street and east of Marquette Street) from R-1 Low Density Dwelling District to R-3 PUD Planned Unit Development to facilitate development of multiple residences; two 2-unit buildings.

This case remains tabled (no action necessary).

Note: Staff indicated there is a condition in the Commission's by-laws for a timely review. Staff also indicated that the applicant's engineer is working on a concept layout.

B. New Business -

- 1. Case No. REZ17-06:** Request of David A. Parochetti dba David A. Parochetti Revocable Trust to remove conditions of City Ordinance 1999-569 on 0.70 acre located at the northwest corner of West Kimberly Road and Sturdevant Street (1616 West Kimberly Road and 3910 Sturdevant Street). The previous development was to be a Schnucks grocery store. Removal of the conditions would allow development of a quick service restaurant.

Findings:

The reason for the ordinance conditions is no longer in place and refers to property not under the petitioner's control.

The City proposed improvements should reduce the perceived traffic concerns at this intersection.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-06 to the City Council for approval subject to the following conditions:

1. That the conditions be removed from City Ordinance No. 99-569 as they relate to the proposed development;
2. That downcast luminaries and LED lighting be used;
3. That if the proposed development causes the need for signalization the developer will pay for one-fourth (25%) of the cost;
4. That the City make the intersection improvements as proposed in the email from Gary Statz dated August 09, 2017 as follows:
 - Parking be removed on the west side of Sturdevant to 300 feet north of Kimberly;
 - Add a painted lane and centerline near the intersection to separate southbound traffic on Sturdevant;
 - New traffic counts be used to determine if the criteria have been met for signalization (the Taco Bell proposed counts will also be used) (see condition No.3)

On a motion by Tallman, seconded by Connell, the Plan and Zoning Commission forwarded Case No. REZ17-06 to the City Council for approval subject to the above stated conditions on a unanimous vote of 8-yes, 0-no and 0-abstention.

2. 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.

Recommendation:

Staff recommends that the Plan and Zoning Commission table the REZ17-08 until a disparate impact analysis has been completed.

A motion by Medd, seconded by Tallman to table the request was unanimously approved on a vote of 8-yes, 0-no and 0-abstention.

Prior to the motion to table a motion was made (Tallman) and seconded (Connell) for discussion purposes. Staff indicated that there was a concern raised regarding a potential disparate impact proposed by the rezoning and subsequent demolition of housing units. The City has received responses from a Request for Proposals (RFP) but does not expect an report within the next two weeks. The representative from Palmer also spoke that they agree with the tabling and look forward to this report.

3. Case No. FDP17-07: Request of Legacy Design Group on behalf of My Place Hotel for a PDD final development plan for offices on 1.5 acres, more or less, being Lot 1 and part of Lot 2 of Terrace Ridge Park 8th Addition located west of Utica Ridge Road and north of Crow Creek Road.

Staff recommends the Plan and Zoning Commission forward Case No. FDP17-07 to the City Council for approval subject to the following condition:

1. That the development comply with Chapter 13.34 entitled Stormwater Management

On a motion by Tallman, seconded by Connell, the Plan and Zoning Commission forwarded Case No. FDP17-07 to the City Council for approval subject to the above stated condition on a unanimous vote of 8-yes, 0-no and 0-abstention.

VI. Subdivision Activity

A. Old Business –

1. Case No. F17-14: Final plat of Falcon Pointe First Addition, being a replat of Lot 3 of Eagle’s Crest First Addition, located south of West Locust Street and west of Emerald Drive, containing 39 residential lots and 1 outlot on 22.16 acres, more or less. Revised location for detention.

Staff recommends the Plan and Zoning Commission accepts the findings and forward Case No. F17-14 to the City Council for approval subject to the following conditions:

1. It shall be noted on the plat (in some manor) that the ROW and easements shown are dedicated with the platting;
2. “Lot A” shall be titled “Outlot A” and the owner of should be noted;

3. Lot A (Outlot A) should be dedicated as a detention easement and the outlet works should be included within the easement;
4. A note shall be added to the plat regarding the gas pipeline easement stipulating that there shall be no permanent or temporary structures in the easement including but not limited to houses, garages, sheds, pool, and fencing; and
5. A note shall be added regarding absolute minimum cover over the gas line which shall be no less than 3' (which can include the depth of rock and concrete of the road).
6. The plat shall be reviewed and signed by the utility companies;
7. The surveyor shall sign the plat after all comments have been address; and
8. Construction plans have been submitted for review; pending completion of that review additional changes may be need to the plat.

On a motion by Maness, seconded by Connell, the Plan and Zoning Commission forwarded Case No. F17-14 to the City Council for approval subject to the above stated condition on a unanimous vote of 8-yes, 0-no and 0-abstention.

B. New Business –

VII. Other Business – Information only: Updated plan goals, local hazard scoring and revised action items for inclusion in the update to the Scott County Multi-Jurisdiction Local Hazard Mitigation Plan

VIII. Future Business – Preview of items for the September 19th public hearing and/or regular meeting (*note-not all items to be heard may be listed*):

- Case No. SNC17-01: Request of the City of Davenport (Public Works Department) to change the name of a segment of Forest Grove Drive east of Utica Ridge Road to Forest Grove Court.
- Case No. SNC17-02: Request of the City of Davenport (Public Works Department) to change the name of a segment of Veterans Memorial Parkway (old 67th Street) located between the new Veterans Memorial Parkway and Utica Ridge Road back to East 67th Court.
- Case No. F17-17: Final plat of Richard Pierce Second Subdivision, being a replat of Lot 1 of Richard Pierce Subdivision, located north of Telegraph Road and East of Vermont Avenue (405 N Vermont Ave) containing 3 agricultural lots.
- Case No. ROW17-07: Request of the City of Davenport for the right-of-way vacation (abandonment) of 10,370 more or less, of public right-of-way south of the west terminus of Dugan Court and north of the west terminus of the right-of-way south of Dugan Court.

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

IX. Adjourn – the meeting was adjourned at 5:20 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, September 19, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall 226 West 4th Street.