

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

TUESDAY JULY 31, 2018 • 5:00 PM

**COUNCIL CHAMBERS – DAVENPORT CITY HALL
226 W 4TH STREET DAVENPORT, IA**

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

OLD BUSINESS

None.

NEW BUSINESS

None.

Next Public Hearing:

Tuesday, August 14, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall – 226 West 4th Street.

REGULAR MEETING AGENDA

I. Roll Call of the Membership All Present. Staff: Flynn, Koops, Heyer, Statz, Leabhart

II. Report of the City Council Activity

III. Secretary's Report

The July 17, 2018 meeting minutes were approved.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

Old Business

None.

New Business

- 1. Case No. REZ18-10: Request Jessica Tuttle on behalf of Thompson Thrift Development Company, Inc., to rezone 24.27 acres, more or less, of property located south of east 53rd Street and west of the Bettendorf City Border from "R-2 PUD" Low Density Residential District Planned Unit Development and**

"PDD" Planned Development District to "R-5M PUD" Medium Density Dwelling District Planned Unit Development. [Ward 6]

Motion by: Tallman, Seconded by: Connell, that the Plan and Zoning Commission accept the listed findings and forwards Case No. REZ18-10 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The residential use of the property would comply with the Davenport 2035 Residential General Future Land Use Map designation because it would be its own neighborhood, which is designated as a whole. Additionally, the residential use of the property would comply with the Davenport 2035 Regional Commercial Future Land Use Map designation it allows for limited uses.
2. The design and scale of the proposed residential use of the property as depicted on the "PUD" Planned Unit Development Concept Plan would help mitigate potential any negative impacts to surrounding residential property owners; and
3. The traffic impact study demonstrates that with right and left turn lanes at the entrances to the development and signalization at East 53rd Street and Lakeview Parkway additional traffic caused by the proposed development would not significantly impact East 53rd Street.

Conditions:

1. That the property be substantially developed in accordance with the "PUD" Planned Unit Development Concept Plan;
2. That right and left turn lanes be constructed on East 53rd Street at both entrances during the initial phase of construction;
3. Cost sharing for traffic signals shall be determined before Council adopts the Ordinance.
4. That a Special Exception be obtained from the Zoning Board of Adjustment to reduce the provided number of parking spaces below the minimum Zoning Ordinance required parking spaces; and
5. In the event that the "R-5M" Medium Density Dwelling District Planned Unit Development is supplanted by new zoning ordinance classifications and regulations, the City shall rezone the property to a classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

Vote to approve was passed 8-2, with Lammers and Reinartz voting no.

- 2. Case No. REZ18-11: Request Kevin Koellner on behalf of Build to Suit to rezone 13 acres, more or less, of property located south of East 53rd Street immediately west of the Bettendorf City Border from "R-2PUD" Low Density Residential District Planned Unit Development and "PDD" Planned Development District" to all PDD with a new Land Use Plan. Kevin Koellner, Build to Suit, petitioner. [Ward 6]**

Motion by: Tallman, Seconded by: Hepner, that the Plan and Zoning Commission accept the listed findings and forwards Case No. REZ18-11 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The commercial use of the property would comply with the Davenport 2035 Regional Commercial Future Land Use Map designation because the property would service boundaries that extend beyond the City limits of Davenport and is located along a major street with good access to interstate and other highways.
2. The commercial use of the property would comply with Davenport 2035 Residential General Future Land Use Map designation because it would be located at an edge (East 53rd Street), where higher intensity may be considered.
3. The design and scale of the proposed commercial use and additional setback/buffering/fencing as depicted on the "PDD" Planned Development District Land Use Plan help mitigate potential any negative impacts to the adjacent residential property owners to the west; and
4. The traffic impact study demonstrates that with right and left turn lanes at the entrances to the development and signalization at East 53rd Street and Lakeview Parkway additional traffic caused by the proposed development would not significantly impact East 53rd Street.

Conditions:

1. That the property be substantially developed in accordance with the "PDD" Planned Development District Land Use Plan;
2. That right and left turn lanes be constructed on East 53rd Street at both entrances during the initial phase of construction;
3. Cost sharing for traffic signals shall be determined before Council adopts the Ordinance.
4. That a 10 foot wide multi-purpose path be constructed along East 53rd Street during the initial phase of construction. The developer shall be responsible for 100% of the cost of the multi-purpose path; and
5. In the event that the "PDD" Planned Development District and "HCO" Highway Corridor Overlay District is supplanted by new zoning ordinance classifications and regulations, the City shall rezone the property to a classification most consistent with the proposed development. Undeveloped portions of the property shall adhere to the new zoning ordinance classification and regulations. Existing portions of the property rendered non-conforming by the new zoning ordinance classifications and regulations shall be considered legally established non-conformities.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

3. Case No. FDP18-02: Request of Jessica Tuttle on behalf of Thompson Thrift Company, Inc. for a final development plan on 24.27 acres located south of East 53rd Street and west of the Bettendorf City Limits. Proposed development is a 304 unit apartment complex with clubhouse and outdoor pool. [Ward 6]

Motion by: Tallman, Seconded by: Hepner, that the Plan and Zoning Commission accept the listed findings and forwards Case No. FDP18-02 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The design and scale of the proposed residential use of the property as depicted on the Final Development would help mitigate potential any negative impacts to surrounding residential property owners; and
2. The final development plan would achieve consistency with the adopted "PUD" Planned Unit Development Concept Plan.

Condition:

1. That the City Council approves Case No. REZ18-10 by adopting the rezoning Ordinance and associated "PUD" Planned Unit Development Concept Plan.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

4. Case No. FDP18-03: Request of William Torchia on behalf of WCT Investments Davenport Series, LLC for a "PDD" Planned Development District final development plan for an 8,964 square foot drive-through restaurant on 2.2 acres, more or less located on the south side of East 53rd Street approximately 385 feet east of Lorton Avenue. [Ward 6]

Motion by: Tallman, Seconded by: Connell, that the Plan and Zoning Commission accept the listed findings and forwards Case No. FDP18-02 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The proposed development would be consistent with the RG Future Land Use Development based on the location being adjacent to the edge (East 53rd Street), the proposed scale as depicted on the "PDD" Final Development Plan and the rezoning conditions associated with REZ18-08.; and
2. The final development plan would achieve consistency with the adopted "PDD" Land Use Plan.

Conditions:

1. That the City Council approves Case No. REZ18-08 by adopting the rezoning Ordinance and associated Land Use Plan; and
2. That the City Council approves Case No. ROW18-02 by adopting the right-of-way vacation Ordinance.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

VI. Subdivision Activity

A. Old Business

None.

B. New Business

1. Case No. F18-10: Request of Riverstone Group Inc. for a final plat of Crow Valley Plaza Twelfth Addition on 14.67 acres, more or less, being a replat of Lot 1 of Crow Valley Plaza Tenth Addition located along the north side of East 56th Street and north of Lakeview Parkway containing two (2) lots. [Ward 6]

Motion by: Connell, Seconded by: Lammers, that the Plan and Zoning Commission accept the listed findings and forwards Case No. F18-10 to the City Council with a recommendation for approval subject to the following conditions:

Findings:

1. The proposed preliminary plat facilitates the sale and proposed development of the property.
2. The proposed preliminary plat generally complies with Davenport+2035: Comprehensive Plan for the City.

Condition:

The plat shall meet the requirements of the Municipal Code Chapter 13.34. Stormwater Management.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

2. Case No. P18-04: Request of Build To Suit, Inc. for a preliminary plat of Watermark First Addition on 37.92 acres, more or less, property is located at 4607 E 53rd Street, parcel number N0910-01, containing four (4) lots. [Ward 6]

Motion by: Connell, Seconded by: Lammers, that the Plan and Zoning Commission accept the listed findings and forwards Case No. P18-04: to the City Council with a recommendation for approval.

Findings:

1. The proposed preliminary plat facilitates the sale and proposed development of the property.
2. The proposed preliminary plat generally complies with Davenport+2035: Comprehensive Plan for the City.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

3. Case No. F18-11: Request of Speer Development for a final plat of Speer Commercial Park 1st Addition on 31.64 acres, more or less, located at the southeast corner of East 53rd Street and Eastern Avenue. [Ward 6]

Motion by: Connell, Seconded by: Johnson, that the Plan and Zoning Commission accept the listed findings and forwards Case No. FDP18-02 to the City Council with a recommendation for approval subject to the following conditions:

Findings

1. The plat conforms to the Davenport 2035 Future Land Use Map; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Conditions:

1. The Plan and Zoning Commission accepted the findings and forwards case P18-11 to the City Council with a recommendation for approval, subject to That the surveyor signs the plat;
2. That the utility companies sign the plat when their easement needs have been met;
3. That the surveyor verify that chamfer at Eastern Avenue and 53rd Street is 15'x15';
4. That the proposed roadway remain a private drive;
5. That Note 2 be revised and there are two words misspelled;
6. That Note 3 be revised as Water supply is IA American Water Company is a private system, not public system of Davenport;
7. That Note 6 be revised to City of Davenport Standards (Sudas with City supplemental);
8. That a drainage easement be shown on the Final Plat for the purpose of conveying the 100 year storm event from the west side of the development to the stormwater detention basin;
9. That the drainage easement information, as noted on the utility plan, shall be included on the Final Plat;
10. That an easement be provided for municipal inspections of the stormwater detention basin. This easement shall connect to City right-of-way and not be located within any wetland; and
11. That the following note be added to the Final Plat: Owners of lots on which a stream or water course is located shall preserve a dedicated fifty (50) foot minimum vegetated buffer 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 drainage way. Vegetation shall not be cut to a height of less than nine inches without authorization of the City of Davenport Natural Resources Division. In the event that any of the buffer area is established as a drainage easement and is reshaped or otherwise restricted for use as a drainage easement, the City will cause the restrictions to be removed at the expense of the parties causing the restriction.

The Commission voted unanimously (10-0) to forward the case to the City Council for its approval.

VII. Other Business

None.

VIII. Future Business

Preview of items for the August 14, 2018 public hearing and/or regular meeting (*note-not all items to be heard may be listed*):

1. Case No. REZ18-12: Request of Chris Townsend on behalf of Jimmy Holt, to rezone 1.43 acres, more or less, of property located at 3730 West Locust Street from "C-1" Neighborhood Commercial and "R-3" Moderate Density Dwelling District to "PDD" Planned Development District. [Ward 1]
2. Case No. REZ18-13: Request of Hawkeye Paving to rezone 30.7 acres, more or less, of real property located at 8228 N. Fairmount Street (former Wacky Waters site) from "A-1" Agricultural District to "M-1" Light Industrial District to facilitate development of a new Contractor headquarters, shop and equipment storage.
3. Case No. ROW18-02: Request of the City of Davenport for the vacation (abandonment) of public right-of-way along the 5000 block of Forest Grove Ct east to the corporate limits, containing 1.47 acres, more or less. [Ward 6]

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

X. Adjourn The meeting adjourned at 6:45 pm

- *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, August 14, 2018 at 5:00 P.M. in the Council Chambers of Davenport City Hall 226 West 4th Street.