

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

**TUESDAY JUNE 20, 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. 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.

Next Public Hearing:

Monday, July 03, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall – 226 West 4th Street. (Note the July 03 meeting has been cancelled due to the holiday)

REGULAR MEETING AGENDA

The regular meeting was called to order at 5:12 P.M., following the public hearing.

I. Roll Call of the Membership

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

Excused: None

Absent: None

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

II. Report of the City Council Activity – as presented

III. Secretary's Report June 06, 2017 meeting minutes were approved

IV. Report of the Comprehensive Plan Committee – Flynn stated the technical review report has been submitted and is posted on the project's website www.davenportzoning.com. There will be a public meeting schedule for July 20th held in conjunction with RDG's presentation on the trails update.

V. Zoning Activity

A. Old Business – None

B. New Business -

- 1. Case No. REZ17-04:** Request of Costco Wholesale Corporation for the rezoning of 17.1 acres, more or less, of real property located north of East 53rd Street and west of Elmore Circle (2780 – 2786 E 53rd St) from "A-1" Agricultural District, and "R-1" and "R-2" both Low Density Dwelling Districts to "PDD" Planned Development District. The rezoning would allow commercial development.

Staff recommends the Plan and Zoning Commission forward Case No. REZ17-04 to the City Council for approval.

Findings:

- 1) Amending the Future Land Use Map included in *Davenport+2035* results in more choices for major retail establishments to locate in this active corridor with minimal disruption to surrounding properties.
- 2) The proposed rezoning will not appreciably increase impacts to surrounding properties, including additional congestion on 53rd Street, compared to other development scenarios or even a no-build situation.
- 3) Conditions on the proposed rezoning and the associated Final Development Plan (FDP17-04) and planned improvements to East 53rd Street will mitigate traffic impacts.
- 4) A possible north entrance to the site has been established through condition (2) below.

Conditions:

- 1) Comprehensive Plan Amendment
That the Future Land Use Map included in *Davenport +2035* be amended to designate this property as "RC-Regional Commercial".
- 2) Future Development Referring to the Land Use Plan ("Exhibit A"), it is acknowledged that the properties "A", "B" and "C" depicted on Exhibit A must be subdivided prior to development.
 - a) Tract A is proposed for a 'big box' retail store, associated fuel island facility, stormwater detention facility, parking and landscaping.
 - b) Tract B is anticipated to be developed as low to medium density residential, complimentary to the residential development to the west. City and owner acknowledge that connectivity for Tract B between the residential development to the west and Elmore Avenue may be desirable in the future and agree to work on designing a street or private drive that would provide a route to Elmore Avenue to the end user of Tract A as well as the future residential development on Tract B.
The goal of developing this street or private drive shall be to provide a tertiary access point to Tract A, and provide safe and well-managed connection for vehicles and pedestrians to Elmore Avenue. City shall allow owner to review and provide input on the design of the street or private drive so the above goal can be obtained while allowing owner the ability to maximize development potential.

If requested to do so by the City, the owner shall dedicate at no cost to the City such ground as will be necessary for the placement of a street or private drive (including sidewalk) to Elmore Avenue. However the dedication called for herein shall not exceed 60 feet in width either sufficient

~~right of way or grant an easement to allow the construction of a street or private drive connection, including a sidewalk, to Elmore Avenue.~~ Dedication of ground shall occur only at such time as the City agrees to construct funds and commits to build said street or private drive up to the property line of Tract A and up a point in Tract B where individual lots for development take their access.

Owner of Tract A, at its own cost, shall connect a driveway and make necessary site alterations on its own property to accommodate the possible future access point to the north if requested to do so by the City. Owner of Tract A agrees that this proposed access point shall not be designated as the principal entrance for truck and or delivery traffic.

c) Tract C is anticipated to be developed commercially, either as 'big box retail', as an in-line commercial center or as a mixed use development.

3) Public Works/Engineering Conditions

A Final Development Plan shall be approved prior to any construction permits issued for the property.

On a motion by Kelling, seconded by Reinartz, to amend condition 2b related to the north access reducing the City's cost to a cost share with the developer (joint financing) was approved on a split vote: 6-yes, 3-no (Connell, Medd, Quinn) and 1-abstention (Tallman).

On a motion by Reinartz, seconded by Quinn, to forward Case No. REZ17-04 to the City Council for approval subject to the above stated conditions as amended was approved on a split vote: 6-yes, 3-no (Hepner, Quinn, Reinartz) and 1-abstention (Tallman).

- 2. Case No. FDP17-04:** Request of Costco Wholesale Corporation for a PDD final development plan on 17.1 acres, more or less, of real property located north of East 53rd Street and west of Elmore Circle (2780 – 2786 E 53rd St) to facilitate commercial development (a member's only retail warehouse, free standing fueling station and attached tire center).

Finding:

Application meets the intent and requirements of Chapter 17.32 of the Municipal Code.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. FDP17-04 be forwarded to the City Council with a recommendation for approval, subject to the following conditions:

1. The property be rezoned to PDD, Planned Development District
2. Prior to approval of any future site, engineering and building plans, the following items must be satisfactorily addressed:
 - a) The new right of way line and sidewalk should both be shown as straight lines between the two driveways rather than offsetting to the south. Although this may interfere with the future fuel expansion, it appears that a setback variance for the sidewalk may be needed in any case.
 - b) Construction details for the proposed 53rd Street widening, turn lane additions, driveways, storm and sanitary sewers are needed. Some of these details may affect the new right of way and sidewalk locations.

- c) With City input Costco is to design and construct the full width reconstruction of 53rd Street from roughly the east side of the Lorton Avenue to near the fire station. The city will reimburse Costco for eligible costs. Non-eligible costs include but may not be limited to construction of right turn lanes into the Costco Site, 53rd Street middle turn lane between the west Costco property line and the easterly end of the east right turn lane, traffic signals at the west Costco entrance, necessary pavement marking updates for right and left turn lanes and storm sewer modifications required by Costco site improvements.
- d) Along with the delivery truck entrance path the exit path should also be shown on the plan. Trucks should be able to exit to the east using the signalized entrance.
- e) Drainage and stormwater management documentation needs to be submitted and reviewed to verify compliance of City Stormwater Ordinance 13.34.
- f) The right of way lines for the lots on either side of Fairhaven Road should be corrected. The right of way lines for these two properties are located approximately one foot south of the sidewalk.
- g) A left turn lane shall be constructed for the west entrance. The turn lane length shall be approximately 150 feet long. This will necessitate the reduction of the westbound left turn lane at Lorton Avenue to a length of approximately 50 feet.
- h) The west entrance shall be signalized and the signalization shall be paid for entirely by the developer and constructed to City of Davenport standards. All equipment used for signalization must be approved by the Traffic Engineer. The signal will be interconnected with the adjacent signals in both directions on 53rd Street. The City will likely already have conduit and fiber optic cable along this corridor when the signals are installed. City staff will create the timing plan for the signals.
- i) Right turn lanes shall be constructed for both entrances. The right turn lane for the west entrance will be the length of road between the entrances and the one for the east entrance will be as long as practical. The slope of the fire station entrances, especially the one leading to the building, will determine how long that right turn lane can be.
- j) The east entrance shall be a right-in, right-out entrance. The only way to ensure no left turns in or out of that entrance is to construct a raised median in 53rd Street. The median shall start just past the west entrance and continue just past Fairhaven and the east entrance. A short left turn lane shall be constructed at the end of the median to accommodate left turns into the fire station's west driveway.

On a motion by Reinartz, seconded by Quinn, to forward Case No. FDP17-04 to the City Council for approval, subject to the anove stated condition was approved on a split vote: 7-yes, 2-no (Hepner, Reinartz) and 1-abstention (Tallman).

VI. Subdivision Activity

A. Old Business – None

B. New Business –

- 1.** Case No. F17-12: Final plat of Riverview Collective on Sixth, being a replat of Lots 1-6 and the East 33 feet of Lot 7 of Block 147 of LeClaire's 12th

Addition, located on the north side of East 6th Street between Sylvan and Grand Avenues, containing six (6) residential lots on 1.47 acres, more or less.

Findings:

- The plat conforms to the Comprehensive Plan Davenport 2035
- The plat promotes infill development

Recommendation:

Staff recommends the City Plan and Zoning Commission accept the findings and forward Case No. F17-12 the final plat of Riverview Collective on Sixth to the City Council for approval subject to the following conditions:

1. That the surveyor sign the plat
2. That utility companies sign the plat when their easement need have been met.

On a motion by Medd, seconded by Connell, to forward Case No. F17-12 the final plat of Riverview Collective on Sixth to the City Council for approval subject to the above stated conditions was unanimously approved: 10-yes, 0-no, 0-abstentions.

2. Case No. F17-13: Final plat of Crow Valley Plaza Tenth Addition, being in part a replat of Lot 1 of Midland Group Addition, Lot 1 of Crow Valley Plaza Second Addition and Lot 1 of Crow Valley Plaza Seventh Addition, located north of East 56th Street and east of Utica Ridge Road, containing four (4) commercial lots on 35.30 acres, more or less.

Findings:

The plat facilitates future development with the zoning allowing for both commercial and residential development.

Staff recommends the City Plan and Zoning Commission accept the findings and forward Case No. F17-13 to the City Council for approval subject to the following conditions:

1. That stormwater detention will be required and retention will be evaluated as each development occurs and Note 5 "stating no detention required" is removed.
2. That the plat be tied to two existing subdivision corners and that these corners are identified on the plat.
3. The surveyor signs the plat.
4. The utility companies sign the plat when their easement needs have been met.
5. There are drainage ways crossing multiple lots within the proposed platted area which are not addressed. With development drainage must be maintained. The plat should contain drainage way and or sewer easements as being dedicated.
6. A note is added to the plat stating that lots 2 and 3 shall have no direct access to Utica Ridge Road. Access shall be provided via existing abutting east-west streets.
7. There is an existing sanitary sewer and associated manhole(s) located within lots 1 and 4. The location of this sewer is to be field verified prior to Council acceptance of the plan and additional sewer easement(s) dedicated as necessary.

8. With development construction plans for streets, site grading, storm sewer and sanitary sewer are submitted to the Public Works Department for review and approval.

On a motion by Medd, seconded by Connell, to forward Case No. F17-13 the final plat of Crow Valley Plaza Tenth Addition to the City Council for approval subject to the above stated conditions was approved: 9-yes, 0-no, 1-abstentions (Quinn).

3. 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 one (1) outlot on 22.16 acres, more or less. Detention is on a separate outlot south of the plat on 3.39 acres, more or less.

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).

On a motion by Medd, seconded by Martinez, to forward Case No. F17-14 the final plat of Falcon Pointe Addition to the City Council for approval subject to the above stated conditions was approved: 9-yes, 0-no, 1-abstentions (Tallman).

VII. Other Business –

VIII. Future Business – Preview of items for the July 3rd July 18th public hearing and/or regular meeting (*note-not all items to be heard may be listed*):

Case No. ROW17-04: Request of St. Ambrose University for the rights-of-way vacation (abandonment) of portions of three streets:

- 1) Rogalski Drive from the former Ripley Street to the west line of Harrison Street,
- 2) West Pleasant Street from the former Ripley Street to the west line of Harrison Street, and
- 3) Ripley Street from the north line of Locust Street to the north line of the east-west alley north of Locust Street;

and three alleys:

- 1) the east west alley north of Locust Street between Ripley and Harrison Streets,

- 2) the north-south alley west of Harrison Street between the north line of the east-west alley north of Locust Street and the south line of Pleasant Street, and
- 3) the north-south alley west of Harrison Street between the north line of Pleasant Street and the south line of Rogalski Drive.

The total area being vacated (abandoned) contains 1.29 acre, more or less.

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 approximately 6:40 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:

Monday, July 03, July 20, 2017 at 5:00 P.M. in the Council Chambers of Davenport City Hall 226 West 4th Street.

Report of City Council Activity

June 14, 2017 Meeting –

- Approved Resolution 2017-240 approving Case No. F17-01 being the final plat of Westport Addition, located along the south side of West Locust Street between Wisconsin and Utah Avenues, containing fifty-four (54) residential lots on 17.58 acres. [Ward 1]
- Approved Resolution 2017-241 approving Case No. F17-06: the final plat of Quinn's Outlots Second Addition being a replat of part of Lot 5 of the Replat of Quinn's Outlots, located east of Pine Street and south of West 49th Street (4821 N Pine St), containing two (2) single family lots. [Ward 8]
- Approved Resolution 2017-242 approving Case No. FDP17-03: Request of Build to Suit Inc on behalf of Family Care Solutions for a PDD final development plan for offices on 1.2 acres, more or less, being Lot 9 of Utica Corners 6th Subdivision located east of Utica Ridge Road and north of Crow Creek Road (4893 Utica Ridge Rd). [Ward 6]
- Approved Motion 2017-243 approving Case No. P17-02 being the preliminary plat of Inverness Estates located east of Division Street and south of West 76th Street, containing 246 residential lots and 51 outlots on 123 acres, more or less. SB Real Estate, petitioner. [Ward 8]