

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, MAY 18, 2021; 5:00 PM
CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS

A PARTIALLY ELECTRONIC MEETING IS BEING HELD BECAUSE A FULLY "IN PERSON" MEETING IS IMPRACTICAL DUE TO CONCERNS FOR THE HEALTH AND SAFETY OF COUNCIL MEMBERS, STAFF, AND THE PUBLIC PRESENTED BY COVID-19, AND TO FOLLOW THE GOVERNOR'S PROCLAMATION AND THE MAYOR'S EXECUTIVE ORDER DIRECTING SOCIAL DISTANCING AND PLACING RESTRICTIONS ON GATHERINGS. IN PERSON ATTENDANCE BY THE GENERAL PUBLIC AT ANY CITY OF DAVENPORT PUBLIC MEETING WITHIN ITS FACILITIES SHALL BE LIMITED TO 20 PERSONS.

REGULAR MEETING AGENDA

I. Roll Call

Present: Schneider, Lammers, Johnson, Tallman, Inghram, Hepner, Brandsgard, Reinartz, Maness, Garrington

Staff: Berkley, Koops, Werderitch

II. Report of the City Council Activity

Berkley updated the commission that Case REZ21-01, being the request of Rock Church Ministries Inc. to rezone Parcel P1304-02C from S-OS Open Space District to R-1 Single-Family Residential District, was tabled at City Council to allow for the appointment of the 7th Ward Alderperson.

III. Secretary's Report

A. Consideration of the May 4, 2021 meeting minutes.

Motion by Tallman, second by Hepner to approve the May 4, 2021 meeting minutes.
Motion to approve was unanimous by voice vote (10-0).

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

- i. Case REZ21-03: Request of Build to Suit on behalf of Elmore Storage LLC to rezone 6403 Elmore Avenue (PIN Y0551A04) from C-E Elmore Corners to C-3 General Commercial District to allow for the expansion of the existing outdoor storage units. [Ward 6]

Koops and Berkley provided an overview of the case. The site was developed in accordance with the previous Zoning Ordinance. However, due to the adoption of a new Zoning Ordinance in 2019, the property was rezoned to C-E Elmore Corners District. This made the existing outdoor self-storage facility a nonconforming use. A rezoning to C-3 General Commercial District will bring the site into conformance with the current ordinance and enable construction of the second phase of units as a special use.

Maness inquired about the Special Use Permit and review by the Zoning Board of Adjustment. Reinartz spoke on behalf of the planning process and original intention of the Elmore Corners Area Plan to promote upscale development.

No members of the public spoke in favor or opposition to the petition.

Staff recommended the Plan and Zoning Commission forward Case REZ21-03 to the City Council with a recommendation for approval without conditions.

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan (Regional Commercial – RC), which allows for the proposed use and other such similar uses.
2. The proposed C-3 General Commercial District and storage use is compatible with the adjacent zoning area characteristics, and public health and welfare as there are other regional commercial uses nearby and the use is allowed in the RC classification.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities and will in fact change a nonconforming use into a conforming use.
4. Required Special Use approval for outdoor storage units in the C-3 District offers a further level of review for the protection of adjacent properties.

Motion by Schneider, second by Lammers to approve Case REZ21-03 in accordance with the listed findings. After a roll call vote, motion passed 8-1. Reinartz voted against.

VI. Subdivision Activity

A. Old Business

B. New Business

- i. Case F20-11: Request of DA Montana LLC for a Final Plat of Shirley's Shire for a 3 lot subdivision on 12.043 acres located north of Telegraph Road, west of Wisconsin Avenue. [Ward 1]

Berkley provided an overview of the proposed final plat and explained the split zoning of the property. Inghram discussed the importance of policing conditions placed on approved cases.

Staff recommended the Commission accept the listed findings and forward Case F20-11 to the City Council with a recommendation for approval subject to the listed conditions.

Findings:

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City Staff) would achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat;
2. That the utility providers sign the plat when their easement needs have been met;
3. That the affidavit of existing land uses shall be recorded on the property;
4. Revise the zoning district classification from 'A-1' to 'S-AG'.

Motion by Hepner, second by Tallman to approve Case F20-11 in accordance with the listed findings and conditions. Motion to approve was unanimous by a roll call vote (9-0).

- ii. Case P21-01: Request of Dan Dolan Homes on behalf of Sophie Foster Revocable Trust for a Preliminary Plat of Birchwood Grove for a 73 lot subdivision on 20 acres located at 4607 East 53rd Street. [Ward 6]

Werderitch introduced the residential preliminary plat and updated the Commission on the rezoning ordinance approved by City Council.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case P21-01 to the City Council with a recommendation for approval subject to the 14 listed conditions.

Findings:

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City Staff) would achieve consistency with subdivision requirements.

Conditions:

1. A note shall be added to the plat stating all streets will be dedicated to the city upon recording of the plat.
2. All rezoning conditions shall be listed as a note on the plan
3. Birchwood Lane and Lakeview Court shall be renamed.
4. All sidewalks shall be shown on the preliminary plat and a note shall be added stating that the sidewalks shall be installed as development occurs or as so ordered by the city.
5. All building footprints shall be added to the preliminary plat.
6. Add all setbacks to the plat.
7. Drainage easements shall be separated from landscaped buffers.
8. Pedestrian access to existing sidewalks shall on E. 51st Street, Eastbury Estates and Hawk Drive shall be depicted as pedestrian easement with a note stating that the landowner must maintain 5 ft. wide pedestrian sidewalk for the appropriate lot numbers.
9. Lots containing townhouses shall be combined to contain at least one building to meet interior side setback requirements.
10. Infrastructure is labeled as private or public as appropriate.
11. Adequate access easement shall be provided to Lot B for maintenance of the detention basin.
12. Sewer easements shall be shown for lots 21 and 68.
13. A note shall be added that all drainage easements shall be maintained by landowner as stormwater passageways as a lawn and be free of structures, pools, fences, fill, bushes, trees, shrubs, or other landscaping that impede the flow of water.
14. A 50' drainage easement shall be established along Stafford Creek.

Lammers stated that a conversation is needed prior to the final plat addressing the enforcement of conditions. Schneider inquired to staff about the reasoning behind condition nine and its impact on potential buyers.

Motion by Hepner, second by Maness to approve Case P21-01 in accordance with the listed findings and conditions. Motion to approve was unanimous by a roll call vote (8-0). Tallman abstained.

- iii. Case P21-02: Request of S.J. Russell, L.C. on behalf of Sophie Foster Revocable Trust for a Preliminary Plat of Birchwood South 1st Addition for an 11 lot subdivision on 17.92 acres located at 4607 East 53rd Street. [Ward 6]

Werderitch introduced the commercial preliminary plat and required infrastructure improvements.

Staff recommended the Commission accept the listed findings and forward Case P21-02 to the City Council with a recommendation for approval subject to the 9 listed conditions.

Findings:

1. The plat conforms to the comprehensive plan Davenport+2035; and
2. The plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Conditions:

1. Dedicate the multi-use trail along E. 53rd Street as public right-of-way.
2. A note shall be added stating all streets and areas labeled as ROW will be dedicated to the city upon the recording of the plat.
3. All rezoning conditions shall be listed as a note on the plat.
4. Birchwood Lane and Birchleaf Road shall be renamed.
5. All sidewalks shall be shown on the preliminary plat and a note shall be added stating that sidewalks shall be installed as development occurs or so ordered by the city.
6. The 30' access and utility easement east of Birchwood Lane (to be renamed) shall also include "sewer" and shall be extended across Lots 6 and/or 9 to Lot B.
7. Access easements for the detention areas shall be congruent with the ROW and include "access" in the 15' utility easement to Lot A.
8. Lots A and B shall include a stormwater detention easement.
9. A note shall be added identifying ownership and maintenance responsibilities for the detention areas.

Inghram inquired about zoning code enforcement. Petitioner education may be needed following Commission approval.

Motion by Hepner, second by Maness to approve Case P21-02 in accordance with the listed findings and conditions. Motion to approve was unanimous by a roll call vote (8-0). Tallman abstained.

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

Motion by Maness, second by Tallman to adjourn the meeting. Motion to adjourn was unanimous by voice vote (10-0).

The meeting adjourned at 5:45 pm.