

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

**TUESDAY FEBRUARY 6, 2018 • 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, February 20, 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

Present: Connell, Hepner, Inghram, Kelling, Lammers, Maness, Medd, Quinn and Reinartz and Tallman
Excused: Martinez
Staff: Flynn, Rusnak and Heyer

II. Report of the City Council Activity

III. Secretary's Report November 14, 2017 meeting minutes were approved.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business –

1. Case No. REZ17-08: Request 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-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 [3rd Ward]

On a motion by Tallman, seconded by Connell, to remove REZ17-08 from the table. Vote to remove REZ17-08 from the table was unanimous. Vote 9-yes, 0-no and 0-absentions.

The Chairperson indicated that he would allow public comment for the purpose of providing new information. He stated that Commissioner questions should wait until after the staff presentation and public comment.

Rusnak summarized the staff report. He stated that the Plan and Zoning Commission tabled this request indefinitely at its September 5, 2017 regular meeting to allow the City sufficient time to hire a consultant to analyze if the approval of the rezoning (and ultimate plan buildout) would cause a disparate impact on low income and minority communities. The analysis was completed in December 2017 and determined in part "... the City of Davenport's approval of the Palmer's PID rezoning application does not create a disparate impact on protected racial or ethnic groups."

Findings:

1. The proposed rezoning facilitates the adoption of a land use plan that enables the community to understand and visualize the levels of development being proposed, their likely impacts and appropriate mitigation measures;
2. The proposed rezoning would articulate the limits of the institutional growth and mitigate potential the adverse impacts associated with development and geographic expansion; and
3. The proposed rezoning would facilitate the ability of Palmer College of Chiropractic to grow and adapt to changing needs while protecting the livability and vitality of adjacent neighborhoods.
4. The design of the campus mitigates any potential impacts to the surrounding neighborhoods.

Staff recommends that the Plan and Zoning Commission accept the listing findings and forward Case REZ17-08 to the City Council with a recommendation for approval subject to the following conditions:

1. That any property rendered non-conforming by the adoption of the "PID" Planned Institutional District not be subject to Section 17.46.020 entitled Discontinuance-Conformance required;
2. That the buildings achieve consistency with the required 25 foot front yard setback if a "PID" Planned Institutional District ordinance amendment is not adopted to allow setback reductions as depicted on the adopted Land Use Plan;
3. That the Land Use Plan be amended to depict a minimum 25 foot front yard setback for the buildings along Main Street south of West 8th Street;
4. That the Land Use Plan table be amended to clearly articulate the existing (including those to be preserved) vs. proposed use of the all properties and proposed building height and setbacks;
5. That Palmer College of Chiropractic formally requests the vacation/abandonment of the public streets and alleys depicted on the Land Use Plan as private use by Palmer College of Chiropractic. These areas on the Land Use are descriptive only with respect to the future use of the property and does not compel approval of any vacation/abandonment request; and
6. In the event that East 11th Street between Perry Street and Pershing Avenue is vacated and conveyed to Palmer College of Chiropractic, a pedestrian walkway be constructed from Perry Street to Pershing Avenue in the general location of East 11th Street utilizing existing bricks from the roadway surface and that historical markers be located at its intersection with Perry Street and Pershing Avenue. The cost of removing the roadway material, curbs and sidewalks and

the installation of the pedestrian walkway and historical markers shall be the expense of Palmer College of Chiropractic.

Scott Tunnicliff, Director of the Hilltop Campus Village spoke in favor of the request.

A.J. Reed spoke in opposition to the request such that there didn't appear to have much public input into the plan.

Carry Clark spoke in opposition to the Disparate Impact Analysis.

John De Taeye recommend that the Commission table the request to allow additional time to study the proposal.

Olivia Williams objected the the proposal as a fair housing professional.

Dr. Dennis Marchiori spoke on behalf of Palmer College of Chiropractic. She stated that he was present to answer any questions.

Latric Lacey stated that the Civil Rights Commission meets next week to discuss the proposal. She objected to the meeting notice, which excluded renters and the disparate impact analysis.

That concluded the staff presentation and public comments.

There were several questions from Commissions and responses from City staff. Staff stated that it was the City's opinion that the Deperate Impact Analysis was performed by a professional consultant and that study demonstates that the rezoning would not cause a disparate impact on low income and minority communities.

Assistant City Attorney stated that the Commission should consider the proposal based on its consistency with the "PID" Planned Instutional District Ordinance.

On a motion by Tallman, seconded by Connell, to recommend approval of REZ17-08 subject to the 6 conditions listed by City staff. Vote to recommend approval was unanimous. Vote was 9-yes, 0-no and 0-absentions

B. New Business -

VI. Subdivision Activity

A. Old Business – There was none.

B. New Business – Thre was none.

VII. Other Business –

VIII. Future Business – Preview of items for the February 06th public hearing and/or regular meeting (*note-not all items to be heard may be listed*):

- Case No. REZ18-01: Request of Dave Meyer on behalf of Tom Swanwick dba Forest View LLC for a rezoning (map amendment) on 1.19 acres of property known as Lot 2 of Ryde High 2nd Addition located on the south side of East 46th Street between Grand and Tremont Avenues. The rezoning is from "C-2"

General Commercial District to R-6M Planned Unit Development to construct attached townhouses on individual lots. Ten units are proposed. [7th Ward]

- Case No. FDP18-01: Request of John Crump dba Woodspringsone LLC for a PDD Final Development Plan located north of East 53rd Street and west of Elmore Avenue (Lot 1 of Lakehurst Commercial Park Third Addition) on 2.28 acres, more or less to develop a Woodspring Suites Hotel. [6th Ward]
- Case No. P18-01: Preliminary plat of Reed's Retreat located west of Wisconsin Avenue and north of Telegraph Road, containing seven (7) lots on 62.86 acres, more or less, The property is zoned both "R-1" Low Density Dwelling District and "A-1" Agricultural District.[1st Ward]
- Case No. F18-01: Final plat of Reed's Retreat located west of Wisconsin Avenue and north of Telegraph Road, containing seven (7) lots on 62.86 acres, more or less, The property is zoned both "R-1" Low Density Dwelling District and "A-1" Agricultural District.[1st Ward]

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

No one from the audience spoke.

X. Adjourn - The meeting was adjourned at approximately 6:15 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.*

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