

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, SEPTEMBER 5, 2023; 5:00 PM
CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

COMBINED PUBLIC HEARING AND REGULAR MEETING AGENDAS

PUBLIC HEARING AGENDA

I. New Business

Public Hearing REZ23-04: Request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and E. 46th Street intersection at 801 E. 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [Ward 7]

Koops provided an overview of the rezoning request which is to facilitate development of the site for garage storage/flex space, which is an I-1 Light Industrial use.

Tallman asked for clarification on whether the rezoning would be required to be accompanied with a comprehensive plan land use amendment. Berkley stated that consultation with the Legal Department confirmed that the an amendment would not necessary be required, but that City Council could request an amendment should they so desire.

Jason Cousineau was in attendance to present the request and answer questions. The petitioner stated that the site will meet Fire Department standards for truck turning radii and ingress/egress. The units will be plumbed for water and sewer.

No Members of the public spoke in favor or against the request.
With no additional comments, the public hearing closed.

REGULAR MEETING AGENDA

I. Roll Call

Present: Hepner, Eikleberry, Reinartz, Johnson, Tallman, Inghram, Maness, Garrington, and Schneider.

Excused: Tallman; Absent: Stelk.

Staff: Berkley, Koops, and Vondera.

II. Report of the City Council Activity

Staff provided an update of the City Council activity.

III. Secretary's Report

A. Consideration of the August 15, 2023 meeting minutes.

Motion by Hepner, second by Tallman, to approve the July 18, 2023 meeting minutes. Motion to approve was unanimous by voice vote (8-0).

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business: None.

B. New Business

- 1) Case REZ23-03: Request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc. and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]
- 2) Case ROW23-04: Request of 53rd Luxury, LLC to vacate the unimproved Spring Street right-of-way located south of East 53rd Street. [Ward 8]

Both items were discussed at the same time as they are related to the same development.

Staff recommends Case REZ23-03 be forwarded to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Commercial Corridor and Residential General.
2. The proposed zoning map amendment to C-3 General Commercial District is compatible with the zoning and uses of nearby developed property.
3. With the proposed conditions recommended by staff, the zoning map amendment will enable the area to be developed in a manner consistent with the surrounding area.
4. With conditions requiring transportation improvements, the proposed zoning map amendment will promote the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities with future development.

Conditions:

1. A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
2. A buffer yard shall be established commensurate with the depth of the established buffer yard to the west of the subject property along the north property line of the Stone Gate development.
3. Any non-residential use development south of the northern boundary of the Stone Gate development extended, a fifty-foot buffer yard shall be established as required by code. Any multi-family development shall provide buffer yards as required by code.
4. The buffer yard shall be landscaped with a density commensurate to the established buffer yard to the west of the subject property. If the minimum landscaping required by code is installed, a certificate of occupancy may be granted via performance bond for the remaining landscaping which must be installed within the next growing season.
5. Lighting shall consist of LED Dark Sky compliant fixtures not higher than thirty-five feet. The level of lighting shall be reduced to a level necessary to provide security lighting only within one half-hour after of the close of business.
6. Routine use of PA systems or similar devices outside of buildings on the property shall not be permitted.
7. Car washes on the property shall not be located closer than one-hundred twenty-five feet from residential districts, and operate only when the dealership is open for business.
8. Billboards shall be prohibited.
9. In addition to ancillary Auto Dealer uses granted in the C-3 district by Special Use, only C-3 uses which are allowed in the C-T Commercial Transitional Zoning District are permitted south of the northern boundary of the Stone Gate development extended.

Berkley reminded the Commission that the Vehicle Dealer shall require a Special Use from the Zoning Board of Adjustment should this request be approved by Council.

Reinartz asked about truck unloading zones and noise associated with the cleaning of vehicles. Berkley stated that the Special Use will address the unloading of vehicles and that existing noise ordinances regulate the noise generated by the site.

Inghram asked when the traffic study would be ready. Berkley stated that the study is being worked on currently by the applicant.

John W. Hofmeyer addressed the Commission on behalf of the applicant. He confirmed that the applicant is not resisting the proposed conditions, and that they are actively working with the City's traffic engineers on the traffic study.

There were no comments in favor or opposition to the proposed request.

Without any further comments, Secretary Tallman commenced roll call vote for REZ23-03.

A motion to approve staff recommendation and conditions of request REZ23-03 was made by Hepner, seconded by Johnson. Eikleberry, yes; Reinartz, yes; Johnson, yes; Tallman, yes; Maness, yes; Garrington, yes; Schneider, yes; and Hepner, yes. The motion carried unanimously (8-0).

VI. Subdivision Activity

A. Old Business

B. New Business

1. Case ROW23-04: Request of 53rd Luxury, LLC to vacate the improved Spring Street right-of-way located south of East 53rd Street. [Ward 8]

Staff recommends the City Plan and Zoning Commission accept the listed findings to vacate the improved right-of-way of Spring Street in Case ROW23-03 to the City Council with a recommendation for approval, subject to the following findings and condition:

Findings:

1. The existing public right-of-way is not required for city purposes.
2. A utility easement would preserve the rights for utility providers to maintain existing and future infrastructure.

Condition:

1. All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.

Motion by Reinartz, second by Eikleberry, to approve staff recommendation and conditions for ROW23-03. Motion was approved by a roll call vote (8-0).

2. Case F23-12: Request of Orville J. Birkestrand for a final plat of Daniel Churchill's 2nd Addition. The 2-lot subdivision is at 1203 Jersey Ridge Road on 0.40 acres. [Ward 5]

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case F23-12 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will 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 Fulton Street shall be changed to Fulton Avenue.
4. That the buildings shall comply with the 2015 IBC/IRC exterior wall fire ratings.

Motion by Reinartz, second by Maness, to approve staff recommendation and conditions for F23-12. Motion was approved by a roll call vote (6-1; Johnson abstain; Reinartz, no).

VII. Future Business: REZ23-05 Public Hearing, REZ23-04 Recommendation, and F23-13.

VIII. Communications

IX. Other Business

X. Adjourn

Motion to adjourn was unanimous by voice vote (7-0).

The meeting adjourned at approximately 5:44 pm.