

Scott County Planning and Zoning Commission
January 18, 2005
1st Floor Board Room, Administrative Center

Members Present: Ewoldt, Jansen, Kluever, Paustian, Ridenour, Scheibe

Members Absent: Ion

Staff Present: Huey and Kononovs

Others Present: Forty-five others

1. **Call to Order** Chairman Ridenour called the meeting to order at 7:00 p.m.
2. **Minutes** Scheibe made a motion to approve the minutes from the November 16, 2004 meeting. Kluever seconded the motion.

Vote: 6-0 All ayes

3. **Public Hearing-Rezoning-Burmeister**

Ridenour read the notice and asked for staff's review. Huey explained the difference in the Zoning Districts and the Future Land Use Map, and gave a history of the implementation of zoning in Unincorporated Scott County. Huey said the Planning and Zoning Commission is an advisory board to the Board of Supervisors who has the final say in any rezoning request. Huey showed air photos of the property and surrounding areas. Huey showed the current Zoning District map and the Future Land Use Map and explained the difference in Agricultural General Zoning Districts and Agricultural Preservation Zoning Districts and how they relate to the current Zoning Ordinance and the Future Land Use Map. Huey showed site photos and a conceptual subdivision plat of the property. Huey then gave the criteria viewed to determine compliance with the Scott County Zoning Ordinance and Land Use Policy, those being; In compliance with the Future Land Use; poor or marginal agricultural land; access to paved roads; provisions for public or private sewer and water services; in an area near employment centers; located where it is least disruptive to agricultural activities; stable environmental resources; buffered from other less intensive land uses and is there a need for such development. The County Engineer noted that the access to any future development would be reviewed at the subdivision process said Huey.

Ridenour asked if the applicant would like to speak. Burmeister said he had nothing new to add and was there to answer any questions.

Ridenour asked if anyone from the public had any comments. Terry Leighton said he is a developer in the area and is in support of the request; the area needs new development both residential and commercial. Robb Ewoldt, 542 N Neisse St., said he is the property owner across the road and a farmer and is on the board of the Farm

Bureau. Ewoldt said the Zoning Ordinance and Development Plan encourage development to take place in the city limits. The A-P district said Ewoldt is designated to protect highly productive ground and this property well exceeds the 60 CSR criteria. Rezoning this property to allow development said Ewoldt would set precedent for future request. Cheryl Wilkinson, 13639 100th Ave, said if approved this request would lead to further development and she is concerned about emergency response and no shoulder on the road. More development would lead to more traffic on an already dangerous road. John Fell, 13465 100th Ave, said he is concerned with drainage that may occur from additional homes, he already has some drainage coming on to his property and this request would make it worse. Brian Ahlers of Walcott read a section from the A-P district of the Zoning Ordinance and encouraged the Commission to follow and preserve Ag land. Jeff Boeh, President of the Farm Bureau read the letter submitted by the Farm Bureau and encouraged the Commission to deny this request due to the high CSR and the precedence it would be setting. Boeh also said he and the Farm Bureau appreciate the Commission's work to keep the agricultural land in Scott County preserved. Ralph Johanson, 13120 100th Ave, said he was interested in purchasing the property for farm land and was told the asking price was \$6400.00 per acre well above the normal price for farmland. Johanson said the realtor said it could be rezoned and developed. Johanson went on to reiterate the high productivity of the ground, the dangerous road as a reason not to rezone the property for development. Larry Guy, Chief of the Blue Grass Fire Department said he is not against development but the road is not conducive to allow emergency vehicles to pull over as there are not shoulders on the road, also, Blue Grass and the area served by their department has grown already so much and houses gotten so much larger they must be served with larger equipment and often the road cannot accommodate the large equipment. Pam Johanson, 13120 100th Ave, said she is concerned with the high voltage lines in the area and the possible affect it may have on the health of people in the future. Steve McGivern, 13685 100th Ave, said he is concerned with the access proposed for the future development, the road is dangerous with not shoulders and the speed limit not enforced as there are no where for the Sheriff's Deputy to run radar. McGivern said the high CSR of this land should be preserved.

Ridenour asked if the applicant would like to respond, Burmeister said he understands that change can be an emotional issue and the concerns expressed have not fallen on deaf ears, but he would like everyone to know this would be a quality project.

Rideour asked for staff's recommendation. Huey said staff would recommend that the rezoning of this property from Agricultural Preservation to Agricultural General be approved based on it compliance with a preponderance of the criteria of the Revised Land Use Policies and that the request to amend the Future Land Use map show this area as an appropriate area for residential development.

Ridenour closed the public portion of the meeting.

Commission discussion took place. Ewoldt said the corridor between Blue Grass and Davenport is a area designated not to entice development, it appears said Ewoldt that a rezoning of this property would create more traffic getting onto Hwy 61 where a stop go light would need to be installed, leading to increasing pressure to allow further development both commercial and residential to occur. The corridor between Blue Grass and Davenport should be kept open and this should not be approved. Paustian said over one half of the acres on this property has a CSR of 90 to 95. None of the land he farms, said Paustian, has a CSR that high, this land is extremely productive farmland and should remain so. Paustian said it meets up with other A-P zoning and there is no need to encroach upon it. The areas zoned residential were in existence prior to 1981, said Paustian, the county has a suitable inventory of Agricultural General land more suitable for development than this is. Kluever said legitimate concerns over this question have been raised and he does not think it meets a preponderance of the criteria necessary for a rezoning.

Paustian made a motion to deny the rezoning and amendment to the Future Land Use Map based on the high CSR rating, the condition and safety concerns of 100th Ave, and no need for additional development in this area at this time. Ewoldt seconded the motion.

Vote: All Ayes (6-0)

4. Site Plan Review-Schneider

Ridenour read the notice and asked for Huey's review. Huey showed the air photo of the property and said this request is to allow an area approximately 140 feet x 115 feet to be used for outdoor storage of small campers and boats. Huey said this is a change in use and requires approval of a site plan. Huey showed site photos of the property pointing out the location of the outdoor storage. The Zoning Ordinance said Huey, only allows fences in commercial areas in the side and rear yards of buildings, therefore a Special Use Permit will have to be approved by the Board of Adjustment for any fence in the front yard which will be heard on the 26th of this month. The County Engineer had no comments or concerns with this request and the Health department noted that this property is served by the Park View Water Company and Sanitary District and also had no comments.

Ridenour asked if the applicant would like to speak. Schneider said he had nothing new to add.

Ridenour asked for staff's review. Huey said staff recommends that the Site Plan Review to allow outside storage of campers, boats and other similar recreational vehicles be approved with the conditions that: 1). The storage area be screened with a six foot high fence; 2). The Special Use Permit for the portion of the fence in the front yard be approved; 3). No storage of damaged or salvaged vehicles, boats or materials be permitted and; 4). Any change in use of the building from the current office,

storage and apartment use be reviewed and approved through a subsequent site plan review.

Scheibe said she commends the applicant for the improvement in the building and is glad to see it put to good use, however, she does feel that neither storage nor a fence in should be allowed in the front yard setback.. The fence should set even with the building said Scheibe and only allow storage in the side and rear of the property. Discussion took place on the height of the fence that could be built. Scheibe made a motion to approve the site plan with the conditions that; 1). No storage of damaged vehicles, boats or materials be permitted; 2). Any change in use of the building from the current office, storage, apartment use be reviewed and approved through a subsequent site plan review, 3). No fence or storage in the front yard setback be allowed. Ewoldt seconded the motion.

Vote: 4 Ayes 2 Nays (Jansen, Paustian)

5. Election of Officers for 2005

Ewoldt made a motion to nominate Ion for Chairperson, Paustian seconded the motion. Vote: All Ayes (6-0) Paustian made a motion to nominate Scheibe for Vice-Chairperson, Ewoldt seconded the motion. Vote: All Ayes (6-0)

With no new business to come before the commission the meeting was adjourned at 8:40 p.m.