

Scott County Planning and Zoning Commission
March 7, 2006
1st Floor Board Room, Administrative Center

Members Present: Baril, Ion, Kluever, Mehrens, Paustian, Ridenour, Scheibe

Members Absent: None

Staff Present: Huey and Kelly

Others Present: 70 Others

1. **Call to Order** Chair Ion called the meeting to order at 7:00 p.m.
2. **Minutes** Ridenour made a motion to approve the February 21, 2006 minutes. .Scheibe seconded the motion.

Vote: 5-0 All ayes

3. **Public Hearing-Preliminary Plat-Chapel Hill Estates**–Harder Investments Inc.,
Section 1, Buffalo Township

Ion read the public notice and asked for staff's review. Huey showed air photos of the property, pointing out the access to the property. Huey showed the Preliminary Plat and said the access road is adjacent to the Chapel Hill Cemetery with the easement for that road setback fifty feet north of the cemetery property. The proposed streets within the subdivision said Huey form a network of four cul de sacs with three of those cul de sacs showing road easement extended to the boundary of the property to the north, east and west of this property to allow future connection of this road system. Huey said over half of the proposed lots are 1.5 acres in size and the remainder are larger. Huey said the subdivision regulations require the internal streets to be adequately drained and those detention facilities adequate to capture the runoff from a twenty five year rain event. Huey explained the approach proposed by the developer to capture and detain the stormwater coming on to the property in order to reduce the flow leaving the property. The County Engineer will need to review the final drainage plan and calculations to ensure that this plan meets the requirements of the regulations. The Engineer did comment that details will be needed on the detention basin outlets including pipe sizes and rip rap said Huey. Erosion and sediment control plans will need to be submitted and reviewed Huey said. Staff would recommend said Huey that not more than 30 acres of property be disturbed at any one time. The proposed plat's open space shown does exceed the minimum requirements, said Huey. The Health Department has noted that two acceptable soil percolation tests per lot will be required prior to Final Plat approval. The applicant said Huey proposed to extend Iowa American Water service to this subdivision, with issues related to the use of the road easement for utility extensions resolved prior to a final determination of whether extension of public water is feasible. Subdivision regulations said Huey; require any subdivision adjoining agricultural land to be fenced to prevent livestock from entering the subdivision, which would apply to the southern boundary of this proposed subdivision. The property is located within two miles of both Davenport and Buffalo, therefore both cities will review.

Ion asked if the applicant would like to respond, Jason Harder said he had nothing to add but would will be glad to answer questions.

Ion asked if anyone from the public had any comments. Dave Dettman representing Linwood Mining and Minerals addressed the Commission requesting a covenant be placed on the property putting potential purchasers on notice of the blasting that occurs in the area. Teresa Durant, 13224 S Utah wanted to know about buffering between the subdivision and her property Jay Eldredge 13166 S Utah expressed concerns about the stream running onto her property and making her pasture a wetland where her horses graze. Penny Ploog , 11425 S Utah said she is concerned about the traffic and where the proposed access is in relation to the curve of the road. Ploog said she thought it was odd that caution signs have appeared since the conception of this subdivision that did not exist before. Ploog also said there is such a thing as reverse setback that should be explored. Roger Kirkpatrick, 13470 S Utah, said he has lived there 30 years and when the water flows it flows from the north and he is very concerned about the drainage that will occur from this subdivision. Barb Grutmacher, 13424 S Utah, said she doesn't understand how 39 lots can be allowed when the subdivision regulations say a maximum of 30 lots should be allowed for one access and the subdivision regulations also state dead end road should not exceed 1,320 feet in length. The proposed access to the property for Iowa American Water would impact the existing dike said Grutmacher and it a road easement not a utility easement. Eric Janus, the Market LLC., owns Amato Acres; said Ducks Unlimited has designated his pond as a refuge and the road access being considered for utility easement was only created to allow the previous farmer to gain access. Brian Pottinger, 13055 114th Ave, said he is concerned with the safety due to the narrow road and the steep drop off due to no shoulder. Jeff Orfice, 13009 114th Ave., said he is the pastor of the Church of God, and is concerned with the safety of the Sunday school children and his grandchildren. The road said Orfice, is already full of potholes and cracking off at the edge. Steve Piatak, 11355 130th Street, said he believes a covenant should be in place warning potential buyers against letting their dogs run loose as they may be destroyed if harming or potentially harming livestock in the area. James Hess, 11435 130th Street, said he recently purchased the property and was not aware of the proposed subdivision, and the access to the property being directly across from his property. Dave Durant, 13224 S Utah, said the road is so narrow that the snowplow takes out driveways and mailboxes on a regular basis, 39 homes is too many for the area as city people do not respect the agricultural operations in the area. Troy Burmeister, 11744 130th Street, said he has water drainage concerns as the livestock in the area uses the pasture and stream. Ken Burmeister, 11744 130th Street, said he has seen the stream so high that you cannot cross, the grade of the property is steep and the removal of the trees for the development will cause a lot of wildlife to be relocated and an erosion problem. The grandson of Clyde Wier, 11609 130th Street presented to the Commission photos of the arrow head collection he and his grandfather have found on this property. Mary Ann Wilkerson, 11609 130th Street, said she has lived there for over 40 years and has her mailbox chopped off by the snowplow almost yearly, if the plow is on the road cars have no where to go, there is no shoulder. Leona Buckley, 26558 276th Ave. Princeton, said she is concerned about the loss of farmland, the traffic and possibility of school bus accidents. Buckley read a poem to the Commission. Lou Ogden, 11491 130th Street, said he just doesn't understand why when the subdivision ordinance says no more than 30 lots we are seeing a plat for 38 lots.

The road is awful said Ogden and the additional 8 lots is a big deal to him. Randy Plett, 11360 130th Street said the platting of an easement to adjoining land to get around the 30 lot requirement is not going to work in this case, because he owns the land is not going to sell for development. Mark Heidt, 13085 114th Ave., said the proposed road is taking out ag land and greenspace and the developers profit is impacting the surrounding property owner's enjoyment of their own land and that is just wrong.

Ion asked for staff's recommendation. Huey said staff recommends approval of the Preliminary Plat of Chapel Hill Estates with the conditions that: 1). The design and capacity of the proposed stormwater detention facilities meet the requirements of the Scott County Subdivision Regulations; 2). The erosion and sediment control plan be reviewed and approved by the Natural Resources Conservation Service and the County Engineer; 3). The proposed wastewater treatment facilities meet Health Department and Iowa Department of Natural Resources requirements; 4). The private covenants include provision for common open space maintenance and a waiver of right to file nuisance suits against agricultural operations; 5). The City of Davenport review and approve the Preliminary Plat; 6). The County Engineer review and approve all street construction plans prior to construction; 7). The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval; and add 8). The covenants reflect the proximity of Linwood Mining; 9). Construction take place in phases with no more than approximately 30 acres at a time being disturbed.

Ion asked if the applicant would like to respond. Harder said he would be happy to answer any questions the commission may have. Commission discussion took place regarding the detention basins, the number of lots proposed and the access. Harder explained the proposed detention layout.

After considerable discussion Scheibe made a motion to approve the Preliminary Plat of Chapel Hill Estates with the conditions outlined by staff including the conditions that mining in the area be noted and that construction take place in phases disturbing no more than approximately 30 acres at a time. Ridenour seconded the motion

Vote: 4 Ayes 3 Nays (Paustian, Mehrens and Ion)

With no new business to come before the commission, the meeting was adjourned at 8:55 P.M.