

Scott County Planning and Zoning Commission
August 5, 2008
1st Floor Board Room, Administrative Center

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

Members Absent: None

Staff Present: Huey and Kelly

Others Present: 13 others

1. **Call to Order** Chair Scheibe called the meeting to order at 7:30 p.m.
2. **Minutes** Ion made a motion to approve the June 17, 2008 minutes. Kluever seconded the motion. Vote: 7-0 All ayes.
3. **Public Hearing-Rezoning**-Riverstone Group/LeClaire Investments Inc., Sections 27,28,33 and 34 Liberty Township

Due to the incomplete legal description appearing on the Notice of Public hearing Ridenour made a motion to table this request until the August 19, 2008 meeting. Mehrens seconded the motion.

Vote: All Ayes (7-0)

3. **Public Hearing-Rezoning**- Michael and Penni Steen, Section15, Allens Grove Township

Huey showed air photos of the property explaining access to the property. Huey showed site photos, zoning map, Future Land Use Map and explained prior use of the property resulting in legal action. Huey explained the criteria used to determine if a rezoning request meets a preponderance of the applicable land use policies by expanding upon each of the following guidelines; *Is the development in compliance with the adopted Future Land Use Map; Is the development on marginal or poor agricultural land; Does the proposed development have access to adequately constructed paved road; Does the proposed development have adequate provision for public or private sewer and water services; Is the area near existing employment centers, commercial areas and does not encourage urban sprawl; Is the proposed development located where it is least disruptive to existing agricultural activities; Does the area have stable environmental resources; Is the proposed development sufficiently buffered from other less intensive land uses and Is there a recognized need for such development.*

Scheibe asked if the applicant or his representative would like to respond. Mike Meloy, legal counsel for the applicant addressed the Commission regarding the applicant's desire to combine two separate adjoining properties under the same ownership with the same zoning. Meloy said that the criteria used for rezoning is not applicable in this case as this request is for a downzoning and not for development. Meloy expanded on the decision of the Board of Adjustment regarding the enclosure of the accessory building and the inaccurate zoning surrounding the applicant's property as it appeared on the staff report. Penni Steen, 219 S Kensington, applicant, gave a history of ownership of the property. Steen spoke on the previous music festival request, a sprinkler system as discussed with the state fire marshall's office, higher taxes for single family residential zoning, support of other landowners in McLaughlins and lack of complaints to the Board of Supervisors.

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Roger Smith, 2785 247th Avenue, Grand Mound Iowa addressed the Commission and said no one has ever approached him prior to any events on the property. Smith said he thinks this request is to allow the applicant to file for a Special Use Permit to conduct special events on the property and would like to see it denied. Michael Steen, 219 S Kensington, applicant, addressed the Commission and said he has never seen or met Mr. Smith. Dan Urmie, 29499 150th Avenue, addressed the Commission and said he farms Steen's 40 acres and explained the access to the property and the equipment brought in to farm, Urmie said it just makes sense to him that the house and farm become one under the same zoning district. John Rosenboom, 27021 Glynn's Creek Court, Eldridge, addressed the Commission and said he has no problem with any of the activities that have taken place on the property. A Mrs Dempsey, 2319 W 58th Street addressed the Commission and read an investigation report received by Mike Hayes with the Corps of Engineers. Charlie Simon, 2020 Dixwell addressed the Commission and said McLaughlins should have never been zoned residential in the first place as it does not meet the standards for a residential subdivision.

Scheibe asked for staff's recommendation. Huey said he would like to address some of the statements made prior to making staff's recommendation and showed the zoning map, showing the zoning on the staff report was accurate and said often the confusion lies in the assessment classification of the property which is often different than the actual zoning district. Huey said staff has never seen or received a copy of the investigative report from the Corps of Engineers regarding the access road but explained that floodplain regulations requires a joint application and approval from the Iowa Department of Natural Resources, the Corps of Engineers and the local government jurisdiction that the property is within. Huey went back over the Future Land Use Map showing no change anticipated for this property. Staff recommends, said Huey, that the rezoning to allow a .84 acre parcel more or less from Single Family Residential (R-1) to Agricultural Preservation be denied on its clear and convincing lack of compliance with a preponderance of the criteria of the Land Use Policies established in the 2008 Scott County Comprehensive Plan.

Scheibe asked for Commission comments or questions. Kluever asked what the purpose of the rezoning. Meloy read the applicant's statement on the rezoning application. Ridenour said that although this subdivision does not comply with today's standards rezoning one lot in the subdivision appears to be spot zoning. Discussion took place on when the original platting of McLaughlin's Riverside Addition occurred. Paustian said while he is most often in favor of downzoning property he agrees with Ridenour and this request appears to be spot zoning. Paustian said he is personally offended by the applicant's apparent disregard for the Scott County Zoning Policies.

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Scheibe closed the public portion of the hearing. Commission discussion took place. Paustian made a motion to deny the request based on the lack of compliance with a preponderance of the Criteria of the Land Use Policies in the 2008 Scott County Comprehensive Plan and the rezoning of one lot in a legally grandfathered residential subdivision would appear to be spot zoning. Mehrens seconded the motion.

Vote: 6 Ayes 1 Nay (Liske)

Huey told the applicant he has seven (7) days to forward this request to the Board of Supervisors or the request becomes null and void.

With no new business to come before the Commission the meeting was adjourned at 8:40 P.M.