



SCOTT COUNTY PLANNING AND ZONING COMMISSION

MINUTES

December 18, 2012
7:00 P.M.

First Floor Board Room
Scott County Administrative Center

MEMBERS PRESENT: Linda Rivers, Gary Mehrens, Katherine Ion, Clayton Lloyd, Carolyn Scheibe

MEMBERS ASENT: Kent Paustian and Allan Kluever

STAFF PRESENT: Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist

OTHERS PRESENT: Approximately 8-10 members of the public, including Ed Collins and Tarrilee Leathers (applicants)

1. **CALL TO ORDER:** In the absence of Allan Kluever, Gary Mehrens served as Commission Chairman and called the meeting to order at 7:00 p.m.

2. **MINUTES:** It was moved by Lloyd, and seconded by Ion, to approve the November 20, 2012 minutes. Motion carried unanimously.

3. **PUBLIC HEARING – REZONING:** An application submitted by Ed Collins / E&R Brothers LLC (applicant and owner of Horizon Outdoor Services) to rezone approximately 4.72 acres from Commercial and Light Industrial (C-2) zoning, requiring that the property only be used for a landscaping business, to Commercial and Light Industrial (C-2) zoning without a landscaping only restriction. The property is located at 18001 Spencer Road, Pleasant Valley, IA 52767, also described as within part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, and within part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Pleasant Valley Township.

Planning Director Timothy Huey presented staff's review of the rezoning application. Mr. Huey explained that this property was rezoned from Single-Family Residential (R-1) to Commercial and Light Industrial (C-2), with a landscaping only use restriction, in 2004. In 2009 Ed Collins submitted a site plan review request for this same property to construct a pole barn as part of the landscaping business. The site plan was approved with conditions regarding site buffering and the paving of parking and circulation areas. It is staff's

determination that these conditions have been continually met. Mr. Huey states that the purpose of Mr. Collins' request is to remove the landscaping only use restriction which was placed on this property as part of the 2004 rezoning. Mr. Collins wants to repair and sell equipment which he uses as part of his landscaping business. While staff considers the current nature of this use to be incidental or accessory to the principal landscaping business, Mr. Collins wants the comfort of knowing that if and when this aspect of his business grows he will be able expand the repair and sales of used equipment to a more primary use.

Mr. Huey shows aerial photographs of the area and describes the surrounding land uses. The land west of the site is zoned Commercial and Light Industrial (C-2). The parcel directly across Spencer Road to the west is a nursing home facility. Much of the land directly to the north across Highway 67 is also zoned Commercial and Light Industrial (C-2) as well as some Neighborhood Commercial (C-1) and Single-Family Residential (R-1). The land directly to the South is all developed as residential. The property across Spencer Creek to the east is a subdivision known as Aqua Terra Park. It was subdivided in the 1960's for single-family development along manmade canals bordering the Mississippi River. However, for a number of reasons the property has never developed and few homes have been built. Huey explained that new ownership of the Aqua Terra Park property could lead to new development. However, as of now it is zoned R-1, and sits largely vacant.

Mr. Huey explains the Scott County Land Use Policies and criteria which staff used to review this request. While the Scott County Future Land Use Map does not anticipate a change in use for this property, it is currently surrounded by many commercial land uses and zoning districts. The site has many advantages which make it suitable for commercial development. It has frontage along a hard surfaced county-maintained road (Spencer Road), it is only a hundred feet from the intersection of U.S. Highway 67, and also has access to the railroad line between the property's northern border and Highway 67. Mr. Huey discusses the agricultural productivity of the land. While Soil Maps indicate a Corn Suitability rating of 83, this property and others in the area, have limited agricultural potential. This is due to the fact that property in this area has been subdivided and developed leaving only small, fragmented remnants of farmable land. For this same reason, this proposal would not disrupt any remaining agricultural activities in this area more so than existing development. This parcel is near other existing employment and commercial areas, and therefore does not promote sprawl. Mr. Huey next shows a graphic with the floodplain designations for the property. New FEMA maps have been issued since the 2004 rezoning and the 2009 site plan review. All of the property is now designated as either the 100-year or 500-year floodplain, with the great majority of the property being within the 100-year floodplain. A floodplain development permit was issued that permitted Mr. Collins to place fill dirt on the property and raise it above the 100-year floodplain. Mr. Collins could submit a letter of map amendment to FEMA if he wishes to change the floodplain designation for this property. Any future development will have to meet the most current floodplain regulations. Mr. Huey states that this request is to remove the landscaping only use restriction from this property's C-2 zoning, and no site plan review is

required. Any future change in use or substantial expansion will require a site plan review. Lastly, Mr. Huey shows site photos of the property.

Chairman Mehrens opened the Public Hearing portion of the meeting, and stated that the Commission would hear any comments from the public at this time.

Ed Collins (Property owner, 18001 Spencer Road): Mr. Collins reiterated that he is not expanding at this time, but wants the comfort of knowing that if this repair and sales business really takes off in the future, that he has the proper zoning to establish it as more of a primary use on the property.

Pat Sundholm (4250 Middle Road, Bettendorf): States that she and her husband own a tract of C-2 zoned land to the west of this site. She is concerned about the property becoming a junk yard with the removal of the landscaping only condition. She wants to know if Mr. Collins will develop anything facing Spencer Road.

Mr. Collins responds by saying that he keeps the property in quality shape, and the property itself is proof. He says there is no room to develop anything along Spencer Road, but does say there is potential for site expansion and development along the railroad tracks facing Highway 67.

With no other members of the public wishing to speak, Chairman Mehrens asked for Mr. Huey's recommendation.

Mr. Huey first explains that the used equipment repair and sales use would be permitted in a C-2 zoning district, but junk yard or salvage yard uses, where storage of junk vehicles and/or parts dismantling take place, would not be permitted in a C-2 zoning district. Mr. Huey presented staff's recommendation which is to approve the rezoning of said property (18001 Spencer Road) from Commercial and Light Industrial (C-2) with a landscaping only condition to Commercial and Light Industrial (C-2) without a landscaping only condition. Staff recommends approval of the rezoning request, and does not recommend any conditions for approval.

Commissioner Lloyd wants to know what kind of equipment will be involved in Mr. Collins' repair and sales business, and also if there will be any outside storage or display of such equipment.

Mr. Collins states that he will be repairing and selling equipment which he uses are part of his landscaping business. This consists mostly of: Skid steers, loaders, mini-excavators, lawn mowers, and other small to medium sized wheeled vehicles. He makes it clear that he does not deal in large tractors or agricultural equipment such as commercial tractors.

Lloyd says that gives him a better idea of the use, but he is still concerned about the aesthetics of displaying equipment facing Highway 67.

With no other members of the public wishing to speak, Chairman Mehrens closed the public hearing.

Commissioner Rivers commented that used car lots and other commercial businesses which have outside storage exist along Highway 67 in Pleasant Valley, and she believes this use will not significantly alter the look of the area.

It was moved by Lloyd, and seconded by Rivers, to approve the rezoning of approximately 4.72 acres in parts of Sections 18 and 7 in Pleasant Valley Township from Commercial and Light Industrial (C-2), with a landscaping only condition, to Commercial and Light Industrial (C-2) without a landscaping only use restriction.

Vote: 5-0, All Ayes

4. PUBLIC MEETING - SITE PLAN REVIEW: An application requesting a site plan review for a dog grooming and boarding business to be located at 13813 110th Avenue, Davenport, IA 52804, more particularly described as Lot 12 of Blessing Acres First Addition, part of NW^{1/4}NW^{1/4} of Section 1 in Buffalo Township.

Mr. Huey presented staff's review of the application. Mr. Huey explained that the applicant, Ms. Leathers, currently operates a dog grooming and boarding business known as "Bed, Bath, and Biscuit" in the Lakeside Manor subdivision, but is seeking this site plan approval in the hopes of moving her business to a new location. The parcel at 13813 110th Avenue is zoned Commercial and Light Industrial (C-2). The application is to convert part of the property to accommodate this new business. There are two pole buildings on the property, and the applicant proposes converting the front-most building (nearest 110th Avenue) and adjoining property for the establishment of the dog grooming and boarding business. The rear building and adjoining area are not a part of this request. Huey shows the applicant's site plan and proposed floor plan layout for the remodel of the building. He discusses the surrounding land use and shows aerials and zoning districts. The immediate surrounding area consists of commercial and industrial uses. Further to the east is the Lakeside Manor subdivision, which includes a mobile home park and travel trailer park, zoned R-2. Single family residential uses are north of 140th Street and east of 110th Avenue. Huey explains that a dog grooming and boarding business is not specifically listed as a permitted use in a C-2 zoning district, but that the zoning ordinance allows business that are similar in nature to the listed permitted uses in a C-2 zoning district. It is staff's determination that a dog grooming and boarding business is of a similar and compatible nature to other C-2 permitted uses. Huey shows site photos of the property.

Mr. Huey presents staff's recommendation. Staff recommends that the site plan be approved with the following five (5) conditions.

1) A building permit must be obtained for any work, so as to comply with Scott County Building Codes

2) All requirements of the Scott County Health Department on the design and construction of the septic system be met

3) The driveway and adjoining land for circulation and off-street parking shall be paved in accordance with the requirements of the Scott County Engineer. Four (4) parking stalls, with one reserved for handicapped accessibility, are required. The paving must be completed either before the issuance of a certificate of occupancy or a performance bond must be posted at the time of occupancy to insure completion of the paving work within one-year

4) The proposed fencing on the site plan shall be no greater than six (6) feet in height.

5) All Iowa Department of Agriculture and Land Stewardship (IDALS) and state requirements for dog grooming and boarding businesses shall be continuously met

Mr. Huey explained that this fifth condition does not appear on the staff report, because state requirements came to their attention after the staff report had been generated. Tim also stated that Larry Linnenbrink from the Scott County Health Department was in attendance to comment or answer any questions about the septic system.

Mr. Linnenbrink commented that the current septic system for this property is only designed for the building, and not necessarily designed to handle the flows this business may generate. He suggested that the applicant meet with himself and the Health Department if they choose to move forward at this location.

There were no questions or comments from any of the planning commissioners.

It was moved by Lloyd, and seconded by Rivers, to approve the site plan submitted by Ms. Leathers in order to establish a dog grooming and boarding business at 13813 110th Avenue, Davenport, IA 52804, in Section 1 of Buffalo Township, with the five (5) conditions recommended by staff.

Vote: 5-0, All Ayes

A final note was made by Mr. Huey that the Planning Commission and the Board of Supervisors have yet to hold their annual joint meeting. He suggested they have a luncheon sometime in January.

With no new business, **a motion to adjourn was made and seconded.** The meeting adjourned at 7:35 P.M.