



SCOTT COUNTY PLANNING AND ZONING COMMISSION

May 7, 2013
7:30 P.M.

MEETING MINUTES

First Floor Board Room
Scott County Administrative Center

- MEMBERS PRESENT:** Linda Rivers, Gary Mehrens, Kent Paustian, Allan Kluever, Katherine Ion, Clayton Lloyd, Carolyn Scheibe
- MEMBERS ASENT:** None
- STAFF PRESENT:** Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist
- OTHERS PRESENT:** Approximately 10-15 members of the public, including Daron Oberbroeckling, Jason McCoy, and Craig Windmiller (applicants)

- 1. CALL TO ORDER:** Chairman Kluever called the meeting to order at 7:30 p.m.
- 2. ELECTION OF 2013 OFFICERS:** Scott County by-laws require that the election of officers for the Planning and Zoning Commission occur at the first meeting held in each new calendar year. This May 7th, 2013 meeting was the first meeting of the Commission since the start of the 2013 calendar year. Brief discussion took place regarding a new Commission Chair and Vice Chair. Allan Kluever stated that he was willing to relinquish his position as Chair. Katherine Ion made a motion to nominate Kent Paustian as the new Chairman. The motion was seconded by Carolyn Scheibe. **(Vote: 7-0)**. Brief discussion took place about the election of a new Vice Chair. Carolyn Scheibe made a motion nominating Clayton Lloyd as the new Vice Chairman. The motion was seconded by Linda Rivers. **(Vote: 7-0)**.
- 3. MINUTES:** It was moved by Lloyd, and seconded by Scheibe, to approve the December 18, 2012 meeting minutes. **The motion carried unanimously.**

4. REVIEW OF SKETCH PLAN/FINAL PLAT FOR A MINOR SUBDIVISION PLAT: An application submitted by Daron Oberbroeckling for the creation of an approximately 2.32 acre parcel out of an existing tract of land in Section 26 of Blue Grass Township. The property is more particularly described as: Part of the N½ S½ of the NE¼ of Section 26, Blue Grass Township.

Planning Director Tim Huey presented staff's review of the case. Mr. Huey explained that this is a minor plat proposal for a one (1) lot subdivision. The applicant is proposing to create a new, single lot out of an existing tract of farm land. The original farmstead had been previously split off from this same tract of land and sold as a separate parcel. Therefore, this newest parcel constitutes the third overall parcel created from the original tract, and therefore requires review by the Planning Commission and approval from the Board of Supervisors as a minor subdivision plat. Huey explained that this is a minor, and not a major, subdivision because it contains less than five (5) lots and does not require any new roads or the extensions of municipal services. Because it is a minor plat, review by the planning commission can combine both the sketch plan and final plat stages. Huey explained that subdivisions are not typically approved in Ag zoned areas, but this tract is unique because it is already zoned R-1, even though it is still in row crop production. Huey explained that the applicant has been approved for Ag Exempt status and plans to build a farm house on the newly created parcel. However, this new lot would also retain a development right for a single-family home apart from the farm house, since farm houses are exempt from zoning regulations.

Huey showed aerial and site photos of the property and surrounding area. He showed the Harmony Hills subdivision to the south of the applicant's property, and a future road extension that could serve the remaining balance of the applicant's property if and when it is subdivided. Harmony Hills has yet undeveloped land that could later be subdivided. Huey explained that a preliminary plat for a new addition to Harmony Hills, which is directly adjacent to the applicant's property, was approved in the last ten (10) years, however no final plat approval was ever sought, and the preliminary plat approval has expired. In other words, if this adjacent land is subdivided in the future it will have to go through both preliminary and final plat stages. Huey explained the surrounding land uses and showed their zoning district classifications. The applicant's property as well as the property directly to the north and south is zoned Single-Family Residential (R-1). To the north on the corner of 160th Street/W Locust Street and 110th Avenue is a commercially zoned parcel currently used as contractor storage, owned and operated by Ryan and Associates. Across 110th Avenue to the east is farm land zoned Ag-General (A-G). To the south and east of the applicant's property is West Lake Park.

Staff paused for Commission discussion.

Chairman Paustian asked if any members of the public wished to speak.

Daron Oberbroeckling (applicant): Mr. Oberbroeckling stated that he had no issue with staff's presentation. He is planning to construct a new farm house on the property.

Chairman Paustian asked for staff's recommendation.

Huey stated that staff recommends approval of the subdivision plat with the following conditions: **(1)** The city of Davenport review and approve the Final Plat prior to Final Plat approval by the Board of Supervisors. **(2)** All required platting documents shall be submitted prior to Final Plat approval by the Board of Supervisors. **(3)** All requirements of the Scott County Health Department shall be met in accordance with the design and installation of the septic system, and in accordance with any use of well-source water.

Chairman Paustian asked if the applicant would like to respond to staff's recommendation.

Daron Oberbroeckling (applicant): Mr. Oberbroeckling stated that he had no issues with any of the conditions or the recommendation. He stated that the city of Davenport was in the process of reviewing the request, and it will appear before their city council in the coming weeks.

Lloyd made a motion to recommend approval of the Sketch Plan and Final Plat with staff's conditions. Kluever seconded the motion. (Vote: 7-0).

5. SITE PLAN REVIEW: A request from Jason McCoy/J&J Garages for approval of a site plan for the establishment of a new commercial business at 17172 214th Street. The property is more particularly described as: Part of the NW¹/₄ SW¹/₄ of Section 25, Sheridan Township, Part of Lot 2 and all of Lot 3 of North Brady Industrial Park.

Huey presented staff's review of the case. He explained that the applicant's business will be contractor storage and office space, and that compatible zoning for this type of use is already in place. The property is currently zoned Commercial and Light Industrial (C-2). Huey explained that the Planning Commission has final authority on site plan reviews. Huey explained that the surrounding zoning is all C-2, except a parcel zoned R-2 to the north, which is a non-conforming mobile home park. Huey explained that the Board of Adjustment approved a five (5) foot side yard variance for the principal building at their meeting on March 27, 2013.

A member of the public and business owner in the North Brady Industrial Park expressed concerns over storm water drainage at the site during the Board of Adjustment's March meeting. He wanted assurance that the development of the parcel, including the reduced side yard setback, would not increase water drainage onto his property, directly adjacent to the west. The Board of adjustment understood that the Planning and Zoning Commission would address overall site characteristics, such as storm water drainage, during their site plan review of this new development. Huey explained that one of the conditions of approval of the variance by the Board of Adjustment was that the Planning Commission adequately addresses storm water drainage on the site. Huey explained that the same citizen also had concerns about any openings or doors along the principal building's west side, because with the variance the building would be only five feet from his property and

his gravel driveway. He does not want the applicant to use that gravel driveway for access to the property, as it is entirely contained on his parcel. Huey explained that due to the variance, in order to meet building codes the applicant's new building would have to be constructed with a one-hour fire rated wall along its western side. In addition to covering all wall cavities and fire sealing, no openings through the wall (such as windows or doors) would be allowed.

Staff paused for Commission discussion.

Chairman Paustian asked if the applicant or any members of the public wished to speak.

Ted Taylor (owns adjacent property to the west and other properties in North Brady Industrial Park): Mr. Taylor explained that he had raised concerns at the previous Board of Adjustment meeting regarding storm water drainage, especially in the northwest corner of the property. He stated that he does not object to the development and is glad to see the property developed, but he wants assurance that storm water drainage will not become worse due to this development.

Huey explained that the applicant has submitted a grading plan as part of his application, and that approval of this plan by the County Engineer prior to construction will be addressed in staff's recommended conditions.

Jason McCoy (applicant): Mr. McCoy stated that the parcel is very flat, and that he plans to leave the existing grade and add rock to the base, which should improve the drainage.

Chairman Paustian asked for staff's recommendation.

Huey stated that staff recommends approval of this request with the following conditions: **(1)** All requirements of the Scott County Health Department shall be met in accordance with sewage disposal and water provision from a well source, **(2)** The County Engineer shall review and approve a storm water drainage plan for the property prior to the issuance of a building permit, **(3)** Any vehicle and equipment storage area(s) shall be contained to the rear and side yards of the property, not to exceed more than 60% of those defined yards, and shall be covered with gravel, **(4)** A wooden privacy fence, a minimum of six (6) feet tall and a maximum of ten (10) feet tall, shall be installed along the entire length of the rear property line.

Chairman Paustian asked if the applicant would like to respond to staff's recommendation.

Jason McCoy (applicant): Mr. McCoy stated no objections to staff's recommendation and conditions.

Brief discussion took place by the Commission regarding the recommendation and proposed conditions. **Mehrens made a motion to approve the site plan in accordance with staff's recommended conditions. Scheibe seconded the motion. (Vote 7-0).**

6. REVIEW OF SKETCH PLAN FOR A MINOR SUBDIVISION PLAT: An application submitted by Windmill Design and Development for review of a Sketch Plan to allow for the development of a twin townhouse at 25178 Valley Drive. The property is more particularly described as: Part of the NW¼ SW¼ of Section 8, Pleasant Valley Township, Lot 1 and Part of Lot 2 of Sheppard's Addition.

Huey presented staff's review of the case. He explained that the proposal is for a twin townhouse that will contain two (2) dwelling units situated on separate lots, but sharing a common wall. He stated that approval of this Sketch Plan would allow Windmill Design to pour the common wall first, and then set survey pins creating two (2) lots. He explained that it is considerably easier and more accurate to pour the foundation for a common wall building, and set survey pins based on the location of that foundation. He explained that if the Sketch Plan is approved, Windmill would appear before the commission again for approval of the Final Plat. Essentially, approval of the Sketch Plan would allow Windmill to construct the foundation with assurance that the Final Plat would later be approved once the new survey pins are set, with the new wall serving as the reference point. Huey reiterated that only a foundation permit would be issued by the Planning and Development Office following approval of this Sketch Plan. A building permit for the actual townhomes would not be issued until after Final Plat approval by the Planning Commission and Board of Supervisors.

Huey shows aerial and site photos of the property. He explains that it currently sits vacant. He showed the surrounding zoning, which is entirely Single-Family Residential (R-1). Huey explained that a townhouse can be located in an R-1 Zoning District in the County so long as each unit is located on a separate lot which meets the minimum lot size for the R-1 District. He explained that the minimum R-1 lot size is 30,000 square feet, and the applicant is proposing to create two (2) approximately 40,000 square foot lots.

Staff paused for Commission discussion.

Chairman Paustian asked if any members of the public wished to address the Commission.

Craig Windmill (Windmill Design and Development, Applicant): Mr. Windmill presented a brief slideshow. He showed pictures of the previous house that sat on the lot. The previous owner moved into a nursing home, and the property went into estate, at which point Windmill bought the property. He explained that the house was in very poor condition after being abandoned. He showed site photos of vines and trees engulfing the residence, and which showed a general lack of property maintenance. In the time between his purchase of the property and the demolition of the home a number of vagrants frequented the property and house. Windmill stated that he gave a 10' x 120' piece of the parcel to the neighboring property owner to the west after learning that the neighbor needed the land to build a garage addition. Windmill showed pictures of the lot before and after the house was demolished, and before and after interior brush was cleared from the lot. He noted that he left the majority of the shrubs and bushes along Valley Drive in place, so as to make the lot fit into the overall character of this stretch of Valley Drive. He

explained that he created two (2) curb cuts to allow for a looped driveway promoting ease of access. He then showed front and rear elevation renderings of the proposed twin townhome, and explained that each unit will be approximately 2,400 square feet in size, and will both will be 1-story units with walkout basements.

Gary Decrane (25170 Valley Drive): Mr. Decrane stated that he lives directly adjacent to the west of the property. He wanted to know if planning staff and Commissioners had received the objection letters from surrounding property owners. Huey stated that any comments received by the Friday before the meeting were distributed to the Commissioners. Mr. Decrane repeatedly asked how two houses could be constructed together. He explained that R-1 zoning to him means that only detached dwellings can be constructed.

Betty Decrane (25170 Valley Drive): Ms. Decrane expressed her belief that R-1 zoning doesn't allow for joint walls. She also stated that she thought there was a cave under the property.

Margaret Wood (25280 Valley Drive): Ms. Wood stated she disagrees with townhouses being located in a single-family zoning district.

Gary Decrane (25170 Valley Drive): Mr. Decrane commented on septic systems in the area. He said that he was forced to replace his septic system with a sand filter system after only five (5) years. He is concerned about how two houses will be able to construct a septic system in this area. He stated that there is a general problem in the area with water, and he is concerned that adding additional homes will deplete the water supply in the area.

Tom Hawkinson (25320 Valley Drive): Stated that there is a similar development further east on Valley Drive; a number of attached townhomes built by Tim Dolan. Mr. Hawkinson stated that those units are on LeClaire water, and that makes them significantly different from this request, which will require a new water well.

Chairman Paustian asked for staff's recommendation.

Huey first explained that all applications such as this are forwarded to the County Engineer and the County Health Department for their review and comment.

Huey stated that staff recommends approval of the Sketch Plan with the following conditions: **(1)** The city of Bettendorf also review and approve the Final Plat prior to Final Plat approval by the Board of Supervisors, **(2)** The private covenants include a provision for maintenance of the shared access driveway, **(3)** The Health Department review and approve the well and onsite waste water treatment for the dwellings, **(4)** The County Engineer review and approve all drainage and erosion control plans prior to construction, and **(5)** All required platting documents be submitted prior to Final Plat approval by the Board of Supervisors.

Chairman Paustian asked if the applicant would like to respond to staff's recommendation.

Craig Windmiller (applicant): Mr. Windmiller stated no objections to staff's recommendation or conditions.

Brief discussion amongst the Commission took place regarding the recommendation and proposed conditions. Commissioner Rivers spoke to the concerns of the residents regarding the shared wall. Rivers stated that she is the building inspector for Walcott and Eldridge, and explained that shared wall construction is common. She explained that structures with shared walls can have one of the structures demolished or significantly repaired while leaving the parent structure intact. She stated that each structure is considered separate and can exist on its own. Commissioner Kluever asked about the septic system, in particular the public comments related to sand filter systems. Huey explained that a soil study must be submitted to the Health Department first. If that shows that a traditional lateral field septic system will not work, then a sand filter system is the alternative. Huey deferred to the Health Department on specifics, but stated he could attest that sand filter systems are inspected on a yearly basis, and are actually the preferred system on a sloping lot such as this, and are a perfectly acceptable form of waste water treatment in the County. **Scheibe made a motion to approve the Sketch Plan with staff's conditions. Lloyd seconded the motion. (Vote 7-0).**

The meeting was adjourned at 8:10 p.m.