



SCOTT COUNTY PLANNING AND ZONING COMMISSION

June 18, 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
Christopher Meeks, Planning Intern
- OTHERS PRESENT:** 4 members of the public, including Nick and Nathan Flenker (applicants)

- 1. CALL TO ORDER:** Chairman Paustian called the meeting to order at 7:30 p.m.
- 2. MINUTES:** It was moved by Lloyd, and seconded by Kluever, to approve the May 7, 2013 meeting minutes. **The motion carried unanimously.**
- 3. PUBLIC HEARING - ZONING ORDINACE TEXT AMEMNDMENT APPLICATION:**

Chairman Paustian asked for staff's review of the case.

Planning Director Timothy Huey explained that the applicant, Nick Flenker, approached planning staff a few months back with a proposal to establish a trucking terminal in rural Scott County. Staff scheduled a meeting with Mr. Flenker to discuss zoning and site location. At that meeting staff realized that Mr. Flenker was primarily involved in the transportation of agricultural commodities, and he specifically wanted to be located in rural Scott County. Proximity to cities and major interstates and highways was not a factor in Mr. Flenker's search for a suitable site because his customer base is located in rural areas. Huey explained that staff recommended the Agriculture Service Floating Zone (A-F) as the most likely zoning District to

accommodate the proposed use. Huey explained that of the six (6) Principal Permitted Uses currently listed in the A-F zoning District, none of them closely matched Mr. Flenker's proposal. For this reason Huey recommended the applicant submit an ordinance text amendment application to add a new permitted use to the A-F zoning District that would capture the applicant's proposed use.

Huey explained the flexibility that the Commission has when approving rezoning requests. Any rezoning to A-F requires site plan review approval, and gives the Commission the ability to conditionally rezone property so that the permitted use is strictly defined. Furthermore, several site specific conditions must be met in an A-F rezoning case, including adequate site distances, paved road access, and separation distances to residential and environmental land uses.

Huey explained that the proposed use is termed "Ag Logistics" and describes Ag trucking businesses. The word "Ag" ensures that only businesses primarily involved in transporting agricultural commodities would be allowed under this use. Furthermore, the A-F zoning District was intended to specifically accommodate agriculture service businesses. Huey expected that the applicant would haul mostly corn and beans, and stated that he and his brother (business partner) were present to answer any questions.

Chairman Paustian opened a public hearing and asked for any public comments.

Nick Flenker (applicant): Mr. Flenker stated that the company started three years ago, and is currently operated out of his brother's house. He stated that the company has recently grown from two trucks to six. He explained the nature of the business as commercial hauling of agricultural commodities for farmers, and said they currently haul mostly grain, feed, and fertilizer locally. They will likely continue to expand moving forward, and may eventually haul other agricultural commodities such as cattle. Mr. Flenker said he prefers locating in the country to avoid city traffic, to ensure adequate room for parking and storage of trucks and equipment, and to be closer to his customers.

With no other members of the public wishing to speak, Chairman Paustian asked for staff's recommendation.

Huey stated staff's recommendation is for approval of this request due to its conformity with the County's Comprehensive Plan. Specifically, approval would allow for slightly lighter truck traffic as Ag transportation businesses are allowed to locate in the county near their customers. Huey mentioned that the Comprehensive Plan has the goals of protecting farming operations and promoting economic vitality. Staff believes this text amendment balances both of those goals. Huey ended staff's recommendation by stating that approval was based on the intent of the AF district, the Scott County land use policies, and the Comprehensive Plan as a whole.

Chairman Paustian called for the applicant's response to staff's recommendation: Mr. Flenker agreed with the recommendation. He further mentioned that he is going through this process

because he is not exempt from the zoning ordinance such as most farmers are who haul grain. He explained that due to the growth of the business it has become more commercial in nature, and for that reason they approached the planning office to see where such a land use could be located. He stated that he wishes to go through the correct steps and complete the process legally to grow the business the right way.

Planning Commission Discussion.

Rivers expressed concerned that this additional use could potentially allow a wide variety of trucking businesses to locate in the County. She was worried about trucking business being allowed who are not involved in hauling products to or from Scott County.

Huey explained that market forces would prevent such truck terminal businesses from locating in rural Scott County under this use, because the nature of such businesses necessitates their location in cities and near major roadways. The A-F zoning District is intended for Ag businesses and this intent would prevent an application from a commercial trucking business (not primarily involved in the hauling of Ag commodities) from being approved in this zoning District. Huey stated that this use will not allow general commercial truck terminal business, looking to lower their operational costs, to locate in the County.

Paustian agreed with this statement. He commented that it would not be appropriate for trucking companies to locate in the County under this amendment. He was concerned that commercial trucking businesses may try to attempt such a move because the land may be cheaper than commercial and industrial land in cities, where such businesses are traditionally located.

Lloyd agreed with Commissioner Rivers' point about general commercial trucking businesses taking advantage of this language to locate in the County. He believed that the phrase "Ag Logistics" needs more focus and definition in order to limit the scope to only Ag trucking and the movement of local goods.

Huey stated that the term "Ag Logistics" could be changed or modified however the Commission sees fit. The Commission does not have to simply approve or deny the language in its current state.

Mehrens asked if 100% of a business's hauling would need to be Ag-related in order to be approved under this new use?

Huey explained that if a business was primarily involved in hauling Ag commodities it would be a compatible use. Huey further explained that defining uses is a difficult challenge for zoning administration. If it were to come to his attention that a business approved under this use was operating in part as a non-Ag business it would not be in compliance. However, monitoring such

activity can be difficult. So long as the business maintains its primary activity in Ag-related hauling, it would be in compliance.

Lloyd proposed that the amendment be changed to read, “Ag commodities and logistics business involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities.” Paustian agreed with the language. Commissioner Kluever asked if the applicant approved of the amended language.

Nick Flenker agreed with the language proposed by the Commission, but wanted clarification on “local transportation.” The applicant’s business does haul products either to or from Scott County, but that hauling does include regional trips. Applicant explained they haul to Nebraska and Wisconsin, for example. Mr. Flenker explained that the region they work in can be explained in terms of distances that can be covered in one day (including return trip). They would rarely, if ever, have overnight storage of product at their actual site.

Huey explained that site specific characteristics should be addressed if this use is approved and in relation to a specific rezoning application. Only the text amendment itself should be considered at this time. However, the potential for storage of materials is a valid concern that could be addressed and limited by the Commission during rezoning approval and site plan review.

Lloyd made motion to approve “Agricultural commodities and logistics businesses involving the local transportation of grain, feed, fertilizer, livestock, and other agricultural commodities” as an additional permitted use in the Agriculture Service Floating Zone District.

Motion seconded by Kluever

Vote: 7-0, All Ayes

4. DISCUSSION OF PERIODIC REVIEW OF THE COMPREHENSIVE PLAN:

Huey noted it had been five (5) years since the Comprehensive Plan had been re-written and adopted in 2008. The Plan itself recommends review and update every five (5) years. Huey explained that in the five years since adoption two addendums have been completed. One added the State of Iowa Smart Planning Principals, and the other updated the County’s Ag Exemption review and approval procedures, which has made the exemption stricter and less prone to abuse. Huey explained that staff has already begun compiling 2010 census data in order to update the Plan’s demographic and economic data. Only 2000 census information was available in 2008. Huey stated that the Board of Supervisor’s recently updated their County Strategic Plan goals, and part of that update included language calling for an update of the County’s economic development strategies. This intersects with the Comprehensive Plan update as the Plan has specific economic development objectives. Specifically, the Board is interested in removing impediments that may exist in the Commercial and Industrial zoning

Districts of the Zoning Ordinance. The Board is also interested in addressing the economic development objectives and language in the Comprehensive Plan. Huey stated that it is the Planning Commission's role to review the Comprehensive Plan first and provide recommendations to the Board, who ultimately approves any changes. Huey further explained that this may also be the time to update the County's Future Land Use Map, which has not been updated in nearly fifteen (15) years. He made it clear that these tasks are not subject to a strict timeline. Huey suggested that a steering committee be formed to review the economic development aspects of the plan. Membership of the committee should represent all jurisdictions in Scott County. Recommended members included: At least one member of the Planning Commission, one member of the Board of Supervisors, representatives from Davenport, Bettendorf, Eldridge and a member of a smaller community, as well as representatives from the Quad City Chamber of Commerce, Bi-State Regional Commission, Scott County Farm Bureau, Real Estate professionals, Industrial Sector representative, Soil Conservation officials, and local School Districts. Huey then paused for Commission discussion and questioning.

Paustian noted he is disappointed the Commission has not met with the Board of Supervisors for their annual joint meeting yet this year. He stated that he is a supporter of protecting prime agricultural land and has concerns with changing the focus of the plan to economic development. He said that if a project which is contrary to the Ag preservation policies is desired to be approved, then that decision should rest on the Board of Supervisors. He stated it is their job to overrule the Planning Commission in certain instances, because they are elected officials and carry more weight in the community.

Huey stated that any decision by either the Commission or the Board must be legally defensible. In order for that to be the case, any decision must be in accordance with the Comprehensive Plan. In terms of economic development, in order to approve a particular rezoning the Comprehensive Plan must contain language that permits such a decision. Huey explained that different elements of a Comprehensive Plan can be contradictory by nature. When development projects are proposed it is the job of the Planning Commission to determine if they meet the objectives and policies in the Comprehensive Plan. Huey made it clear that no one has proposed to get rid of any of the Plan's emphasis on Ag preservation, but rather the emphasis is on adding to the economic development language to allow for the potential approval of large scale projects. Paustian then asked Huey his thoughts on preservation, to which Huey responded that Scott County continues to be dedicated to preservation, and while large scale development proposals are rare, Scott County needs to be prepared when they do arise. Huey said this is all a preliminary discussion, and that to ensure that the process is balanced and all viewpoints are heard and represented, he recommends a steering committee. Membership of such a group should be varied, including representatives from the agencies he mentioned previously, but with direction from the Commission and the Board.

Mehrens stated that in the public input sessions for the 2008 plan the citizens of Scott County overwhelmingly supported Ag preservation as the County's top land use goal. He was concerned that amending the plan may be contrary to the wishes of the citizens of Scott County. In town hall meetings regarding the adoption of the Plan five years ago voters wanted to preserve prime Ag land. Amending the Plan's language could appear to be an attempt to go against what the voters recommended. Suggestions came from the Commission to set thresholds which could eliminate small scale commercial developments, while retaining the ability to approve large scale ones.

Huey responded that the Ag preservation language is not being removed or changed, and that gathering input from economic development experts is the best way to approach updating the economic development goals of the plan. The diversity of the suggested members of the steering committee should capture the Ag preservation viewpoint as well. Huey stated that the Commission can recommend citizen input sessions as part of this process if they choose. Huey also stated that while citizens had a strong emphasis on farm land preservation when developing the plan, those same citizens also demand services and lower taxes. In order to realize all of these goals in a balanced manner, some development, especially "super site" large-scale development, must be considered.

Rivers asked if a threshold could be established in an attempt to define what types of projects may be approved or denied based on any new economic development language. She asked if numbers of jobs, tax revenue, or investment could help approve large scale projects while denying smaller scale projects that could lead to sprawling development.

Scheibe stated that while she agrees with preservation, there is not a good way to set hard thresholds due to the changing nature of development and the potential to approve or deny certain projects that fall just above or below whatever threshold is set. She asked if there was any way to add areas to the Future Land Use Map which indicate suitability for large scale development.

Huey suggested an "Industrial Floating Zone" which would only be used in large scale projects, and not be suitable for small scale ones. He also noted that all good Comprehensive plans are worded in a way that allows the Commission to make determinations based on the merits and parameters of specific project proposals. He also noted that areas considered suitable for large scale development or "super sites" would likely be located near cities and with good access to the infrastructure that is inevitably necessary (transportation and utilities). Huey made the point that denying such projects to locate in the County equates oftentimes to a nearby city annexing the site and developing it in the city. In this case the County's emphasis on farm land preservation combined with its inadequate economic development language create a scenario where the development still happens, prime farm ground is developed via annexation, and perhaps more land is annexed than is necessary for the particular development.

Lloyd stated that the first step would be to meet with the Board so that the two bodies may express their values before moving forward. It may be the case that the Planning Commission does not value economic development in unincorporated Scott County.

Huey suggested that the Commission and Board of Supervisors attempt to hold their annual joint meeting on either July 2nd or July 16th. Huey stated that this project is not on a strict timeline, and is ongoing. He appreciated the desire by the Commission to discuss this issue with the Board upfront before recommending anything for their approval. He mentioned the joint meeting would be a good time to discuss membership of the suggested taskforce/steering committee.

Paustian commented that he disagreed with some of the suggested taskforce members. He does not think representatives from the large communities in the County need to be involved, as this issue will most directly impact small towns and farmers. Huey responded that tax revenue of large-scale projects affects all residents of the County, and most of the County's population resides in larger cities. Scheibe agrees with Paustian and would like to see more than one member of the Planning Commission on the taskforce. However she did believe that some representation from larger cities would be a good idea. Huey noted that the suggested representatives were listed because of their expertise in economic development planning, and not because of their opinions on land use decisions in rural Scott County.

Huey noted that the Commission has the final say in how they want to proceed. The taskforce was an attempt to broaden input and discussions. All agreed that the next step is to schedule a joint meeting with the Supervisors on either July 2nd or July 16th.

Paustian made motion to adjourn. The motion carried unanimously. The meeting adjourned at 8:30 P.M.