



## SCOTT COUNTY PLANNING AND ZONING COMMISSION

February 4, 2014  
7:00 P.M.

### MEETING MINUTES

First Floor Board Room  
Scott County Administrative Center

- MEMBERS PRESENT:** Kent Paustian, Carolyn Scheibe, Allan Kluever, Gary Mehrens, Linda Rivers
- MEMBERS ABSENT:** Katherine Ion, Clayton Lloyd
- STAFF PRESENT:** Timothy Huey, Planning & Development Director  
Brian McDonough, Planning & Development Specialist
- OTHERS PRESENT:** Approximately 12 members of the public, including Steve Newport (Applicant)

- 1. Call to Order:** Chairman Paustian called the meeting to order at 7:00 p.m.
- 2. Minutes:** Commissioner **Scheibe** made a motion to approve the January 7, 2014 meeting minutes. The motion was seconded by **Rivers**.  
**Vote: All Ayes (5-0)**
- 3. Sketch Plan Review: Minor Subdivision Plat** – Steve Newport, 18845 Wells Ferry Rd, Section 7 of Pleasant Valley Township. Request for a recommendation for approval of a three (3) lot subdivision, being a re-plat of Lots 5 and 6 of Maureen's 1<sup>st</sup> Addition.

**Planning Director Tim Huey** made an opening announcement regarding the process for subdivision approvals. He explained that the Commission is only a recommending body, and that all subdivision requests must be forwarded and approved by the Board of Supervisors. He also explained that this request is a sketch plan or layout plan, and that the applicant would have to come back before the Commission for a recommendation before any final plat could be

forwarded for Board of Supervisor's approval. **Huey** also noted that this was the final meeting for **Chairman Paustian**, who had served on the Planning Commission for twenty-five (25) years. **Huey** stated that Kent had been a leader and spokesman for the County's Planning Commission, and for the County's agricultural preservation land use policies. **Huey** explained that the commissioners are appointed, and serve without compensation for their time and efforts. They are charged with fairly and honestly reviewing and recommending on a variety of land use requests. The County and planning staff wish to recognize Kent Paustian for his service.

**Huey** proceeded to present the case. **Huey** explained that the applicant was proposing to subdivide his existing property into three new lots, essentially creating two new development lots. The existing house would be contained on the newly drawn Lot 1, while Lots 2 and 3, due to the R-1 zoning in place, would each have a development right for a single-family dwelling. **Huey** showed aerial photos of the property, along with the proposed new lot lines superimposed. He went over the comments received from the County Engineer and County Health Department. The Health Department requires that a minimum distance of 10 feet be maintained between any portion of a septic system and a property line. The Health Department had concerns that the proposed plat showed the existing septic system for 18845 Wells Ferry Road running across what would be a driveway access area for new Lots 2 and 3. While a septic system can be partially located on an adjoining property via a mutually agreed upon easement, the Health Department does not allow the drainage fields to be located under a driveway. Their recommendation was that the existing system should be completely contained on the same property which it serves, and that adequate room should be left available on the new lots for construction of new private wastewater treatment systems. The County Engineer's Office commented that the minimum driveway separation distance is 50 feet. Also, they would not approve of a double driveway approach, but rather recommended that a shared driveway should be used to serve both of the proposed lots. They commented that there is enough room to construct a single additional driveway entrance to the property and still meet the 50 foot separation requirement.

**Huey** showed GIS and aerial images of the property indicating the amount of tree cover present. He mentioned Subdivision Ordinance requirements regarding protection of native tree cover as well as protection of environmentally sensitive areas. **Huey** explained the lot configuration and original platting of Maureen's First Addition. The subdivision was platted before Scott County adopted its first subdivision ordinance or its current zoning ordinance. Because of the contrast between the extreme depth and narrow width of the lots, this subdivision would not be approved under the County's current regulations. Furthermore, the lot dimensions create a scenario where such lots do not lend themselves to further subdivision. **Huey** also explained that the applicant's lot is actually a combination of two lots from the original subdivision. However the property is considered one lot for development purposes, as the current house (18845 Wells Ferry Road) was constructed over the shared property line of the two lots. **Huey** showed site photos of the property, including the proposed future driveway entrance, potential building sites, and the tree cover and sloping topography of the site. Lastly, **Huey** mentioned that the applicant had submitted an amended sketch plan just earlier this

afternoon. The new proposal creates only one additional lot, as opposed to two. **Huey** made it clear that at this time staff was only prepared to recommend on the first sketch plan, and not the newly submitted one. **Huey** showed a graphic of the new sketch plan.

**Staff paused for Commission discussion.**

**Chairman Paustian** asked if the applicant or any members of the public had any comments.

**Steve Newport (applicant)** stated that after receiving the staff report he agreed with many of the comments and concerns, including the problems associated with the location of the current septic system. He stated that his new proposal for one additional development lot would address the problems outlined in the staff report. He stated there is plenty of buildable area at the rear of the property and that a new building site would not result in a significant destruction of tree cover nor encroach upon any other environmental features of the lot.

**Roy Venhorst (18911 Wells Ferry Road)** stated that he has a deck off the back of his house, and his view and property values would be negatively affected by the proposal. He also listed concerns about safety regarding an additional driveway entrance onto Wells Ferry Road.

**Ben Yeggy (Attorney and Secretary for Stoney Creek Neighborhood Association and lives at 19043 250<sup>th</sup> Avenue)** called attention to the tree cover requirements in the County's Subdivision Ordinance. He stated that the trees provide critical screening between this property and the Stoney Creek subdivision. He also expressed concerns about traffic. He stated that the Stoney Creek HOA is against this request for the reasons outlined in the staff report.

**Josh Ong (18895 Wells Ferry Road)** stated his opposition to the request. He cited the County's Comprehensive Plan (Chapter 2, Objective #7 – Community Character). He explained that the request is not consistent with this objective.

**Mr. and Mrs. Skahill (18865 Wells Ferry Road)** stated concerns about loss of privacy, property values, aesthetics, adequate room for well and septic, and traffic. They stated that this request should be considered in the context of the subdivision as a whole. They stated this would only benefit the applicant, and is not in character with the overall neighborhood.

**Adib Yassine (25053 189<sup>th</sup> Street)** stated concerns regarding destruction of the buffer area between the property and his and other properties in the Stoney Creek subdivision.

**Andrew Foerderer (25095 189<sup>th</sup> Street)** reiterated points already made about loss of buffer area and privacy. He was also concerned that this would create a precedent for future subdivisions in the area. He stated that he could not see how another house could fit on the property and still have room for a septic system.

**Dorothy Thompson (18815 Wells Ferry Road)** stated she was against the proposal, and that she lives directly next door. She stated that the applicant does not live on the property. She also had concerns with adequate room for a new septic system.

**Chairman Paustian** asked for staff's recommendation.

**Huey** stated that staff recommends denial of this request based upon the reasons listed in the staff report: septic system issues, driveway location issues, tree cover destruction and lack of a protection plan, potential development on environmentally sensitive areas, and lack of buildable area. **Huey** then explained to the Commission their options. They could approve, deny, or approve or deny with conditions. Such conditions should outline what they would want to see on a future final plat submittal. He explained that staff is not prepared to recommend on the amended request just submitted today, but the Commission could recommend or table that request.

**Steve Newport (applicant)** briefly explained his amended request, and stated that he would like approval for the amended two (2) lot proposal.

**Commissioner Rivers** asked if the property was located in a floodplain. She also asked about adequate space for septic systems and repair.

**Planning staff** responded that the property was not located in a floodplain. **Huey** responded that the required minimum lot size of 30,000 ft<sup>2</sup> was designed to allow for adequate room for a septic system and private well. He further stated that, even though a large part of the lots in this proposal are sloped and wooded, a sand filter wastewater treatment system would still be able to serve any new lots.

**Commissioner Scheibe** asked about setbacks for new houses on the proposed lots.

**Huey** explained that these are "flagpole" lots, where frontage is achieved via a narrow strip or "flagpole" portion connected to the greater area of the lot. The required 50 foot front yard setback distance for a principle structure would be measured from the edge of the road easement in the flagpole section of the lots. The point at which the lots widen, or where the flagpole portion terminates, would be considered a side yard, and subjected to a 10 foot minimum setback distance.

**Scheibe** stated concerns with the available amount of buildable area for any new house on either proposed Lot 2 or Lot 3.

**Kluever** stated concerns with adding an additional driveway entrance.

**Mehrens** also stated concerns with the driveway approach.

**Paustian** summarized the Commission discussion, stating that they unanimously disagreed with the two lot proposal.

**Scheibe** made a motion to recommend denial of the submitted sketch plan request in accordance with staff's recommendation outlined in the staff report, and including: septic system issues, driveway location issues, tree cover destruction and lack of a protection plan, potential development on environmentally sensitive areas, and lack of buildable area. **Kluever** seconded the motion.

**Vote: All Ayes (5-0)**

**Huey** clarified that the Commission only recommended denial of the three lot proposal, and that in order for any new proposal to move forward, it would have to be re-submitted for a future date and neighbors would be re-notified.

#### **4. Election of 2014 Officers**

Brief discussion by the Commission took place, followed by nominations and approvals for 2014 Chair and Vice-Chair of the Commission.

**Kluever** made a motion to nominate Clayton Lloyd as Chair for 2014. **Scheibe** seconded the motion.

**Vote: All Ayes (5-0)**

**Kluever** made a motion to nominate Gary Mehrens as Vice-Chair for 2014. **Rivers** seconded the motion.

**Vote: All Ayes (5-0)**

**With no other business to discuss, Chairman Paustian entertained a motion for adjournment. It was moved by Scheibe and seconded by Kluever to adjourn the meeting. Motion passed unanimously. The meeting adjourned at 7:40 P.M.**