



SCOTT COUNTY PLANNING AND ZONING COMMISSION

March 4, 2014
7:00 P.M.

MEETING MINUTES

First Floor Board Room
Scott County Administrative Center

- MEMBERS PRESENT:** Clayton Lloyd, Gary Mehrens, Allan Kluever, Linda Rivers, Tony Knobbe
- MEMBERS ABSENT:** Katherine Ion, Carolyn Scheibe
- STAFF PRESENT:** Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist
- OTHERS PRESENT:** Approximately 16 members of the public, including Steve Newport (Applicant) and Dave and Diane Holst (20012 240th Street)

- 1. Call to Order:** Chairman Lloyd called the meeting to order at 7:00 p.m. and welcomed new member, Tony Knobbe, to the Commission
- 2. Minutes:** Commissioner **Kluever** made a motion to approve the February 4, 2014 meeting minutes. The motion was seconded by **Rivers**.
Vote: All Ayes (5-0)
- 3. Sketch Plan/Final Plat Review: Minor Subdivision Plat** – Bryan Sievers, 27135 1st Avenue, Part of the SW¼ SW¼ of Section 30 in Liberty Township. Request for a recommendation for approval of a minor plat, further subdividing of an existing farmstead split into two (2) new lots.

Planning Director Tim Huey introduced the case and explained the County's procedure for reviewing farmstead splits and subdivisions in Ag zoned areas. This request is classified as a

subdivision because it constitutes the creation of a third lot out of the original 40 acre quarter, quarter section, or aliquot part, of land. The Scott County subdivision ordinance defines a subdivision as the “simultaneous or repeated creation of three or more lots out of an original 40 acre aliquot part.” A one-time farmstead split can be approved administratively. This is allowed on every 40 acre tract of land which currently has a house or can be shown to have previously had a house. In this case the applicant has already split off the original farmstead site, and now wishes to further subdivide the property in order to separate the house from Ag buildings on the property. **Huey** explained that this can be done administratively without subdivision review so long as one of the new lots is tied to an adjacent parcel under common ownership. In this case subdivision review is required because the applicant would like the new Lot B, containing Ag buildings, to remain under separate ownership. **Huey** explained that staff is comfortable with this proposal so long as a covenant is recorded with the plat limiting Lot B to agricultural use. In other words, the covenant would prevent any residential development on the lot.

Chairman Lloyd asked for any comments from the public.

Bryan Sievers (applicant) spoke in favor of the request. He stated that the original 6.8 acre farmstead was created in 1984.

Dave Holst (20012 240th Street) stated that he had no objections but wanted to know why Lot B containing the Ag buildings was not being tied back in with the adjacent farmland if the applicant was also the owner.

Bryan Sievers (applicant) stated that he was unsure if he needed to respond to the question.

Huey stated that he did not know why the Ag building parcel, Lot B, was not being tied into the balance of the farmland, but stated there is no requirement to do so. The only difference is that one approach requires subdivision approval and the other does not.

Diane Holst (20012 240th Street) stated that she had no concerns with the request but did not understand why this was being considered. She stated that her understanding of the County’s rules was that new subdivisions were not allowed in Ag areas of the County.

Huey explained the process for administrative approval of plats of survey for farmstead splits, boundary line adjustments, and transfers of property that are 40 acres or greater for Ag purposes. All of these situations are reviewed and approved administratively, and do not require subdivision approval. Because this request creates a third lot out of the original 40 acre tract, it requires subdivision review. **Huey** stated that he does not ask applicant’s their personal reasons for submitting a proposal.

Bryan Sievers (applicant) explained that he was not joining Lot B to the adjacent farmland because that property is in a trust with other family members. He wished to retain ownership of Lot B in his own name for estate planning purposes.

Staff paused for Commission discussion. **Chairman Lloyd** asked for the staff recommendation.

Huey stated that staff recommends approval of the request with the condition that a covenant restricting Lot B to Ag related use only be signed and recorded with the plat, and also that all platting documents be submitted prior to final plat consideration by the Board of Supervisors.

Bryan Sievers had no response to the staff recommendation, and Chairman Lloyd closed the public discussion portion of the meeting.

Mehrens asked if this type of Ag subdivision had occurred before.

Huey explained that it was rare, and usually would be approved administratively as a boundary line adjustment. The result will be the same since a covenant will be required restricting Lot B to Ag related use only.

Knobbe asked how many neighbors were notified of the request. **Staff** responded that all property owners within 500 feet of the outside boundary of the entire 40 acres were notified. This included less than 10 property owners, and no objections or comments were received.

Lloyd asked what the procedure was for approving such requests without subdivision review.

Huey stated it would be a plat of survey and severance agreement.

Mehrens was concerned that this would set a precedent for future requests. He stated that Lot B should be tied back into the remaining balance of farmland.

Rivers stated that so long as any new lot created is restricted to Ag use there should not be any issue with approving such requests.

Kluever made a motion to recommend approval of the Sketch Plan/Final Plat request in accordance with staff's recommendation. **Knobbe** seconded the motion.

Vote: 4 Ayes, 1 Nay (4-1); Mehrens was the Nay vote

4. Sketch Plan Review: Minor Subdivision Plat – Steve Newport, 18845 Wells Ferry Road, 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 1st Addition.

Huey introduced the case and explained the approval process for subdivision requests. He explained that the Commission is only a recommending body, and all subdivision proposals must be forwarded to the Scott County Board of Supervisors for final approval. He explained that the request in front of the Commission was for a recommendation for approval of a sketch plan or layout plan. This is the opportunity for an applicant to get feedback from staff and the Commission on a proposed subdivision layout prior to going through the expense of submitting a preliminary or final plat. Essentially the Commission would make a recommendation on whether or not they would approve the layout in the sketch plan if it were later submitted as a final plat.

Huey explained the applicant submitted a sketch plan for the Planning Commission’s review at their February 4th meeting for this same property, which was unanimously denied. This is a new request proposing a different lot layout. The applicant is proposing to create one additional development lot, while the previous proposal created two (2) additional development lots. He explained that an applicant can submit as many sketch plans as they wish seeking a layout that is acceptable to the Commission. **Huey** showed aerial and site photos of the property, and explained that Maureen’s subdivision was platted prior to current subdivision and zoning regulations. Most of the lots have a depth which is greater than three times their width, and all have driveway entrances onto Wells Ferry Road. **Huey** explained that such a subdivision would not be approved today, as the lot dimensions and road access do not meet the requirements of the subdivision ordinance. He showed Mr. Newport’s property, which is a combination of two (2) original lots of Maureen’s subdivision. Because the house was built over the shared property line of the two (2) lots, the properties are effectively considered one parcel for development purposes.

The Health Department did not have any objections to the request. The County Engineer commented that an adequate driveway separation distance and site distances along Wells Ferry Road exist in this location to allow for the proposed new driveway. **Huey** noted that while the proposal met minimum standards for lot sizing and a new driveway entrance, there does not appear to be sufficient buildable area on the newly created Lot 2 for a new house site due to tree cover and the existence of steep slopes. Significant amounts of tree cover would need to be removed in order to construct a driveway entrance and new house.

Staff paused for public comments. **Chairman Lloyd** asked for any comments from the public.

Steve Newport (applicant) went through the reasons listed in the staff report for recommending denial of the request. He disagreed with the claim that sufficient buildable area did not exist, and noted the proposed driveway and house layout shown on the sketch plan. He stated that tree cover will be protected as much as possible, and that the majority of trees

between the Stoney Creek subdivision and his property would be protected. He believed that if the County Engineer approved the driveway entrance then it should be allowed. He explained that the property is actually two (2) lots, and therefore was originally designed and planned for two (2) houses. He disagreed with staff's claim that the proposal is out of character with surrounding development, noting that many houses have accessory buildings in their rear yards.

Dorothy Thompson (18815 Wells Ferry Rd) spoke in opposition to the request. She had concerns with the available amount of buildable area and the destruction of tree cover.

Alyssa Skahill (18865 Wells Ferry Rd) stated concerns with safety if an additional driveway entrance were to be allowed. She noted that the area serves as a school bus stop. She also stated concerns with the removal of tree cover. She passed out an image to the Planning Commissioners showing tree cover in the area.

Roy Venhorst (18911 Wells Ferry Rd) was concerned that approval would set a precedent. If approved other property owners would then subdivide their properties. He also stated concerns related to tree cover removal.

Amanda Ong (18889 Wells Ferry Rd) stated concerns with the aesthetic impact this would have on the area. She objected to Mr. Newport's comparison of accessory buildings in a rear yard being similar to a proposed house located behind existing homes; stating that a new house would be more impactful. She also had concerns with tree cover removal. She asked what setbacks would be required for a new house on proposed Lot 2. **Huey** responded that since Lot 2 is shown as a flagpole lot, a ten (10) foot setback would be required from the front most lot line at the point which the lot widens. Side yard setbacks are ten (10) feet, and the rear yard setback would be 40 feet.

Dave Kirby (lives in Clinton County, father of Amanda Ong) spoke against the request with concerns about destruction of tree cover.

Andrew Foerderer (25095 189th Street) had concerns with the amount of buildable area for a new house. He said that Mr. Newport's position and the position stated by staff in their report were vastly different.

Chairman Lloyd asked if the applicant would like to respond to any comments.

Steve Newport (applicant) reiterated that the County Engineer approved and that minimum requirements were met.

Chairman Lloyd asked for staff's recommendation.

Huey presented staff's recommendation for denial, outlining the reasons listed in the staff report. He discussed the difference between capability and suitability. While it may be possible from an engineering standpoint to construct a new driveway and clear enough room for a building site, it is the planning department's job to determine suitability. In this case, the site is not suitable for additional development. It would be substantially out of character with the surrounding neighborhood. **Huey** noted that the tree cover requirement exists to limit the amount of native tree cover destroyed as a result of subdivision site improvements. He noted, however, that private property owners are not restricted from removing tree cover when it is not part of a subdivision proposal. While the proposed subdivision does not meet the tree cover requirement, mitigation planting would be acceptable. More pertinent to staff's recommendation to deny than the tree cover destruction is the fact that the development is out of character with surrounding properties, and not in accordance with the County's Comprehensive Plan.

Chairman Lloyd asked the applicant to respond to the recommendation.

Steve Newport (applicant) disagreed for reasons already mentioned.

Chairman Lloyd closed the public discussion portion of the meeting.

Following brief Commission discussion, **Knobbe** made a motion to recommend denial of the request in accordance with staff's recommendation. The motion was seconded by **Mehrens**.

Vote: All Ayes (5-0)

With no other business to discuss, Chairman Lloyd entertained a motion for adjournment. It was moved by Knobbe and seconded by Kluever to adjourn the meeting. Motion passed unanimously. The meeting adjourned at 8:10 P.M.