



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
August 19, 2014
7:30 P.M.**

MEETING MINUTES
First Floor Board Room
Scott County Administrative Center

- MEMBERS PRESENT:** Clayton Lloyd, Gary Mehrens, Carolyn Scheibe, Allan Kluever, Linda Rivers, Katherine Ion, Tony Knobbe
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist
- OTHERS PRESENT:** Three (3) members of the public: Ronald Claussen and Tom Pastrnak (applicants), Diane Holst

- 1. Call to Order:** Chairman Lloyd called the meeting to order at 7:30 P.M.
- 2. Minutes:** Commissioner Scheibe requested that the August 5th minutes be amended to correctly spell *Steve Schoon* from Park View. Vice Chairman Mehrens requested that the August 5th minutes be amended to note his absence as “excused.” A brief discussion by the Commission took place. Staff noted that Commissioner Kluever had given prior notice of his absence from the August 5th meeting, and therefore it should also be noted as “excused.” Planning Director Tim Huey also stated that staff does not typically note absences as excused or unexcused unless a request is made to do so. It is up to the Commission’s discretion to grant excused absences. Prior notice of an absence, up to and including day of the meeting, qualifies it as excused, whereas no prior notice constitutes an unexcused absence. Two (2) consecutive unexcused absences or more than four (4) in any 12 month period will be considered a voluntary resignation from the Commission, according to the By-Laws. Commissioner **Knobbe** made a motion to approve the August 5, 2014 meeting minutes, as amended. The motion was seconded by **Scheibe**.
Vote: All Ayes (7-0)
- 3. Public Hearing: Rezoning** – Application from 4RC Farms, LLC to rezone approximately 240 acres and update the Future Land Use Map to a residential designation, Section 5 of Pleasant Valley and LeClaire Townships.

Planning Director Tim Huey reviewed the case and explained the difference between the Ag General (A-G) and Ag Preservation (A-P) zoning districts. A-G is considered a holding zone until an appropriate development proposal is submitted. A-P zoned land shall not be rezoned directly for development without first being rezoned to A-G. A-P land is afforded higher protection, and must go through an intermediate rezoning step to A-G to ensure that such land is suitable for future development. **Huey** mentioned the County's adoption of a Future Land Use Map, and the past down zoning of land from A-G to A-P. This down zoning occurred mostly in isolated areas of the County, where it was decided that there was an overabundance of A-G holding zone land. **Huey** explained that the current rezoning request also includes a request to amend the Future Land Use Map to indicate the property as appropriate future residential development. The County's Future Land Use Map only shows future designations for A-G land, and not for A-P land. **Huey** explained the location of the property, and that it lies within the overlapping extraterritorial review jurisdiction for platting for both the cities of LeClaire and Bettendorf. Both cities have adopted review over platting within 2 miles of their corporate limits, and because the two cities are less than 4 miles apart in this area they have negotiated a line dividing their areas of review. The easternmost 70 acres involved with this request can be served with existing City of LeClaire sewer service, and is within their platting jurisdiction. **Huey** showed aerials and site photos of the property as well as Corn Suitability (CSR) maps of the site. The weighted average CSR is 68.33. Lastly **Huey** went over the County's Land Use Policies used to evaluate proposed land use changes in the unincorporated areas.

Chairman Lloyd opened a public hearing and solicited comments, beginning with the applicant.

Tom Pastrnak (attorney and executor for the applicant) spoke on behalf of the applicant and the request. He stated that there is currently no end user or developer for the property, and there are no intentions to immediately develop the land. The applicant is seeking this rezoning for estate planning purposes, and to bring the land into a better position for future development. He stated that the location is unique, and that this is the only piece of land south of Interstate 80 in this area of Pleasant Valley that is zoned Ag Preservation.

Diane Holst (20012 240th Street) stated that she had no objections to the request, but did not understand the rules governing changing Ag Preservation zoning. She would like to see a checklist or the criteria used to evaluate proposed zoning changes. She urged the Commission to be fair and consistent in how they evaluate rezoning requests, because property owners give up their rights to be zoned A-P.

Huey briefly responded to the public comments. He stated confusion as to the last comments regarding the County's criteria for evaluating proposed land use changes given that he had just reviewed the Land Use Policies in the County's Comprehensive Plan, which are precisely the established criteria used for evaluating land use changes. **Huey** stated that the County and the Planning Commission have worked very hard to fairly and evenly enforce Scott County's Ag preservation policies. It is the Land Use Policies, and whether or not a request meets a preponderance of those criteria, which dictates whether or not a proposed land use change is approved. **Huey** used a past rezoning request adjacent to Lake Huntington as an example of a rezoning request to change A-P zoned land which was denied by the Commission on two separate occasions because it did not meet the County's policies.

With no other public comments, Chairman Lloyd asked for staff's recommendation.

Huey stated that staff recommends approval of both the rezoning request and the future land use map amendment because they meet a preponderance of the County's established Land Use Polices. Furthermore the property is uniquely situated compared to other A-P zoned land, as all surrounding property is either zoned A-G or R-1. Also, approval of this request in no way limits the County's ability to leverage annexation into LeClaire prior to any new development or subdivision. The property is in a transitional area, bound by two cities, an interstate highway, and surrounding development, and it is not reasonable to expect the property to remain in Ag production into the extended future.

Chairman Lloyd asked for any response from the applicant regarding the staff recommendation, and with none the Chairman opened the floor to Commission discussion.

Vice Chairman Mehrens asked for clarification on the location of the city limits of LeClaire in relation to the property.

Huey showed an aerial picture of the area and explained that LeClaire city limits are directly adjacent to the west.

Rivers stated that she does not see the point of approving this rezoning to make way for future development in the area because there are dozens of half-finished houses in the Pebble Creek subdivision, and because any future development would be directed towards the city anyhow.

Mehrens agreed and stated his opposition to previous rezonings of A-P land, and he will therefore oppose this one.

Knobbe asked where the LeClaire and Bettendorf platting jurisdictions are located.

Huey explained they are overlapping, and showed the dividing line on the map. He also stated that this application has started a conversation between the two cities to potentially renegotiate this line.

Kluever stated that the Commission should keep in mind that the proposal is not for development, but to change the zoning from one Ag zoning district to another Ag zoning district.

Lloyd asked whether the request to update Future Land Use Map was to update it to R-1 or just a general residential designation.

Huey explained that the Future Land Use Map shows general use types and not specific zoning districts, so the request is to update the map to residential.

Kluever asked about the future recreational uses listed on the application.

Pastrnak responded that they want to allow for multiple future uses, including recreational.

Scheibe asked why the request is being entered into now if the thought is that the property will be annexed into the city.

Pastrnak responded that the request appears to conform to the surrounding properties and zoning, and this step gives the property owner the flexibility to have the property develop in multiple jurisdictions in the future.

Mehrens made a motion to recommend denial of the request based upon the fact that the County's Comprehensive Plan policies dictate that development should be directed toward established cities.

Rivers seconded the motion.

Vote: (4-3) in favor of recommending denial of the request

Ayes – Mehrens, Rivers, Scheibe, Ion; Nays – Lloyd, Kluever, Knobbe

Huey explained that the September 2nd meeting will be another zoning ordinance work session. He also mentioned that this coming Friday was the deadline for the September 16th meeting, and staff had not yet received any applications. The Board of Supervisors annual joint meeting with the Commission was being planned for October 7th. This year's meeting would be a joint meeting between the Board of Supervisors, Planning Commission, and Board of Adjustment. More details would be forthcoming.

With no other business to discuss, Chairman Lloyd entertained a motion for adjournment. It was moved by Mehrens and seconded by Scheibe to adjourn the meeting. Motion passed unanimously. The meeting adjourned at 8:30 P.M.