



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
November 4, 2014
7:00 P.M.**

MEETING MINUTES
First Floor Board Room
Scott County Administrative Center

MEMBERS PRESENT: Clayton Lloyd, Gary Mehrens, Carolyn Scheibe, Allan Kluever, Katherine Ion, Linda Rivers, Tony Knobbe (arrived 7:38 P.M.)

MEMBERS ABSENT: None

STAFF PRESENT: Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist

OTHERS PRESENT: Diane Holst and one other member of the public

1. Call to Order: Chairman Lloyd called the meeting to order at 7:00 P.M. **Tim Huey** stated that Commissioner Knobbe had notified staff of a prior commitment, and would arrive late.

2. Minutes: **Chairman Lloyd** asked that at this time the Commission discuss a letter they all received from Diane Holst. **Lloyd** stated that the Zoning Ordinance review and update sessions have not included an official vote on any proposed changes. At this point the Commission is simply discussing possible changes, recommended by both the Commission and staff, and reaching a consensus for moving forward. Once all proposed changes have been discussed and a consensus reached, the Commission will then hold the appropriate public hearings and take an official vote to forward the recommendations on to the Board of Supervisors. **Lloyd** also noted that the Commission has been taking public comments at every meeting on this topic, even though they are not official public hearings. The letter from Diane Holst took issue with the phrase *unanimously approved* in the September 2, 2014 meeting minutes. **Rivers** did not agree with the use of the phrase *unanimously approved* and felt as if it indicated her agreement on certain proposed changes, when she did not agree with them; particularly the establishment of an Industrial Overlay District. **Kluever** stated that there is no need to revisit the minutes because there was no official action taken in the form of a vote or recommendation. **Huey** suggested the Commission vote on rescinding their previous approval of the September 2nd minutes and revisiting them at the next meeting once they are amended. He stated staff would amend the minutes to change unanimously approved to a consensus was reached. **Rivers** made a motion to rescind the September 2, 2014 minutes and reconsider them at the next regular meeting. The motion was seconded by **Scheibe**.

**Vote: (5-1) in favor of the motion to rescind and reconsider the minutes
Ayes – Lloyd, Mehrens, Scheibe, Ion, Rivers; Nay – Kluever;**

Huey reviewed the proposed ordinance changes from the 9/2/14 meeting. He mentioned that as the process moves forward, previously agreed upon changes may need adjusted, because many different sections of the ordinance are interconnected.

Huey reviewed the permitted uses in the A-P district. Included were the removal of specialized farms and explicitly mentioning the Ag exemption clause from State law in the permitted use for farms and farmhouses. **Lloyd** asked about permitted use #6 regarding franchised utilities. **Huey** responded that these uses must be allowed and are regulated by the Federal Energy Regulatory Commission (FERC). **Ion** asked about the tower distance setback stipulated for franchised utilities. She wanted to know if the height of the tower setback from structures could be altered by the Board of Adjustment. **Huey** stated that this is really more of a recommendation as such utilities are federally regulated. This is a unique instance where this use would be allowed regardless of what the zoning ordinance states, but it is better to list it explicitly, and have some local guidelines for any equipment. However, ultimately they are just that, guidelines. **The Commission reached a consensus affirming staff's proposed changes.**

Huey reviewed A-P Accessory Permitted Uses. He explained that the first listed accessory use outlined buildings, general uses, and uses not allowed. It helps prevent junk yards, by regulating the accumulation of junk and junk vehicles. **Rivers** asked if this is the County's sum total of a public nuisance ordinance. **Huey** responded that the health department also has public nuisance regulations relating to public health, and often the departments work together on the same cases. **Lloyd** asked if junk spread out would constitute a violation. **Huey** responded that yes, if together it constituted more than 200 square feet of junk.

Commissioner **Knobbe** arrived at approximately 7:38 P.M.

Huey continued with A-P Accessory Permitted Uses, and staff's proposed changes. He stated that the provision for accessory signs has never been utilized, and can be fully addressed by the sign section of the ordinance; staff suggested it be deleted. Also suggested to be deleted was the listed accessory use of seed and feed dealerships. **Huey** stated that any such business should be addressed through the County's Ag Service Commercial Overlay Zone, currently known as its Ag Floating Zone. Also, the use is contradictory in that it allows for such an accessory business so long as no commercial activity is evident, but it is commercial by nature. **Lloyd** asked for clarification on home businesses. **Huey** reviewed the County's requirements and explained the difference between home occupations which allows businesses conducted within the home, and home industries which are conducted primarily within an accessory building. The former are allowed in any zoning district and the latter only in Ag zoned areas. There is a specific section of the Ordinance which sets thresholds for home businesses, and any business proposing to exceed the requirements may do so through a special use permit granted by the Zoning Board of Adjustment. **Knobbe** asked about a concrete pile on Slopertown Road. **Huey** responded that it is within the City of Eldridge. **The Commission reached a consensus affirming staff's proposed changes.**

Huey reviewed the A-P district special permitted uses. **Knobbe** asked about protection for residents and roads from mining operations. **Huey** explained the Board of Adjustment would address such issues during the time they considered any mining operation special use permit. **Huey** stated that currently

mining is allowed as a special use in both A-P and A-G districts. Because the intent of the A-P District is to protect agricultural land the Commission could recommend to remove mining as a special use in A-P; staff is not recommending that action. He explained staff's recommendation that fox and mink farms (special uses #5) be removed due to the obsolete nature of the use, and the fact that any farming operation would be considered exempt. **Huey** discussed #11, which provides for an attached dwelling unit. He stated that allowing for such uses reinforces the County's Comprehensive Plan language to provide a variety of housing options. Staff is recommends adding detached structures to the definition along with the term subordinate. The idea is to allow secondary residences, both attached and detached, so long as they appear and function as truly subordinate residences to the principal house. **Rivers** asked if there would be additional limits placed on the 2nd residence regarding its size compared to the main house. **Huey** said only if the Commission chose to add any such conditions. Staff also recommended reducing the separation distance for commercial kennels and veterinary businesses to 500 feet for consistency of separation distances throughout the ordinance. **The Commission reached a consensus affirming staff's proposed changes.**

Huey presented A-G district permitted uses. There was a discussion regarding mausoleums and crematories listed as a permitted use. **The Commission reached a consensus that mausoleums and crematories should be removed as permitted uses, but cemeteries should remain.** **Lloyd** asked if the permitted use for schools allowed an apartment living space for the landowner or custodian. **Huey** responded that it did. Staff also proposed a number of other small changes including adding religious, charitable, and philanthropic facilities to churches and other places of worship, and eliminating such uses as a standalone permitted use. They also suggested eliminating the 200 foot separation distance for cemeteries from property lines and streets, including recreational facilities for both private and non-profit groups in with the existing service organization permitted uses, and clarifying that any governmental building or facility would be considered a permitted use. **The Commission reached a consensus affirming these changes.**

Huey presented staff's proposed changes to A-G accessory uses. Staff proposed replacing the three existing uses with any accessory use permitted in an A-P district. **Lloyd** commented that he views the major difference between the A-G and A-P districts as the introduction of schools and churches as permitted uses in A-G. He noted this should be outlined in the general intent section for A-G. He also noted that any change in A-G uses could affect accessory uses, which currently are the exact same as A-P accessory uses. There could be a need for modified accessory uses in A-G moving forward and depending upon if there are any changes to A-G permitted uses. **The Commission reached a consensus affirming staff's proposed changes.**

Huey reviewed A-G special permitted uses. Staff suggested removing neighborhood commercial businesses, and changing the A-G general intent section to reflect the same. **Huey** expressed that the County has neighborhood commercial and general commercial zoning districts. Such business should be in a commercial area, and not on Ag zoned land. Staff also proposed getting rid of commercial kennels and veterinary businesses, mobile home and travel trailer parks, and composting facilities as special permitted uses in A-G. Mobile home and travel trailer parks are allowed in R-2 as a special use and are not necessarily appropriate for Ag zoned areas. The composting facility use has never been utilized and doesn't make sense in A-G. Commercial kennels and veterinary businesses are allowed in A-P, and the first listed special use in A-G is any special permitted use in A-P. **The Commission reached a consensus affirming staff's proposed changes.**

Huey reviewed the Agricultural Commercial Service Zone / Agriculture Service Floating Zone. Staff proposed adding the last permitted uses to be any use determined by the Planning Commission to be of a similar and compatible nature to the existing listed permitted uses. **Huey** explained that there is good range and mix of uses listed, but that it would be impossible to list every possible one. So long as the Planning Commission concurs that a proposed use that is not listed is of a similar nature to the other uses and fits the district, it should be allowed. This would avoid any proposal that is not a listed use from going through a lengthy zoning ordinance text amendment process. This happened recently with Flenker Brothers Trucking, who ultimately did not go through with the project. Staff proposed the accessory permitted uses to be only those which are determined by the Planning Commission to be of a similar and compatible nature to the permitted uses, and to delete the current language regarding junk, commercial uses, storage of petroleum products, and a home for the owner or manager of the business. **Ion** asked if the Commission would be reviewing the AF/ACS district siting and separation distance regulations would be reviewed during this process. **Huey** responded that they would be, but that only uses were being reviewed at this time. **Planning Specialist Brian McDonough** commented that the siting regulations are strict and difficult to meet if a proposal is not in an isolated location. The regulations include separation distances from residences, residential zoning districts, and environmental features, and include transportation requirements. **Huey** agreed that they are strict, but certainly could be reviewed by the Commission. **The Commission reached a consensus affirming staff's proposed changes.**

Huey reviewed the R-1 district permitted uses. **Lloyd** asked to revisit the general intent section for R-1, and asked if the phrase "shall be located on adequately constructed and paved county/state roads" would prevent future rezonings to R-1. **Huey** explained that this language is also in the Comprehensive Plan, and that the Commission and Board of Supervisors haven't historically recommended or approved rezonings for development on gravel roads. In this case shall is synonymous with should. **The Commission reached a consensus to leave "shall."**

Huey continued with the review of R-1 permitted uses. Staff proposed adding the words "detached" and "attached" before single-family dwellings. **Lloyd** asked if the Commission found that appropriate. He wondered what could be built as a result of the change. He recognized that market forces and the County's large minimum lot size would prevent typical small lot duplexes, but still wondered if this could allow for some unattractive or unwanted attached single-family uses. He stated that in larger cities, like Davenport, there are multiple residential zoning districts that restrict attached dwellings and multi-family dwellings to separate zoning districts than single-family detached houses. **Huey** stated that a typical duplex would not be allowed with this change, and that it was being proposed to bring the ordinance more in line with the existing practice of allowing limited attached dwellings. He stated that the building code defines attached single-family dwellings separately from attached two family dwellings or duplexes. Attached single-family means that a minimum of 3 sides are open to the outside, and that any side abutting another building must have one-inch air gap and fire walls on each building. Attached single-family dwellings must also have separate entrances. A typical two-family dwelling or duplex has a common wall with no one-inch air gap, and can have a common entrance. Attached family dwellings must also be located on separate lots. Townhouses only have two sides open to the outside, and would not be considered attached single-family dwellings, and not allowed in R-1, even with this change. Staff also proposed mentioning the farm exemption in the farm and farming permitted uses, and updating Iowa Code references to 2014. **The Commission reached a consensus affirming staff's proposed changes.**

Huey reviewed R-1 accessory uses. Staff proposed language changes to the junk and commercial regulations similar to the changes made to the A-P accessory uses of this nature. **The Commission reached a consensus affirming staff's proposed changes.**

Huey reviewed R-1 special permitted uses. Staff proposed language changes to schools and educational institutions that more clearly defined the allowance of a single-family dwelling subordinate to the principal use for an official or custodian. Staff also proposed changing the language for roadside stands to include seasonal sale of fruits and vegetables. **Huey** explained that this would prevent the sale of crafts or other non-food related products or other products that were not grown on the premises. **The Commission reached a consensus affirming staff's proposed changes.**

Huey reviewed the R-2 district permitted uses. Staff proposed again mentioning the Ag exemption under farms and farmhouses. They also proposed adding the phrase "group housing" to clarify the meaning of boarding and rooming houses. The Commission decided that rooming and boarding houses were outdated and that group housing adequately described that use. **The Commission reached a consensus affirming staff's proposed changes, and affirming the removal of boarding and rooming houses.**

Huey reviewed accessory uses, and explained that staff proposed removing all the language due to its repetitive nature, and adding "any accessory permitted use allowed in R-1 using the same restrictions." **Huey** explained that no changes were proposed to the R-2 special permitted uses.

Huey reviewed the next steps. He said staff will prepare for another review session for the first meeting in December, most likely continuing with reviewing uses in the remaining zoning districts. Staff was working toward establishing a date to meet with the Scott County Farm Bureau. They did not want to meet tonight due to the election, and said that February would be a good month for them to meet. **Huey** urged the Commission to be thinking about other stakeholder groups that should be contacted for input, and also be thinking about how to engage them. Should the whole Commission meet and invite individual stakeholders, or should only staff and the Chairman be present, and could we go out to their meeting place instead of at ours; all questions to consider. **Scheibe** stated that all Commissioners should be present if possible for these stakeholder meetings, especially for a meeting with the Park View Board. All Commission members agreed and thought it would be best to go to a Park View Board meeting as opposed to inviting them to a Planning Commission meeting. **Scheibe** stated that the Park View Board meets the first Wednesday of the month. **Lloyd** stated that we should present to the home builders once we have a more finished product to present.

Chairman Lloyd adjourned the meeting at 9:10 P.M.