



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
December 2, 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

MEMBERS ABSENT: None

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

OTHERS PRESENT: Diane Holst and approximately 4 other members of the public including Ralph Johanson and Shari and Craig Schledewitz

- 1. Call to Order:** Chairman Lloyd called the meeting to order at 7:00 P.M.
- 2. Minutes:** **Knobbe** made a motion to approve the November 4, 2014 meeting minutes. **Scheibe** seconded the motion. **The minutes were unanimously approved (7-0).**
- 3. Minutes – reconsideration of the amended September 2, 2014 meeting minutes:** **Chairman Lloyd** stated that at the November 4th meeting the Commission voted to rescind these minutes following a letter from a member of the public and disagreement amongst Commissioners regarding certain language. Staff has revised the minutes with direction from the Commission to state that a consensus was reached regarding proposed changes to the Zoning Ordinance. Previously the minutes stated that such proposed changes were unanimously agreed upon. **Knobbe** made a motion to approve the minutes as amended. **Scheibe** seconded the motion. **The amended minutes were unanimously approved (7-0).**
- 4. Sketch Plan – Minor Subdivision Plat:** Request from James Crawford/HMI Properties for review and approval of a one (1) lot minor subdivision sketch plan. 10863 140th Street, Section 2 of Buffalo Township. **Tim Huey** reviewed the case and showed aerial and site photos of the property and surrounding area, including zoning and the proposed lot configuration. He explained that the applicant's property is currently leased, but he is proposing this plat so that a deed may be transferred and ownership conferred. The applicant's leased property, as well as the remaining balance of land is served by a single access onto Highway 61 to the north. The Iowa Department of Transportation (IDOT) will not approve any additional driveway entrances from Highway 61 to serve

this property. Therefore any future development or subdivision of the remaining balance of this property would require access via a frontage road partially crossing the applicant's proposed 3.865 acre lot. The sketch plan shows an existing 50 foot wide easement directly adjacent to the Highway 61 road right-of-way running across Mr. Crawford's proposed Lot 1. **Huey** explained that it is an existing easement which runs the full width of the HMI property, 50 feet in width and directly adjacent to the Highway 61 road right-of-way. **Huey** discussed the Subdivision Ordinance requirement that road improvements be completed prior to Final Plat approval. The applicant is requesting that this requirement be waived until such a time that the remaining balance of land is subdivided. Currently Mr. Crawford's property is served by a paved driveway extending from Highway 61 to the main entrance gate of his trailer repair and storage business, in accordance with the approval of a site plan for the business in 1993. To improve the frontage road to the eastern edge of his property would not serve his needs, but only serve some future development, if and when it was subdivided or developed. **Huey** explained that staff is recommending a deed restriction be placed on the remaining balance of land which requires frontage road improvements be made prior to any future subdivision of the remaining balance. He stated that this plat is within two-miles of the City of Davenport, and therefore they must also review and approve any Final Plat prior to the Board of Supervisors approval. **Huey** paused for public comments.

Jim Crawford (applicant) stated that he currently leases the property, but is seeking approval of this Sketch Plan and a subsequent Final Plat in order to acquire a deed to the property. He stated he is in poor health, and would like a way to transfer his business on to his children.

Knobbe asked if the future frontage road would be extended all the way east to 110th Avenue, which borders the remaining balance of land to the east. **Huey** replied that the length of the frontage road would entirely depend on the nature of any future development.

Chairman Lloyd asked for clarification on previous actions taken by the Planning Commission regarding the property. **Huey** responded that a plat of survey approved in 1997-1998 splitting off 1.5 acres of the property in the SE corner adjacent to 110th Avenue. Subdivision review is triggered by this request because it proposes creating what is the third lot out of this original tract of land. A site plan was approved by the Planning Commission in 1993 for the applicant's current business.

Ralph Johanson (13120 100th Avenue) stated that he drives by this site every day. He mentioned that the Eagle Ridge Subdivision directly to the west was developed with streets that were deferred for improvement, and have yet to be improved. He urged the Commission not to defer road improvements.

Lloyd asked for staff's recommendation. **Huey** stated that staff recommended approval with three conditions. The first that a deed restriction be recorded for the remaining balance of this property requiring that prior to any future subdivision of the property, frontage road improvements be completed. Second, any requirements of the City of Davenport are incorporated prior to Final Plat approval. Third, the City of Davenport shall approve the plat prior to the County Board of Supervisors approval.

Lloyd asked that **Huey** address Mr. Johanson's comment about delaying the expansion of road improvements. **Huey** stated that Eagle Ridge subdivision was developed with road extensions terminating at adjoining undeveloped properties. He stated there is a clear difference between

improvements not existing and not being utilized. At such a time that adjoining land is developed, the road improvements shall be made for both this request and for the previously approved Eagle Ridge subdivision.

Rivers commented that it is uncommon to require a road be constructed prior to development. She suggested that the first condition be re-worded so that any future subdivision and development would not require frontage road improvements if accessed from 110th Avenue instead of Hwy 61.

Huey stated that this is just a sketch plan whereby the Commission is essentially making a recommendation to itself on whether or not they would recommend approval of a Final Plat. He explained that staff would attempt to re-word the condition prior to Final Plat submittal. **Lloyd** suggests that the first condition be re-worded to state after the word improvements “or some other means of access.” **Rivers made a motion to amend condition one to include Lloyd’s proposed language. Knobbe seconded the motion.**

Vote: (7-0) to approve the amended language, as suggested by Lloyd, of the first condition in staff’s recommendation.

Knobbe made a motion to approve the Sketch Plan request in accordance with staff’s amended recommendation. Scheibe seconded the motion. Vote: All Ayes (7-0)

5. Rezoning – Public Hearing: Request from Sam Foley of 13415 100th Avenue, Outlot 1 in J.W. Holmes 1st Subdivision, Part of the NW¼ SW¼ of Section 2, Buffalo Township, to rezone the eastern 16 acres, more or less, from Agricultural-General (A-G) to Single-Family Residential (R-1). **Brian McDonough** presented staff’s review of the case. He showed aerial and site photos of the property and surrounding area, including zoning, soil, and topography. The applicant owns an approximately 24 acre which is situated in two different zoning districts. The western 8 acres of the property is zoned R-1 and the eastern 16 acres is zoned A-G. The property retains a development right due to the location of an existing house on the property, and its partial R-1 zoning. The house could be removed and rebuilt on any portion of the property zoned R-1. The applicant has indicated a desire to remove the existing house and construct a new house on the A-G zoned portion of the property. Staff determined this would require the A-G portion be rezoned to R-1, as the County’s A-G District prohibits new houses.

McDonough explained that zoning districts typically follow parcel boundaries. That is not the case for this property because when the County’s current Zoning Ordinance and districts were approved in 1981, this section of the County was zoned R-1 approximately 600 feet back from the centerline of 100th Avenue. Property in this area had been zoned E-Rural under the County’s previous ordinance.

McDonough stated that the likely rationale behind the 600 feet of R-1 zoning was to capture the existing residences and parcels in that area, while not rezoning additional adjacent farmland to R-1. That decision led to some parcels having more than one zoning district classification. **McDonough** explained that while approval of this rezoning does not in and of itself allow for additional development of the property, it does increase the property’s development potential. A future subdivision request could be submitted to divide the property for additional development, and rezoning the entire tract to R-1 at this time certainly increases that future potential; even if it is not the applicant’s stated intention at this time. He reviewed the application against the County’s established land use policies. The property is indicated as future residential on the County’s adopted Future Land Use Map, has an average corn

suitability rating (CSR) of 34, has direct paved road access, and complies, in large degree, with the remaining land use policies.

Chairman Lloyd opened the public hearing portion of the meeting. The applicant was not present to speak.

Ralph Johanson (13120 100th Avenue) asked about the Future Land Use Map designation for the property. **McDonough** responded that he regrettably did not have an image of the map in the presentation, but that it is indicated as future residential. **Johanson** asked if the use indicated on the Future Land Use Map for a property meant that it would be changed to that use if requested. **Huey** responded that the decision to change the land use of a property through rezoning, subdivision, or a site plan review is initiated by the property owner, but reviewed by the County. Furthermore, just because something is shown on the Future Land Use Map doesn't mean that it automatically gets rezoned for that use upon request. The land use policies, which were explained in the presentation, are the criteria used for evaluating land use changes. If a request meets a preponderance of those criteria, which includes Future Land Use designation, then yes it would be recommended for approval.

Staff presented a copy of the County's Future Land Use Map, and highlighted the subject property to show its future designation as residential.

Knobbe asked for clarification on why the zoning district boundaries for this property don't follow its parcel boundaries. **McDonough** responded that it is a result of the County's adoption of a new zoning ordinance in 1981. The prior ordinance zoned the property as an E-Rural District, which was essentially an Ag zoning district which allowed some rural residential uses. At the time the 1981 ordinance was adopted, it was decided that the parcels and residences in this area would be captured by the County's new R-1 District, but the district boundaries would only extend back 600 feet or so east of 100th Avenue in this area of Buffalo Township. The reason behind this was likely to capture as many of the existing residences as possible with R-1 zoning while also leaving adjacent farmland in Ag zoning. This decision led to some parcels containing two zoning district classifications.

Chairman Lloyd closed the public hearing portion of the meeting, and asked for staff's recommendation.

McDonough presented staff's recommendation to approve the request with no additional conditions due to the application's compliance with the County's Zoning Ordinance and a preponderance of the County's Land Use Policies.

Cluever made a motion to approve the rezoning in accordance with staff's recommendation. Scheibe seconded the motion. Vote: All Ayes (7-0)

Huey explained that staff was not prepared to present on the Zoning Ordinance update. Staff plans to have a new section of the Ordinance to review by the first meeting in January. The Commission briefly discussed their plans to meet with the Park View Homeowners Association in the coming months regarding the Zoning Ordinance update.

Knobbe made a motion to adjourn the meeting, seconded by Mehrens. The motion passed unanimously. The meeting adjourned at 8:20 P.M.