



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, August 4th, 2015
7:30 P.M.
MEETING MINUTES
1st Floor Board Room
600 W. 4th Street
Davenport, IA 52801**

MEMBERS PRESENT: Allan Kluever, Clayton Lloyd, Carolyn Scheibe, Marsha Findlay, Tony Knobbe, Gary Mehrens

MEMBERS ABSENT: Lynn Gibson (excused)

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

OTHERS PRESENT: James Crawford (and daughter), applicant
Diane Holst, Supervisor

1. **Call to Order:** Clayton Lloyd called the meeting to order at 7:30 P.M.

2. **Minutes:** Lloyd called for approval of minutes from the July 7th Meeting, Scheibe made the motion for approval and Knobbe seconded the motion, all approved. **All Ayes (6-0).**

3. **Final Plat – Minor Subdivision - HMI Properties - Buffalo Twp**

Lloyd called on McDonough to review the case. McDonough said the applicant, James Crawford, requests approval of a minor subdivision final plat creating a new 3.865 acre parcel out of an existing 30 acre tract of land. The property is part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2 of Buffalo Township. He explained that the applicant has leased the land for his trailer repair and storage business since 1993. Approval of this subdivision plat would allow for the creation of a separate parcel and transfer of title for this property. McDonough explained that the property is zoned C-2. The Commission reviewed a sketch plan for this plat at their December 2, 2014 meeting. At that time the Commission discussed access issues. The Subdivision Ordinance requires that road improvements be extended to the edge of the developing lot(s) in order to provide access for future extensions. Applied to this case, this provision would require the applicant to extend a frontage road to the edge of this proposed lot. McDonough explained that the applicant has asked that he not have to complete that length of road at this time, because it serves a currently undeveloped property. His property already has paved access. Huey noted that the Iowa DOT has allowed one driveway entrance onto Highway 61 on the western boundary of this property, but the DOT would not approve additional entrances to the east of the single one permitted. There is also access to the property off of Y-48/110th Ave. The balance of the property could be served either with a future extension of the frontage road off of Highway 61 or from an entrance onto Y-48/110th Avenue or both. McDonough explained that staff agreed with the applicant that completing the frontage road at this time is not necessary. Staff is recommending that a covenant be placed on the balance of land requiring the road be extended at the time

it is developed. The City of Davenport has already reviewed and approved this plat and signed the documents. **McDonough paused for public comments.**

Lloyd asked for public comments.

James Crawford (Applicant) spoke in favor of the application. He apologized for the delay in submitting the final plat, and explained that nothing has changed since the sketch plan review. He stated his reason for this request is that he wants to have deed to the property. He asked if the board had any questions for him.

Scheibe asked Huey if he knew or realized that the surveyor for the plat had an expired license, and she asked if that matters for the validity of the survey. **Huey** said he had not seen that, but the plat did show it was surveyed back in December, and prior to the expiration of the license on the plat.

Mehrens asked Huey about that access road and how it connects to 61 and **Huey** explained that the access road is acceptable for the fact that there is solely one business in this lot. The future development of the property, when it is proposed, will determine what type of access and improvements would be required. No determination on that could be made at this time, hence the requirement for the covenants.

Crawford added that if another business was to enter into this property that business's "safety man" would likely require the future business to use access from Y48 and not 61 because of traffic volume and speed on US 61.

Lloyd asked a question to Huey about the easement shown for the future frontage road. He was concerned that it says it's a general utility easement. **Huey** explained that definition would be sufficient for an access/frontage road. **Crawford** explained that the abstract for the property has the information on the easement specifically for a frontage road.

Lloyd called for the Staff recommendation – staff recommends approval with the condition that all platting documents be received prior to consideration by the Board of Supervisors, including the covenant for unplatted balance requiring frontage road improvements at the time of further subdivision.

Lloyd closed the discussion and Mehrens moves for approval and **Kluever** seconds the motion.
All Ayes (6-0)

4. Zoning Ordinance Work Session

Huey explained the agenda for the night would include a discussion of General Regulations and Provisions with the intent of the review to better organize the regulations and eliminate redundancies or inconsistencies. The first recommended addition to the regulations would be an explanation of permitted uses and what constitutes Principal and Accessory uses. A Principal use must be established on the property prior to any accessory use. Additionally an accessory use is clearly defined as a use subordinate and incidental to the principal use. The proposed language also explained Special Uses; which are only allowed with the approval of a special use permit.

Huey explained how the ordinance will address disincorporation and severance of property from a city; this section is unchanged from the current ordinance. The section on Agricultural Soils Protection was explained as the section that was put in the 1981 code, which was before the creation of the Ag Service Floating Zone in 1993. The proposed changes are to provide for establishment of A-CSF and I-F floating zones in accordance with the new regulations. The A-CSF, or I-F would only be established through the provisions of the proposed ordinance and in compliance with a preponderance of the adopted land use policies, some of which will be amended to address criteria for the I-F district.

Mehrens asked Huey about the I-F zoning and if he could explain it further. **Huey** stated the proposed policies changes would specifically address under what conditions and criteria an application for a I-F district would be reviewed. Huey also said it was expected that it would only be a very rare occasion a very large development would have the need to locate in the rural areas of the county. And only developments that were of extraordinary size and economic impact would be considered for I-F. More reasonably and traditionally sized developments would be reviewed under the existing criteria which are not proposed to be changed. Huey said he would still expect most industrial development to be annexed and/or developed in the cities.

Lloyd asked a few specific language questions about what size and which portion of land parcels would be analyzed for soil productivity for a rezoning application. **Lloyd** said the language states "Per Quarter section of Land" and it is not clear which quarters would be included. **Lloyd** asked what surrounding quarter sections of land would be included as referenced in the ordinance. **Huey** said that language has been there since 1981 and no changes are being proposed. **Knobbe** said he thought only the land included in the application should be included in the review and not any of the surrounding land. **Huey** said it was staff's practice to only review the soils information on the specific area included in a zoning application. **Lloyd** recommended a weighted average of 60 or greater, for the entire tract in question be required.

McDonough stated that the GIS maps show the weighted average of the area. **Huey** explained that in the final draft will state "weighted average" of "individual tract." **Kluever** asks about CSR 2 or 3 and if it changed how it would be addressed. **Huey** said that regardless of what criteria is used to determine a CSR ranking the threshold for prime farm land would remain at 60.

Huey next discussed the section on splitting the farmstead from the farm. No changes are proposed, there can only be one farmstead split from an ag parcel. This has been the practice for the last 35 years. Unless the farm is rezoned residential, multiple houses cannot be split from the property, a farmer can build as many farm houses as is necessary but only one can be split. Huey explained that the ordinance will continue to read "The platted lot shall include the existing house or houses or an area that can be shown to be the location of a previous farm house and be no larger than necessary to include the typical farm buildings any yard, timber or pond area." **Lloyd** asked about creating a separate lot if the farm house is in shambles or previously removed. **Huey** stated that once the farm house is split from the farmland it generally is then considered a house and is no longer considered ag exempt. **Lloyd** expressed concern that if house had been removed should it be permitted to be replaced? **Huey** stated the regulations were changed to allow a development right to be created if the property could be shown to previously be the location of a farm house.

Huey the section on Environmentally Sensitive Area Protection is proposed to be deleted from the ordinance since it is already and more appropriately included in the existing Comprehensive Plan and therefore redundant to address in the ordinance.

Huey stated no changes are proposed in the next six sections, other than a small change in the "Visual Clearances" section to allow tree canopies more than 15 feet above the road surface so that visibility is maintained.

Huey continued on to the section on Fences and Walls. Huey explained that Iowa Fence Law deals with the requirements for ag fencing and the law designates Township trustees as the "Fence Viewers". The trustees are responsible for making determinations in cases of farm fence disputes. Huey explained that current regulations in a residential district are that a fence can be a maximum of six feet in height in a rear and side yard and three and a half feet in front of the house. In commercial and industrial zones, fences are

not allowed at all in the front yards but are permitted up to ten feet in height in side and rear yard. Any fence over six feet needs a permit.

Huey moved to the final section of General Regulations being Home Businesses. He explained that the home business regulations require the property to be a residence and the home of the business operator. The regulations limit the amount of area in the home that can be used for the business and limits the number of non-resident employees the business can have. Home Industries are only allowed in Agricultural zoned areas.

Huey continued on to discuss accessory building regulations. He explained the required setbacks and location regulations. The main change would be to allow an accessory building in the front yard of a residence provided the accessory building met the minimum front yard setbacks. **Huey** stated that the current regulations allow no more than 20 percent of a rear yard be covered with accessory buildings. This allows larger properties to have more and bigger pole buildings. No changes are proposed to those limitations.

Huey stated that on August 18th agenda a work session on the Sign Regulations would be scheduled and then for September 15th a review of the entire ordinance would be planned. **Huey** also asked the Commission members to be thinking about how they would want to provide opportunities for public input on the draft ordinance; such as locations, dates and times and the format for the presentations.

Knobbe asked if the draft of the ordinance would be available to the public before the actual presentation and **Huey** said yes.

Lloyd asked about the Park View map and how the Park View master plan is going to be depicted. **Huey** explained that the map would show the original plan with the amendments that have been approved over the years.

Mehrens asked about I-F floating zones and how they would be addressed. **Huey** explained that with any I-F rezoning application all the information and details identified in both the land use policies and the zoning ordinance would need to be provided before the Planning Commission would make its recommendation. **Mehrens** pointed out that usually these types of land uses are annexed into the cities. **Huey** explained that the I-F zone would only be considered for a type of businesses that specifically need a rural location and even so would still be expected to locate in close proximity to the interstate and rail lines. **Knuever** asked what would happen if the company doesn't follow through with their plans and **Huey** explained that if the project is not started within 2 years that the zoning could be reverted back to what it was prior to the rezoning. **Knobbe** stated that it should be a matter of practice that after two years if the property is not developed the Commission should initiate the process to revert it to its previous zoning. **Lloyd** asks for a map or a list of properties that would be rezoned.

Other business:

Lloyd calls for other business – **Huey** noted that it is Ellen Schwartz's last meeting. **Knobbe** said that he would not be at the next commission meeting.

With no further public comments and no other business to discuss, Chairman Lloyd adjourned the meeting at 9:10 P.M.