



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, September 15, 2015
7:30 P.M.
MEETING MINUTES
1st Floor Board Room
600 W. 4th Street
Davenport, IA 52801**

- MEMBERS PRESENT:** Allan Kluever, Carolyn Scheibe, Tony Knobbe, Lynn Gibson, Gary Mehrens
- MEMBERS ABSENT:** Clayton Lloyd & Marsha Findlay (excused)
- STAFF PRESENT:** Timothy Huey, Planning & Development Director
Brian McDonough, Planning & Development Specialist
- OTHERS PRESENT:** Bobby Schilling (applicant); Pat Lynch (applicant's engineer/consultant – Shive-Hattery); Supervisor Diane Holst; Approximately 10 members of the public

1. **Call to Order:** Gary Mehrens served as Chairman, and called the meeting to order at 7:30 P.M.
2. **Minutes:** Consideration of the August 18, 2015 meeting minutes. Knobbe made a motion to approve the minutes. Seconded by Scheibe. **Vote: All Ayes (5-0).**
3. **Public Hearing: Preliminary Plat of a Major Subdivision – Mt. Carmel Addition, Section 14, LeClaire Township**

McDonough reviewed the case. He showed aerial and site photos of the property. He explained the difference between minor and major subdivision plats. This plat is considered major not because of the number of lots being created, but rather because it involves the construction of a new road. McDonough explained that while the road is a private driveway serving 4 lots, it still must be constructed to County standards for a shared driveway. He showed the Plat and explained the lot layout. Staff expressed concerns with the layout of Lot 1, and the lack of access to Lot 2. McDonough recommended that the entire flagpole portion of Lot 1 be dedicated as easement on any final plat so that no small remainders of land were left as part of the lot. He showed that the proposed layout has the road bisecting Lot 1, and recommended that any final plat shall make clear that only one side of the lot be shown as buildable. Staff also recommended that it be made clear on any final plat that Lot 2 has legal access to the shared driveway easement. McDonough reviewed the County road standards for a shared driveway, and also presented the County Engineer's comments on the road design. The Engineer is recommending additional standards due to the grade and topography, being 12-13% in some areas. The Engineer recommended paved two foot shoulders instead of granular, countermeasures along steep ditch grades to prevent erosion, also questioned legal access to Lot 2, and commented that the driveway entrance and storm water improvements at the intersection with Hwy 67 will have to be approved by the Iowa DOT. McDonough noted that a plat of this size does not require a separate storm water drainage or sediment and erosion control plan. However, intakes, culverts, and storm water detention are noted on the preliminary plat and meet the County's standards. He listed the other departments notified of the plat. Only the Health Department responded, and they had no concerns with the ability of the property to handle the necessary on-site well and septic

systems. Lastly, he explained that this plat is accompanied by a subdivision variance request, as the applicant is asking that he be allowed to construct a road 18 feet in width, as opposed to the required 20 feet by the Ordinance. **Staff paused for comments.**

Chairman Mehrens asked for any response from the applicant.

Bobby Schilling (applicant) stated that the road will be private with minimal local traffic. He mentioned that he purchased this property, and intends to set up a road maintenance agreement for the development. He mentioned Woods and Meadows Addition and other nearby subdivisions which have roads not built to County standards, such as being only 18 feet wide. He mentioned his costs in developing the land including the purchase price of the land and the expense of the road. He stated that building the road to County standards is cost prohibitive. He stated the intention is to build a house for himself and sell the remaining lots, and explained that the extra 2 feet of surfacing required pushes the road construction over his breakeven point. He also addressed staff's concerns with Lot 1, stating that eliminating the part south of the road as buildable reduces the value. **Tim Huey** responded that staff would be alright with the southern side being the buildable portion, so long as it is clear that not both sides are buildable.

Mehrens opened the public hearing and asked for comments. There were none and Mehrens closed the public hearing and asked for staff's recommendation.

McDonough gave staff's recommendation to approve the preliminary plat with the conditions listed in the staff report. Staff also recommended denial of the variance request to the road width based on a lack of hardship. **McDonough** explained that the road examples cited by Mr. Schilling all predate the County's adoption of subdivision regulations. He explained even though the road is private, the County's shared driveway standards are designed for private, low traffic roads, and are a lesser standard than large lot subdivision roads.

Knobbe asked for clarification on the variance request. He asked the applicant to state exactly what he was asking a variance from. **Schilling** responded that he is requesting to build an 18 foot wide road instead of 20 feet. He also questioned the County Engineer's recommendations regarding countermeasures and paved shoulders for erosion control. **Pat Lynch (applicant's engineer)** stated that if compacted properly granular shoulders can have the same effect of discharging storm water as paved shoulders. **Huey** stated that the variance request was received only a few days prior to the meeting, and the County Engineer was unable to attend with such short notice.

Gibson asked about the access issue with Lot 2. **Pat Lynch** responded and pointed out on the plat that there is a shown 50 foot wide access easement connecting the lot to the shared driveway. The contour lines made it difficult to see on the plat.

Gibson asked staff to summarize their reasons for recommending denial of the variance request. **Huey** responded that there is nothing unique about this property that warrants a relaxation of the subdivision regulations applied in this case. He mentioned that the subdivision regulations are on par with that of the surrounding cities. The County does not want to allow lesser standards and incentivize lower quality development in the unincorporated areas.

Scheibe announced she was abstaining from voting on this application. **Kluever** stated he would like to table the item in order to allow for time to hear directly from the County Engineer. **Gibson** stated she is inclined to vote in favor of the variance to relax the standards in this case.

Kluever made a motion to table the application for 30 days, **Knobbe** seconded.

Vote: (3-1; Gibson voting against, Scheibe abstaining)

Huey explained the item would be reconsidered at the Commission's October 20th meeting at which the County Engineer would attend.

4. Zoning Ordinance Work Session

Huey reviewed process to-date and the first full draft of the revised ordinance. He announced Chairman Clayton Lloyd reviewed the entire draft and provided comments to staff prior to the meeting. Lloyd had gone through his notes from all meetings, so his suggested changes were things that had been discussed by the Commission. **Huey** reviewed the Comprehensive Plan action item calling for a revisiting of the zoning ordinance. He also reviewed the proposed Comprehensive Plan amendments establishing the rationale for the newly proposed Industrial Floating District. Staff proceeded to review the entire ordinance section by section beginning with definitions. **Huey** mentioned Clayton's concern with allowing farmstead splits for houses that were previously sited on farmland, but no longer remained. Clayton saw this as a loophole around the County's strict Ag preservation policies. It was the concensus of the Commission that the provision allowing for a farmstead split if it can be documented that a house was formerly located on a site should remain in the ordinance. The section on Ag soils protection remains essentially the same for determining where A-P land should be located; it is based upon 160 acre $\frac{1}{4}$ section of land. **Huey** reviewed General Regulations, including fences/walls and home businesses. He reviewed non-conformities, and the single-family exemption from those rules. Reviewed difference between floating and overlay zones. He stated the Official Zoning Map will now be referenced as a digital map stored in GIS.

Next the various zoning districts starting with A-P were reviewed. The Commission discussed temporary asphalt batch plants which were being added as a special use in A-P. Staff and Commission agreed that it would be unreasonable to require a rezoning and special use permit for a temporary batch plant, which would be the case in any A-P district without this provision. **Huey** discussed the application of residential regulations to Park View residential areas, and likewise for Neighborhood Commercial regulations to commercial areas of Park View. **Knobbe** asked about recent trends in real estate regarding townhomes, attached dwellings, and accessory dwellings. Huey responded that they are more in demanded by consumers. The density of townhomes and attached dwellings usually requires sewer, but some areas of the County do have sewer access, and there is still a need to address duplexes and large lot attached dwellings in the rural areas. The changes in many ways affirm what the County's practice has been related to these types of developments. Reviewed commercial and industrial districts. **Cluever** asked if economic impact entirely determined whether or not a use would be located in the I-F district. **Knobbe** responded that a number of different factors would be involved beyond just the economic impact. **Huey** responded that it would be the level of significance of the economic impact of a particular project that would make it fit into the I-F district as opposed to the regular I district. From there, as Tony said all of the impacts of the project would be evaluated. **Huey** stated if a particular project was determined to have significant economic impacts by the Commission and Board of Supervisors, then the proposed Comprehensive Plan amendments would allow for its consideration.

Scheibe asked if the 0.03 acres per mobile home was correct. Staff discussed that .03 seemed too low and 0.3 seemed to high; staff will re-work. **Huey** reviewed remaining sections; there was no discussion. **Huey** reviewed next steps for illustrations and graphics. Staff has contacted a PR firm to combine all of the information into a new layout including graphics. **Huey** asked for any comments on his presentation. He stated he will be giving a similar presentation at upcoming public meetings.

Knobbe stated that page numbers should be referenced in the presentation so the public can reference the sections. **Huey** reminded the Commission of the joint meeting between them, the Board of Adjustment, and the Supervisors on October 6th. **McDonough** told the Commission he has accepted new position with Polk County. He expressed thanks and appreciation to the County and Commission members. **Scheibe**

asked for some consensus on where public hearings should be held. The Commission reached a consensus to hold meetings in Park View, Walcott, and LeClaire, as well as have a meeting with the Farm Bureau, and perhaps a noon meeting at the County Administrative Center. The dates and times will be set later.

With no further public comments and no other business to discuss, Kluever made a motion to adjourn the meeting. Seconded by Knobbe. All Ayes. Chairman Mehrens adjourned the meeting at 9:08 P.M.