



**SCOTT COUNTY PLANNING AND ZONING COMMISSION
PUBLIC MEETING- PROPOSED ZONING AMENDMENTS**

Tuesday, November 17, 2015 AT 7:00 P.M.

1st Floor Board Room
600 W. 4th Street
Davenport, IA 52801

MEETING MINUTES

MEMBERS PRESENT: Clayton Lloyd, Gary Mehrens, Carolyn Scheibe, Lynn Gibson, Marsha Findlay

MEMBERS ABSENT: Tony Knobbe, Allen Kluever

STAFF PRESENT: Timothy Huey, Planning & Development Director
Raymond Nees, Planning Technician

1. **Call to Order:** Chairman Lloyd called the meeting to order at 7:02 P.M.
2. **Public Hearing: Preliminary Plat of a Major Subdivision – Mt. Carmel Addition, Section 14, LeClaire Township**

Scheibe stated that she would abstain from the vote on this request. **Tim Huey** reviewed the case. He showed aerial and site photos of the property. He explained the difference between minor and major subdivision plats and that this plat is considered major not because of the number of lots being created, but because it involves the construction of a new road. **Huey** showed the Plat and explained the lot layout. He explained changes made from a previous submittal showing a standard county road with a Cul-de-sac allowing for individual driveways to lots 1 and 2, and a shared driveway to lots 3 and 4. **Huey** noted that a plat of this size does not require 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. He stated that all property owners within 500 feet of the plat had been notified and staff has received no calls or comments at this time. **Staff paused for comments.**

Chairman Lloyd asked for any response from the applicant.

Bobby Schilling (applicant) stated that the road issues created by the design of the previous application have been resolved. He stated the intention is to build a house for his family and sell the remaining lots. **Huey** asked what his plans were for the lot B, which is shown without access to a public Right-of-Way. **Schilling** responded that they plan to plant trees and vines for an orchard. **Lloyd** asked for verification that that the road was now going to be built to county standards. **Schilling** replied that yes, the road would be built to county standards and there shouldn't be any question of responsibility for maintenance.

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

Huey gave staff's recommendation to approve the preliminary plat with the conditions listed in the staff report, including that the notation on rear yard setbacks be removed, that a note be placed on the plat regarding Lot B that it carries no right for separate development and that no building permits will be issued due to lack of access, that a covenant be prepared and filed along with the Final Plat prohibiting any further re-subdivision of these 4 lots into further residential development and that a road maintenance agreement be prepared and filed along with the Final plat creating a legal mechanism for continual maintenance of the shared access road.

Lloyd asked about the recommendation to remove the rear yard setbacks as shown on the plat and if the setbacks shown were accurate. **Huey** explained that they were not accurate and that plats do not typically show Scott County yard setback requirements.

Mehrens made a motion to recommend approval the Preliminary Plat of Mt Carmel Subdivision with the four conditions listed on the staff report. Findlay seconded. All Ayes. (4-0, Scheibe abstained)

3. Discussion of Public Comments on proposed revisions to Revised Zoning Ordinance for Unincorporated Scott County

Huey provided a review of the 17 main comments compiled from the five Planning and Zoning Commission meetings held to take public comments for proposed changes to the Scott County Zoning Ordinance and Land Use Plan. The comments were directed at the Industrial-Float district with all other proposed changes seemingly non-controversial. These comments are listed in no particular order, without regard to popularity, order received or if the comments were from the public, staff, members of the Board of Supervisors or members of the Planning and Zoning Commission.

1. **There should be no change, the existing policies and ordinances have worked well and should remain in place as is.** **Huey** stated there is a strong sentiment for this and this would be a non-controversial option. The feeling is that the ordinance has been working for 35 years so there isn't a need to change it.
2. **We should start smaller by trying to attract companies that want 10 to 50 acres before we try to attract businesses that will need 100 acres or more.** **Huey** stated that Scott County began doing this in 1993. "Large" developments used to be considered 15 to 40 acres. Scott County, working with Davenport, Bettendorf and Eldridge has done a good job of providing 15 to 40 acre sites as well as developing more that are ready to go. The largest user locally is a Deere product distributor. Kraft was appropriate for a 70 acre site and is being annexed into the city of Davenport. When looking for a location for a mega site, these are very unique and very hard to predict so we are looking at not making changes to a physical location to attract them, but being able to complete a development if the time comes.
3. **"Large Scale Projects" may be interpreted differently when the next Board comes in, some definition is needed.** **Huey** stated this is a valid comment. Some Board of Supervisor members may feel 70 acres is large and significant. They may look to the Planning and Zoning Commission to provide guidance. "Large" may be calculated by the number of jobs created or the in the amount of tax revenue increase- but not necessarily both. This commission spoke to making a determination based on the preponderance of a proposals specific information at the time the proposal is made. A project with relatively few jobs that increases the tax base by 1% might be considered large. As our tax base expands that number goes up so it may come to pass that 1/10th of 1 percent eventually becomes seen as large. Ultimately, Staff would work to create better terms if directed to do so by the Planning and Zoning Commission.

4. **There should be referendums so the entire community of voters decides rather than having the Boards decide, elected or appointed.** Huey said that it is not recommended to subject prospective developers to this.
5. **We should fill in the industrial areas that haven't been used yet before we take farm ground out of production for industrial uses.** Huey said that we are looking for existing buildings to do this all of the time. The down side is that if you are a community that has a lot of empty buildings available you probably have a down economy and no one is looking to go locate there. The opposite is that if you have a robust economy and businesses are looking to locate there, you probably don't have many empty buildings. He said the economic development community in the Quad Cities has been working very hard to fill empty buildings as it is standard practice to try to fill what you already have. Mehrens asked what the plans are for the building being vacated by Kraft. Huey replied that it is a very outdated structure and the State will be demolishing it, so eventually the ground will be available. The location would be a prime site for a large sewer user but keep in mind this is in close proximity to residential neighborhoods. It is already zoned Industrial and is a smaller location at 7 acres, but has great parking.
6. **Since we cannot prepare for a business we haven't had a request from, we should just wait until we get a request and only then go through a siting process.** Huey stated that this is what we are attempting to do- set up a mechanism where we can get the needed information up front so we can review a request. We aren't rezoning a site for a business to locate; we are proposing to set up a process where it might be allowed if the proposal is deemed appropriate.
7. **Scott County should dictate an ag soil Corn Suitability Rating that cannot be repurposed under any circumstances regardless of location.** Huey stated that we cannot make a rezoning request a one point test, this would be at odds with having a comprehensive plan for growth. This is an important part of any consideration, but decisions must be based on an overall preponderance. Ground that has a higher CSR rating is held to a higher threshold when being considered for another use.
8. **There are no reasons for developing farm ground and all of Scott County residents and businesses should locate in 80 story buildings with 1 roof and 1 parking garage each so as to save prime ground.** Huey stated that this is futuristic and visionary, but in a free enterprise system we cannot legally force developers to develop in this manner.
9. **Adjoining property owners should have a vote to potentially veto a proposal they don't want to move forward.** Huey said that public hearings allow the public to have a voice so they can be heard- not to give veto power. If a large number of adjoining property owners protest it can require a higher percentage of votes to approve a proposal at the Board of Supervisors. In rural areas, there may be very few adjoining property owners and it may not be appropriate to give 5 or 10 property owners the opportunity to veto something that 100,000 people actively want. Mehrens said that it sometimes seems as though the people who don't want to be controlled want their neighbors to be limited, although it does appear they want it limited to Agricultural uses. He said that the people who spoke at these meetings didn't show a lot of support for the Industrial Float District. Huey said that there were 10, 15 or 30 people at each hearing and a total 25 to 30 were relatively negative- out of 160,000 people in the county. He said that, if there were 25 to 30 people being positive about it, we would also have to remember that this is out of 160,000 people in the county.
10. **We should set specific criteria for number of jobs and amount of wages to be created before considering any proposal.** Huey said this has been talked about and could be considered.

- 11. These uses should only locate near existing industrial areas to access existing infrastructure.** Huey said that in normal sized requests, yes, we absolutely do this. He said if a 100 to 400 acre proposal came in it would undoubtedly have unique requirements and we would need a mechanism to review them with.
- 12. The change should be made so that the final decisions on these types of requests is made by elected officials and not appointed members of a Board.** Huey said that this is exactly what is being proposed. He said that by allowing all uses in the I-Industrial district to be permitted uses and requiring the site plans to be approved for the specific development, we are moving the decision from an appointed Board to an elected Board- and shortening the process timeline while gaining all relevant information to make an informed decision as to whether a site development is appropriate. Lloyd said that he feels these decisions should be made by an elected board, he recognizes that some feel strongly the Zoning Board of Adjustment should still be involved and understands that they feel like the more boards that are involved the better. Huey said that a “fast” track should not mean a “loose” track. He said that, using Deere as an example of a “good neighbor” business- if Deere needed to fast track a rezoning/site plan request, Scott County should have a mechanism to do so. Based on the process outlined, many requests may get turned down due to simply being inappropriate for this mechanism because sites within the cities will accommodate their needs.
- 13. Companies should be required to pay the cost of infrastructure if they are locating where they aren’t already provided.** Huey said that these decisions are part of the world we live in. Kraft is moving to a 70 acre site and is getting some tax and other advantages. He said that in order to compete with other communities for business, we have to be willing to provide assistance similar to what our competition may provide. In the Current industrial park, Davenport paid for the infrastructure, Mid-American Energy paid for the power to be located, Davenport bought the land and turned it over to GDRC. In the current economy, this is just part of the deal.
- 14. Scott County should identify sites that are of this large size and close to infrastructure and rezone them for industrial now.** Huey said he is not a fan of rezoning to for industrial uses as a speculative venture.
- 15. Allow a willing land owner to apply for Industrial-Float zoning anywhere in the county so they may get approval for infrastructure, and then finalize the rezoning/site plan once the Board knows what business proposes to locate there.** Huey said this might be considered depending on the scope of work proposed.
- 16. Companies should be required to compensate local land owners for a reduction in property values.** Huey said that, as in any venture, this would depend on the market forces at work. Wind farms have been known to provide payments to not only the owners of the land they lease, but to neighboring owners as well. This was suggested to Orascom and they declined the request.
- 17. Keep the process the same but require companies to be forthcoming up front.** Huey said that this is what we are currently trying to do with the Industrial zone changes.

Chairman Lloyd asked Huey to provide information on where the proposed changes would go from here. Huey stated that he would like to provide the Davenport, Bettendorf and Eldridge planning commissions with the presentation to hopefully get their thoughts. Lloyd said that he is not opposed to that, although they may simply request that Scott County push businesses into the cities.

Mehrens said the Cody School was a little short of participants, but otherwise was pretty good. **Gibson** said that, for the most part, the comments were thoughtful and were something that we may embrace. She said public meetings like this are an educational process for the public and it can be difficult to not take some of their remarks personally at times.

Huey said he thought we may schedule a public hearing on the 3rd Tuesday in January to take public comments and then consider taking action on the proposals in February. He said the Board of Supervisors will have a public hearing, also.

Mehrens said that Ag is less than 2% of the population and that jobs in Industrial districts may help 80% of the people- but they only affect the 2% who farm. **Huey** pointed out that not all rural residents are farming. **Findlay** said that a large majority could have a positive affect from bringing in jobs and they may negatively affect very few people in rural areas.

Huey said that farming is itself an intensive operation. A 60 acre tract with a lake that is not tilled and does not have a house on it may not have much protection from encroachment of non-farm operations. He said that Bermiester wanted to rezone prime farm land and was denied. Across the road from that was Ag, it met the Land Use Plan and was approved. This demonstrates the idea of a rezoning being appropriate.

Scheibe said that the majority of the proposed changes are good and that the only controversial point was the proposed Industrial Float District. She praised Huey and McDonough for all of their hard work and said all of this is to see if we can do a better job of reviewing proposals. She noted that nothing bad has been allowed, but a good proposal may not get an appropriate review under current code.

Huey said that all of the comments were on the Industrial Float District and there weren't any comments on the other changes. He said the vote could separate the proposed Industrial Float district from the non-controversial proposed changes at the Commissions recommendation. He said we would also have public comments that would include the proposed changes to the comprehensive plan at the same public hearing.

With no further public comments and no other business to discuss, Scheibe made a motion to adjourn the meeting. Seconded by Gibson. All Ayes. (5-0) Chairman Lloyd adjourned the meeting at 8:30 P.M.