



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

Tuesday, December 15, 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, Tony Knobbe

MEMBERS ABSENT: Allen Kluever, Marsha Findlay

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

Others Present: Randy and Darlene Estes, Property Owners
Joe and Jennifer Reimers, Applicants
Liz Murray Tallman, QC Chamber of Commerce
Brock Earnhardt, Greater Davenport Redevelopment Corporation
Tim Wilkerson, Greater Davenport Redevelopment Corporation
Diane Holst, County Supervisor

- 1. Call to Order: Chairman Lloyd** called the meeting to order at 7:01 P.M.
- 2. Minutes:** Consideration of the November 3, 17 and December 1, 2015 meeting minutes. **Knobbe made a motion to approve the minutes. Seconded by Gibson. Vote: All Ayes (5-0).**
- 3. Sketch Plan Review – Joe and Jennifer Reimers, Section 21 of Winfield Township** Huey reviewed the case, showing aerial and site photos. He explained the request was a minor plat to divide an existing 8.74 acre parcel into two new lots, being approximately 1.5 acres and 7.24 acres respectively. The 7.24 acre parcel would contain the existing house and accessory buildings on the property, while the 1.5 acre parcel would create a development right for a single-family dwelling due to the property's R-1 zoning. The property is located on a gravel road, but is only ¼ of a mile south of St. Ann's Road/290th Street which is a paved County road.

Staff paused for any public comments. Chairman Lloyd opened the floor.

Lloyd asked for public comments. There were none.

Chairman Lloyd asked for staff's recommendation. Huey stated that staff recommends approval with the conditions that any future subdivision of the property not be allowed and that an Ag nuisance waiver accompany the recording of the plat.

Lloyd asked for comments on the staff report and there were none.

Knobbe asked if the lot shown on the sketch plan that is identified as part of lot 1 of Little Acres Second Addition had an easement through the subject property for access. **Randy Estes** stated that it does not, that the access is to the north of the properties under consideration.

Scheibe made a motion to recommend approval of the Site Plan with the two conditions listed on the staff report. Knobbe seconded. All Ayes. (5-0)

4. Rezoning – Public Hearing: A request from the Greater Davenport Redevelopment Corporation (GDRC) to rezone 8.45 acres more or less from Agricultural General (A-G) to Commercial-Light Industrial (C-2) on property described as the north 280 feet of Parcel #932839003 located in Part of the NE¼ SE¼ & Part of SE¼ NE¼ of Section 28, Sheridan Township. **Tim Huey** presented the staff’s review of the case. He stated that he is the Treasurer for the GDRC, a non-profit, but he does not receive compensation and has no voting ability, and therefore does not have a conflict of interest. He showed aerial and site photos of the property and surrounding area. He explained that the purpose of the rezoning is to facilitate the sale and development of the property for the proposed new Heinz-Kraft manufacturing facility. The majority of the property is being annexed into the City of Davenport prior to its development, however the entire parcel cannot be annexed because the city limits of Davenport and Eldridge would be contiguous and the unincorporated land to the east of this property would be an unincorporated “island” entirely surround by incorporated land. This is not permitted by the State of Iowa’s City Development Board.

He said that generally, the Scott County land use policies encourage development to locate within cities. However, due to the reasons stated above, this is a fairly unprecedented and unique situation. Normally this entire 74 acre parcel would be annexed prior to development as the County’s land use polices encourage, except for the prohibition against the creation of unincorporated islands. **Huey** reviewed the criteria for rezoning one by one from the Staff Report as follows:

Is the development in compliance with the adopted Future Land Use Map? This land is not shown on the Future Land Use Map as industrial due to its adjacency to the Davenport city limits. As stated above, County policy encourages development to occur within cities so therefore it would generally be expected that land adjacent to a corporate boundary would be annexed into that City prior to development. Therefore, in areas such as this, a future land use map designation was determined not to be necessary when the current map was adopted.

Is the development on marginal or poor agricultural land? The land use policies rank any soil with a Corn Suitability Rating of 60 or greater as productive agricultural soil. Review of the Soil Survey of Scott County indicated that this portion of the property has soils identified as Muscatine silty clay loam with slopes ranging from 0 to 2% and a Corn Suitability Rating of 100. These soils are classified I for land capability, which indicate few limitations when tilled. Muscatine silty clay loam is also listed in the soil survey as prime agricultural land. This request does not meet this criterion.

Does the proposed development have access to adequately constructed paved roads? The State Department of Transportation has approved RISE grant funding to upgrade and construct the roads adjacent to this property as required for the proposed food processing plant. Therefore this request meets this criterion.

Does the proposed development have adequate provision for public or private sewer and water services? The reason this area was chosen for the development of the Eastern Iowa Industrial Center was that the necessary public utilities had been or will be extended to serve the proposed development. Therefore this request meets this criterion.

Is the area near existing employment centers, commercial areas and does not encourage urban sprawl? The Eastern Iowa Industrial Center was established twenty years ago for the future development of business and industries that would expand employment opportunities for Scott County and the Quad Cities region. The property is near I-80, rail service and the Davenport Municipal Airport. Therefore this request meets this criterion.

Is proposed development located where it is least disruptive to existing agricultural activities? The Greater Davenport Redevelopment Corporation leases the undeveloped land it owns in the EIIC for crop production. The undeveloped land adjacent to this property that is privately owned is also row cropped. Therefore, it would appear that this request meets this criterion.

Does the area have stable environmental resources? This area was chosen for development of an industrial park due to its stable environmental factors, among other reasons. Therefore, it would appear that this request meets this criterion.

Is the proposed development sufficiently buffered from other less intensive land uses?
Again, one of the reasons this area was chosen for development of an industrial park was because there was little surrounding land uses that would require buffering. Therefore, it would appear that this request also meets this criterion.

Is there a recognized need for such development? The food processing facility that is being upgraded and moved to this location has historically been located in Davenport for a century and is a highly valued component of the Quad Cities' economy.

Huey stated that, In addition to the conditions for development just discussed, the adopted land use policies identify that proposed industries may be required to meet additional conditions, as may be appropriate for the specific proposal, including:

In an area where industries are located. The GDRC was formed as a public-private corporation to facilitate the development of the EIIC. This property was purchased by the GDRC specifically for industrial development.

Have adequate access to roads, rails, and airport. This request would meet this criterion.

In an area removed or adequately buffered from residential development. Again, as stated above, one of the reasons this area was chosen for development of an industrial park was because there was little surrounding land uses that would require buffering. Therefore, it would appear that this request also meets this criterion.

Existing industrial uses, that meet a preponderance of these policies, may be maintained, expanded, and/or redeveloped. The land use policies appear to provide for applications such as this to allow the relocation of an existing industry, as a new development, in an existing industrial area.

Huey then said that neither the County Health Department nor the County Engineer had comments on this request, and that Staff has mailed notification to the adjacent property owners within five hundred feet (500') of the property notifying them of this hearing and a sign has been placed on the property stating the date and time this request would be heard. Staff has not received any calls or comments on this request.

Chairman Lloyd opened the public hearing portion of the meeting. Brock Earnhardt, representing the GDRC, stated he had nothing further to add.

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

Huey presented the staff's recommendation to approve the request based on a preponderance of the criteria of the revised land use policies with an additional condition that the owners voluntarily annex the subject property into the City of Davenport at such time that the unincorporated area to the East is no longer unincorporated or is otherwise no longer required to be contiguous with other unincorporated areas.

Knobbe asked if there might be a timeline for annexing the island of unincorporated area. **Huey** stated that the owners had been very good to work with and he hoped there would be movement soon, however it would ultimately depend on the owners to allow annexation.

Knobbe made a motion to approve the rezoning in accordance with staff's recommendation to require annexation when it becomes legal to do so. Gibson seconded the motion. Vote: All Ayes (5-0)

5. Discussion of Public Comments on proposed revisions to the Revised Zoning Ordinance for Unincorporated Scott County. **Tim Huey**, Scott County Planning and Development Director, gave a presentation on the proposed criteria that may be used for consideration when a request for an industrial use may be received under the proposed Industrial-Float (I-F) zoning district. He stated that this presentation is on file with the Planning and Development Office located at 500 West 4th Street, Davenport, Iowa. As part of the presentation, **Huey** said that the proposed Comprehensive Plan amendments are intended to establish the rationale for creation of an I-F district by establishing separate policies that are an exception to the normal policies under which developments are reviewed, while the proposed I-F zoning regulations are intended to establish the type and extent of information that must be submitted with any application for such an I-F zone to be approved. He said the objective of the proposed changes is to address the need to have a mechanism to review large scale industrial development opportunities by addressing such developments with separate policies. The policies would be to establish guidelines to use when reviewing a project where there is significant economic benefits while addressing and minimizing the significant environmental and public infrastructure impacts such developments could be anticipated to create.

Huey said the proposed Land Use Policy, if adopted, would create an exception to address large scale industrial development opportunities by adding language that said: **While Scott County anticipates that the majority of new industrial development will locate within the cities or be reviewed under the above established guidelines, Scott County also recognizes that there are rare opportunities for large scale industrial development for which the positive economic impact on the quad Cities region outweigh the benefit of preserving prime farm land on which such a development would locate. Such large scale industrial developments shall be reviewed under the following considerations:**

- **Where it can be shown that there is a recognized need for such development to locate outside of city limits in unincorporated Scott County;**
- **When adequate site design and technical information has been submitted and reviewed to address and limit the impacts of the development on the adjacent and surrounding property;**
- **Where there is adequate road and highway and/or rail to handle the existing and anticipated additional traffic such development would generate or the resources to upgrade those facilities to meet those needs;**
- **Where there is adequate infrastructure for utilities to serve the needs of such a development or the resources to upgrade those facilities to meet those needs.**

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- **When the economic benefits to the Quad Cities region due to the size of development, the type and number of jobs created, the amount of capital investment and other factors are deemed significant enough that the project merits approval under these guidelines;**
 - **While it is difficult to predict the nature and scope of such large scale industrial development, these policies are intended for such opportunities that would require a significant amount of land for both the development and buffer areas**
 - **The jobs created would be high quality, and the majority at or above the median Quad City Area wage, the capital investment would result in a 2.5% or greater increase in the taxable value of industrial land in Scott County or any combination of one or more of these factors.**

Huey explained that the 2.5% increase in value was determined by looking at the 10 largest assessed valuations in the county and recognizing that a project resulting in a 2.5% increase would land a proposed development as the eighth largest in Scott County. **Huey** said that any preponderance would have to conclude that a proposed development to be ranked the eighth largest in the county would be considered “significant”. **Huey** said that Scott County does not intend for these guidelines to be used to allow smaller scale commercial or industrial developments to develop outside of the city limits. He further stated that the proposed land use policies in conjunction with the I-F zoning district criteria are intended to insure that, while such a zoning district can be established in an A-P Zoning District, it would only be established: *When the economic benefits to the Quad Cities region due to the size of development, the type and number of jobs created, the amount of capital investment and other factors are deemed significant enough that the project merits approval under these guidelines.*

Huey stated that prior to establishment of any such floating district adequate information shall be submitted regarding:

- **The effects of the proposed use upon the local and regional economy.**
- **The impact on the adjoining property and area, the adequacy of the road system to handle the anticipated traffic, any potential traffic hazards.**
- **The handling of sewage wastes and storm water runoff.**
- **The potential of increasing the base flood elevation, and other matters relating to the public safety, public health, and general welfare.**

And that prior to establishment of any such floating district adequate site plan information shall be submitted:

- **The site plan approval will occur in conjunction with the rezoning review and approval.**
- **The standards, criteria and conditions of approval will be applied, as deemed appropriate and applicable, during the rezoning review and approval process.**

Huey explained that the next steps would involve the Planning and Zoning Commission holding a public hearing on the final draft of both the Comprehensive Plan amendments and the Zoning Ordinance revisions before making a recommendation to the Board of Supervisors. Then, the Board of Supervisors would hear and consider the Planning and Zoning Commission’s recommendations on the changes through a public hearing on both documents prior to taking any action.

Lloyd asked for public comments on the presentation.

Brock Earnhardt, GDRC, said that he felt that the proposed changes would allow consideration of larger projects should they arise and that this moved things in the appropriate direction for economic development opportunities.

Liz Murry-Tallman Quad Cities one, said that the proposed changes are very well thought out and it provides for clarity on when a project could be considered under the proposed provisions. She pointed out that the Kraft relocation could have fallen under this provision with an assessment of 30 million dollars.

Huey pointed out that Kraft is using 70 acres, maintaining 475 jobs and has 30 million dollars in assessed value- and yet we still guided them to be located in the city. He said that this should be an indication of the large size and scope a project would have to be in order to be considered under the proposed I-F zone.

Liz Murray-Tallman said that most industrial developments want to be in the cities because the existing infrastructure allows them to get started quickly without additional costs to add infrastructure. Sites of normal size are very competitive- so time is a factor.

Huey said that the allowance for Manufactured Home Parks has been removed from the Ag- General district and campgrounds or travel trailer parks have been removed from the Neighborhood Commercial zoning district.

Huey said he had made a presentation on the proposed changes to the Davenport and Eldridge Planning Commissions and was scheduled to present at Bettendorf on December 16th.

Lloyd said that the previously structured draft ordinance had nothing unique about an industrial process to place it in an I-F zone. The I-F zone could include uses listed in the C-2 district if it was large enough. A requirement that the project increase the industrial tax base by 2.5% or that it provide median wages is a policy statement and would guide future planners and Board members. Decisions based on the policies could be appealed to the Zoning Board of Adjustment as administrative decisions.

Huey agreed that this would be the intent, to provide policies so Scott County could review proposals for larger projects that currently may not have a mechanism for consideration.

Lloyd said the commission members should indicate if they are ready to move forward with consideration of the proposed changes.

Huey stated that **Findlay** has provided a letter questioning her ability to continue as a committee member and said he would encourage her to continue to serve until after the decision on the current proposed changes. He said this would be important in light of **Kluevers** resignation effective January 1st, 2016.

Lloyd said that we could hold the public hearing on January 12, 2016 and **Findlay** could vote electronically if needed.

Huey said that January 12, 2016 is not a regularly scheduled meeting date for the planning and zoning commission, however due to commission members being out of the area over the next few months the January 12, 2016 date would be the best option.

Scheibe asked if the commission would then have a meeting in February to make a vote to recommend approval or denial to the Board of Supervisors. **Huey** replied yes. He said that the 5 public comment meetings the commission has held is far over and above what is legally required and shows that the committee does indeed care about public comments. Holding off the vote to another meeting would allow the Planning Commission members time for proper consideration of the public comments prior to the recommendation vote.

Knobbe said that electronic attendance is legal but it can be cumbersome. He said if a member's electronic presence is needed for a quorum he would be in favor of allowing it.

Lloyd said he would like to see the median wage referenced to a number that is a point of public record so that it could be tracked and referenced.

Huey said that another item that is included in the proposed changes is that if 20% of neighbors object to a proposal OR if there is a negative recommendation from the Planning and Zoning Commission, 4 affirmative votes would be required at the Board of Supervisors to pass the request instead of the 3, or simple majority, currently required- which is the same number of affirmative votes required for requests with no opposition. He said he believes this is an oversight that needs to be corrected at this time.

Lloyd said that there will be no Planning and Zoning Commission meeting on January 5, 2016 and that the public hearing for comments on the proposed changes to the Land Use Plan and the Zoning Ordinance would be held on January 12, 2016. A vote to determine the Planning and Zoning Commission's recommendation to the Board of Supervisors would be held in February or March depending on Planning and Zoning Commission members availability.

With no other business to discuss, Knobbe made a motion to close the meeting. Seconded by Gibson. All Ayes. (5-0) Chairman Lloyd adjourned the meeting at 8:16 P.M.