



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

Tuesday, February 2, 2016 AT 7:00 P.M.

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

MEETING MINUTES

MEMBERS PRESENT: Clayton Lloyd, Lynn Gibson, Tony Knobbe, Dan Portes, Hans Schnekloth, Carolyn Scheibe, and Marsha Findlay, (present via speakerphone)

MEMBERS ABSENT: None

STAFF PRESENT: Timothy Huey, Planning & Development Director
Deb Munro, Planning Clerk

Others Present: 28 members of the public, along with Paul Rumler of the Quad City Chamber of Commerce, Diane Holst, County Supervisor and 2 members of the press

- 1. Call to Order: Chairman Lloyd** called the meeting to order at 7:01 P.M.
- 2. Minutes:** Consideration of the January 12, 2015 meeting minutes. **Portes made a motion to approve the minutes. Seconded by Scheibe. Vote: All Ayes (7-0).**
- 3. Proposed Amendment of the Administrative Rules of the Planning and Zoning Commission: Huey spoke and presented a slide show on the Proposed Amendment of the Administrative Rules of the Scott County Planning and Zoning Commission, specifically to add a section addressing electronic participation by members. **Knobbe made a motion to approve the amendment. Seconded by Portes. Vote: All Ayes (7-0).****
- 4. Final Plat of Minor Subdivision – – Joe and Jennifer Reimers, Section 21 of Winfield Township: Huey reviewed the case, showing aerial and site photos. He explained the sketch plan for this proposed plat was approved by the Planning Commission at its December 15, 2016 meeting. Approval of this Final Plat of this minor subdivision will divide an existing 8.74 acre parcel into two new lots, being approximately 1.5 acres and 7.24 acres in size. 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.**

Lloyd asked for public comments. There were none.

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 be recorded as a restrictive covenant.

Knobbe moved to approve the Final Plat in accordance with staff's recommendation on the two conditions. Seconded by Scheibe. Vote: All Ayes (7-0).

5. Discussion of Planning Commission's recommendation on Proposed Amendments to the Scott County Comprehensive Plan and the Zoning Ordinance for Unincorporated Scott County:

Huey presented a final minor change to the text of the Zoning Ordinance being considered by the Planning Commission. He recommended language be added to address change in name of "A-F" Agriculture Service Floating Zone to "ACS-F" Agriculture Commercial Service Floating District, namely: "Any existing land zoned "A-F" Agriculture Service Floating Zone at the time and date of adoption of this Ordinance shall be classified as "ACS-F" Agriculture Commercial Service Floating District on the Official Zoning Map and may continue as the established use. Any re-occupancy, change in use or new development of such property would be subject to the review in accordance with the requirements of the "ACS-F" Agriculture Commercial Service Floating District." **Portes motioned to incorporate the language into draft ordinance, seconded by Gibson. Vote: All Ayes (7-0).**

Huey stated that procedurally the Commission should first consider and act on a recommendation on the proposed amendments to the Comprehensive Plan. The proposed amendments to Chapter Two: Vision, Goals and Objectives to address the rationale and criteria to be used for the establishment of "I-F" Industrial Floating District. **Huey** noted that a copy of the County Attorney's opinion letter prepared by Assistant County Attorney Rob Cusack had been distributed to the Commission. **Lloyd** also noted the other written and email comments that had been received since the public hearing had also been distributed to the Commission. **Portes** noted that he had requested the County Attorney's opinion on the issue of spot zoning and the proposed industrial floating zone since there were no examples of Counties in Iowa that used such a zoning designation. He wanted to insure that such a district would not be considered illegal spot zoning. **Lloyd** addressed his understanding of spot zoning issues and appreciated Cusack's opinion letter on the issue. He felt the amendments to the Comprehensive Plan would provide the basis for such a district. **Huey** noted that the proposed amendments to the Comprehensive Plan were to address the issues surrounding the creation of an "I-F" District, none of the other amendments or revisions to the Zoning Ordinance required any changes to the Comprehensive Plan. It was moved by Gibson and seconded by Findlay to recommend approval of the proposed amendments to the Comprehensive Plan.

Lloyd asked for any discussion.

Knobbe shared that he has respect for the audience and their voicing concerns about this procedure. He says it's their job as a Commission to weigh opportunities and burdens and include the entire community. He will evaluate any and each application for conformance with Scott County's goals relative to safety, security and the preservation of Ag Land. How do you make the right decision? He said a third generation farmer could be expected to have a differing view from a Kraft employee who may be losing their job. Knobbe said he grew up on farm and would like to see as much prime farm land preserved as possible. But he also supports opportunities to provide for the general welfare of the County. He said this is a very tall order for the board members as to what may be worthy of being allowed into the new I-F Zone. There needs to be good communication with all neighbors and for there to be no surprises. He said he trusts the process to work when everyone is involved and has the ability to be heard. He supports these changes because it will at least allow Scott County to be considered when the next big opportunity presents itself, whether it be for a John Deere or a Microsoft or some other significant project.

Portes stated that the Commission's focus will remain on the preservation of prime farm land but the new provisions also allow us to consider opportunities that are good for all of Scott County. The number one goal is the preservation of Ag land but we also need to be willing to open the door when knocked upon

which is why we are amending the current plan. The Planning Commission's charge is to protect farm land while still being able to evaluate other opportunities and to be sure they are discussed by everyone.

Gibson said the Commission has been working with this project for over a year. She noted that no one on the Commission was elected to the job. They were asked to serve and had accepted the responsibility to do the job and make the best recommendation they can on what's best for all of Scott County. She said many of the decisions they are asked to make can be gut wrenching but she cannot make a favorable recommendation on what may best for the 10 percent of the population that lives in the rural area but is not best for the other 90 percent of Scott County residents. She said she would be voting in favor of these changes.

Findlay stated she agrees with what the previous speakers had said.

Moved by **Gibson** and seconded by **Knobbe** to recommend approval of the amendments to the Comprehensive Plan. **Vote: 6 – 1 (Schnekloth nay).**

Lloyd asked for a motion of the proposed Zoning Ordinance revisions. **Moved by Portes and seconded by Knobbe to recommend approval of the revisions to the Zoning Ordinance for Unincorporated Scott County. Vote: All Ayes (7-0).**

Lloyd asked if there are any comments from the public. **Jessica Armstrong** asked if a copy of the legal opinion from Scott County Assistant Attorney Robert Cusack was available. **Huey** stated that copies of that legal opinion are available from his office by mail, in person, or by e-mail. Anyone interested in receiving one would just needs to contact his office.

Lloyd asked for Public Comments.

Kyle Arp from northwest Davenport asked why we are changing anything if this is already in place in our current plan.

Huey stated the proposed amendments to The Comprehensive Plan were to address the rationale and criteria to be used for the establishment of "I-F" Industrial Floating District and to prevent it from being determined to be illegal spot zoning. **Knobbe** added that with the changes the Commission will now have full details on an application before they make a recommendation on any zoning change. All the criteria included with this plan amendment will need to be met.

Jerry Mohr said his concern is that there are fourteen thousand acres of ag land within the City of Davenport and that should be sufficient to meet the demand for years to come.

With no additional comments being made, **Portes** made a motion to adjourn the meeting, seconded by **Knobbe. All Ayes (7-0) Meeting adjourned at 7:53p.m.**