



**SCOTT COUNTY  
PLANNING AND ZONING COMMISSION  
Tuesday, May 2, 2017  
7:00 P.M.**

**MEETING MINUTES**

1<sup>st</sup> Floor Board Room  
600 W. 4<sup>th</sup> Street  
Davenport, IA 52801

- MEMBERS PRESENT:** Clayton Lloyd, Easton Armstrong, Lynn Gibson, Joan Maxwell, Daniel Portes, Carolyn Scheibe, Hans Schnekloth
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Timothy Huey, Planning & Development Director  
Alan Sabat, Planning & Development Specialist
- OTHERS PRESENT:** Lance Jorgensen, Wapsi Willy's Representative (Item 3)  
Jim Hass, Valley Construction Representative (Item 4)  
Scott County Supervisor Diane Holst  
Approximately 28 members of the public

1. **Call to Order:** Chairman Lloyd called the meeting to order at 7:00 P.M.
2. **Minutes:** Consideration of April 18, 2017 meeting minutes. **Schnekloth made a motion to approve. Seconded by Scheibe. Vote: All Ayes (7-0)**
3. **Preliminary Plat:** In the interest of the many members of the public in attendance, **Chairman Lloyd** announced that the Preliminary Plat would be first on the agenda because the applicant wished to table the request until the June 6<sup>th</sup> meeting. **Jim Hass** explained that they were attempting to address the wastewater and water supply issues brought forth at the public hearing and needed more time to modify their request.

**Huey** presented the Commission a letter provided to the Park View Water and Sanitation Board from Verbeke-Meyer Consulting Engineers regarding the feasibility of expanding water and sanitation services to the subdivision. **Hass**, having been unaware of the letter, said Valley Construction would need to digest its contents before responding.

**Scheibe** made a motion to table the request until the June 6<sup>th</sup> meeting. Seconded by **Maxwell**.



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**Vote (table Preliminary Plat request until the June 6th Planning and Zoning Commission meeting): 7-0, All Ayes**

- 4. Public Hearing – Rezoning:** Chairman Lloyd summarized the request and welcomed staff to brief the Commission. Huey described the history of the subject property, once the site of a dance hall and restaurant called Fairyland. Huey said the applicants, who have recently renovated Fairyland to begin an eating and drinking establishment called Wapsi Willy’s, were initially seeking a change to their liquor license in order to serve alcohol outdoors as well as to offer outdoor recreational activities like volleyball, horseshoes, and bags. In order to offer outdoor recreation, Huey explained, the property needed to be rezoned since the “Neighborhood Commercial (C-1)” zoning district allows only indoor recreation and the “Commercial-Light Industrial (C-2)” district allows both indoor and outdoor recreation. Huey displayed site photos, describing the gravel parking, floodwall, and access drive for residences to the northeast of the property, and reviewed staff’s review of the criteria for rezoning:

The Future Land Use Map does not indicate anticipation of land use changes in the area, but rezoning from C-1 to C-2 would not initiate a land use change; The property is located on marginal/poor agricultural land being within the floodplain of the Wapsipinicon River; The property has access to Scott Park Road, an adequately-constructed, paved road; The property utilizes private well and septic systems; The rezoning would not allow for more residential development, so proximity to employment or commercial areas is not a necessity and urban sprawl is not a concern; Rezoning would not further disrupt existing agricultural activities nearby; The property is entirely within the 100-year floodplain, so the site environment experiences regular instability; The property is not buffered from the residences nearby; And the applicants presume a need for outdoor recreation at their establishment given their request to allow it.

Chairman Lloyd welcomed the applicant to respond. Lance Jorgensen said he agreed with staff’s analysis and was interested in utilizing all of the space on the property instead of just inside the building.

Chairman Lloyd welcomed the Board to respond. Gibson asked whether there were plans to install fencing around the outdoor recreation, which Jorgensen responded there were not. Gibson asked whether the recreation areas would be lighted, which Jorgensen responded no, the site was sufficiently lit already. Chairman Lloyd asked if the applicant intended to have recreational activities all the way to the property’s boundaries, which Jorgensen responded they intended to have it only in the level area to the north of the building.



**Planning & Development  
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**Timothy Huey, Director**

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**Chairman Lloyd** opened the public hearing. **Angie Ubel** (18880 315<sup>th</sup> Street) explained her safety concerns for her children regarding the serving of alcohol outdoors, parking, and navigation, and described the difficulty her and her neighbors have accessing their properties when Wapsi Willy's is busy. **Ubel** described the access drive she constructed through her property to allow her neighbors to the north to access their properties, saying the access drive through the subject property was often blocked by parked cars. **Michael Wheeler** (18890 315<sup>th</sup> Street), speaking through his attorney **Michael Rock** (who also represented **Billy Miller**, 18870 315<sup>th</sup> Street), explained the issues he has with the access easement running diagonally through the subject property due to parking problems, his discomfort with having a property zoned C-2 nearby, and safety concerns with children in the neighborhood. **Portes** asked whether there were safety concerns about the children in the neighborhood when Fairyland was operational, which **Wheeler** answered no. **James Simmons** (18757 317<sup>th</sup> Street) said he was concerned about noise and light pollution given previous experience living near a bar. **Shane Garrity** (31570 Scott Park Road) described his concerns about traffic and parking, issues which he said worsened when the Gambriel boat access was installed to the north of the subject property. **Andrew Claeys** (31075 Scott Park Road) said he wished the applicants had consulted with their neighbors prior to the hearing.

**Jorgensen** responded that he understood the safety concerns, but didn't think the outdoor activities he had planned would be unsafe. **Gibson** asked the applicant to address the parking concerns raised by the public. **Jorgensen** said there were parking problems when Wapsi Willy's was under construction given the coming and going of supplies, equipment, and contractors, but that he hadn't heard complaints from the neighbors since construction was completed.

**Maxwell** asked who maintained the access drive running through the subject property, which **Wheeler** responded he did.

**Chairman Lloyd** asked for staff's recommendation. **Huey** stated staff recommended approval of the request based on a preponderance of the rezoning criteria in the Revised Land Use Policies. **Chairman Lloyd** welcomed the applicant to respond, which **Jorgensen** declined.

**Chairman Lloyd** asked whether the Commission could place conditions on approval of the request given the specificity of the intended uses and locations where they will take place, which **Huey** responded they could, given the conditions are based on land use issues and the applicant agrees to them. **Schnekloth** raised a concern about the additional uses allowed in the C-2 district and whether the Commission's conditions



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could limit them, which **Huey** responded they could. **Armstrong** suggested a condition that restricted noise levels, which **Huey** responded that the conditions should be more objective in nature. **Maxwell** said she felt the easement through the property should remain clear since public roads cannot be obstructed by parking, which **Huey** responded the Sheriff and Secondary Roads would be responsible for taking action on public roads. **Chairman Lloyd** asked whether obstructing a private easement would be addressed by either department, which **Huey** responded it would not and would instead be a civil matter.

**Portes** stated his position favoring approval of the request, saying the property owners nearby bought their homes knowing Fairyland and later Wapsi Willy's existed, and that a zoning change from C-1 to C-2 would not make a difference in regards to neighborhood safety. **Armstrong** indicated agreement, saying the access easements could be reworked between property owners. **Gibson** also agreed, saying her decision is based on her analysis of the land use change, not disagreements between neighbors. **Scheibe** stated her intent to vote in favor of approving the request. **Maxwell** said she felt the easement issues were unfortunate, but that she would approve the request based on intended land use. **Chairman Lloyd** said he did not support the full range of uses allowed in C-2 to be allowed on the property, and that he would prefer conditions limiting area utilized, types of use, and hours of operation. **Huey** said rezoning to C-2 could lead to a request for a change in use, but that the Commission would then be tasked with a Site Plan Review where they would also be free to place conditions on approval.

**Schnekloth** voiced support for placing conditions on approval of the request. **Portes** listed lighting, noise, and parking as the elements he sees as needing conditions. **Scheibe** said she would support limiting the area dedicated to the outdoor activities, but that the Commission and staff can't enforce much more. **Chairman Lloyd** said he felt the scope of outdoor activities should be specified.

**Portes** moved to table the request until the June 6<sup>th</sup> meeting, directing staff to assist the applicant in delineating the area to be used for the outdoor recreational activities, as well as specifying the types of activities and land uses they intend to have or allow. Seconded by **Schnekloth**.

**Vote (table Rezoning request until the June 6<sup>th</sup> Planning and Zoning Commission meeting): 7-0, All Ayes**

5. **Adjournment:** With no further comments and no other business to discuss, **Chairman Lloyd** adjourned the meeting at 8:13 P.M.