



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, June 6, 2017
7:00 P.M.**

MEETING MINUTES

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

- MEMBERS PRESENT:** Clayton Lloyd, Easton Armstrong, Lynn Gibson, Daniel Portes, Hans Schnekloth
- MEMBERS ABSENT:** Joan Maxwell, Carolyn Scheibe
- STAFF PRESENT:** Timothy Huey, Planning & Development Director
Alan Sabat, Planning & Development Specialist
- OTHERS PRESENT:** Jim Hass, Valley Construction Representative
Lance Jorgensen, Wapsi Willy's Representative
Approximately 13 members of the public

1. **Call to Order: Chairman Lloyd** called the meeting to order at 7:00 P.M.
2. **Minutes:** Consideration of May 2, 2017 meeting minutes. **Portes made a motion to approve. Seconded by Schnekloth. Vote: All Ayes (5-0)**
3. **Preliminary Plat: Chairman Lloyd** asked staff to update the Commission on any changes made to the Preliminary Plat since the previous meeting.

Huey explained that the applicant had highlighted eight (8) aspects of the plat that had been modified, most importantly the addition of central sewer and water, an increase in the number of lots to thirty-one (31) at the expense of a platted "Park Area", the modification of the hammerhead turnaround at the northwest corner of the development to a cul-de-sac, and a change in total common open space with the removal of the platted "Park Area" and presence of a twelve foot (12') walking trail that would be maintained by the development's Homeowners' Association. **Huey** presented aerial photos of the vicinity and the zoning map, pointing out that the nearby Kaasa Heights development is a part of Park View's Sewer and Water District, but not part of Park View's Homeowners' Association which mirrors the developer's plans for the proposed plat, now known as Valley View Farms. **Huey** described the plat's roadway easement



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width variance, which would provide thirty feet (30') in lieu of fifty feet (50') but added that the applicants increased the platted utility easements from fifteen feet (15') to twenty-five feet (25'), leaving effectively eighty feet (80') of public use area. **Huey** did note that the private streets were platted at only eighteen feet (18') instead of the fifty (50) foot standard, and that staff recommended the addition of a turnaround at the end of the private street at the north side of the development. Regarding the change in common open space provided, **Huey** said the removal of the platted "Park Area" put the proposed plat below the open space requirement but noted that Scott County Park is within a reasonable distance.

Huey stated staff's recommendation to approve the proposed plat with the following conditions: that the variances from roadway easement width requirements be approved; that the water and sanitary sewer plans be approved by the Park View Sanitary District; that the Homeowners Association be responsible for the maintenance of the walking trail and that the trail be constructed prior to Final Plat approval; that a tree removal mitigation plan be submitted, if necessary, and approved in conjunction with the road construction plans; that a notice and disclaimer be submitted to be included with the private covenants that states the limitations on these lots regarding the size of houses to be constructed and such notice shall be reviewed and approved prior to filing with any Final Plat; that provision for turnarounds is provided at the end of the two private streets; that stormwater management, erosion and sediment control plans be submitted and approved by the County Engineer in conjunction with the road construction plans; that the County Engineer review and approve all street construction plans prior to construction; that the infrastructure improvements be completed or a surety bond posted prior to Final Plat approval; and that the Planning and Zoning Commission conduct a public hearing for all Final Plat Reviews.

Before public comment and discussion among the Commissioners, **Armstrong** stated his intent to recuse himself from discussions and final vote for the Preliminary Plat to avoid the appearance of a conflict of interest. **Chairman Lloyd** accepted his recusal and asked the applicant if he would like to respond.

Jim Hass reiterated the changes to the plat Huey described, adding that he felt the development fit with Scott County's long-term plan.

Chairman Lloyd welcomed the Commission to respond. With no comments from the Commission, **Chairman Lloyd** said while the public hearing for the plat was already held, the Commission welcomed comments from the public.



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Rebecca Andresen (27152 183rd Avenue) questioned whether Gibson had any current affiliation with the applicant, claiming she had a petition calling for Gibson to recuse herself given her past employment at Valley Construction though no petition was submitted to the Commission. **Gibson** confirmed that she was employed at Valley Construction in the past, but had no current affiliation that would warrant her recusal. **Andresen** said any water and/or pollution problems she has resulting from the development will lead to litigation. **Brian Dockery** (3383 North Broadmore, Eldridge) said he attended just to listen, but that he felt Valley Construction was a good company. **William Duncan** (18360 272nd Street) implored the Commission to table the request so he and the neighbors could discuss the revised plat since Preliminary Plat approval requires the Commission to approve the Final Plat if the conditions of Preliminary are met. **Duncan** listed the lack of drainage easements along the private streets, fire truck navigation difficulties, and the lack of a soil erosion plan as his remaining concerns. **Randy Tuftee** (18133 273rd Street) asked how the utility easements on his property along the proposed development would be affected, which **Lloyd** responded they would not. **Josh Roe**, Long Grove Fire Department Captain, expressed his concerns about fire truck navigation within the development. Commissioners asked Roe to describe a more ideal layout, which **Roe** responded would be whatever the County Engineer said. **Gibson** asked whether a house on fire had ever been lost because of road layout, which **Roe** responded that most of the calls he responds to are medical. **Dockery** stated that as the former assistant fire chief for Eldridge, he believed having fire hydrants at the cul-de-sacs would eliminate any concerns he would have.

Chairman Lloyd asked the Commission to respond. **Portes** asked whether it was true that the Subdivision Ordinance required that soil erosion plans be submitted prior to preliminary plat approval. **Huey** said it is true, but that soil erosion plans prepared before road construction plans are approved are often and understandably inaccurate so the requirement should be removed from the Ordinance. **Huey** confirmed Duncan's statement that approval of the Preliminary Plat would require the Commission to approve the Final Plat if the standards and conditions are met. **Schnekloth** asked whether detention ponds were still in the plat, which **Hass** responded they were.

Portes made a motion to recommend approval of the Preliminary Plat with approval of the variances to the roadway easement and open space requirements, and the other conditions of approval recommended by staff. **Seconded by Gibson**. **Chairman Lloyd** thanked Roe for his input and service, and suggested that he submit any recommendations he may have regarding subdivision road networks to the appropriate County department(s).



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**Vote (recommend approval of Preliminary Plat request with conditions): 4-0,
Armstrong abstaining**

4. **Rezoning:** **Chairman Lloyd** asked staff to update the Commission on any changes made to the rezoning request since the previous meeting.

Huey said the applicants had submitted a letter with two (2) conditions regarding the cut-off times for events and lighting, and that any conditions of the rezoning the Commission recommends would need to be accepted by the applicants and submitted to the Board of Supervisors for its consideration. **Huey** displayed aerial images and the zoning map and reminded the Commission of the adjoining residences and access easements.

Chairman Lloyd welcomed the applicant to respond. **Lance Jorgensen** said he and his wife had a meeting with the neighbors to come up with suitable conditions, and that the conditions they submitted are reasonable given the bug problems the site has during nighttime hours anyway. **Gibson** asked Jorgensen to confirm that the neighbors agreed that a 10:00 P.M. cut off time for events and lighting was agreeable, which **Jorgensen** responded it was. **Chairman Lloyd** asked that, given Jorgensen's testimony at the public hearing, whether he intended to have outdoor lighting since the minutes reflect that he did not intend to install any. **Jorgensen** responded that he didn't want to limit himself. **Chairman Lloyd** asked Jorgensen to elaborate on the condition that was agreed upon. **Jorgensen** clarified that any new lighting installed would be on the west side and that lighting on the north, east, and south sides would be turned off at 10:00 P.M. **Schnekloth** and **Gibson** asked whether the access easement that cuts through the property was addressed at the meeting. **Jorgensen** said the neighbors wanted traffic cones placed to keep the easement clear during events.

Chairman Lloyd said while the public hearing for the rezoning request was already held, the Commission welcomed comments from the public. **Shane Garrity** (31570 Scott Park Road) described his concerns about traffic and parking. **Michael Wheeler** (18890 315th Street), speaking through his attorney **Michael Rock** (who also represented Billy Miller, 18870 315th Street), objected to Jorgensen's testimony regarding the agreement between Wapsi Willy's and the neighbors, presenting a different and longer list of the conditions he claimed were actually agreed upon which included: that all outdoor activities and alcohol consumption cease by 10:00 P.M.; that no bands play outdoors; that no camping take place on the property; that all new lighting be installed on the west side of the building; and that the applicants be cooperative with keeping easements clear of parked cars during events.



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Chairman Lloyd told the applicant that he had expected a clearer understanding of the scope of outdoor activities which were not addressed in the letter with the conditions submitted to the Commission, and pointed out that the applicant's testimony at this meeting conflicted with what he stated at the last meeting, and also that Rock's testimony at this meeting conflicted with the applicant's version of events regarding the neighborhood meeting.

Portes asked Huey why staff's recommendation didn't include additional recommended conditions. **Huey** said he didn't see a reason to recommend conditions beyond what the applicants claimed they and the neighbors had agreed upon given that the site continues to function as a bar-restaurant.

Gibson made a motion to recommend approval of the rezoning request with the conditions that all outdoor events last no longer than 10:00 P.M. and that any new lighting installed be turned off by 10:00 P.M. except those lighting fixtures installed on the west side of the building.

Portes made a motion to recommend approval of the rezoning request with conditions that aligned more with those presented by Rock earlier in the meeting, specifically: Any new lighting fixtures shall be confined to the west side of the principal building and shall be directed away from any nearby residences; All outdoor activities shall cease by 10:00 P.M.; No bands or other musical entertainment shall play outdoors; No camping shall take place on the property; and all easements of record for ingress and egress shall remain unobstructed by parked vehicles. **Seconded by Armstrong.**

Vote (recommend approval of the rezoning request with conditions): 5-0, All Ayes

5. **Adjournment: With no further comments and no other business to discuss, Chairman Lloyd adjourned the meeting at 8:31 P.M.**