



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, June 5, 2018
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, Joan Maxwell,
Daniel Portes, Carolyn Scheibe, Hans Schneklath

MEMBERS ABSENT: None

STAFF PRESENT: Timothy Huey, Planning & Development Director
Alan Sabat, Planning & Development Specialist
Jon Burgstrum, County Engineer
Kennedy Knight, Planning Intern

OTHERS PRESENT: Pete Stopulos, Venwoods Estates 4th Addition representative
John Wagner, Site Plan Review applicant
Leslie Miller, Site Plan Review applicant
Jim Hass, Valley View Farms representative
Thirteen (13) members of the public

1. **Call to Order:** Chairman Lloyd called the meeting to order at 7:01 P.M.
2. **Minutes:** Consideration of May 15, 2018 meeting minutes. **Portes made a motion to approve the minutes as presented. Seconded by Gibson. Vote: 7-0, All Ayes**
3. **Major Subdivision Final Plat:** Chairman Lloyd briefly summarized the legal notice for the review of a final plat of a six-lot subdivision known as Venwoods Estates Fourth Addition, at the property legally described as Lot 36 of Venwoods Estates in Section 7 of Pleasant Valley Township, and asked for staff's review. **Huey** displayed aerial photographs, the zoning map, and site photos, describing the request as a continuation of the adjacent Venwoods Estates developments. **Huey** noted while presenting the site photos that the cul-de-sac was already under construction, which is allowable after preliminary plat approval. **Huey** also noted that the development would be served by Iowa-American



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Water; that the development includes an outlot for open space, even though a development of this size doesn't require open space; and that the development would be part of the existing Venwoods Homeowners' Association. **Huey** also listed the six (6) conditions of preliminary plat approval: That documentation be submitted of the approval for this development to use Outlot B of Venwoods Estates 3rd Addition for stormwater generated from this property – **Huey** presented the Commission with a letter from Townsend Engineering stating that Outlot B could handle the additional stormwater generated from the proposed development; that the proposed wastewater treatment facilities meet Health Department requirements; that the private covenants include provision for private road and common open space maintenance; that the County Engineer review and approve all street construction plans prior to construction; that the subdivision infrastructure improvements be completed or a surety bond posted prior Final Plat approval; And that an erosion mitigation measure such as riprap be installed at the stormwater drainage outlet that exits West of Lots 4 and 5. Finally, Huey pointed out a note on the final plat reading, "248th Street R.O.W. to be dedicated to Scott County with the acceptance and recordation of this plat," saying that the County Engineer stated preference the note be stricken since acceptance of the roadway is up to the Board of Supervisors' discretion.

Chairman Lloyd welcomed the applicant to respond. **Pete Stopulos** said the road was intentionally constructed to County standards assuming it would be accepted into the County system. **Stopulos** said since the development was an addition to the existing Venwoods Estates development, it should be seen as part of Venwoods and thus its road should be accepted like the rest of the development. **Portes** asked Stopulos to give an argument from the other viewpoint, in which the road would not be accepted. **Stopulos** said he didn't know how to argue from that viewpoint.

Chairman Lloyd asked whether acceptance of the roadway was the Commission's decision, which **Huey** responded it was the Board of Supervisors' decision after receiving a recommendation from the County Engineer. **Huey** said the question of whether a road would be accepted by the County or not had never been presented to the Commission before.

Chairman Lloyd welcomed the public to comment.

Sara Bartholomew (615 North Ripley) asked which estimates were used for Townsend Engineering's calculations for storm water management, estimates of current conditions or estimates that included the proposed development. **Burgstrum** stated that Townsend would have considered additional development at the time the calculations were made. Huey described the storm water capture requirements from the Subdivision Ordinance.



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Chairman Lloyd asked whether the storm water system handled runoff from the other (north) side of Wells Ferry Road, and **Burgstrum** responded that to an extent it did, and was included in the report from Townsend Engineering.

Chairman Lloyd asked whether the adjacent driveway along the eastern boundary of the development was on the property to be subdivided or on the neighboring property. Huey responded it was within an easement on the neighboring property. **Bartholomew** pointed out that some of driveway was actually on a separate parcel, and **Huey** and **Burgstrum** said it was difficult to determine who actually owned that portion of the driveway.

With no further comment from the public, **Chairman Lloyd** asked for staff's recommendation. **Huey** stated staff recommended approval with two conditions: The plat note reading, "248th Street R.O.W. be dedicated to Scott County with the acceptance and recordation of this plat," be removed prior to recording as recommended by the County Engineer; and the subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

Chairman Lloyd welcomed the applicant to respond. **Stopulos** said he didn't agree with the first condition regarding the plat note.

Chairman Lloyd welcomed the Commission to respond.

Maxwell asked Stopulos to confirm that he defined the road maintenance he sought the County to be responsible for as snow removal, patching, etcetera, and **Stopulos** confirmed he did.

Portes said he was confused why it was even a question of whether the County would accept new roads to its system if they're built to County standards since the Subdivision Ordinance implies it will. **Burgstrum** said it's important to note that the Ordinance doesn't obligate the Board to accept or not accept new roads, and said having the note included on the plat may give the Board cause to not approve it since it effectively circumvents his recommendation and their consideration.

Chairman Lloyd asked whether it was normal for applicants to include plat notes regarding roadway acceptance, and **Huey** said he had seen such notes included before, but not always. **Chairman Lloyd** said he felt leaving the note in place would serve as a recommendation from the Commission regarding the roadway, whereas the Commission is typically silent.



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Portes made a motion to recommend approval of the request in accordance with staff's recommendation, without the first condition that the plat note reading, "248th Street R.O.W. be dedicated to Scott County with the acceptance and recordation of this plat," be removed.

Gibson made a motion to recommend approval of the request with the two conditions in accordance with staff's recommendation. Seconded by Schneklath.

Maxwell asked why Bettendorf's approval was part of this approval process, and **Huey** responded it was because the property to be subdivided is within two miles of Bettendorf's corporate limits and thus within their review jurisdiction.

Gibson asked Burgstrum if he was comfortable with the action the Commission was likely to make given the motion and second, which **Burgstrum** responded he was.

Portes clarified that he, too, supported the motion made by Gibson, including the condition regarding removal of the plat note.

Vote: 7-0, All Ayes

4. **Site Plan Review: Chairman Lloyd** briefly summarized the legal notice for the review of a site plan submitted by John Wagner to build and operate a screen-printing and embroidery business with a subordinate dwelling attached at the property legally described as Lot 106C of Park View 1st Addition in Section 31 of Butler Township. **Huey** displayed aerial photographs, the zoning map, the original Park View Plan and site photos. **Huey** described the off-street parking that would be required with a development of the proposed size, which would total thirteen (13) parking spaces. **Huey** also described the attached, subordinate dwelling that was proposed, and said according to the Zoning Ordinance, it would be a permitted accessory use "customarily incidental to the principal use," if determined by the Planning and Zoning Commission to be of a similar and compatible nature to the principal use. **Huey** said staff would regard the dwelling to be of similar and compatible nature to the business and Park View as a whole.

Chairman Lloyd welcomed the applicant to respond. **John Wagner** said he had nothing to add.

Chairman Lloyd welcomed the public to respond. **Steve Piatak (11355 130th Street)** asked what was located across the street from the property, and **Huey** responded a church.



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With no further comment from the public, **Chairman Lloyd** asked for staff's recommendation. **Huey** said staff recommended approval with the condition that a landscaping plan be submitted, approved, and installed prior to building occupancy. **Maxwell** asked why staff was recommending a landscaping plan, and **Huey** said he'd like an assurance the property will fit in with Park View, which has established trees.

Scheibe made a motion to approve the site plan with the condition regarding the landscaping plan in accordance with staff's recommendation. Seconded by Gibson.

Vote: 7-0, All Ayes

5. **Site Plan Review:** **Chairman Lloyd** briefly summarized the legal notice for the review of a site plan submitted by Leslie Miller to expand a restaurant/bar business to allow an expanded fenced outdoor seating area on the south side of the building at the property legally described as Lot 20 of Mahoney's 3rd Subdivision in Section 36 of Blue Grass Township. **Huey** displayed aerial photographs, the zoning map, and site photos, reminding the Commission that it had reviews and approved a site plan for the same location in 2017, though with significantly less outdoor seating. The site photos showed the proposed expansion had already been constructed without approval, and **Huey** noted the new barrier fence had been placed within the County right-of-way. **Huey** said the new seating area would bring the required off-street parking spaces to twenty-six (26).

Chairman Lloyd welcomed the application to respond. **Leslie Miller** said he intended to pave the rear parking area either the current week or the following week, that he wanted more outdoor seating to offer, and that patio hours are 8:00 AM to 8:00 PM.

Chairman Lloyd asked whether the brick pillars (barrier fence posts) shown in the site photos were constructed within the right-of-way, and **Huey** said they were. **Lloyd** asked how much they encroached into the right-of-way, and **Burgstrum** said three (3) feet. **Miller** responded that he didn't see moving the barrier fence as beneficial to the County since the County doesn't plow that part of the property anyway and the fence does not impede traffic. **Burgstrum** responded that state law required that rights-of-way be free of obstructions, and the County allowing obstructions would create liabilities. **Miller** brought attention to the faded stop sign located at the corner of the property, saying drivers cannot see the sign regardless of where his barrier fence is located.

Chairman Lloyd welcomed the public to respond. With no comment from the public, **Lloyd** asked for staff's recommendation. **Huey** stated staff recommended approval with the conditions that all building and health code requirements be continually met; the barrier fence, other structures, and stationary vehicles be removed from the County right-



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of-way as determined by the County Engineer; the parking and circulation areas be hard surfaced in accordance with the County Engineer's requirements within one paving season of the occupancy of the building; that parking be prohibited on the south side of the expanded seating area; that all access to the outdoor seating area be from the main building; and that the outdoor seating area be protected from adjacent vehicular traffic by a substantial barrier.

Armstrong made a motion to approve the site plan with six conditions in accordance with staff's recommended. Seconded by Maxwell.

Vote: 7-0, All Ayes

- 6. Public Hearing – Major Subdivision Final Plat: Chairman Lloyd** briefly summarized the legal notice for the final plat of a proposed 31-lot major subdivision known as Valley View Farms in Part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, Butler Township. **Huey** began by saying final plat reviews are not typically public hearings, but a condition of preliminary plat approval for Valley View Farms was that the Commission hold public hearings for all final plat reviews. **Huey** displayed aerial maps, the zoning map, the proposed plat, and reviewed certain elements of the subdivision review criteria, including lot sizes, and the variances to open space and right-of-way standards that were approved with preliminary plat. Huey also listed the conditions of preliminary plat approval: A variance to the Subdivision Regulations be approved to allow the road right of way width to be thirty (30') feet wide for the subdivision streets and eighteen (18') feet wide for the two private streets serving Lots 20-23 and Lots 5 & 6 and to allow the proposed walking trail, twelve (12') foot wide and 2,300 feet in length, to be developed with a surface of natural materials, to meet the requirement for common open space; the proposed water system plans and sanitary sewer system plans be reviewed and 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 provisions for turnarounds are provided at the ends of the two private streets; that storm water management, erosion and sediment control plans be submitted and approved by the County Engineer in conjunction with the road construction plans; the County Engineer review and approve all street construction plans prior to construction; the subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval; and the Planning and Zoning Commission conduct a public hearing for all Final Plat Reviews.



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Chairman Lloyd welcomed a representative for the applicant to respond. **Jim Hass** said he felt Valley Construction had eliminated the largest issue with the initial proposal, water and sewer service, since now the development would be served by Park View Water Company. **Hass** said he had continued to visit with neighboring property owners since preliminary plat approval, describing how the location of the sewer along the northern boundary of the development would create an opportunity for the adjacent neighbors to connect to the service. **Hass** finished by saying the new roadways should be accepted into the County system, and that it isn't the fault of developers if the Secondary Roads budget is limited.

Chairman Lloyd opened the public hearing. No members of the public spoke for or against the request. With no comments from the public, **Chairman Lloyd** asked for staff's recommendation. **Huey** said staff recommended approval with three conditions: that the Park View Water and Sanitary District approve utility service to this subdivision; the City of Long Grove approve the Final Plat and; the subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

Portes and **Gibson** agreed that the final plat proposal was a major improvement from the initial preliminary plat. **Chairman Lloyd** said he was glad water and sewer service was worked out with Park View. **Schnekloth** said the Commission would likely need to address the road acceptance issues brought forth by both Stopulos and Hass, but at a future date.

Portes made a motion to recommend approval of the final plat with three conditions in accordance with staff's recommendation. Seconded by Schnekloth.

Vote: 7-0, All Ayes

7. **Adjournment: With no further comments and no other business to discuss, Chairman Lloyd adjourned the meeting at 8:18 P.M.**