



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, October 2, 2018
7:00 P.M.**

MEETING MINUTES

Magistrate's Courtroom
Scott County Courthouse
400 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

OTHERS PRESENT: Julia Rubino, A-G text amendment applicant
Michael Rubino, rezoning applicant
Michael Wright, CAD-R text amendment applicant
Eleven (11) members of the public

1. **Call to Order:** Chairman Lloyd called the meeting to order at 7:00 P.M.
2. **Minutes:** Consideration of the September 18, 2018 meeting minutes. **Gibson made a motion to approve the minutes as presented. Seconded by Scheibe. Vote: 7-0, All Ayes**
3. **Public Hearing – Zoning Ordinance Text Amendment (A-G):** Chairman Lloyd summarized the request to amend Section 6-10 of the Zoning Ordinance for Unincorporated Scott County to add “winery” as a Special Permitted Use in the “Agricultural-General (A-G)” zoning district, and asked for staff’s review. Huey explained zoning amendment would allow the applicant to request a Special Use Permit to develop a winery and associated event center. The growing of grapes on the property and the construction of a farm house would be considered exempt from County zoning and building codes regardless of what the property was zoned. The production of wine and tasting room would need to comply with zoning and building codes. The proposed event center for receptions and gatherings would also need to be approved as part of the Special Use Permit. Huey also presented a proposed addendum to the Land Use Policies to specifically address the parameters and conditions for approval of such a Special Use Permit. The intention with the ordinance and comp plan amendments would be to defer the specific conditions of approval for any such winery and associated event center to the judgement of the Zoning Board of Adjustment and that they would be tailored to the specific location.



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Julia Rubino and her intended business partner, **Bryce Flaherty** (2431 19th Avenue, Rock Island, IL), stated their long term plan was to have about 5 acres planted with grape vines for the purpose of making wine, describing wineries with associated tasting rooms and event centers as a growing trend throughout Iowa.

Portes asked how many people they expected to attend events at the event center. **Rubino** and **Flaherty** responded 100 to 200 people, and would accept having to limit the number of people as well as the end times for the events. **Portes** asked if they needed to have the event center as part of their business plan, and **Rubino** said the event center would certainly help.

Chairman Lloyd asked staff to confirm that the proposed amendment included a broader scope than allowing for just wineries. **Huey** said the typical winery model would include a broader scope and include tasting rooms and event centers to attract the public, which is the model the applicant intends to follow. Since the scope would be broader, **Huey** explained, it makes more sense to also amend the Comprehensive Plan to address wineries to create appropriate *policy* rather than amend the Ordinance in an expansive way to address them, which would make the approval process rigid.

Armstrong asked whether it would be appropriate to also address breweries since they could rely on the growing of wheat and rye in an agriculturally-zoned district. **Huey** said this amendment would respond to the specific request of the applicant, but that breweries could be appropriate to consider.

Maxwell said she saw similarities between a vineyard with associated winery and a produce gardener who made and sold jams and jellies, and that a lot of other agricultural industries would be similar. **Huey** said he agreed, but that the difference with the vineyard/winery combination is that the intention is to attract the public to the property. **Chairman Lloyd** commented that attracting the public somewhere quickly slips into a commercial land use.

Huey asked the applicant what the typical split between local and imported grapes was for the production of "Iowa Native wines." **Rubino** said they eventually wanted five (5) acres of grapes on the property but would also buy local grapes. **Rubino** said the *vineyard* was to be the main attraction, not the event center itself. **Flaherty** said he believed the "Iowa Native" designation required 75% of Iowa grapes. **Huey** said a percentage could be required in either the Ordinance or Comprehensive Plan language so the Zoning Board of Adjustment would know the intention is to allow exclusively Iowa Native wines. **Maxwell** said requiring them to apply for the "Iowa Native" label would ensure they meet those percentages.

Gibson said discussing possible conditions on the applicant's eventual proposal is getting too far ahead in the process because this request is just to amend the Ordinance language.

Chairman Lloyd opened the public hearing. **Tom Faulhaber** (1212 Woodland Lane) began to object to the proposal to rezone the property the applicant intends to operate the winery on, but was asked to wait to share his views until the public hearing for the rezoning.



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Chairman Lloyd closed the public hearing and asked for staff's recommendation, which **Huey** said was to recommend approval of an amendment to Section 6-10 by adding, "Wineries for the production of native Iowa wine in conjunction with a vineyard and associated facilities for the production, bottling, marketing and sale of the wine. May also include associated facilities for tastings and other events held on the premises. Such facilities shall meet all building and health codes and any conditions for the approval of such facilities shall be established in conjunction with the review of the Special Use Permit and in accordance with Scott County Land Use Policies. Prior to the issuance of any building permit for the construction of such facilities a Site Plan Review will be approved by the Planning and Zoning Commission in accordance with provisions of Section 6-29 A.-F."

Maxwell made a motion to recommend approval of the request in accordance with staff's recommendation. Seconded by Portes.

Chairman Lloyd expressed discomfort that the Ordinance amendment could be approved before a related addendum to the Comprehensive Plan. **Scheibe** said she felt comfortable because there are already parameters in place for the review of Special Use Permits.

Gibson said she had no issue with the language about wineries, but was unsure about the commercial nature of the other facilities that may be allowed. **Huey** said the main element of any such Special Use Permit proposal would have to be the winery and associated vineyard, and any other facilities or activities would have to be secondary to them.

Portes said he was supportive of the request because it was just the beginning of the process, and because no protected agricultural land is being taken out of production – in fact, the opposite is true since the property was a golf course.

Vote: 7-0, All Ayes

4. **Public Hearing – Rezoning, Rubino R-1 to A-G:** **Chairman Lloyd** summarized the request from Michael Rubino to rezone a 13.2-acre tract, more or less, from "Single-Family Residential (R-1)" to "Agricultural-General (A-G)" at the property legally described as Lot 2 of Great River Hills in Section 14 of LeClaire Township, and asked for staff's review. **Huey** reviewed the application through an analysis of the Land Use Policies, and stated it was predicated on the approval of the previous amendment.

Chairman Lloyd welcomed the applicant to respond. **Michael Rubino** said the property was going to return to an agricultural land use so it was appropriate to return the property to agricultural zoning.

Chairman Lloyd opened the public hearing. **Faulhaber**, who recently purchased Lot 4 of Great River Hills, and his son objected to the commercial nature of the property's intended use, stating they didn't have as much of a problem with the winery and tasting room proposal, but that the addition of an event center would be disruptive and may lead to more intensive commercial uses. **Huey** pointed out that Iowa law allowed for conditional rezonings, so conditions could be placed on approval of this rezoning. **Maxwell** asked if it would be appropriate to place conditions at this point, or if the



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addendum to the Comprehensive Plan would be a way to accomplish placing conditions on any winery proposal. **Huey** responded the Comprehensive Plan addendum would aid the Zoning Board of Adjustment in their review of the Special Use Permit, but that conditions could be placed on this rezoning request as well. **Scheibe** said the Commission should trust the Zoning Board of Adjustment to evaluate the request and place appropriate conditions of approval, and **Gibson** agreed.

Bobby Schilling (28007 231st Street Court) said he understood the concept, but pointed out that the applicants only intended to grow grapes on five of the thirteen acres, which would mean the property would not be used primarily for agriculture as the requested agricultural zoning designation would imply.

Chairman Lloyd asked for staff's recommendation, which **Huey** said would be to recommend approval of the request based on its compliance with a preponderance of the Land Use Policies.

Schneklath questioned whether the proposal would be more appropriate under the Commercial-Light Industrial (C-2) zoning designation. **Huey** said it would have been an option to rezone to C-2, but that he wouldn't have been comfortable recommending approval of such rezoning.

Portes, speaking to the public who spoke, said the Commission heard their concerns and that they should continue to let their viewpoint be known to the Board of Supervisors and the Zoning Board of Adjustment as the process moves forward. **Gibson** agreed that there would be more opportunities for public comment and that discussing what may or may not happen in the future is reckless when considering this specific downzoning request.

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

Chairman Lloyd stated that he supported the previous rezoning of this property to R-1 and did not contemplate the possibility of commercial development. **Lloyd** acknowledged that the property's previous use as a golf course was of commercial nature, and he supported advancing the concept.

Vote: 7-0, All Ayes

5. **Public Hearing – Zoning Ordinance Text Amendment (CAD-R):** **Chairman Lloyd** summarized the request from the Park View Owners' Association to amend Section 6-14 of the Zoning Ordinance for Unincorporated Scott County to address permitted and prohibited accessory uses in the "Community Area Development Residential (CAD-R)" zoning district, including junk, junk vehicles, kennels, and tall grasses and weeds and asked for staff's review. **Huey** explained that the Owners' Association's covenants had lapsed and requested that the regulations applying to CAD-R districts be amended to reflect what it would regulate in its covenants.

Michael Wright, representing the Association, said since they were unable to reinstate the covenants, they wanted all the help they could get to keep Park View nice.

Chairman Lloyd opened the public hearing. No members of the public spoke for or against the request.



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Maxwell asked whether the CAD-R regulations applied only to Park View, to which **Huey** replied it would also apply to the CAD called Village Oaks in Blue Grass Township but that the subdivision covenants for Village Oaks were already more restrictive than what's in the Ordinance. **Maxwell** asked what impact the changes may have on the Planning and Development Department if it needs to respond to violations. **Huey** said it was understood that the Owners' Association would be the first point of contact for complaints, so hopefully it wouldn't have a big impact.

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

Vote: 7-0, All Ayes

6. **Adjournment: With no further comments and no other business to discuss, Chairman Lloyd adjourned the meeting at 8:28 P.M.**