



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION**

**Tuesday, June 18, 2019
7:00 P.M.**

Scott County Administrative Center
1st Floor Board Room
600 W Fourth Street
Davenport, Iowa 52801

MEETING MINUTES

MEMBERS PRESENT: Clayton Lloyd, Daniel Portes, Carolyn Scheibe, Easton Armstrong, Joan Maxwell

MEMBERS ABSENT: Lynn Gibson, Hans Schnekloth

STAFF PRESENT: Timothy Huey, Planning & Development Director
Taylor Beswick, Planning & Development Specialist
Brad Wylam, Planning & Development Intern

OTHERS PRESENT: Applicants (8), Public (4)

1. **Call to Order.** Vice Chair Scheibe called the meeting to order at 7:00 PM.
2. **Minutes:** Armstrong made a motion to approve the June 4, 2019 meeting minutes. Lloyd seconded. Vote: Minutes approved (5-0). All ayes.
3. **Public Hearing – Site Plan Review:** *Application from Julia Rubino & Bryce Flaherty for a site plan review of a development known as Olathea Creek Vineyard located on a 16 acre (Parcel ID: 951433003), more or less, legally described as Lot 2 of Great River Hills Addition in Section 14, LeClaire Township. The applicants are requesting approval of a site plan in order to establish a winery and events center on the property. The property is zoned “A-G” Agricultural-General. A Special Use Permit for winery operation was granted by the Zoning Board of Adjustment on October 2, 2018.*

Vice Chair Scheibe briefly introduced the item, then asked for the staff’s review.

Huey presented the overview and staff review of the site plan. A history of applications made to the Planning and Zoning Commission and Zoning Board of Adjustment were reviewed to add context to the project.

Vice Chair Scheibe invited the applicants to present any additional comments to the Commission.



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Applicants, **Julia Rubino and Bryce Flaherty**, presented additional site photos and explained work already done related to the vineyard. **Flaherty** noted there has been changes to the project since the first applying for an Ordinance Text Amendment last year. He noted a tree line was added due to concerns from neighbors of lack of privacy. In addition, a letter of approval from an adjacent property owner was submitted to the Commission to be included in the public record.

Portes asked how the property held up with the significant rainfall this year. The applicants responded that many water pumps were utilized.

Maxwell asked the applicants if drain tile existed on the property. The applicants said there was.

Lloyd asked the applicants how much wine they planned to produce. The applicants stated that plan to initially produce 2000-3000 gallons using a combination of Iowa grapes.

Vice Chair Scheibe asked for the staff recommendation.

Staff recommended that the Site Plan be approved to allow the construction of two (2) buildings for a winery/tasting room and event center in conjunction with Olathea Creek Vineyard each not more than 5,776 square feet in floor area with the following conditions:

1. That the construction of the buildings and operation of the winery, tasting room and event center be in compliance with the conditions of the Special Use Permit grant November 28, 2018, the requirements of the Ag General Zoning District regulations and the polices established in the Scott County Comprehensive plan for such operations, and
2. All building and health code requirements be continually met.

Lloyd asked staff if the parking requirement calculation requirements will be recalculated if the building sizes change. **Huey** responded that they will.

Portes made a motion to approve the site plan with the two (2) conditions. **Maxwell** seconded. Vote: Site plan approved (5-0) ayes.



4. **Public Hearing – Final Plat:** *Application from Victor and Michelle Gorsh for the Final Plat of a Major Subdivision known as MicVic Acres located on two tracts of land (Parcel IDs: 032751008, 032751009) totaling 34 acres, legally described as part of the SE¹/₄SW¹/₄ less the west seven (7) acres of Section 27 in Winfield Township. The proposed Plat would subdivide the existing tracts into six (6) new lots.*

Vice Chair Scheibe briefly introduced the item and asked for the staff's review.

Huey presented an overview and review of the Final Plat application. The preliminary plat was approved on March 21, 2019 with five (5) conditions:

1. The City of Long Grove also approve this plat;
2. That storm water management, erosion and sediment control plans be submitted and approved by the County Engineer in conjunction with the road construction plans;
3. That the road construction plans be submitted and approved by the County Engineer prior to any road construction;
4. That the private covenants to be filed with the Final Plat include a legal mechanism for road and open space maintenance; and
5. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

Huey asked the applicant or a representative to explain the abandonment of a access easement to on the west lots of the subdivision. The applicant's engineer, **Kyle Zelle**, presented the proposed abandoning of the access easement, shown on the Final Plat map and highlighted the 15' utility easement to replace the access easement.

Lloyd asked if the driving surface is on the applicant's property or the adjacent landowner's property. **Zelle** responded the road is on the adjacent landowner's side of the easement and is not centered on the current access easement.

Huey concluded the staff review of the Final Plat.

Vice Chair Scheibe asked if the applicants or representatives would like to add additional comments. There were none. Any public comment was then solicited.

Joe and Vicki Seddon, landowners to the west, wanted to make sure the abandoning of the access easement is in writing and legally binding. **Huey** responded that this was one recommended condition of the approval of the Final Plat.

Michael and Priscilla Mayfield, landowners to the west, asked about more details of the utility easement which will replace the access easement on the proposed lots of the subdivision. **Huey** explained this will only be for utility uses of adjacent landowners and will not be used for a road.



Vice Chair Scheibe asked for the staff recommendation.

Huey read the staff recommendation. Staff recommended that the Final Plat for MicVic Acres be approved with the following conditions:

1. The City of Long Grove also approve this Final Plat;
2. Submittal of documentation that the applicants have the legal right to abandon this easement with the approval of this Final Plat.
3. That the private covenants to be filed with the Final Plat include a legal mechanism for road and open space maintenance; and
4. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

Lloyd asked if there is access to the agricultural property located to the north of the proposed subdivision. **Zelle** replied that the owner has access to the property via a county road and the section of the property in question is cut off by a creek.

Lloyd asked the applicants if there is any interest in the County maintaining the roads of the subdivision. The applicants said they considered the scenario but the County did not show interest in maintaining the roads, so an road association was created for road maintenance.

Portes made a motion to approve the Final Plat of MicVic Acres with the four (4) conditions. **Maxwell** seconded. Vote: Final Plat approved (5-0) ayes.

5. **Public Hearing – Rezoning:** *Application from Craig & Cori Miller (owners) / Douglas & Karen Berneking (purchasers) requesting to rezone a 2.4 acre tract, more or less, from “Agricultural-General (A-G)” to “Single-Family Residential (R-1),” legally described as the North 350 feet of the East 303.23 feet of Lot 3 Rustic Creek 2nd Addition, located in the NW ¼ of Section 6, Lincoln Township. According to the petition to rezone, the intended purpose of the rezoning request is to create a development right on 2.4 acres of a 44 acre parcel, more or less, which would be used to construct a new single-family dwelling. The applicant noted only one home would be located on the rezoned tract and the remaining 42 acres would remain in Conservation Reserve Programs (CRP).*

Vice Chair Scheibe introduced the item and asked for the staff’s review.

Huey presented an overview and review of the rezoning application. Site photos, maps, and a criteria for rezoning were shared with the Commission.

Vice Chair Scheibe asked the applicants if they would like to add any additional comments.



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Craig and Lori Miller, landowners, explained the history of the property under their ownership. They stated that over 8,000 trees and 20 acres of Iowa prairie grass have been planted and cultivated on the CRP land located on the property.

Lloyd asked if the current owners plan to keep any ownership of the land if the buyers, **Bernekinings**, build on the proposed rezoned land. The **Millers** responded they will sell all land to the buyers.

Vice Chair Scheibe asked members of public to submit any comments.

Chris and Brenda Ernzen, adjacent landowners to the north, stated they have concerns about the driveway and they would like the trees to stay behind their lot because they proved privacy.

Portes asked the **Ernzens** if a currently constructed fence will block the view of the proposed driveway. The **Ernzens** responded it will.

Louis Claeys, neighbor to the north, stated he owned a machine shop on agricultural land and likes the current privacy there. He opposes the rezoning because it will invade his privacy.

Vice Chair Scheibe asked for the staff's recommendation.

Huey read the staff recommendation. Staff recommended that the rezoning of this property from Agricultural-General (A-G) to Single-Family Residential (R-1) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies and the minimal area included in this rezoning application.

Maxwell asked when the CRP renewals would be scheduled. The **Millers** replied the parcels were recently renewed and will be up again for renewal in 2024, 2026, and 2028.

Portes asked at what point is one extra house too many for a non-residentially zoned area? **Huey** responded that if the six existing houses located near the proposed rezoned tract, a rezoning to R-1 would not be recommended. A scenario could also happen that the owners be granted an Agricultural Exemption and a house could be built without zoning approval. **Armstrong** stated he agrees with **Portes**, and added this is a dangerous precedent to start rezoning A-G land for development.

Maxwell stated that she felt uncomfortable with allowing development on this piece of property because it is part of a land conservation program and developing a house on the property goes against the general intent of the program. The applicant, **Miller**, stated he respects the commissioner's view but believes the **Bernekinings** have a right to enjoy the



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land. **Miller** also added there is a significant financial penalty of \$30,000 to \$40,000 for taking the land out of the CRP program.

Portes made a motion to approve the rezone per staff recommendation. **Lloyd** seconded.

Vote: 3-2. Portes, Lloyd, Scheibe (ayes); Maxwell, Armstrong (nays)

No recommendation passed because a majority consent requirement was not met.

Portes made a motion to reconsider the rezoning at the next Planning and Zoning Commission Meeting. **Lloyd** seconded. Vote: 5-0. All ayes.

6. **Public Hearing – Sketch Plan:** *Application from **Ryan Dolan DBA Edgebrooke Homes LLC** for a Sketch Plan of a Major Subdivision known as Fields Edge Addition located on two tracts of land totaling 9 acres, more or less, legally described as Part of SW¹/₄NW¹/₄ of Section 7, Pleasant Valley Township. The sketch plan proposes to subdivide an existing seven 7.7 acre parcel (Parcel ID#: 850717014), more or less, and a 1.2 acre parcel (Parcel ID#: 85071713), more or less, into ten (10) new lots and one (1) outlot. The property is zoned single-family residential (R-1) and each lot would retain one (1) development right.*

Vice Chair Scheibe briefly introduced the item and asked for a staff review.

Huey presented an overview and review of the sketch plan submission.

The applicant was not present for any comment.

Portes stated he was surprised that the City of Bettendorf is not interested in annexing this area based on the geography.

Lloyd asked if the current use of this land is farming. **Huey** replied it was.

Maxwell stated she feels the roads would be bottlenecked.

Maxwell made a motion to deny approval of the sketch plan. **Armstrong** seconded. Vote: 5-0. All ayes.

7. **Other business:** No other business was discussed.
8. **Adjournment.** Meeting was adjourned at 8:37 PM