



**SCOTT COUNTY  
PLANNING AND ZONING COMMISSION  
Tuesday, November 5, 2019  
7:00 P.M.**

**MEETING MINUTES**

6<sup>th</sup> Floor Conference Room 605  
Administrative Center  
600 W. 4<sup>th</sup> Street  
Davenport, IA 52801

- MEMBERS PRESENT:** Clayton Lloyd, Carolyn Scheibe, Joan Maxwell, Lynn Gibson, Hans Schneckloth, Easton Armstrong, Daniel Portes
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Timothy Huey, Planning & Development Director  
Taylor Beswick, Planning & Development Specialist
- OTHERS PRESENT:** Tim Dolan (applicant); Norm Sawyer (applicant); 24 members of the public

1. **Call to Order:** Chair Gibson called the meeting to order at 7:00 P.M.
2. **Minutes:** Approval of the August 20, 2019 meeting minutes.

Lloyd made a motion to approve the minutes as presented. Scheibe seconded.

**Vote: All Ayes (7-0). Minutes approved.**

3. **Final Plat Review:** *Application from Tim Dolan DBA Stoney Creek North, LC of a Final Plat of a Major Subdivision known as Stoney Creek North Third Addition located on two tracts of land (Parcel IDs: 850623008, 850639002) totaling 16.42 acres, more or less, legally described as part of the SE¼NE¼ of Section 6 AND part of the NE¼SE¼ of Section 6 in Pleasant Valley Township. The proposed Plat would subdivide the existing tracts into fourteen (14) new lots and seven (7) outlots.*

Chair Gibson briefly introduced the item and asked for the staff review.



**Planning & Development  
Scott County, Iowa**

**Timothy Huey, Director**

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**Huey** presented slides on the staff review.

**Chair Gibson** invited the applicant and/or representatives to present additional information or comment to the Commission. Applicant **Tim Dolan**, noted that the staff report states the pedestrian path is on an easement on private property. The pedestrian path should be shown to be on the County right-of-way. **Dolan** stated that he has received preliminary approval from the County Engineer to have the path in the right-of-way, and this is the case with Stoney Creek North II and Stoney Creek North Subdivisions. **Huey** noted the Board of Supervisors will need to approve this request.

**Dolan** also commented on the fact that previous Stoney Creek subdivision roads are maintained by the County, but the proposed subdivision is being declined by the County for road maintenance. This would require private maintenance. **Dolan** stated his opinion that the lack of services be provided to the proposed subdivision by the County is a poor decision.

**Chair Gibson** asked for any public comment from the audience. There was none.

**Chair Gibson** requested the staff's recommendation.

**Huey** stated that staff recommends that the Final Plat for Stoney Creek North Third Addition Subdivision be approved with the following conditions:

1. The City of Bettendorf review and approve the Final Plat;
2. The County Engineer review and approve all street construction plans prior to construction
3. The plat note reading, "All Street R.O.W. be dedicated to Scott County, Iowa, for street purposes" be removed prior to recording as recommended by the County Engineer.
4. The covenants include provision for private road maintenance ;
5. Also, the covenants include provision for maintenance of the stormwater management system including the detention ponds and the storm sewer outlets;  
and
6. The subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

**Chair Gibson** asked the applicant if he had any comment to the staff's recommendation. **Dolan** had no additional comment.



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**Lloyd** asked for clarification, if the three (3) previous subdivisions developed by **Dolan** have roads maintained by the County. **Dolan** and **Huey** confirmed this is correct.

**Armstrong** motioned to approve the Final Plat of Stoney Creek North Third Subdivision with the six (6) conditions recommended by staff. **Portes** seconded.

**Vote: All Ayes (7-0). Final Plat approved with six (6) conditions.**

4. **Public Hearing – Rezoning:** *Application from Norm Sawyer to rezone a 93 acre tract, more or less, from “Agricultural Preservation (A-P)” and “Agricultural General (A-G)” to “Single-Family Residential (R-1)”. The tract is legally described as part of the NW¼SW¼ of Section 34, Princeton Township AND the W½NW¼ of Section 34, Princeton Township (Parcel #: 053433002, 053417001, 053401001). The tract contains 80 acres of Agricultural-Preservation (A-P) zoned land and 13 acres of Agricultural General (A-G) zoned land. According to the petition to rezone, the intended new use of the property would include 8 lots in the size of 8-14 acres to use as farmettes. The applicant states the land is not tillable and is currently used for cattle grazing. In addition, the land is highly erodible.*

**Chair Gibson** briefly introduced the item and asked for the staff review.

**Huey** presented slides on the staff review.

**Chair Gibson** invited the applicant and/or representatives to present additional information to the Commission.

**Norm Sawyer, Neal Sawyer, and Nancy Billups** handed out paper presentations to staff and the Commission. **Norm Sawyer** asked staff when the 13 acres fronting 264<sup>th</sup> Street was zoned Agricultural-General (A-G). **Huey** answered the tract was zoned along with the rest of the County in 1980. **Norm Sawyer** asked why the additional 80 acres of land to the north was zoned Agricultural-Preservation (A-P) and not Agricultural-General (A-G), despite the land being of similar characteristics to the 13 acres. **Huey** responded that most of the County is zoned Agricultural-Preservation (A-P), and he can only assume the reasoning for the 13 acres to be zoned Agricultural-General (A-G) was due to the access to 264<sup>th</sup> Street.

**Norman Sawyer** asked how the urban sprawl criteria for a rezoning is determined, as stated in the staff report. **Huey** noted the determination is made based on the rezoning’s vicinity to common amenities such as grocery stores, jobs, and other services. In this case, the property is not located near any of the mentioned services when compared to an urban area.



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**Norm Sawyer**, referring to his handout, noted the high topography of the property and concept plan showing a lot configuration. **Norm Sawyer** directed an assistant to key points to support the rezoning application: low potential for tillable agriculture due to the soil and topography; low density residential and light traffic load increase on 264<sup>th</sup> Street; the property is adjacent to a residential subdivision (Centennial Oaks); and the property tax revenue increase for the County would be substantial.

**Chair Gibson** opened the public hearing for public comment. She asked anyone with comment to address the Commission.

**Lynn Headington**, 26502 274<sup>th</sup> Avenue, lives in Centennial Oaks and had concerns about a future lot configuration and road configuration if the rezoning were approved.

**Dale Wriedt**, 26700 264<sup>th</sup> Street, owns 80 acres directly west of the applicant's property and has concerns about the natural gas pipeline running through the property, invasion of privacy, and increase of neighbors trespassing.

**Kent Keeshan**, 26820 276<sup>th</sup> Avenue, lives in Centennial Oaks directly east of the applicant's property and has concerns of the increase in lot density in the future if the rezoning were approved. He stated his opinion that there would be only large residential houses developed and all agricultural operations would cease.

**Rodney Little**, 26943 Bluff Road, owns over 80 acres to the north and west of the applicant's property. He stated that Agricultural-Preservation (A-P) zoned land should stay zoned A-P in order to preserve the agricultural livelihood of the area. He knows farmers who rent ag land in other counties due to the low supply and high demand in Scott County.

**Ned Schroeder** stated he owns 120 acres of land in ag production west of the applicant's property. His stated his opinion that if this rezoning were approved, a lot of additional farm land in Scott County could follow a similar path and be taken out of agricultural production.

**Larry Barnes**, 26600 274<sup>th</sup> Avenue, stated he enjoys the wildlife and beauty of the applicant's property which is adjacent to his.

**Chair Gibson** closed the public hearing and asked for the staff's recommendation.

**Huey** stated that staff recommends that the rezoning of the 13 acres 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 as reviewed in the Staff Report but that the rezoning of the 80 acres, currently zoned Ag-Preservation, be



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denied based on its lack of compliance with the criteria established in the Comprehensive Plan and Zoning Ordinance for rezoning A-P zoned property.

**Chair Gibson** asked the applicant if he wanted to respond to the recommendation by staff.

**Norman Sawyer** did not have a comment to the recommendation.

**Portes** asked the applicant why he thinks future residents of this land will till the land if he decided not to but instead uses it for pasture. **Norman Sawyer** responded that owners can try to till the land but it is a personal business decision.

**Lloyd** asked the applicant how he would propose using the 13 acres of land recommended by staff for approval to be rezoned, if it were approved. **Norman Sawyer** replied that he had not considered a partial rezoning and is only considered the 93 acres as a whole.

**Lloyd** stated that the applicant's proposal is not recommended by staff and the staff's recommendation is not approved by the applicant. **Scheibe and Armstrong** agreed with this conclusion.

**Portes** stated he like the innovative nature of the proposal but current land use policy cannot guarantee the land be kept in agricultural production in the future.

**Scheibe** agreed with **Portes** on the economic development potential of the proposal but does not like the lack of guarantees for keeping the land in agricultural production and character given the current land use policies.

**Huey** proposed an additional staff recommendation to the commission that the Planning Commission initiate discussion of possible amendments to the Comprehensive Plan, Land Use Policies, Future Land Use Map and Zoning Ordinance to evaluate the need and desirability to allow consideration of smaller and specialized rural residential developments.

**Lloyd** motioned to a vote to deny the application to rezone without prejudice based on not complying with the rezoning criteria in the Zoning Ordinance. **Portes** seconded.

**Vote: All Ayes (7-0). Rezoning of 93 acres to Single Family Residential (R-1) denied.**



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**5. Other business: Additional comments or issues to discuss (Commission members) / Opportunity for public comments**

The next meeting will be held on November 19, 2019.

**6. Adjournment:** After a motion and second, the meeting was adjourned at 8:40 P.M.