



Scott County Board of Adjustment

July 26, 2017

1st Floor Board Room
Scott County Administrative Center

MEETING MINUTES

Members Present: Scheibe, Dittmer, Guy, Madden, Winborn

Members Absent: None

Staff Present: Timothy Huey, Planning and Development Director
Alan Sabat, Planning and Development Specialist

Others Present: David and Jennifer Fredericksen, Applicant and Spouse
Approximately twenty-four (24) members of the public

1. **Call to order:** Chairman Scheibe called the meeting to order at 4:00 P.M.
2. **Minutes:** Dittmer made a motion to approve the June 28, 2017 minutes. Winborn seconded the motion. All Ayes (5-0)
3. **Public Hearing – Special Use Permit:** Request of David Fredericksen for a Special Use Permit to operate a home industry that exceeds the floor area limits described in Section 6-6.V. of the Zoning Ordinance of Unincorporated Scott County in the form of a multi-use event building, 6,816 square feet of which will be dedicated to the business at property located in Part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21 of Butler Township.

Chairman Scheibe explained that the Board had considered this request at two previous hearings and voted to deny it at the April meeting. Chairman Scheibe requested that members of the public who wished to speak frame their input in the context of the adopted Land Use Policies, and asked for staff's review.

Huey explained that the request was not for a rezoning, and that the Agricultural-Preservation zoning district allowed home occupations and industries by right unless the limitations in the Ordinance were exceeded as proposed by this request. Huey displayed aerial maps and site photos and described elements of the submitted site plan: the entrance gate, fencing, the post-frame construction event building, and the unlit paved parking lot.



Huey said the applicant was granted an agricultural exemption in 2011, that the land where the event space is proposed is owned by the applicant's family, and that the property boundaries would be reconfigured to tie the applicant's farmstead to the event space.

Regarding the Land Use Policies, **Huey** said the character of the neighborhood would be impacted because of the increased activity that would take place on site, and that the applicant wanted flexibility on frequency of events hosted though staff would recommend all events cease by midnight. **Huey** said the event center would be operated by the applicant and his spouse with no outside employees. As for the 96-space parking lot, **Huey** said it would be adequate for the square footage of the event center, and that he suggested moving the parking lot to behind the building so it's not visible from the road, which the applicant opposed. **Huey** said the neighboring property values were not likely to be affected by approval of the request; that the event center would have access to a paved County road; that the water table wouldn't be depleted; that there is adequate land area to absorb storm water, but that the applicant should submit a storm water control plan to address it; that the Health Department would regulate wastewater disposal; that the site is not within a floodplain; and that the County Engineer and Health Department had no additional comments regarding public health, safety, and welfare. **Huey** finished by saying he would recommend a landscaping plan for the proposed parking lot.

Chairman Scheibe welcomed the applicant to respond. **Fredericksen** reiterated that he intended to adjust the property lines of his farmstead and the proposed site so that they would be within the same parcel.

Chairman Scheibe opened the public hearing.

Warren Ewoldt (428 North 5th Street, Eldridge) stated his support for the proposal, saying his daughter was unable to find a wedding/reception location in Scott County, that he felt places like Lost Grove Lake increase traffic more than the proposal would, and that he didn't think developing prime farmland would be a new thing in Scott County.

John Gries (27985 210th Avenue) described the traffic safety concerns he had given his experience as a farmer driving farm equipment on the roadways. **Gries** said he was worried that event attendees, who would be unfamiliar with the roadways, would be a danger given the alcohol consumption that would take place at the event center. **Gries** described the distant sounds he can hear as far away as Princeton and DeWitt, so he felt the noise generated from the event center would impact the neighborhood character.

Harold Kempf (20437 290th Street) had a number of objections: that the site plan was lacking stormwater and sanitary plans; that the water table nearby has already been depleting; that development would disrupt wildlife; that noise would be an issue that his dairy livestock would be affected by; that approval would start a precedent for similar



development; that traffic nearby is already too much for the roads; that the request would develop high CSR land; and that he felt a home industry should produce something.

Carrie Eiland (510 West Price Street, Eldridge) said she felt Scott County drivers, farm equipment operators, and bicyclists knew how to safely share the road; that Scott County was missing an event center like this; and that property values may increase from having one.

Scott Ven Horst (26826 210th Avenue) said he is personally not bothered by the traffic in the vicinity, and that the area has almost no evening traffic.

Diane Mohr (19785 290th Street) said she likes the public facilities Scott County has to offer at its parks, but that the facilities are difficult to reserve given the high demand. **Mohr** said she is seeing an increase in traffic along 290th Street because of the frequency of events at Scott County Park, which shows the demand for event centers.

Lauren Dauw (185 Dayton Valley View, Colona, IL), who grew up near the proposed site, said she's observed construction expanding further out from the cities and does not want development to consume farmland in the unincorporated areas. **Dauw** also listed traffic concerns due to narrow roads, hilly landscapes, and alcohol consumption on site, noise and light pollution, wear and tear on County roads, and the fact she sees benefits only for the applicant if the request were approved as reason to deny the request.

Richard Mohr (19785 290th Street) said he drives 290th Street every day and experiences little traffic; that he feels the home industry would be appropriate given it would provide a service; that his education in wildlife leads him to not be concerned about effects on wildlife; that he's experienced no problems with his well or the water table; and that the 3.5-acre development is small in scale but would generate taxes and leave any risks to the applicant.

Elneta Hull (20742 290th Street) told the Board they should remember that they represent residents of the unincorporated areas of the county and that Iowa was established and planned for farming. **Hull** said the applicants should be stewards of their farmland, and also that she was concerned about impacts on traffic and neighborhood character and noise. **Hull** said she feared the site would not be buffered sufficiently and that approving the request would start a precedent.

With no further comments from the public, **Chairman Scheibe** asked for staff's recommendation. **Huey** stated staff's recommendation to approve the request with the following conditions: The event center building and property be combined as one parcel with the property of the residence on the adjacent property and the business be operated and owned by the occupants and owners of the residence; The site plan be amended to



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have the parking area landscaped within and on the perimeter of the parking area; The fence on the perimeter of the property match the height and design of the fence on the adjacent property; All other requirements of Section 6-6.V. of the Zoning Ordinance be met; All building and health codes be continually met; That all events cease by midnight; and that no outdoor amplified musical concerts or events be held.

Chairman Scheibe welcomed the applicant to respond. **Fredericksen** explained that they would utilize a septic field and not have amplified music outside. **Fredericksen** said the 3.5-acre proposal was relatively minimal since there were large horse facilities nearby, that he would supply landscaping plans, and that he didn't want the parking lot to be lit. **Jennifer Fredericksen** said they should be able to do what they want with their land, that there's a demand for the event center, and pointed out that the County Engineer did not have concerns about traffic.

Chairman Scheibe welcomed the Board to respond, and asked the applicant about who would staff the events at the proposed center. **Fredericksen** said the event center would be staffed by whomever rents it out, so he would have no employees, and the kitchen wouldn't have a stove. **Chairman Scheibe** asked what the maximum occupancy would be for an event center of the proposed size. **Fredericksen** said he believed 300, and **Huey** added it would be based on what the building codes said for the intended square footage. **Dittmer** said his notes from previous meetings had 400-600 people as the intended occupancy, which **Fredericksen** said was not the case. **Dittmer** asked what would happen to the event center when there is a change in ownership. **Huey** said the applicant was assuming the risk because any new owners would have to live on the land and be the operators of the event center just as required for the applicant, and that the Special Use Permit, if approved, would go with the land, not the current owners.

With no further comments from the public, **Chairman Scheibe** closed the public hearing and asked the Board to discuss. **Madden** said the proposed building plans were great and that there is clearly market demand for a rural event center, but questioned whether this site was the place for it to be, citing concern about precedent.

Winborn said the request was not in agreement with the intent of the Land Use Policies, which says development is to occur within cities, and that the request was a stretch to be considered a Home Industry.

Chairman Scheibe said the proposed location was closer to the farmstead across the road and to the North than the applicant's farmstead, and that past Home Industries that were considered by the Board were always very close to the applicants' farmsteads. **Chairman Scheibe** said he felt the request was for an intensive commercial use, one that wouldn't even be appropriate in the Neighborhood Commercial (C-1) district but rather for Commercial-Light Industrial (C-2), which **Huey** confirmed. **Chairman Scheibe** continued,



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citing the Home Industry regulation that allows only four (4) inconspicuous parking spaces as opposed to the proposed 96-space parking lot. **Scheibe** said Home Industries are intended to be accessory or secondary uses, which this proposal would not fit that definition. **Scheibe** stated concerns about traffic, specifically about inclement weather on rural roads, the limited visibility described by neighboring property owners, and the fact alcohol would be consumed at the event center. **Scheibe** said commercial properties in cities tend to be in areas with lower speed limits. Ultimately, **Scheibe** said, he would not want to start the precedent of approving C-2 uses in A-P zoning districts.

Dittmer said the Zoning Ordinance is the Board's guiding document and, while he sympathizes with the members of the public in attendance and the applicants, any request that would be approved would need to adhere to the Ordinance and this request is not in the right location.

Winborn made a motion to deny the request based on its lack of compliance with the County's Land Use Policies. **Guy seconded the motion.**

Vote: Deny Special Use Permit request (5-0), All Ayes

5. With no other business to discuss, **Chairman Scheibe adjourned the meeting at 5:03 P.M.**