

PLANNING & DEVELOPMENT

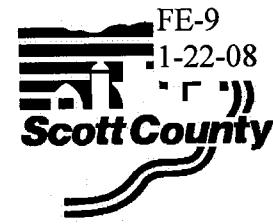
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Timothy Huey
Director

To: C. Ray Wierson, County Administrator

From: Timothy Huey, Planning Director

Date: January 16, 2008

Re: A request by Jeff L Smid to rezone a .44 acre parcel (more or less) from Commercial Light Industrial (C-2) to Heavy Manufacturing (M) known as the S½ of Lot 4 of Fred M. Randolph's 1st Subdivision in part of the SW¼ of the SE¼ of Section 25, Sheridan Township located at 21251 North Brady Street, Mt Joy.

The Planning Commission unanimously recommended approval of the rezoning in accordance with staff's recommendation based on their determination that the request met a preponderance of the criteria of the land use policies with the condition that no salvage or dismantling be done on the property and that all outdoor storage be limited to the side and rear yard of the building and be screened by a solid fence a minimum of six feet in height. The applicant currently complies with that requirement having earlier installed a screening fence for the existing car storage on the property.

The applicant told the Commission the purpose of this rezoning is to allow a vehicle recycler's licensed to be issued to the property so he may sell used parts at this location in addition to the current storage of vehicles to be salvaged. He stated he is not proposing to dismantle or salvage parts at this location and agreed to a restriction on this rezoning prohibiting any salvage or dismantling. Following an approval of this rezoning the applicant would also require approval of a Special Use Permit by the Zoning Board of Adjustment prior to the initiation of used parts sales.

There were two neighboring residents in attendance that stated they did not have any concerns with the used parts sales but did not want to see salvage or dismantling conducted on the property.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone this property from Commercial Light Industrial (C-2) to Heavy Manufacturing (M) based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies with the condition that no salvage or dismantling of vehicles be conducted on the property and all outdoor storage be limited to beside and behind the building and be screened with a solid fence a minimum of six feet in height.

NORTH



S SCOTT PARK RD

NE RAMP

61

US 61

SITE LOCATION

NW RAMP

NW 1/2 COOP

BRADY ST

210 ST

ASTOR

BRADY ST

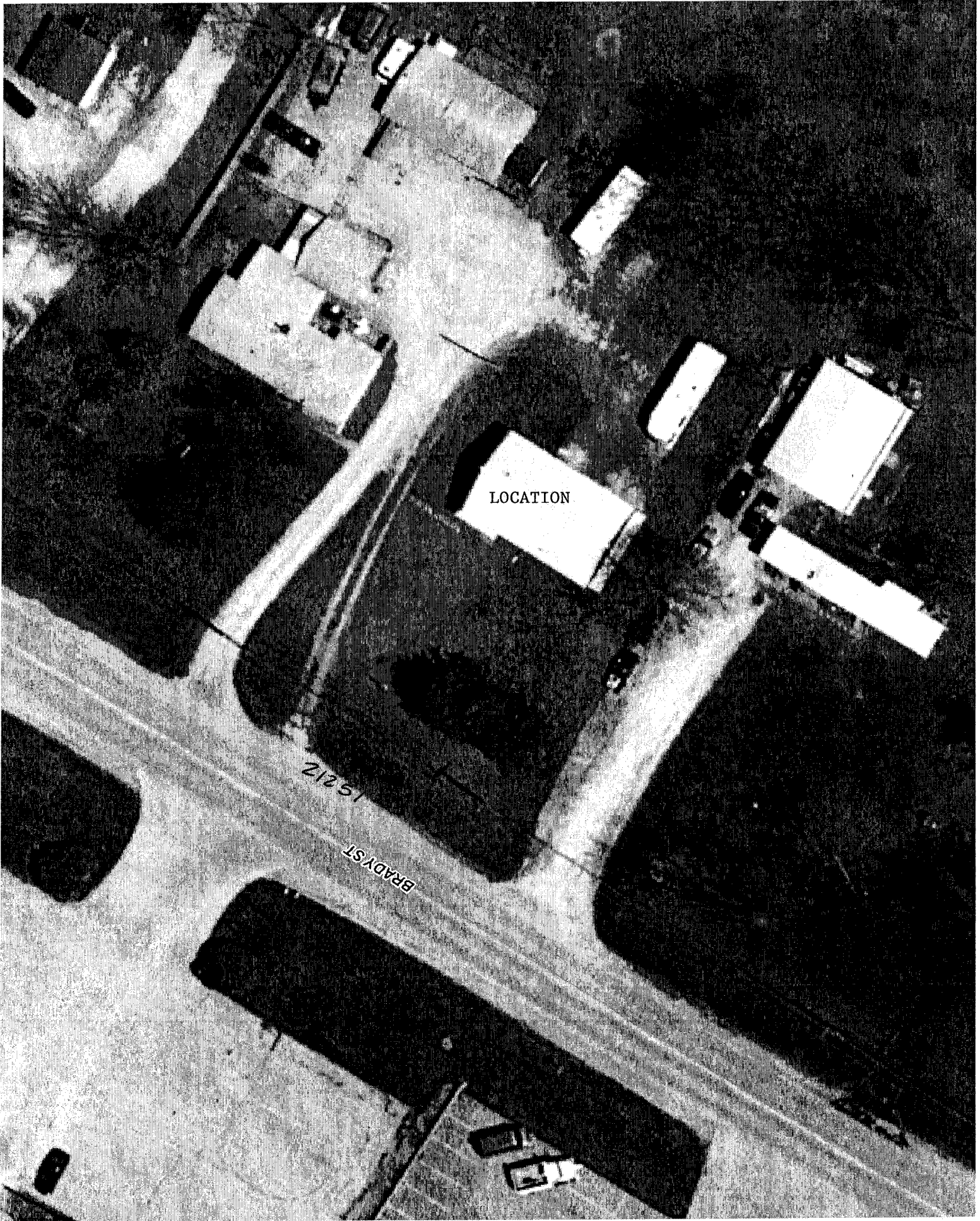
HOTBORN DR

210 ST

WILSON BRIDGE

Grand Street

← N



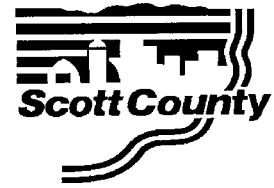
LOCATION

15212

BRADY ST



PLANNING & ZONING COMMISSION
STAFF REPORT
January 8, 2008



Applicant: Jeff L Smid

Request: Rezone .44 acres, more or less, from Commercial Light Industrial (C-2) to Heavy Manufacturing (M).

Legal Description: An approximately .44 acre parcel known as Southerly ½ of Lot 4 of Fred M. Randolph's 1st Subdivision in part of the SW¼ of the SE¼ of Section 25, Sheridan Township

General Location: 21251 North Brady Street

Zoning: Commercial-Light Industrial (C-2)

Proposed Zoning: Heavy Manufacturing (M)

Surrounding Zoning:

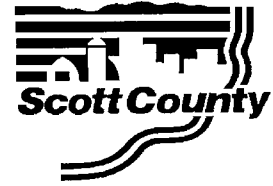
- North:** Commercial-Light Industrial (C-2)
- South:** Commercial-Light Industrial (C-2)
- East:** U.S, Hwy 61-interchange right of way
- West:** Commercial-Light Industrial (C-2)

GENERAL COMMENTS: This request is submitted to rezone a .44 acre parcel on the east side of North Brady Street in the Mt. Joy area. The applicant currently stores damaged vehicles that he acquires, inventories the salvageable parts before shipping the vehicles to the salvage yard he operates in the City of Iowa Falls in Hardin County. He is requesting this rezoning to allow a vehicle recycler's license to be issued to the property so he may sell used parts at this location in addition to the current storage of vehicles to be salvaged. It is staff's understanding that the applicant is not proposing to dismantle or salvage parts at this location and would agree to a restriction on this rezoning prohibiting any salvage or dismantling. If this rezoning is approved the applicant would also require approval of a Special Use Permit by the Zoning Board of Adjustment prior to the initiation of used parts sales.

STAFF REVIEW: This request is to allow a used vehicle parts business to be located in the existing building on the property. As stated above the building has been used by the applicant for the purpose of storing and inventorying damaged vehicles before being transported out of the county for dismantling and salvage. Staff made the determination that the temporary storage of damaged vehicles and inventorying those vehicles for salvageable parts prior to shipping out of county for dismantling was a permitted use in a C-2 zoning district. That determination did not allow any dismantling, salvaging or sale of used parts at the Mt Joy location and also required vehicle stored outside to be in a screened yard. The applicant requires a vehicle parts recycler's license in order to sell salvaged and used vehicle parts. The Scott County Zoning Ordinance allows the sale of used or salvaged parts with approval of special use permit in a Heavy Manufacturing (M) zoning district. Staff would recommend appropriate restrictions on dismantling,



PLANNING & ZONING COMMISSION
STAFF REPORT
January 8, 2008



salvaging fence and etc. with any special use permit for a used parts sales operation at this location.

In general, the Scott County Land Use Policies encourage development to locate within cities, however the guidelines for reviewing development proposals in rural areas are:

Is the development in compliance with the adopted Future Land Use Map

The adopted Future Land Use Map does not anticipate or designate this area for any land use changes. However the Future Land Use Map was not intended to identify areas to be rezoned with in developed areas such as Mt. Joy. Therefore this criterion is less applicable in this case.

Is the development on marginal or poor agricultural land?

The property has been developed with commercial uses for over twenty years, therefore this criterion also does not apply in this case.

Does the proposed development have access to adequately constructed paved roads?

Brady Street (old U.S.61) provides the primary access to the west side of this property. It is two lanes wide in this location and was developed to state highway standards. It currently dead ends north of this property, where the new limited access Hwy 61 was constructed.

Does the proposed development have adequate provision for public or private sewer and water services?

There is public water serving this property, however; there is no sewer service. Wastewater treatment is handled by an on-site septic system.

Is the area near existing employment centers, commercial areas and does not encourage urban sprawl?

This property is located in Mt. Joy, an existing developed area of the County with a number of businesses and residences located in the vicinity.

Is proposed development located where it is least disruptive to existing agricultural activities?

As stated above this an existing developed commercial and residential area and there is no agricultural activity in the vicinity.

Is the proposed development sufficiently buffered from other less intensive land uses?

There is no buffering between this property and the adjacent residential uses. The adjacent residential homes, south of this property are grandfathered because the entire area is zoned C-2. The adjacent property to the north is developed with a light industrial use.

Is there a recognized need for such development?



PLANNING & ZONING COMMISSION
STAFF REPORT
January 8, 2008



Vehicle and equipment salvage and used parts operations are generally difficult to locate because they require Heavy Industrial zoning and due to the intense uses allowed in Heavy Industrial, there are very limited areas zoned for those uses.

In addition to the conditions for development as noted above, proposed industries may be required to meet the following conditions, as appropriate for the specific proposal:

In an area where industries are located.

The Mt. Joy area is a mixture of commercial, light industrial and residential uses. It was originally developed as the commercial strip along the main highway entering Davenport from the north. As such there are many incompatible uses that current zoning tries to avoid in newly developing areas. As stated above, there are a number of light industrial uses in the vicinity as well as some grandfathered heavy industrial uses.

Have adequate access to roads, rails, and airport.

This request would meet this criteria.

In an area removed or adequately buffered from residential development

Screening would be required as a condition of the Special Use Permit. The Special Use Permit could also place a condition that would prohibit dismantling of vehicles on the property. Staff would also recommend a limit on the amount of outdoor storage area be made a condition of the rezoning.

Existing industrial uses, that meet a preponderance of these policies, may be maintained, expanded, and/or redeveloped.

The land use policies appear to provide for applications such as this to allow consideration of the redevelopment of existing industrial zones.

Neither the County Engineer nor the Health Department had any comments or concerns with this request.

Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property of this hearing. A sign has also been placed on the property stating the date and time this request would be heard by the Planning and Zoning Commission. Staff has not, as of yet, received any calls or comments on this request,

RECOMMENDATION: Staff recommends that the rezoning of this property from Commercial-Light Industrial to Heavy Manufacturing (M) be approved based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies with the condition that no parts salvage be permitted and all outdoor storage screened with a solid wood fence a minimum of six feet in height.

Submitted by:
Timothy Huey, Director
January 4, 2008